



Planning and Development Acts 2000 to 2017

Planning Authority: Clare County Council

Planning Register Reference Number: JS/JBY/C1/9917

Application for Leave To Apply For Substitute Consent, by Clare County Council care of Michael Houlihan and Partners of 9/10/11 Bindon Street, Ennis, County Clare.

Development: Road widening at the R478, the removal of waste therefrom and holding of waste on lands adjacent thereto, the proposed retrieval of waste and completion of the roadworks and ancillary works at Liscannor, County Clare.

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, and to the conclusions reached by the Board in its determination of the referral under reference number 03. RL.3359, with respect to the development on the site, the Board is satisfied that an Environmental Impact Assessment and Appropriate Assessment would be required in respect of the development concerned. Furthermore, the Board examined whether or not exceptional circumstances exist such that it would be appropriate to consider the regularisation of the development by permitting leave to make an application for substitute consent.

In this regard the Board -

- considered that the regularisation of the development would not circumvent the purpose and objectives of the Environmental Impact Assessment Directive or of the Habitats Directive,
- considered that the applicant could reasonably have had a belief that the development was not unauthorised,
- considered that the ability to carry out an Environmental Impact Assessment and an Appropriate Assessment and for the public to participate in such assessments has not been substantially impaired, and
- considered that the actual or likely significant effects on the environment or adverse effects on the integrity of a European site, if any, can be remediated.

