

An
Bord
Pleanála

Board Direction
BD-008433-21
ABP-306956-20

The submissions on this file were considered at a Board meeting held on 04/06/2021.

The Board decided to grant leave to apply for substitute consent under section 117D of the Planning and Development Act 2000, as amended, based on the reasons and considerations set out below.

Reasons and Considerations

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

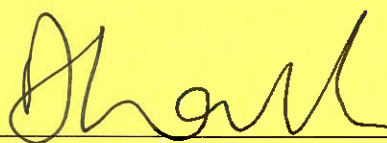
- The development is one where an Environmental Impact Assessment and/or Appropriate Assessment are required, and were carried out satisfactorily and no additional works have taken place that would require amendment or reconsideration of the EIA or AA.
- The permission granted for permission for a quarry under number PL01.221741, subject to 25 no. conditions, was sufficiently ambiguous that the owner had reasonable grounds for considering that the operations could extend beyond 10 years from the grant of permission, and that this constitutes exceptional circumstances to allow leave to apply for substitute consent.

It is furthermore considered that exceptional circumstances exist by reference, in particular, to 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,
- the applicant could reasonably have had a belief that the development was not unauthorised, and
- 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.

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.

Board Member:



Date: 04/06/2021

Dave Walsh