

An
Bord
Pleanála

Board Order

ABP-313730-22

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: EX1002

WHEREAS a question has arisen as to whether the continuation of quarrying in a manner commensurate with the level of activity which prevailed pre-1963, at Gleesk Quarry, Dereendrislagh, Sneem, County Kerry is or is not development or is or is not exempted development:

AND WHEREAS Timothy O'Sullivan requested a declaration on this question from Kerry County Council and the Council did not make a Declaration in this instance.

AND WHEREAS the said question was referred to An Bord Pleanála by Kerry County Council on the 7th day of June, 2022:

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


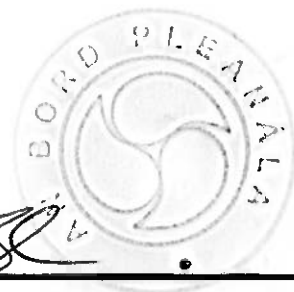
- (a) sections 2, 3, 4 and 5 of the Planning and Development Act 2000, as amended,
- (b) section 4(4) of the Planning and Development Act 2000 as substituted by section 17(1)(b) of the Environmental (Miscellaneous Provisions) Act, 2011,
- (c) the nature, scale and location of the development and works on lands assessed over a period of time, existing use and planning history of the site,
- (d) the planning history on the lands,

- (e) the submissions of the Requester/Owner/Occupier and the Referrer, and
- (f) the report of the Inspector:

AND WHEREAS An Bord Pleanála has concluded that the continuation of quarrying in a manner commensurate with the level of activity which prevailed pre-1963 -

- (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) The area of the quarry registered under Section 261 of the Planning and Development Act 2000, as amended, formed part of the overall quarry that was the subject of the planning authority's notice under Section 261A(3)(a) of that Act.
- (c) The development undertaken at this quarry after the 1st day of February, 1990 would have required an Environmental Impact Assessment, which was not undertaken.
- (d) The development undertaken at this quarry after the 26th day of February 1997 would have required an Appropriate Assessment, which was not undertaken.
- (e) The overall quarry was the subject of an assessment under section 261A of the Planning and Development Act 2000, as amended, wherein it was determined that substitute consent would be required, but no subsequent application in this regard has been made to An Bord Pleanála. Given that no such application was made, under Section 177O(3), the quarry constituted development and not exempted development, of the 2000 Act, as amended,
- (f) The planning history of the site including the applications for leave to apply for substitute consent, the documentation within which confirm the significant expansion and intensification of quarrying activity, the continuation of quarrying at this location would be development and would not be 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 continuation of quarrying in a manner commensurate with the level of activity which prevailed pre-1963 at Gleesk Quarry, Dereendrislagh, Sneem, County Kerry is development and is not exempted development.



Una Crosse

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

Dated this 16th day of May 2024