

An
Bord
Pleanála

Board Order
ABP-309566-21

Planning and Development Acts 2000 to 2020

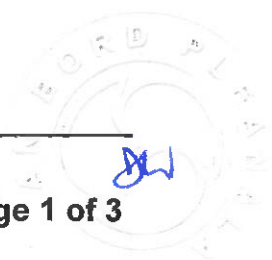
Planning Authority: Wicklow County Council

Application for Leave To Apply For Substitute Consent, by Vartry Developments Limited care of Cunnane Stratton Reynolds of 3 Molesworth Place, Dublin.

Development: Retain and complete mixed use development (residential and retail) in five three-storey blocks on lands at Ashford, County Wicklow.

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 an appropriate assessment is required in this case, in the light of the scale and nature of the development and its relationship with European sites.

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 granting leave to make an application for substitute consent.

In this regard, the Board:

- (i) considered that this application for leave to apply for substitute consent has demonstrated that the regularisation of the development would not circumvent the purposes and objectives of the Habitats Directive because it would allow for the provision of information and an analysis of the likely significant effects of the development on European sites in the vicinity of the development site;

- (ii) considered that this application for leave to apply for substitute consent has demonstrated that the ability to carry out an appropriate assessment, and that public participation in such an assessment, have not been substantially impaired;
- (iii) considered the submission of a remedial Natura Impact Statement would facilitate an assessment of the potential for the remediation of any significance effects on European sites; and
- (iv) noted that the planning authority is not currently pursuing enforcement proceedings against the applicant in this case and considered that the applicant is making reasonable efforts to regularise the planning status of the development.

Having regard to the foregoing, it is considered that exceptional circumstances do exist such that it would be appropriate to permit the opportunity for regularisation of the development by permitting an application for substitute consent in relation to the site outlined in this application.



Dave Walsh



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

Dated this *22nd* day of *July* 2021.