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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Wexford County Council**

**Planning Register Reference Number: EXD00574**

**Application for Leave To Apply for Substitute Consent**, by ESB International of One Dublin Airport Central, Dublin Airport, Cloghran, County Dublin.

**Development:** Crory Wind Farm Group Grid Connection serving Knockalour, Gibbet Hill, Ballynacoran and Ballycadden Wind Farms, County Wexford.

## **Decision**

**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

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to Section 177D of the Planning and Development Act, 2000, as inserted by Section 57, Planning and Development (Amendment) Act, 2010, the Board is satisfied that an environmental impact assessment and an appropriate assessment are required.

Furthermore, the Board examined whether or not exceptional circumstances exist such that it would be appropriate to permit the regularisation of the development by permitting leave to make an application for substitute consent. In this regard the Board considered -

- (a) that the regularisation of the development would not circumvent the purpose and objectives of the Environmental Impact Assessment Directive or of the Habitats Directive,
- (b) that the applicant could reasonably have had a belief that the development was not unauthorised,
- (c) that the ability to carry out an environmental impact assessment and an appropriate assessment and for the public to participate in such assessments has not been substantially impaired,

- (d) the nature of the actual/likely significant effects on the environment or adverse effects on the integrity of a European site resulting from the carrying out of the development, and
- (e) that the actual or likely significant effects on the environment or adverse effects on the integrity of a European site, if any, could be remedied.

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.

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**Chris McGarry**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2019.**