

Anna Howard

From: Appeals2
Sent: Wednesday 13 January 2021 09:12
To: Anna Howard
Subject: FW: Ref. ABP-308830-20.
Attachments: ABP 308830-20 Letter from MWP 12.01.2021.pdf

From: Bord <bord@pleanala.ie>
Sent: Wednesday 13 January 2021 08:48
To: Appeals2 <appeals@pleanala.ie>
Subject: FW: Ref. ABP-308830-20.

From: Ken Fitzgerald <Ken.Fitzgerald@mwp.ie>
Sent: Tuesday 12 January 2021 23:53
To: Bord <bord@pleanala.ie>
Subject: Ref. ABP-308830-20.

Dear Karen

I refer to your letter to Mr O 'Mahoney of the 7th of December . Please see letter attached as I note today is the deadline for submissions.

Kind Regards,

Ken Fitzgerald,
Associate
Malachy Walsh and Partners

Malachy Walsh and Partners

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12th January 2021

Karen Byrne
Executive Officer
An Bord Pleanala
64 Marlborough Street
Dublin 1.

Re: O'Mahoneys Quarry, Ballintobeenig, Abbeydorney County Kerry. ABP-308830-20.

Dear Karen,

PJ O'Mahoney had given me a copy of your letter dated the 7th of December last and I had phoned the office of An Bord Pleanala to establish what was the final day for submissions, which is today January 12th allowing for Covid restrictions. Accordingly, I am sending by email rather than post.

I was in touch with Kerry County Council and called in to get a copy of the documentation the file. I note that Kerry County Council have referred the Section 5 query to An Bord Pleanala.

The query raised by the third party relative to ongoing quarrying activity at the site reflects the activity of the quarry over the last few years. Historically a portion of the quarry had planning permission and there was a defined area in which quarrying activity could take place. There was also an acknowledged practice of quarrying pre 1964 for a defined area. The SPA designation at this location encompasses a portion of the quarried-out area. Historically the lands that are in control of the quarry owner were used for farming and they also contain areas of forestry along with the footprint of the quarry as it stands today.

As the quarry operations extended over time the quarry face extended into the SPA and there are areas within the quarry where the stone resource is worked out and in those areas no further encroachment into the SPA has occurred. However, there is encroachment into the SPA on one of the eastern sections and this is driven by the nature of the rock type, the stratification of the rock and its linear east west profile. The depth of excavation has also influenced the quarry face and its footprint relative to the historical planning approved area.

The quarry owner recognises that there is an issue here and also wants to regularise his planning status, but it doesn't seem clear that there is currently a mechanism to complete that post the completion of the previous 261/261A process.

The areas in which the quarry face extends within the footprint of the SPA is comprised of degraded habitat and the areas immediately around the quarry are covered with forestry plantation. The lands to the north east and north are heavily modified habitats with extensive conifer plantation, cutover bog, wind farm development and encroaching agricultural lands.

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