

An  
Bord  
Pleanála

**Board Direction**  
**BD-008651-21**  
**ABP-307472-20**

The submissions on this file were considered at a Board meeting held on 05/07/2021.

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 177D of the Planning and Development Act 2000, as amended, the Board is satisfied that an environmental impact assessment and an appropriate assessment is required in this case, 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 granting leave to make an application for substitute consent.

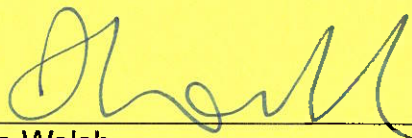
In this regard, the Board considered that:

- this application for leave to apply for substitute consent has demonstrated that the regularisation of the quarry would not circumvent the purposes and objectives of the EIA Directive or the Habitats Directive because it would allow for the provision of information and an analysis of the likely significant environmental effects of the development.

- the applicant could reasonably have had a belief that the quarrying development that took place prior to prior to 1999 when he acquired the site was authorised.
- this application for leave to apply for substitute consent has demonstrated that the ability to carry out an assessment of the environmental impacts of the development for the purpose of an environmental impact assessment and to carry out an appropriate assessment, and that public participation in such assessments, has not been substantially impaired.
- the submission of an remedial EIAR and remedial NIS would facilitate an assessment of the potential for the remediation of any signification effects on the environment or on a European site, and
- the applicant had made reasonable efforts to regularise the planning status of the quarry and noted that the planning authority is not currently pursuing enforcement proceedings against the applicant in this case,

Having regard to the foregoing, it is considered that exceptional circumstances do exist such that it would be appropriate to permit the opportunity for regularisation of the development by permitting an application for substitute consent in relation to the site outlined in this application.

**Board Member:**



Dave Walsh

**Date:** 05/07/2021