

An  
Bord  
Pleanála

**Board Direction**  
**BD-013001-23**  
**ABP-311622-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 21/07/2023.

The Board decided to grant leave to apply for substitute consent under section 177D of the Planning and Development Act 2000, as amended, 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 considers that an Environmental Impact Assessment and an Appropriate Assessment is required in respect of the development concerned.

Furthermore, having regard to Section 177D(2) of the Act, 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.

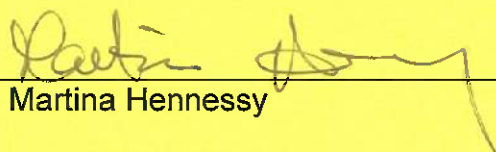
In this regard the Board considered that;

- a) 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 Environmental Impact Assessment Directive or the Habitats Directive because it would allow for the provision of information and an analysis of the likely significant effects of the development on the environment and on European sites in the vicinity of the development site,

- b) the applicant had, or could reasonably have had, a belief that the development was authorised,
- c) 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 provide public participation in such assessments, has not been substantially impaired,
- d) the submission of a remedial Environmental Impact Assessment and remedial Natura Impact Statement would facilitate an assessment of the potential for the remediation of any significance effects on the environment or adverse effects the integrity of European sites, and
- e) the applicant is making reasonable efforts to regularise the planning status of the development and noted that the planning authority is not currently pursuing enforcement proceedings.

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**

  
Martina Hennessy

**Date:** 24/07/2023