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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Waterford City and County Council**

**Planning Authority Register Reference Number: 92/20**

**Application for Leave To Apply For Substitute Consent**, by Meitheal Trá na Rinne Teo care of Fehily Timoney and Company of Core House, Pouladuff Road, Cork.

**Development:** Oyster Processing Facility at Moat, Ring, County Waterford.

**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, Planning and Development Act, 2000, as inserted by Section 57, Planning and Development (Amendment) Act, 2010, the Board is satisfied that:

- (a) the development is one where a determination as to whether an Environmental Impact Assessment is required, and an Appropriate Assessment is required, and
- (b) that exceptional circumstances do exist by reference, in particular, to the following:
  - the fact that the regularisation of the development would not circumvent the purpose and objectives of the Habitats Directive,
  - the nature and limited scale of the development,
  - the ability to carry out an Appropriate Assessment and provide for public participation has not been substantially impaired,
  - the limited nature of the actual/likely significant effects on the environment or adverse effects on the integrity of a European site resulting from the development, and
  - the extent to which such significant effects, if any, on the environment can be remediated,

and, therefore, concluded that it would be appropriate to consider an application for the regularisation of the development by means of an application for substitute consent.

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**Michelle Fagan**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

**Dated this            day of            2019.**