



Planning and Development Acts 2000 to 2022

Planning Authority: Donegal County Council.

Planning Register Reference Number: 23/50769

Application for Leave to Appeal against the decision of the planning authority by Mabel and Robert Frizzell of Mondooey Upper, Manorcunningham, County Donegal, having an interest in land adjoining the land in respect of which Donegal County Council decided on the 2nd day of May, 2024 to grant subject to conditions permission to LSH Recycling Limited care of Boylan Consulting of Main Street, Mullagh, County Meath.

Proposed Development: Development consisting of: (1) the restoration of lands for the purposes of agricultural gain through importing and depositing of inert material comprising natural minerals of clay, silt, sand, gravel or stone; (2) recovery of inert waste (other than excavations or dredgings comprising natural materials of clay, silt, sand, gravel or stone) through deposition for the purposes of the improvement or development of land; (3) recovery of inert waste arising from construction and demolition activity, including concrete, bricks, tiles, or other such similar material (excluding land improvement or development); (4) storage and processing of concrete blocks that may or may not contain deleterious materials such as mica, prior infilling of same; and (5) all ancillary site development works.

Retention permission is sought for the site of a former quarry, registered with Donegal County Council with reference numbers 'EUQY 170 and 178' under Section 261(2a) of the Planning and Development Act, 2000 - 2010 (as amended).

The proposed development seeking planning permission will require a 'Waste Facility Permit' which will be sought through a separate application to Donegal County Council.

All at Mondooney, Manorcunningham, County Donegal.

Decision

GRANT leave to appeal under section 37 (6) of the Planning and Development Act, 2000, as amended, based on the reasons and considerations set out below.

Reasons and Considerations

The appellants have established ownership of lands and that they are a farming enterprise "we are an established farming enterprise, working solely in agriculture and the new use, vehicular traffic and works to our lands will severely impact our current use of the lands in particular moving cattle, sheep and farm equipment between our lands"

Having regard to the submissions and documents received in connection with the application for leave to appeal and the conditions set out in the planning authority's decision, it is considered that it has been shown that -

- (i) the development, in respect of which a decision to grant permission has been made, will differ materially from the development as set out in the application for permission by reason of condition numbered 1 imposed by the planning authority to which the grant is subject, and
- (ii) the imposition of condition numbered 1 will materially affect the applicant's enjoyment of the land adjoining the land in respect of which it has been decided to grant permission or reduce the value of the land.



Liam Bergin

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

Dated this 17th day of *June* 2024.