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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: UD1896**

**Application for Leave To Apply For Substitute Consent**, by Kevin Harrold care of Earth Science Partnership (Ireland) Limited of Tonranny, Westport, County Mayo.

**Development:** Quarry at Altcor, Inver, County Donegal.

**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 amended, the Board is satisfied that:

- (a) the development is one where an Environmental Impact Assessment is required, and
- (b) exceptional circumstances exist by reference, in particular, to the following:
  - the fact that the regularisation of the development would not circumvent the purpose or objectives of the Environmental Impact Assessment or Habitats Directive;
  - the applicant could reasonably have had a belief that the development was not unauthorised;
  - that the ability to carry out Environmental Impact Assessment and provide for public participation has not been substantially impaired;
  - any actual or likely significant effects on the environment can be remedied;
  - there are no adverse effects on the integrity of a European site; and
  - the applicant has not previously carried out an unauthorised development and there are no previous planning permissions on the site;

and the following additional circumstance, which, in this particular case, the Board considers relevant –

- that the notice of the planning authority under Section 261A of the 2000 Act, as amended, was not served on the quarry operator and that thereby the applicant was not in a position to seek a review of this notice within the appropriate time period.

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**Philip Jones**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

**Dated this            day of            2019.**