



An  
Bord  
Pleanála

**Board Direction**  
**ABP-308844-20**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/09/2024.

The Board noted the document that was submitted by Laois County Council with this referral, the Board concurred with the Inspector that the non-compliance with any condition of a planning permission is an enforcement issue.

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

Board Order as follows:-

**WHEREAS** a question has arisen as to whether ongoing quarrying activities on lands at Kilmainham, Mountmellick, County Laois are or are not development or are or are not exempted development:

**AND WHEREAS** the said question was referred to An Bord Pleanála by Laois County Council of Áras an Chontae, Portlaoise, County Laois on the 4<sup>th</sup> day of December, 2020:

**AND WHEREAS** An Bord Pleanála, in considering this referral, had regard particularly to -

- (a) section 2(1) of the Planning and Development Act, 2000, as amended,

- (b) section 3 of the Planning and Development Act, 2000, amended,
- (c) section 4 of the Planning and Development Act, 2000, as amended,
- (d) articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (e) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and
- (f) the planning history of the site:

**AND WHEREAS** An Bord Pleanála has concluded that -

(a) the ongoing quarrying activities on lands constitute development as defined under section 3(1)(a) of the Planning and Development Act 2000, as amended,

(b) the ongoing quarrying activities constitute a material change of use of these lands and are development and are not exempted development as they do not come within the scope of the provisions of Section 4 of the Planning and Development Act, 2000, as amended, and the provisions of the Planning and Development Regulations, 2001, as amended, and

(c) there are no exemptions provided in the said Planning and Development Act, 2000, as amended, and the Planning and Development Regulations, 2001, as amended, where the works are not provided for in any grant of planning permission or where the works are not in compliance with a grant of planning permission:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that ongoing quarrying activities on lands at Kilmainham, Mountmellick, County Laois are development and are not exempted development.

**Board Member:**

  
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Mary Henchy

**Date:** 13/09/2024