



An
Bord
Pleanála

Board Direction
BD-005611-20
ABP-306272-19

The submissions on this file were considered at a Board meeting held on 20/04/2020.

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

Reasons and Considerations

Having regard to section 177C and section 177D of the Planning and Development Act, 2000, as amended, the planning history of the site, all documentation on file and the report of the planning Inspector, the Board is satisfied that:

- (a) the development is one where an environmental impact assessment and appropriate assessment are required, and
- (b) that the permission granted for the development by the Board may be in breach of law, invalid or otherwise defective in a material respect pursuant to a final judgement of the Supreme Court [No. 167/18] by reason of a procedural error.
- (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 of the Habitats Directive

- that the applicant could reasonably have had a belief that the development was not unauthorised;
- that the ability to carry out an Environmental Impact Assessment and Appropriate Assessment and provide for public participation in such assessments has not been substantially impaired; and
- the actual or likely significant effects on the environment or adverse effects on the integrity of a European Site, if any, can be remedied.

The Board decided 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 applicant 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 Environmental Impact Assessment Report and a remedial Natura Impact Statement.

Board Member:

Date: 20/04/2020

Chris McGarry