

An
Bord
Pleanála

Board Direction
BD-017080-24
ABP-318071-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 23/07/2024.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. Having regard to Objective WW-O-1 and Policy WW-P-2 of the County Donegal Development Plan 2024 – 2030, the applicant has failed to demonstrate the following:
 - (a) That its proposed settlement pond would be of an appropriate size and design to ensure that silted surface water and any disturbed ground water run-off from the proposed quarry would be capable of being handled satisfactorily, especially during storm events, during all phases of the proposal,
 - (b) That its proposed re-use of abandoned, unauthorised, existing settlement ponds would be capable of handling silted surface water run-off from the on-site access road satisfactorily, especially during storm events, and
 - (c) That its proposed silted water collection drainage system would be adequate to avert the risk of pollution to an existing pond adjacent to the siting of the proposed wheel wash.

As all of these ponds would discharge to the Derryreel Stream, the applicant has not established that its proposal would be consistent with maintaining, improving, and enhancing the quality of surface water in this Stream. In these circumstances, it would be premature to grant planning permission, as to do so would risk the contravention of Objective WW-O-1 and Policy WW-P-2 and the deterioration of water quality in the Derryreel Stream. The proposal would thus be contrary to the proper planning and sustainable development of the area.

[Note:


- (i) The Board noted that the availability of the required sightlines has not been confirmed and that the Inspector had concerns that the sightlines at the junction between the L-5143-1 and the N56 fall short of the standard normally required, and that while the projected increase in the use of this junction would be below the threshold of significance, the right-hand turning movements of laden trucks onto the N56 would be potentially hazardous due to the constrained westerly sightline and the limited forward visibility available to road users approaching from the west. The Board also noted the planning authority's requirement under Condition 7(b) for the roadside verge to the east of this junction to be levelled to improve the sightline, and the Inspector's inconclusive view that such levelling would be of 'assistance'. Notwithstanding the planning authority's requirement under Condition 7(b) and the Inspector's conclusion that subject to the erection of warning signs on the N56 traffic generated by the proposal would be capable of being accommodated satisfactorily on the public road network, the Board was not satisfied that it had been adequately demonstrated that the proposal would not have a detrimental impact on the safety, or operational efficiency of the N56.
- (ii) It was not clear to the Board that the works to improve the junction between the forest access road and the L5143-1 and the junction between the L5143-1 and the N56 national road and the road widening works along a section of the L5143-1, could be carried out within the public domain. It was also unclear

whether the works along the forest access road had the necessary third party landowner consent.

Having regard to the totality of the documentation on file, the Board considered that further details of access and junction arrangements including sightlines, and further details on landowner consent and public domain extent which might address these issues would ordinarily be warranted to enable a determination on this matter to be made. However, given the substantive reason for refusal set out above, it was decided not to pursue these matters in the context of the current appeal.]

[Please issue a copy of this Direction with the Board Order to the parties.]

Board Member


Stephen Bohan

Date: 23/07/2024