

An
Bord
Pleanála

Board Direction
BD-014034-23
ABP-314062-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/10/2023.

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 is satisfied that: -

(a) The development is one where an environmental impact assessment, a determination as to whether environmental impact assessment is required, and an appropriate assessment is required, and

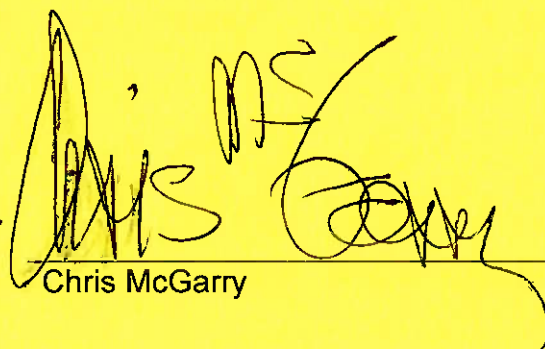
(b) That exceptional circumstances do exist by reference, in particular, to the following:

- The fact that the regularisation of the development would not circumvent the purpose and objectives of the Habitats Directive,
- The nature and scale of the subject development,

- That the ability to carry out an Environmental Impact Assessment and Appropriate Assessment and to provide for public participation has not been substantially impaired,
- 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 significant effects on the environment or adverse effects the integrity of European sites,
- The limited nature of the actual/likely significant effects on the environment or adverse effects on the integrity of a European site resulting from the development,
- The extent to which such significant effects, if any, on the environment can be remediated, and
- 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 and as described in the documentation submitted.

Board Member



Chris McGarry

Date: 09/10/2023