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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: UD1819**

**WHEREAS** a question has arisen as to whether:

- (i) the continuation of existing quarry operation including extraction, processing and sale of raw and processed quarry material, is operating in accordance with its pre-64 authorisation, and
- (ii) the continuation of quarry to the extremity of the landholding (18.99 hectare), is in accordance with its pre-64 authorisation,

at Tober, Carrigans, Inishowen, County Donegal is or is not development or is or is not exempted development:

**AND WHEREAS** Donegal County Council requested a declaration on this question under the provisions of Section 5 of the Planning and Development Act, 2000, as amended on the 29<sup>th</sup> day of October, 2021:

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

- (a) Sections 2(1) and 3(1) of the Planning and Development Act 2000, as amended, and
- (b) the Board's decision in relation the site under An Bord Pleanála reference QV.05E.QV0230:

**AND WHEREAS** An Bord Pleanála has concluded that: -

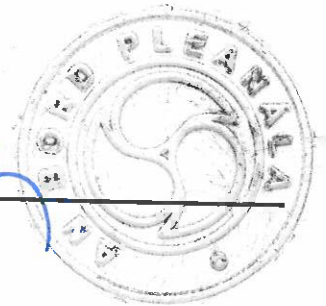
- (a) it had previously been determined under An Bord Pleanála reference QV05E.QV0230 that development was carried out after the 1<sup>st</sup> day of February 1990, which development would have required, having regard to the Environmental Impact Assessment Directive, an Environmental Impact Assessment or a determination as to whether an Environmental Impact Assessment was required, but that such an assessment or determination was not carried out or made, and
- (b) no application for substitute consent was submitted, following the Board's decision on An Bord Pleanála reference QV05E.QV0230:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that: -

- (i) the continuation of existing quarry operation including extraction, processing and sale of raw and processed quarry material, is not operating in accordance with its pre-64 authorisation, and
- (ii) the continuation of quarrying to the extremity of the landholding (18.99 hectare), is not in accordance with its pre-64 authorisation,

at Tober, Carrigans, Inishowen, County Donegal is development and is not exempted development.

*Chris McGarry*



**Chris McGarry**

**Member of An Bord Pleanála**

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

Dated this *2<sup>nd</sup>* day of *June* 2022.