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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kerry County Council.**

**Planning Register Reference Number: EX871.**

**WHEREAS** a question has arisen as to whether the past and continuing quarrying at Ballintobeenig, Abbeydorney, County Kerry is or is not development or is or is not exempted development:

**AND WHEREAS** the said question was referred to An Bord Pleanála by Kerry County Council of County Buildings, Tralee, County Kerry on the 4<sup>th</sup> day of December, 2020:

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

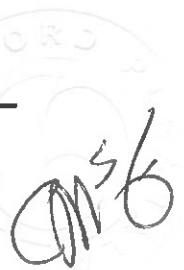
- (a) sections 2, 3, 4, 32, 177C, 177D, 261 and 261A of the Planning and Development Act 2000, as amended,
- (b) the planning history of the quarry,

- (c) the submissions on file, and
- (d) the report of the Inspector.

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

- (a) quarrying at this location constitutes development as defined in section 3 of the Planning and Development Act 2000, as amended,
- (b) the quarrying incorporates development for which substitute consent is required and no such application for substitute consent has been received,
- (c) leave to apply for substitute consent has been refused,
- (d) the location of the quarry partly within the Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle Special Protection Area (Site Code 004161) and the expansion of the quarry partly within that Special Protection Area after the date of the notification of this European Site, constitutes development for which the Board is satisfied that an environmental impact assessment and an Appropriate Assessment were and are required, and
- (e) there are no other provisions within the planning and development legislation which would enable the development to be deemed exempted development:

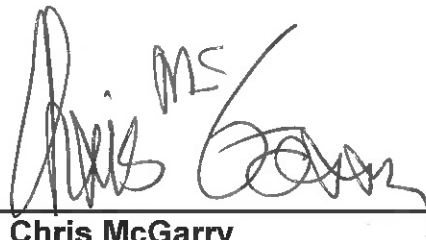
**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the past and continuing



quarrying at Ballintobeenig, Abbeydorney, County Kerry is development and is not exempted development.

## 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.

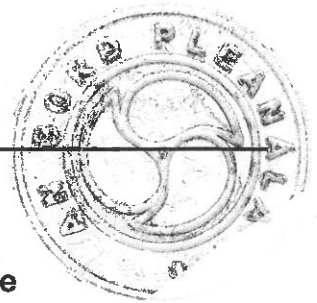


**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**



Dated this

11<sup>th</sup>

day of

June

2021.