



An
Bord
Pleanála

Board Direction
BD-004578-19
ABP-303817-19

The submissions on this file and the Senior Planning Inspector's report were considered at a Board meeting held on 22nd November 2019.

The Board decided that:-

- (a) An Environmental Impact Assessment is required, and a Natura Impact Assessment is required,
- (b) exceptional circumstances exist in the subject case, whereby it would be appropriate to permit the opportunity for regularisation of the development by permitting an application for substitute consent, and

Accordingly,

- The Board decided to grant leave to apply for substitute consent, for the Reasons and Considerations set out below,
- To direct that the application for substitute consent shall include a remedial Environmental Impact Assessment Report and a remedial Natura Impact Statement.

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 an environmental impact assessment and an appropriate assessment is required, in the light of the scale and nature of the quarrying that has been carried out.

Furthermore, the Board examined whether or not exceptional circumstances exist such that it would be appropriate to allow the opportunity for regularisation of the development by permitting leave to make an application for substitute consent.

In this regard the Board is satisfied that:-

- a) the development is one where an EIA or a determination as to whether EIA is required, and
- b) the development is one where Appropriate Assessment (AA) or screening as to whether AA is required, and
- c) that exceptional circumstances exist by reference, in particular, to the following:
 - the fact that the regularisation of the development would not circumvent the purpose or objectives of the Environmental Impact Assessment Directive or Habitats Directive;
 - that the ability to carry out EIA and AA and provide for public participation has not been substantially impaired;
 - the reasonableness of the grounds for believing that the development was not unauthorised arising from the level of permitted development on the site; and
 - the nature and extent of the actual or likely significant effects on the environment resulting from the development.

Note: The notice to the applicants advising of this decision should also direct that:

- (a) the application must 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 must include a remedial Environmental Impact Assessment Report and a remedial Natura Impact Statement.

Board Member

Date: 22/11/2019

Terry Prendergast