



Board Direction

Ref: 04.PC0216

At a meeting held on 23rd June 2016, the Board considered the memorandum of the inspector as well as the documents and submissions on file.

The Board was satisfied (on a 3:1 majority) that an application under section 146B of the planning and development act is the appropriate mechanism under which the proposed amendments to the approved project can be considered, in accordance with the reasoning set out below.

In addition to the 'history' cases cited in the memorandum, the board also noted the approach adopted in other SID cases involving amendments to approved projects, including cases VM0008, VM0010, and YM0001.

The Board was satisfied that the need to seek legal advice on the questions posed did not arise.

Reasons and Considerations

Section 146B of the Planning & Development Act 2000 (as amended) provides a mechanism for alterations to an approved project to be considered. The scope of the legislation includes alterations that might be considered material and that might be of a nature to require environmental impact assessment. Mechanisms are also included in section 146B to cater for public participation where appropriate. In this case, given their nature and scale, it is considered that the changes proposed to the approved project can be more appropriately considered by means of an application for an alteration of the authorised port development project, rather than as a new strategic infrastructure development (SID) application.

In deciding not to accept the inspector's recommendation to require a new application under section 37B of the Act, or to seek legal advice, the Board did not share the view that an extension outside of the original 'red-line' planning boundary should necessarily mean the mechanisms provided in s146B should not be available. In forming this view the Board noted the intent of the SID legislation, which was to provide an effective consenting regime for infrastructure projects, acknowledging that the need to alter such projects, on a minor or major level, can arise. The Board considered that appropriate mechanisms for public participation in any application to alter an approved development are built into the legislation. The SID procedures are thereby distinguishable from the procedures for 'normal' planning permissions as set out in section 34 of the Act.

Board Member: _____ Date: 24th June 2016

Conall Boland