



Board Direction

Ref: PL05E.SU0128

Following legal advice, the previous decision of the Board dated 10th February 2017 to invalidate the application was re-considered at a further Board meeting held on 11th May 2017.

The file relating to QD05.QD0018 was considered at the same meeting.

The Board noted that an application for substitute consent is required to be made in relation to the development in respect of which the planning authority has made a determination under section 261A(2)(a) of the P+D Act 2000-2017. The determination affecting the subject quarry related to the entire of the quarry (planning authority ref. no. EUQY01).

The review undertaken by An Bord Pleanála of the planning authority's order (ABP ref. no. QV0128) also referred to the entire of the quarry.

The application for substitute consent initially received by An Bord Pleanála did not relate to the entire quarry and the Board, by means of section 132, sought on two occasions (by letter dated 29 June 2015 and by letter dated 18 September 2015) to give the applicant an opportunity to address the deficiencies in the application, specifically to ensure the application and the supporting documentation extended to the entire site (as per the planning authority's order) and not one element only.

Notwithstanding these communications and the responses received the Board considers that the identified deficiencies have not been resolved and that consequently the application in respect of this quarry does not comply with the requirements of section 261A(14). The Board is precluded under sections 177K(1) and 261A(14) from making a decision in these circumstances to grant or refuse consent and accordingly, on the basis of legal advice, the Board decided to dismiss the application pursuant to section 133.

In not accepting the Inspector's recommendation to refuse permission the Board considered that this option was not available to it having regard to the

failure of the applicant to submit an application compliant with section 261A(14) of the Act.

Board Member: _____ Date: 12th May 2017
G.J. Dennison