



An
Bord
Pleanála

Board Order
ABP-315791-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: EX 1046

WHEREAS a question has arisen as to whether the development of a well as a water source at Derrynane More, Caherdaniel, County Kerry is or is not development or is or is not exempted development:

AND WHEREAS John Cox care of Shaws Consulting Engineers Limited of 1 Lower Mallow Street, Limerick, County Limerick requested a declaration on the said question from Kerry County Council and the said Council issued a declaration on the 16th day of January, 2023 stating that the said matter would constitute development which is not exempted development:

AND WHEREAS John Cox referred the declaration for review to An Bord Pleanála on the 13th day of February, 2023:

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

- (a) Section 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Article 5, 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, including Class 44,
- (d) the planning history of the site,
- (e) the pattern of development in the area,
- (f) the submission of the Requester, and
- (g) the report of the Inspector:

AND WHEREAS An Bord Pleanála has concluded that the development of a well as a water source -

- (a) constitutes 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) comes within the scope of Class 9, Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 as amended, and
- (c) would not be exempted development, having regard to Schedule 2, Part 1 Class 44 of those Regulations as its purpose is not for providing a domestic water supply or a group water supply scheme:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the development of a well as a water source at Derrynane More, Caherdaniel, 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

17th day of *June*

2024.