



An  
Bord  
Pleanála

**Board Direction**  
**BD-006045-20**  
**ABP-306155-19**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/06/2020.

The Board decided that it would be appropriate to allow the opportunity for regularisation of the development by permitting leave to make an application for substitute consent based on the reasons and considerations set out below:

#### **Reasons and Considerations**

Having regard to Section 177D, Planning and Development Act, 2000, as inserted by Section 57, Planning and Development (Amendment) Act, 2010, the Board is satisfied that an environmental impact assessment and an appropriate assessment is required, in the light of the scale and nature of the quarrying and processing activities that have been carried out.

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 permitting leave to make an application for substitute consent.

In this regard the Board

- considered that the regularisation of the development would not be used to 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 that took place was not unauthorised, having regard to the planning and legal history relating to the site and the application,
- considered that the ability to carry out an assessment of the environmental impacts of the development for the purpose of an environmental impact assessment and to carry out an appropriate assessment, and for the public to participate in such assessments, has not been substantially impaired,
- considered the nature of the actual/likely significant effects on the environment or adverse effects on the integrity of a European site resulting from the carrying out of the development,
- considered that the actual or likely significant effects on the environment, and likely significant effects on a European site resulting from the development could be remediated;

Taking all of the above into consideration, it is considered that exceptional circumstances exist such that it would be appropriate to permit the opportunity for regularisation of the development by permitting an application for substitute consent.

**Note 1:** The notice to the applicants advising of this decision should also direct that:

- (a) the application must be made within 12 weeks of the giving of the notice or such longer period as the Board may, on request, consider appropriate, and
- (b) the application must include a remedial EIAR and a remedial NIS.

Copy of Direction to issue with the Board Order.

**Board Member**

*Maria FitzGerald*  
 \_\_\_\_\_  
 Maria FitzGerald

**Date:** 03/07/2020