



Planning and Development Acts 2000 to 2019

Planning Authority: Donegal County Council

Planning Register Reference Number: EUQY174

Application for Leave To Apply For Substitute Consent by Donal MacMonagail agus a Mhic Teoranta (trading as McMonagle Stone) care of Earth Science Partnership (Ireland) Limited of Tonranny, Westport, County Mayo.

Development: Monumental stone quarry at Largybrack, Glencolmcille, County Donegal.

Decision

REFUSE leave to apply for substitute consent under section 177D of the Planning and Development Act 2000, as amended, based on 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

Having regard to Section 177D of the Planning and Development Act, 2000, as inserted by Section 57 of the Planning and Development (Amendment) Act, 2010, the Board is satisfied that Environmental Impact Assessment and Appropriate Assessment is required in the light of the scale and nature of the quarrying that has been carried out. Furthermore, the Board examined whether or not exceptional circumstances exist such that it would be appropriate to allow the opportunity for regularisation of the development by permitting leave to make an application for substitute consent.

In this regard, the Board:

- considered that regularisation of the development to the open disturbed areas of the quarry as of 2012 and not the current overall quarry complex, would circumvent the purpose and objectives of the Environmental Impact Assessment Directive and the Habitats Directive,
- considered that, notwithstanding the documentation submitted, the applicant could not reasonably have had a belief that the development was not unauthorised, having regard to the scale and nature of the quarrying operations that have been undertaken on the subject site since at least the year 2000, and the planning and enforcement history of the subject lands,

- considered that the development would not allow for adequate consideration of the actual or likely significant effects on the environment or the adverse effects on the integrity of European sites resulting from the carrying out or continuation of the development,
- considered that the extent to which significant effects on the environment or adverse effects on European sites could be remedied would be limited by virtue of the additional and ongoing quarrying activities since 2012, and
- considered that there is no authorisation for the quarry on site and the scale and extent of quarrying, and the intensity and methods of extraction utilised could not reasonably be the same as that asserted to be envisaged prior to the 1st day of October, 1964 and that, on the basis of the documentation and submissions on file, including enforcement files and documentation supplied by the planning authority, considered that the applicant has previously carried out unauthorised development on this site.

The Board concluded that exceptional circumstances do not exist such that it would be appropriate to permit the regularisation of the development by permitting leave to apply for substitute consent in relation to the site outlined in this application, and decided to refuse leave to make an application for substitute consent.

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

Dated this day of 2020.