

An
Bord
Pleanála

Board Direction ABP-313030-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 28/08/2024.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether ongoing quarrying and ancillary activities at Patrick McCaffrey and Sons Limited Quarry, Ballymagroarty Irish and Glasbolie townlands, Ballintra, County Donegal is or is not development or is or is not exempted development:

AND WHEREAS the said question was referred to An Bord Pleanála by Donegal County Council on the 14th day of March, 2022:

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

- (a) Sections 2, 3, 4, 261 and 261A of the Planning and Development Act, 2000, as amended;
- (b) the nature and scale of the operations and activities on these lands;
- (c) the planning history and quarry registration history of the site including the decision of An Bord Pleanála on reference number QV 05E.0128 pursuant to section

261A of the Planning and Development Act 2000, as amended, and the decision of An Bord Pleanála to dismiss a substitute consent application under application reference PL05E.SU0128 (planning authority reference number EUQY01) pursuant to section 177E of the Planning and Development Act 2000, as amended;

(d) the submissions on the file; and

(e) the report of the Planning Inspector.

AND WHEREAS An Bord Pleanála has concluded that -

(a) the nature and scale of the quarry activities and ancillary activities within the quarry area constitutes works within the scope of the definition in section 2(1) of the Planning and Development Act 2000, as amended, and therefore constitutes development;

(b) in accordance with the determination of the Board under An Bord Pleanála reference QV 05E.0128, development took place at the quarry after the 1st day of February 1990, which would have required an Environmental Impact Assessment but such an assessment was not carried out, and development took place at the quarry after 1st day of March 1997, which would have required an Appropriate Assessment, but such an assessment was not carried out;

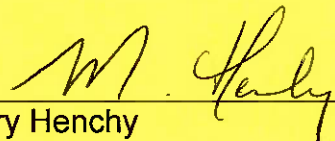
(c) under section 261A(7) of the Planning and Development Act 2000, as amended, the effect of the determination and decision of the Board under reference QV 05E.0128 was to require an application to be made to the Board for substitute consent in respect of this quarry;

(d) the only substitute consent application made in relation to this quarry was dismissed by An Bord Pleanála under reference PL05E.SU0128, and

(e) there are no provisions in the Planning and Development Act 2000, as amended or in the Planning and Development Regulations 2001-2020, made thereunder, whereby the said development is exempt development:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the ongoing quarrying and ancillary activities at Patrick McCaffrey and Sons Limited Quarry, Ballymagroarty Irish and Glasbolie townlands, Ballintra, County Donegal, is development and is not exempted development.

Board Member:



Mary Henchy

Date: 29/08/2024