

Abaigéal Smyth
Cartron South, Ballyhaunis, Co. Mayo, F35 X800
Campaigning for a better environment

AN BORD PLEANÁLA	
LDG- _____	
ABP- _____	
04 JAN 2021	
Fee: € _____	Type: _____
Time: _____	By: <i>Post</i>

Ms. Karen Byrne,
Executive Officer,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1,
D01 V902

23rd December 2020

Re: ABP-308830-20 - Section 5 referral by Kerry County Council on foot of my Section 5 application (EX871) w.r.t. ongoing quarrying development at Ballintobeenig, Abbeydorney, Co. Kerry.

Dear Ms. Byrne,

I refer to the above and your invitation to make a submission on the referral, per your letter of 7th December 2020 (see copy attached). I confirm that my Section 5 application to Kerry County Council regarding this development has been faithfully included in the documentation attached to the referral by the Planning Authority.

My further comment to An Bord Pleanála is straightforward, in the absence of a detailed report by Kerry County Council or any submission by the quarry operator. It is that I do not understand why Kerry County Council has referred the matter to An Bord Pleanála when the facts of the case are so straight forward, and that it was decisions of the Board which set out the planning status. As such I do not see any conflict for the Planning Authority to which the Section 5 was submitted in making the decision as it would not be a case of being a judge in a matter where they have expressed a view previously other than the initial S261A report of 2012.

In any event, unless the entire legislation and caselaw jurisprudence since 2012 is turned upside down, most of the past and the ongoing use of the quarry is clearly unauthorised and is destroying an SPA.

The result of the referral by Kerry County Council is to forestall enforcement action and keep breath in this unauthorised operation in defiance of EU law.

Yours sincerely,

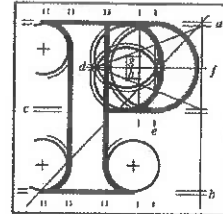


Abaigéal Smyth

CC: Sweetman & Associates

Our Case Number: ABP-308830-20

Planning Authority Reference Number: EX871



An
Bord
Pleanála

Abaigéal Smyth
Cartron South
Ballyhaunis
Co. Mayo
F35 X890

Date: 07 December 2020

Re: Whether the past and continuing quarrying at O'Mahoney Quarry at Ballintobeenig is or is not development or is or is not exempted development.
Ballintobeenig, Abbeydorney, Co. Kerry.

Dear Sir / Madam,

Enclosed is a copy of a referral under the Planning and Development Act, 2000, (as amended).


In accordance with section 129 of the Planning and Development Act, 2000, (as amended), you may make submissions or observations in writing to the Board in relation to the referral within a period of 4 weeks beginning on the date of this letter.

Please note that in accordance with section 251 of the Planning and Development Act, 2000, (as amended), the period beginning on 24th December and ending on 1st January, both dates inclusive, should be disregarded for the purposes of calculating the last date for lodgement of submissions or observations.

Any submissions or observations received by the Board outside of that period shall not be considered and where none have been validly received, the Board may determine the referral without further notice to you.

Please quote the above referral number in any further correspondence.

Yours faithfully,


Karen Byrne
Executive Officer
Direct Line: 01-8737136

BPRL05 - Xmas

Tel (01) 858 8100
Glaio Áitiúil LoCall 1890 275 175
Facs Fax (01) 872 2684
Láithreán Gréasáin Website www.pleanala.ie
Ríomhphost Email bord@pleanala.ie

64 Sráid Maoilbhríde 64 Marlborough Street
Baile Átha Cliath 1 Dublin 1
D01 V902 D01 V902