

An
Bord
Pleanála

**Board Direction
ABP-308830-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/06/2021.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to whether the past and continuing quarrying at Ballintobeenig, Abbeydorney, County Kerry is or is not development or is or is not exempted development:

AND WHEREAS the said question was referred to An Bord Pleanála by Kerry County Council on the 4th day of December, 2020:

AND WHEREAS An Bord Pleanála, in considering this referral, had particular regard to:

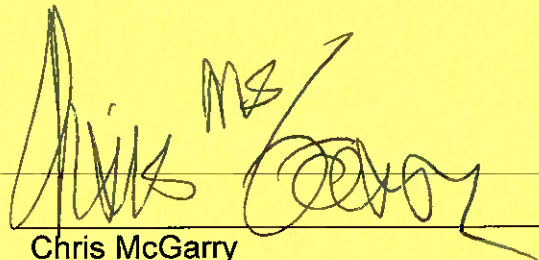
- (a) Sections 2, 3, 4, 32, 177C, 177D, 261 and 261A of the Planning and Development Act 2000 (as amended), and
- (b) the planning history of the quarry,
- (c) the submissions on file, and
- (d) the report of the Inspector.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) quarrying at this location constitutes development for the purposes of the Planning and Development Act 2000, as amended,
- (b) the quarrying incorporates development for which substitute consent is required and no such substitute consent has been received,
- (c) leave to apply for substitute consent has been refused,
- (d) the location of the quarry partly within the Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle Special Protection Area (Site Code 004161) and the expansion of the quarry partly within that Special Protection Area after the date of the notification of this European Site, constitutes development for which the Board is satisfied that an environmental impact assessment and an Appropriate Assessment were and are required, and
- (e) there are no other provisions within the legislation which would enable the development to be deemed exempted development.

NOW THEREFORE the Board, in exercise of the powers conferred on it by section 5 of the 2000 Act, has decided that past and continuing quarrying at Ballintobeenig, Abbeydorney, County Kerry constitutes development that is not exempted development.

Board Member:

 MS
Chris McGarry

Date: 09/06/2021