



An
Bord
Pleanála

Board Direction
BD-003551-19
ABP-303535-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/07/2019.

The Board decided to grant leave to appeal for substitute consent generally in accordance with the Inspector's recommendation, based on the reasons and considerations set out below.

Reasons and Considerations

Having regard to Section 177D, Planning and Development Act, 2000, as inserted by Section 57, Planning and Development (Amendment) Act, 2010, the Board is satisfied that:

- (a) the development is one where a determination as to whether environmental impact assessment is required, and an appropriate assessment is required, and
- (b) that exceptional circumstances do exist by reference, in particular, to the following:
 - the fact that the regularisation of the development would not circumvent the purpose and objectives of the Habitats Directive,
 - the nature and limited scale of the development,

- that the ability to carry out an Appropriate Assessment and provide for public participation has not been substantially impaired,
- the limited nature of the actual/likely significant effects on the environment or adverse effects on the integrity of a European site resulting from the development, and
- the extent to which such significant effects, if any, on the environment can be remediated,

and, therefore, concluded that it would be appropriate to consider an application for the regularisation of the development by means of an application for substitute consent.

The Notice to the applicants advising of the decision should also direct that:

- (a) the application be made within 12 weeks of the giving of the notice or such longer period as the Board may, on request, consider appropriate, and
- (b) The application includes a remedial NIS.

Board Member:

Date: 15/07/2019

Michelle Fagan