



Board Direction

Ref: 07.LS0028

The submissions on this file and the Inspector's report were considered at a further Board meeting held on May 3rd, 2017.

Generally in accordance with the recommendation of the Inspector, the Board decided to grant leave to apply for substitute consent for the reasons and considerations set out below.

Reasons and Considerations

Having regard to Section 177D, Planning and Development Act, 2000, as inserted by Section 57, Planning and Development (Amendment) Act, 2010, the planning history of the site, all documentation on file and the report of the planning inspector, the Board is satisfied that:

- (a) the development is one where an appropriate assessment is required, and
- (b) that exceptional circumstances exist by reference, in particular, to the following:
 - the fact that the regularisation of the development would not circumvent the purpose or objectives of the Habitats Directive;
 - that the applicant could reasonably have had a belief that the development was not unauthorised;
 - that the ability to carry out AA and provide for public participation has not been substantially impaired;
 - and the limited nature of the actual/likely significant effects on a European site resulting from the development.

The Board decided that it would be appropriate to consider an application for the regularisation of the development by means of an application for substitute consent.

The Notice to the applicants advising of the decision should also direct that:

- (a) the application be made within 12 weeks of the giving of the notice or such longer period as the Board may, on request, consider appropriate, and
- (b) The application includes a remedial NIS. This may include reference to proposed mitigation measures where appropriate.

Board Member: _____ Date: May 4th, 2017
Nicholas Mulcahy