

An  
Bord  
Pleanála

**Board Direction**  
**ABP-315791-23**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/06/2024.

The Board decided, as set out in the following Order, that the development of a well as a water source is development and is not exempted development.

Board Order as follows:-

**WHEREAS** a question has arisen as to whether the development of a well as a water source is or is not development or is or is not exempted development.

**AND WHEREAS** John Cox requested a declaration on whether the development of a well as a water source is or is not development or is or is not exempted development from Kerry County Council and the Council issued a declaration on the 16<sup>th</sup> day of January 2023 stating that the proposed works would constitute development which is not exempted development:

**AND WHEREAS** John Cox referred this declaration for review to An Bord Pleanála, on the 13<sup>th</sup> day of February 2023.

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


- (a) Section 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Article 5, 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, including Class 44.
- (d) the planning history of the site,
- (e) the pattern of development in the area,
- (f) the submission of the requester, and
- (g) the report of the Inspector

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

- (a) does constitute the carrying out of works which comes within the meaning of development in Section 3(1) of the Planning and Development Act, 2000 as amended,
- (b) does come within the scope of Class 9, Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 as amended, and
- (c) would not be exempted development, having regard to Schedule 2, Part 1 Class 44 of those Regulations as its purpose is not for providing a domestic water supply or a group water supply scheme.

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the development of a well as a water source is development and is not exempted development.

**Board Member:**

  
Una Crosse

**Date:** 06/06/2024