



An
Bord
Pleanála

Board Direction
BD-008722-21
ABP-309566-21

The submissions on this file were considered at a Board meeting held on 19/07/2021.

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 appropriate assessment is required in this case, in the light of the scale and nature of the development and its relationship with European sites.

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 development would not circumvent the purposes and objectives of the Habitats Directive because it would allow

for the provision of information and an analysis of the likely significant effects of the development on European sites in the vicinity of the development site;

- considered that this application for leave to apply for substitute consent has demonstrated that the ability to carry out an appropriate assessment and that public participation in such an assessment have not been substantially impaired;
- considered the submission of an remedial NIS would facilitate an assessment of the potential for the remediation of any signification effects on European sites; and
- noted that the planning authority is not currently pursuing enforcement proceedings against the applicant in this case and considered that the applicant is making reasonable efforts to regularise the planning status of the development.

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: 19/07/2021