

**An
Bord
Pleanála**

**Board Order
ABP-306956-20**

Planning and Development Acts 2000 to 2020

Planning Authority: Carlow County Council

Application for Leave To Apply For Substitute Consent, by Mark Phelan care of Enviroguide Consulting of 3D, Core C, Block 71, The Plaza, Park West, Dublin.

Development: Quarry at Maplestown, County Carlow.

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 sections 177C and 177D of the Planning and Development Act, 2000, as amended, the planning history of the site, all the documentation on file, and the report of the Planning Inspector, the Board is satisfied that:

- The development is one where an Environmental Impact Assessment and/or Appropriate Assessment are required, and were carried out satisfactorily and no additional works have taken place that would require amendment or reconsideration of the Environmental Impact Assessment or Appropriate Assessment.
- The permission granted for a quarry under An Bord Pleanála appeal reference number PL 01.221741, subject to 25 number conditions, was sufficiently ambiguous that the owner had reasonable grounds for considering that the operations could extend beyond 10 years from the grant of permission, and that this constitutes exceptional circumstances to allow leave to apply for substitute consent.

It is furthermore considered that exceptional circumstances exist by reference, in particular, to the fact that:

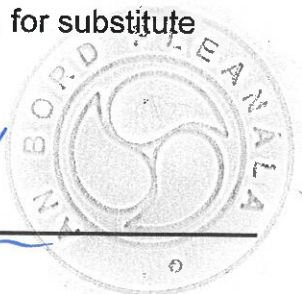
- the regularisation of the development would not circumvent the purpose or objectives of the Environmental Impact Assessment Directive or of the Habitats Directive,
- the applicant could reasonably have had a belief that the development was not unauthorised, and
- the ability to carry out an Environmental Impact Assessment and Appropriate Assessment, and provide for public participation in such assessments, has not been substantially impaired.

The Board decided that it would be appropriate to consider an application for the regularisation of the development by means of an application for substitute consent.



Dave Walsh

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



Dated this 16th day of June 2021.