



Planning and Development Acts 2000 to 2019

Planning Authority: Donegal County Council

Planning Register Reference Number: UD17187

WHEREAS a question has arisen as to whether quarrying of lands at Binnion, Clonmany, County Donegal is or is not development or is or is not exempted development:

AND WHEREAS the question was referred to An Bord Pleanála by Donegal County Council on the 20th day of September, 2019:

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

- (a) sections 2(1), 3(1) and 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (b) section 177U(9) of that Act,
- (c) articles 6(1), 6(3), 8 and 9(1) of the Planning and Development Regulations, 2001, as amended,

- (d) Parts 1 and 3 of Schedule 2 to those Regulations,
- (e) the planning history of the site, and
- (f) the report of the Inspector:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the excavation and removal of rock within the subject site constitutes development and falls within the definition of quarrying,
- (b) the excavation and removal of rock from field B as identified on the mapping submitted by the landowners/occupiers is stated to form part of the land reclamation works carried out in part and proposed within fields A, B, C, E and F as identified on the mapping submitted by the landowners/occupiers, being the farm holding concerned,
- (c) the excavation and removal of rock from field D as identified on the mapping submitted by the landowners/occupiers does not form part of the land reclamation works carried out in part and proposed within fields A, B, C, E and F as identified on the mapping submitted by the landowners/occupiers,
- (d) the excavation and removal of rock from field B, where such rock is used solely for land reclamation works within the farm holding that includes this field, comes within the scope of article 8C of the Planning and Development Regulations, 2001, as amended,
- (e) the excavation and removal of rock from field D does not come within the scope of article 8C, as this field does not form part of the farm holding, and no other exempted development provision under the Regulations applies, and

- (f) the development would not be likely to have a significant effect on North Inishowen Coast Special Area of Conservation (Site Code: 002012) or any other European site:

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 quarrying of lands at Binnion, Clonmany, County Donegal –

- (a) is development and is exempted development, where it has taken place within field B insofar as the material removed is used/to be used solely for land reclamation works within the remainder of the farm holding, and
- (b) is development and is not exempted development, where it has taken place with field D as this field does not form part of the farm holding.

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.

Chris McGarry

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

Dated this day of 2020.