



Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Planning Register Reference Number: Q/12/007

Application for Leave To Apply For Substitute Consent, by George Cooke care of Gráinne Mallon of 12 Balscadden Road, Howth, County Dublin.

Development: Quarry at “The Hollow”, Windgate Road, Howth, County Dublin.

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 is required, in the light of the scale and nature of the quarrying that has been carried out.

Furthermore, the Board examined whether or not exceptional circumstances exist such that it would be appropriate to allow the opportunity for regularisation of the development by permitting leave to make an application for substitute consent.

In this regard the Board is satisfied that:-

- (a) the development is one where an environmental impact assessment or a determination as to whether an environmental impact assessment is required,
- (b) the development is one where appropriate assessment or screening as to whether appropriate assessment is required, and

(c) that exceptional circumstances 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 Environmental Impact Assessment Directive or of the Habitats Directive,
- that the ability to carry out environmental impact assessment and appropriate assessment and provide for public participation has not been substantially impaired,
- the reasonableness of the grounds for believing that the development was not unauthorised arising from the level of permitted development on the site, and
- the nature and extent of the actual or likely significant effects on the environment resulting from the development.

Taking all of the above into consideration, it is considered that exceptional circumstances exist such that it would be appropriate to permit the opportunity for regularisation of the development by permitting an application for substitute consent.

Terry Prendergast
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.