



Planning and Development Acts 2000 to 2018

Planning Authority: Kerry County Council

Planning Register Reference Number: 17/1152

Appeal by Gerard McElligott of Knockenagh North, Listowel, County Kerry in relation to the application by Kerry County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 2 of its decision made on the 26th day of February, 2018.

Proposed Development: Land reclamation works consisting of the re-contouring of land by imported material for the purpose of the improvement of farm land. The imported material shall include soil, subsoil, stone and other inert waste material, all at Knockenagh North, Listowel, County Kerry, as amended by the revised public notice received by the planning authority on the 31st day of January, 2018.

Decision

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had been properly applied in respect of condition number 2 and directs the said Council to ATTACH condition number 2 and the reason therefor.

Reasons and Considerations

Having regard to the nature and extent of the proposed development, which it is considered is a development subject to the provisions of the Kerry County Council Development Contribution Scheme 2017, it is considered that the terms of the Development Contribution Scheme have been properly applied and that a development contribution should be included in this instance.

In deciding not to accept the Inspector's recommendation to remove condition number 2, the Board considered that the proposed importation of material to a disused quarry for the purpose of re-contouring the land and the improvement of farmland is landfill development and, as such, comes within the scope of the Kerry County Council Development Contribution Scheme 2017.

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.

Terry Prendergast
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2018.