

**An
Bord
Pleanála**

**Board Direction
BD-009118-21
ABP-307172-20**

The submissions on this file were considered at a Board meeting held on 20/09/2021.

The Board decided to grant leave to apply for substitute consent under Section 177D(4) of the Planning and Development Act 2000, 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 of the Planning and Development (Amendment) Act 2010, the Board is satisfied that:

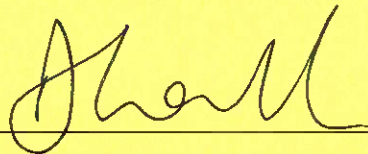
a) the development is one where an EIA or a determination as to whether EIA is not required and an appropriate assessment is required, and

b) 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 or Habitats Directive;
- that the ability to carry out EIA and AA and provide for public participation has not been substantially impaired;

- the applicant's reasonable expectation that the development was capable of being regularised under the provisions of the Planning and Development Act, 2000 (as amended); and
- the limited nature of the actual/likely significant effects on a European site resulting from the development.

Board Member:



Dave Walsh

Date: 20/09/2021