



An  
Bord  
Pleanála

**Board Order**  
**ABP-315791-23**

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**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 16<sup>th</sup> 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 13<sup>th</sup> 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.



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**Una Crosse**

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

Dated this *17<sup>th</sup>* day of *June* 2024.

