



An  
Bord  
Pleanála

**Board Direction**  
**BD-003742-19**  
**ABP-303569-19**

The submissions on this file were considered at a further Board meeting held on **06/08/2019**.

The Board decided to refuse leave to apply for substitute consent based on the reasons and considerations set out below.

### **Reasons and Considerations**

Having regard to section 177D(1) of the Planning and Development Act 2000, as amended, and the nature of the development concerned, as identified by the applicant in section 3.1 of its application, the Board was not satisfied that an environmental impact assessment, a determination as to whether an environmental impact assessment is required, or an appropriate assessment, was or is required in respect of the development concerned, in and of itself, as opposed to the as-constructed wind farm itself.

In deciding not to accept the Inspector's recommendation to grant leave to apply for substitute consent, the Board had regard to the nature of the development concerned, as opposed to the as-constructed wind farm itself.

### **Note:**

Having regard to the substantive reason for refusal of leave to apply for substitute consent, the Board did not consider the matter of whether exceptional circumstances

exist, as such circumstances can only be considered in the context of a development in respect of which an environmental impact assessment, a determination as to whether an environmental impact assessment is required, or an appropriate assessment, was or is required.

**Board Member:**

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John Connolly

**Date:** 08/08/2019

Decision Quashed