

**An  
Bord  
Pleanála**

**Board Direction  
BD-010377-22  
ABP-310605-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 28/03/2022.

The Board decided that consent be granted to the applicant to be permitted to apply for substitute consent, based on the following reasons and considerations set out below.

#### **Reasons and Considerations**

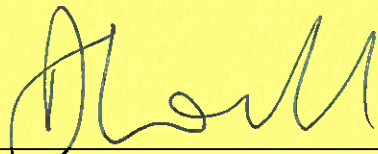
Having regard to Section 177D of the Planning and Development Acts, 2000-2016, as inserted by Section 57 of the Planning and Development (Amendment) Act 2010, and taking account of the following matters:

- the regularisation of the development would not circumvent the purpose and objectives of the Environmental Impact Assessment Directive or Habitats Directive;
- the applicant had, or could reasonably have had, a belief that the development was not unauthorised;
- the ability to carry out an assessment of the environmental impacts of the development for the purpose of an EIA and AA and in particular to provide for public participation in such assessment, has not been substantially impaired;
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- the actual or likely significant effects on the environment or adverse effects on the integrity of a European Site, if any, resulting from the carrying out of the development, could likely be substantially remediated;
- the applicant has not otherwise carried out any unauthorised development.

the Board is satisfied that the development is one where an EIA or a determination as to whether EIA is required, where Appropriate Assessment (AA) is also required, having regard to its proximity to European Sites, and where exceptional circumstances exist, and concluded 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**



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Dave Walsh

**Date:** 28/03/2022