

An  
Bord  
Pleanála

**Board Direction**  
**BD-012583-23**  
**ABP-311639-21**

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The submissions on this file were considered at a Board meeting held on 22/06/2023.

The Board decided to grant leave to appeal 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.

- considered that the applicant could reasonably have had a belief that all/some of the quarrying development that took place prior to 2016, when the applicant acquired the site, was authorised.

- considered that 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.

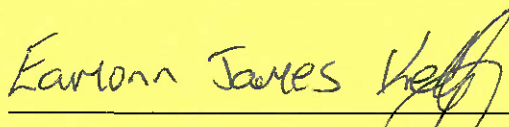
- considered the submission of a remedial Environmental Impact Assessment Report and remedial Natura Impact Assessment would facilitate an assessment of the potential for the remediation of any significance effects on the environment or on a European site.

- considered that the applicants have 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:**



Eamonn James Kelly

**Date:** 26/06/2023