

An
Bord
Pleanála

Board Order ABP-318513-23

Planning and Development Acts 2000 to 2022

Planning Authority: Donegal County Council

Planning Register Reference Number: 23/51392

Appeal by Churchill and Derrora Residents Group care of Hugh Gibbons of Derrora, Churchill, Letterkenny, County Donegal against the decision made on the 3rd day of November, 2023 by Donegal County Council to grant subject to conditions a permission to Moyle Plant Hire care of Michael Friel Architects and Surveyors Limited of Creeslough, Letterkenny, County Donegal in accordance with plans and particulars lodged with the said Council.

Proposed Development: Alteration of the operating/opening hours of an asphalt plant up to a maximum of 30 days annually at Keeloges, Churchill, Letterkenny, County Donegal.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the provisions of the County Donegal Development Plan 2024-2030, the planning history pertaining to the site, the location of the site within the established quarry, and the scale and nature of development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not affect the residential amenities of the area, would not be prejudicial to public health, and would not have unacceptable impacts upon the environment, including designated European Sites. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The extended hours of operation of the asphalt/bitmac plant shall be permitted for a temporary period of two years from the date of this Order after which time the hours of operation of the plant shall revert to the hours of operation as permitted under planning register reference number 21/52254, unless, prior to the end of the period, planning permission shall have been granted for extended operating hours for a further period.

Reason: To enable the impact of the extended operating hours to be monitored and reassessed in the interest of residential amenity.

2. (a) Initialisation/heating of the asphalt/bitmac batching plant is hereby permitted to commence at 0530 hours Monday to Saturday (unless under exceptional circumstances and up to a maximum of 30 recorded and notified occurrences per annum). The plant shall not commence any operations prior to 0530 hours or on Sundays/public holidays (unless under exceptional circumstances of up to a maximum of 30 recorded and notified occurrences per annum).

- (b) Removal/loading of heated material from the asphalt/bitmac batching plant into awaiting lorries (parked the night before in the quarry) is hereby permitted to commence at 0630 hours Monday to Saturday (unless under exceptional circumstances of up to a maximum of 30 recorded and notified occurrences per annum).
- (c) No lorries laden or un-laden shall enter/access the quarry prior to 0630 hours Monday to Saturday (unless under exceptional circumstances of up to a maximum of 30 recorded and notified occurrences per annum).
- (d) All asphalt/bitmac batching plant operations/associated activities, including filling associated loading bins, shall cease at 2000 hours Monday to Friday and shall cease at 1600 hours on Saturday (unless under exceptional circumstances of up to a maximum of 30 recorded and notified occurrences per annum).
- (e) The hours of operation to facilitate the sole use of the existing asphalt batching plant shall be not construed as permitting any other access to the quarry/loading of processed materials for delivery, extraction, processing, crushing, screening or grading of material outside the normal permitted hours of quarry operations which remain restricted to between 0700 and 1900 hours Monday to Friday and between 0800 and 1600 hours on Saturday. The facility shall not operate outside these hours or on Sundays or public holidays.

Reason: In the interest of orderly development.

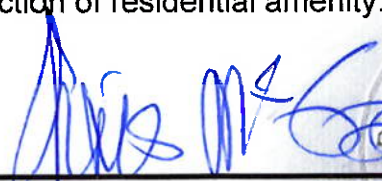
- 3. Noise levels from within the boundary of the site as measured at the agreed noise sensitive locations shall not exceed the following:
 - (a) An Leq 1 h value of 55 dB(a) during 0800 to 1800 hours.
 - (b) An Leq 15 min value of 45 d B(a) at any other time.

Nighttime emissions shall have no tonal component. Hazard sirens associated with reversing trucks shall be silenced during nighttime operation of the facility. During the extended operation of the plant, the developer shall undertake noise monitoring at the identified noise sensitive locations. Noise monitoring results shall be submitted to the planning authority on a quarterly basis.

Reason: To enable the impact of the extended operating hours to be monitored and to protect the residential amenities of property in the vicinity.

4. (a) Prior to any activity taking place on the asphalt plant between 8 p.m. and 5.30 a.m., the developer shall notify the planning authority in writing and obtain written agreement at least seven days in advance of the planned works.
- (b) Prior to any activity taking place on the asphalt plant between 8 p.m. and 5.30 a.m., the developer shall notify all residents (within a 750-metre distance from the site) in writing (via letter/email/text alert notification system) at least seven days in advance of the planned works (and shall cumulatively amount to no more than 30 occurrences per annum as per the requirements of condition number 2 above).

Reason: In the interest of the protection of residential amenity.


Chris McGarry
Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board

Dated this  day of  2024.