

An
Bord
Pleanála

Board Order
ABP-307835-20

Planning and Development Acts 2000 to 2020

Planning Authority: Kerry County Council

Planning Register Reference Number: 19/839

APPEAL by Patrick Kelleher and others of Ardaneanig, Killarney, County Kerry and by Noel O'Connell and others of Ballahacommane, Killarney, County Kerry against the decision made on the 13th day of July, 2020 by Kerry County Council to grant subject to conditions a permission to Michael F. Quirke and Sons care of Fehily Timoney of Core House, Pouladuff Road, Cork.

Proposed Development: Development consisting of the continuance of use of the existing quarry which has a site area of 23.4 hectares at Ballahacommane, Killarney, County Kerry and extension of the quarry in Ardaneanig comprising a total site area of 11.3 hectares, which is contiguous with the existing quarry, for the extraction and processing of sand and gravel. Processing will continue to take place in the existing Ballahacommane Quarry. The development also comprises replacement of the septic tank and percolation area. Processed material will be exported via the existing Ballahacommane Quarry entrance and access road to the N72. Permission is sought for an operational life of 25 years; all at Ballahacommane and Ardaneanig, Killarney, County Kerry as amended by the revised public notice received by the planning authority on the 1st day of April, 2020 providing for further plans and particulars.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

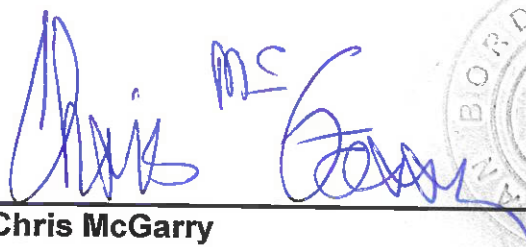
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. Having regard to the topography of the subject site, the elevated position of the proposed extension area, and on the basis of the submissions made in connection with the application and the appeal, it is considered that there is a lack of clarity as to the potential visual impact of the proposed extension and the cumulative effects of the development. Furthermore, the absence of adequate details and timeframe for the progressive restoration of the existing site in tandem with the phased development of the extension and the efficacy of proposed mitigation measures with regard to landscaping, it is considered, on the basis of the submissions made in connection with the application and the appeal, that the proposed development would form a discordant and visually obtrusive feature on the landscape at this location and would represent a disorderly and unsustainable approach to land use which would seriously injure the amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. On the basis of the submissions made in connection with the planning application and the appeal, the Board is not satisfied that it has been demonstrated satisfactorily that the applicant has sufficient legal estate or interest to continue to enable the use of the access road for quarrying purposes or has the approval of the person(s) who has such sufficient legal estate or interest to continue to enable the use of the access road for quarrying purposes.

In these circumstances, it is considered that the Board is precluded from giving further consideration to the granting of permission for the development the subject of the application.



Chris McGarry

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 28th day of May 2021.