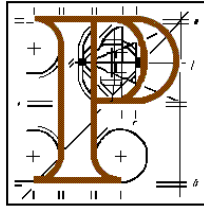


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Louth County

Planning Authority Reference Number: 15 UO22

An Bord Pleanála Reference Number: 15.RL.3465

WHEREAS a question has arisen as to whether activities undertaken at Rathory, Reaghstown, Ardee, County Louth constitute quarrying as defined in European Union Regulations, and if they are development, whether they are exempted development having regard to the provisions of the Planning and Development Act, 2000, as amended, and the Planning and Development Regulations, 2001, as amended,

AND WHEREAS the said question was referred to An Bord Pleanála by Louth County Council of County Hall, Millennium Centre, Dundalk, County Louth on the 1st day of March, 2016:

AND WHEREAS An Bord Pleanála has reformulated the question as follows:-

“whether activities undertaken at Rathory, Reaghstown, Ardee, County Louth are or are not development or are or are not exempted development”:

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

- (a) sections 2 3 and 4(1)(l) of the Planning and Development Act, 2000, as amended,
- (b) article 8C of the Planning and Development Regulations, 2001, as amended,
- (c) the nature of excavation works which have taken place on the subject site, and
- (d) the stated view of the landowner that the activities have now been completed:

AND WHEREAS An Bord Pleanála has concluded that- -

- (a) the activities undertaken are excavation and constitute works and as such come within the definition of “development” as set out in section 3 of the Planning and Development Act, 2000,
- (b) the works undertaken on the site do not come within the scope of section 4(1)(l) of the Planning and Development Act, 2000, as amended, or article 8C of the Planning and Development Regulations, 2001, as amended, and
- (c) the works undertaken do not constitute “reclamation” having regard to the definition of “reclamation” set out in the Webster dictionary – “to make land available for use by changing its condition” – which is at variance with the effect of the works which have resulted in open and exposed rock surfaces devoid of vegetation:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that activities undertaken at Rathory, Reaghstown, Ardee, County Louth are development and are 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.

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

Dated this day of 2016.