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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: 19/52015**

**APPEAL** by Raphoe Community In Action Limited care of Gerard Convie of Unit F, 15 Lower Main Street, Letterkenny, County Donegal and by An Taisce of Tailors' Hall, Back Lane, Dublin against the decision made on the 10<sup>th</sup> day of September, 2020 by Donegal County Council to grant subject to conditions permission to Patrick Bonar care of Michael Friel of Creeslough, Letterkenny, County Donegal.

**Proposed Development:** (1) Quarrying of 4.81 hectares which will be subject to extraction and processing of rock by drilling, blasting, crushing and screening, (2) landscaping of the quarry during the operational phase and restoration of the quarry on completion of extraction, (3) erection of site office with canteen facilities, (4) installation of wastewater treatment unit and percolation area, and (5) all associated ancillary facilities/works over a 25 year period, all at Magherasolis and Craigs, Raphoe, Lifford Post Office, County Donegal. The proposed development was revised by further public notices received by the planning authority on the 14<sup>th</sup> day of August, 2020.

## **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. The documentation and details submitted with the planning application and the appeal has not demonstrated adequate proposals for the proper and satisfactory management of surface water at the proposed development. In the absence of such information and having regard to Article 5 of the European Communities Environmental Objectives (Surface Waters) Regulations, 2009, as amended, which requires that a public authority, in the performance of its functions, shall not undertake those functions in a manner that knowingly causes or allows deterioration in the chemical or ecological status, or the ecological potential of a body of surface water, it is considered that the proposed development would pose an unacceptable risk of environmental pollution and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. On the basis of the information provided with the application and the appeal, the Board cannot be satisfied that the proposed development individually, or in combination with other plans and projects would not result in adverse effects on the integrity of the River Foyle and Tributaries Special Area of Conservation (Site Code:UK0030320) and River Finn Special Area of Conservation (Site Code:002301), in view of the sites' Conservation Objectives. Having regard to the Board's concerns in relation to the adequacy of the proposals for the proper and satisfactory management of surface water at the proposed development, likely significant effects on these European sites could not be ruled out. In such circumstances the Board is precluded from granting approval/permission.

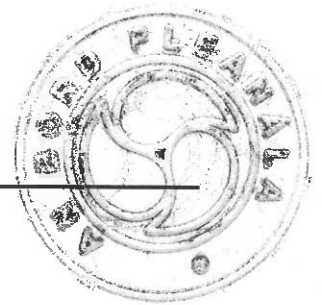
*DR. Maria Fitzgerald*

**Maria FitzGerald**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**



Dated this 18<sup>th</sup> day of August 2021.