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Mr Jonathan Gauntlett
On behalf of Harte Peat Limited

24 November 2020

Reg. No.: P1119-01

Dear Mr Gauntlett,

I refer to your application for a licence received by the Agency on 07 October 2019 and to correspondence in relation thereto, resting with your letter of the 05 November 2020.

As stated in our letter of the 21 October last, the Agency considers that the activity for which a licence is sought is one that *prima facie* involves development in respect of which a grant of planning permission may be required, for the reasons already set out in our correspondence.

Further, for the reasons already set out, the Agency considers that there are factors set out in the application which indicate that the activity is one which will require an Environmental Impact Assessment, and therefore, cannot benefit from any claim to exempted development that would otherwise apply by virtue of S.4(4) of the Planning and Development Act 2000 as amended.

The matters set out by you in your most recent letter have not altered the Agency's position in this regard. Whilst the Agency has indicated that it would accept a declaration made under Section 5 of the Planning and Development Act, 2000 (as amended) as conclusive proof from you that planning permission is not required for this activity we note that same has not been provided. Indeed, we note that you have not furnished any additional information for consideration by the Agency. For the avoidance of doubt, the Agency does not suggest, and has not suggested in its correspondence to date, that any "adverse finding" has been made in respect of the land the subject matter of the application.

Therefore, as the Agency considers that the activity for which you seek a licence is one which involves development for which a grant of planning permission is required, and you have failed to provide either confirmation from the planning authority that an application has been made or a copy of a grant of permission, the Agency refuses to consider your application, in accordance with Section 87(1C) of the EPA Act 1992 (as amended).

You are of course entitled to submit a fresh application to the Agency in the future, in the event that there is a change to your planning status.

Please note that it is a breach of Section 82(2) of the EPA Act 1992 (as amended) for a person to carry on a specified or prescribed activity for Class 1.4 in the absence of a licence.

Please direct any queries to licensing@epa.ie

All documentation is available to view on the EPA website www.epa.ie

Yours sincerely,

Environmental Licensing Programme
Office of Environmental Sustainability
Tel: 053 – 9160600