



An
Bord
Pleanála

Board Order
ABP-311755-21

Planning and Development Acts 2000 to 2021

Planning Authority: Monaghan County Council

Application for Leave to Apply for Substitute Consent by Scotshouse Quarries Limited care of Earth Science Partnership (Ireland) Limited care of Tonranny, Westport, County Mayo.

Development: Extraction/quarrying development at Aghnaskew (Dartree by), Scotshouse, County Monaghan.

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 considers that an Environmental Impact Assessment is required in respect of the development concerned. Furthermore, having regard to Section 177D(2) of the Act, the Board considers that the following exceptional circumstances are relevant to this particular application:

- (a) regularisation of the development concerned would not circumvent the purposes and objectives of the Environmental Impact Assessment Directive,
- (b) the applicant had, or could reasonable have had, a belief that the development was authorised,
- (c) the ability to carry out an assessment of the environmental impacts of the development for the purpose of an Environmental Impact Assessment, and provide public participation in such assessments, has not been substantially impaired,
- (d) the actual or likely significant effects on the environment resulting from the carrying out or continuation of the development would be capable of assessment, and

- (e) the satisfactory extent to which significant effects on the environment can be remediated.

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 *11th* day of *March* 2022