



An
Bord
Pleanála

Board Direction
07.LS0031

The submissions on this file and the Senior Planning Inspector's report were considered at a Board meeting held on 15.08.2018.

The Board decided, generally in accordance with the inspector's recommendation that:-

- (a) an Appropriate Assessment is required, and
- (b) exceptional circumstances exist in the subject case, whereby it would be appropriate to consider regularisation of the development by permitting an application for substitute consent,

Accordingly,

- The Board decided to grant leave to apply for substitute consent, for the Reasons and Considerations set out below,
- To direct that the application for substitute consent shall include a remedial Natura Impact Statement.

REASONS AND CONSIDERATIONS

Having regard to section 177D of the Planning and Development Act, 2000, as amended and to the conclusions reached by the Board in its determination of the referral under O7. RL3496, with respect to the development on the site, the Board is satisfied that an Appropriate Assessment would be required in respect of the development concerned. Furthermore, the Board examined whether or not exceptional circumstances exist such that it would be appropriate to consider the regularisation of the development by permitting leave to make an application for substitute consent.

In this regard, the Board

- considered that the regularisation of the development would not circumvent the purpose and objectives of the Habitats Directive,
- considered that the applicant could reasonably have had a belief that the development was not unauthorised,
- considered that the ability to carry out an Appropriate Assessment and for the public to participate in such assessments has not been substantially impaired,
- considered the limited nature of the actual or likely significant effects on the integrity of a European site.

Taking all of the above into consideration, it is considered that exceptional circumstances do exist such that it would be appropriate to permit the opportunity for the regularisation of the development by permitting an application for substitute consent.

Note: The notice to the applicants advising of this decision should also direct that:

- (a) the application must 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 must include a remedial Natura Impact Statement. This may include reference to proposed mitigation measures where appropriate.

Board Member

Date: 17th August 2018

Terry Prendergast

Please issue Direction with Order.