



Planning and Development Acts 2000 to 2018

Planning Authority: Donegal County Council

Planning Register Reference Number: 18/50016

APPEAL by Raymond McDermott of Calhame, Letterkenny, County Donegal and by Laurence and Gabrielle Moran and Martin and Helen O'Dowd care of 6 Heatherview, Calhame, Letterkenny, County Donegal against the decision made on the 12th day of July, 2018 by Donegal County Council to grant subject to conditions permission to P Bonar Plant Hire Limited care of Associate Civil Engineering Services of Coakleys Bungalow, Oldtown, Letterkenny, County Donegal.

Proposed Development Development consisting of (a) the continuation of quarrying activities for a period of 10 years on a site of 7.3 hectares by lowering the floor of the existing quarry to 132 metres AOD, and (b) revised opening hours. An Environmental Impact Statement and Natura Impact Statement have been prepared in respect of the proposed development and will be submitted to the planning authority with the application, all at Fallard or Calhame, Letterkenny, County Donegal.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. On the basis of the information provided with the application and the appeal, including the Natura Impact Statement, and having regard to the potential for the discharge of contaminated water to the local surface water drainage network that has a hydrological pathway to the Leannan River Special Area of Conservation, the Board is not satisfied that the proposed development either individually, or in combination with other plans or projects, would not adversely affect the integrity of Leannan River Special Area of Conservation (Site Code 002176), in view of the site's conservation objectives. In such circumstances, the Board is precluded from granting permission for the proposed development.

2. On the basis of the information contained in the planning application, the Environmental Impact Assessment Report (EIAR), and the

submissions on file, the Board is not satisfied that a full and adequate assessment of the potential impacts of the proposed development on the environment has been carried out and that the submitted EIAR meets the requirements of Article 94 of the Planning and Development Regulations, 2001 (as amended). In particular, the potential adverse impacts of the proposed development in relation to ground and surface water, have not been adequately addressed in the EIAR and further data relating to noise and dust emissions stated to have been collected have not been provided. In the absence of such a full and adequate assessment, it is not considered that it has been demonstrated that the proposed development would not have significant negative impacts on the environment, would not seriously injure the amenities of property in the vicinity and would not be contrary to the proper planning and sustainable development of the area.

Chris McGarry

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.