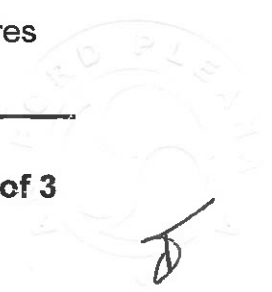


Planning and Development Acts 2000 to 2020

Planning Authority: Kerry County Council

Planning Register Reference Number: 20/747

Appeal by Patrick Doyle care of C. Lonergan Consultancy Limited of Shanara, Kilgobnet, Beaufort, Killarney, County Kerry against the decision made on the 15th day of October, 2020 by Kerry County Council for permission for development comprising: (A) retention and continuance of extraction of sand and gravel in an area of 0.85 hectares at a rate of 15,000 tonnes per annum, (B) retention and continuance of use of aggregate processing facility, including washing, screening and stockpiling on an area of 1.90 hectares, (C) retention and continuance of use of access, offices, welfare facilities and associated parking on 0.34 hectares, (D) prospective importation of inert soil and stones for use, including recovery, in site restoration of the above areas (3.09 hectares) at a rate of 10,000 tonnes per annum and (E) permission for construction of a septic tank and percolation area and all associated site works, and a term of 10 years is sought for the proposed development at Gortagullane, Killarney, County Kerry in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to condition permission for: (A) retention of extraction of sand and gravel in an area of 0.85 hectares at a rate of 15,000 tonnes per annum, (B) retention of the use of aggregate processing facility, including washing, screening and stockpiling on an area of 1.90 hectares and (C) retention of use of access, offices, welfare facilities and associated parking on 0.34 hectares



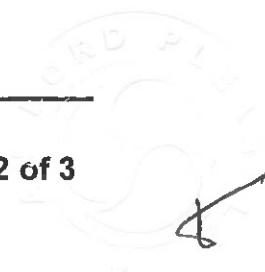
and to refuse permission for: (A) continuance of extraction of sand and gravel in an area of 0.85 hectares at a rate of 15,000 tonnes per annum, (B) continuance of the use of aggregate processing facility, including washing, screening and stockpiling on an area of 1.90 hectares, (C) continuance of use of access, offices, welfare facilities and associated parking on 0.34 hectares, (D) prospective importation of inert soil and stones for use, including recovery, in site restoration of the above areas (3.09 hectares) at a rate of 10,000 tonnes per annum and (E) construction of a septic tank and percolation area.

Decision

REFUSE permission for the above proposed development based on 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.



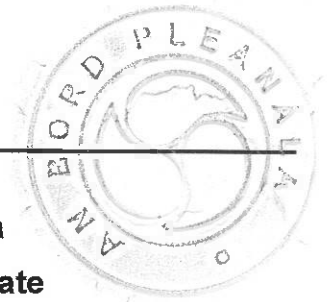
Reasons and Considerations

Having regard to the planning history on the site, including the substitute consent granted by An Bord Pleanála under reference number 08.SU.0028 on the 2nd day of March 2017, which was accompanied by a remedial Environmental Impact Statement and was subject to Environmental Impact Assessment, it is considered that the subject application includes retention of development of extraction of sand and gravel and associated works, and that the development, the subject of the application, would have a requirement for a screening determination for Environmental Impact Assessment if it had been made in respect of development before it was commenced. Accordingly, by reason of Section 34 (12) of the Planning and Development Act, 2000, as amended, the Board is precluded from granting planning permission.



Terry Ó Niadh

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



Dated this 1st day of June, 2021.