



Comhairle Chontae Chill Chainnigh

Halla an Chontae Sraid Eoin Cill Chainnigh
R95 A39T

Póil agus Áiteanna Inbhuanaithe a Chruthú

Kilkenny County Council

County Hall John Street Kilkenny
R95 A39T

Creating Sustainable Communities and Places



Registered letter

An Bord Pleanála,
64 Marlborough Street,
Dublin 1.
D01 V902

AN BORD PLEANÁLA	
LDG-	_____
ABP-	_____
09 JUN 2022	
Fee: €	_____ Type: _____
Time: _____	By: <i>Reg Post</i>

8th June 2022

Case number: ABP-313122-22

Lands at Lismaine, Jenkinstown Co. Kilkenny.

A Chara,

The contents of the submission dated 19th May 2022 from Poe Kiely Hogan Lanigan Solicitors LLP on behalf of Donal O'Regan Senior and Don O'Regan is noted and the following observations are made.

The submission refers to the pre-1964 status of the quarry, alleging that the discharge of water from the site does not constitute a new development outside of the pre-1964 permission and is deemed to have an authorised status by virtue of its pre-1964 user. The Planning Authority disagrees with this statement. What was established as a quarry use prior 1964 is not disputed by the Planning Authority. It is the contention of the Planning Authority that due to the excavations to create a lagoon system and associated works to facilitate ground water lowering and discharge of water from the quarry to an area located outside the site ownership boundary, there is an impact on the surrounding environment, particularly the Special Area of Conservation: River Barrow And River Nore SAC.

It is also noted that the submission alleges there has been no change of use, or intensification of use, and the works constitute exempted development. The Planning Authority also disagrees with this statement and considers that the subject works have resulted in an intensification of the use of the quarry site which is subsequently affecting the proper planning and sustainable development of the area to such an extent that it can be considered material in planning terms.

In 2012, the quarry was assessed under Section 261A of the Planning and Development Act (as amended) to ensure compliance with the provisions of the Environmental Impact Assessment Directive and the Habitats Directive. The submission dated 19th May 2022 from Poe Kiely Hogan Lanigan Solicitors LLP makes several references to the Section 261A assessment, and alleges that no material alteration has taken place since this period in terms