

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Galway County

An Bord Pleanála Reference Number: 07.LS.0028

Application for Leave To Apply For Substitute Consent, by Ben Bontinck care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgargan, County Kildare.

DEVELOPMENT: Basic accommodation for temporary holiday use with ancillary jetty on lands at Stonyisland, Portumna, County Galway.

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 planning history of the site, all documentation on file and the report of the planning Inspector, the Board is satisfied that:

- (a) the development is one where an appropriate assessment is required, and
- (b) that 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 Habitats Directive;
 - that the applicant could reasonably have had a belief that the development was not unauthorised;
 - that the ability to carry out an Appropriate Assessment and provide for public participation in such an assessment has not been substantially impaired; and
 - the limited nature of the actual/likely significant effects on a European site resulting from the development.

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.

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

Dated this day of 2017.