

An
Bord
Pleanála

Board Direction
ABP-311824-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/05/2022.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to: -

- (i) Whether the continuation of existing quarry operation including extraction, processing and sale of raw and processed quarry material, is operating in accordance with its pre-64 authorisation and is or is not development and is or is not exempted development and
- (ii) Whether the continuation of quarrying to the extremity of the landholding (18.99ha), is in accordance with its pre-64 authorisation and is or is not development and is or is not exempted development.

AND WHEREAS Donegal County Council requested a declaration on this question under the provisions of Section 5 of the Planning and Development Act, 2000, as amended on the 29th day of October, 2021.

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

- (a) Sections 2(1) and 3(1) of the Planning and Development Act, 2000, as amended,

The Board's decision in relation to the site under ABP Ref. QV05E.0230 in December 2013.

AND WHEREAS An Bord Pleanála has concluded that: -

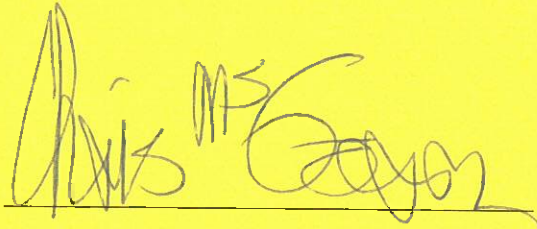
- (a) It had previously been determined under ABP Ref. QV05E.0230 that development was carried out after the 1st day of February 1990, which development would have required, having regard to the Environmental Impact Assessment Directive, an Environmental Impact Assessment, or a determination as to whether an Environmental Impact Assessment was required, but that such an assessment or determination was not carried out or made.
- (b) No application for substitute consent was submitted, following the Board's decision on ABP Ref. QV05E.0230

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that: -

- (i) The continuation of existing quarry operation including extraction, processing and sale of raw and processed quarry material, is not operating in accordance with its pre-64 authorisation and is development and is not exempted development.

and
- (ii) The continuation of quarrying to the extremity of the landholding (18.99ha), is not in accordance with its pre-64 authorisation and is development and is not exempted development.

Board Member:

A handwritten signature in black ink, appearing to read "Chris McGarry", written over a horizontal line.

Date: 26/05/2022

Chris McGarry

