

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Donegal County

Planning Register Reference Number: EUQY61

An Bord Pleanála Reference Number: PL 05.SU.0100

APPLICATION FOR SUBSTITUTE CONSENT by McMonagle Stone care of Earth Science Partnership (Ire) Limited of Tonranny, Westport, County Mayo in accordance with section 177E of the Planning and Development Act, 2000, as amended.

LOCATION OF QUARRY: Meenacurrin, Maghera, Ardara, County Donegal.

BOARD DECISION

The Board, in accordance with section 177K of the Planning and Development Act, 2000, as amended, decided to **REFUSE** substitute consent based on 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. Having regard to the nature and extent of the development, the remedial Natura impact statement submitted with the application as amended consequent to the notice issued by the Board under section 132 of the Planning and Development Act, 2000, the submissions on file and the Inspector's report, the Board completed an Appropriate Assessment of the impacts of the development on nearby European sites. On the basis of the documentation submitted, in particular the lack of evidence submitted by the applicant regarding the characteristics and extent of the habitats on the site, located within the Slieve Tooley/Tormore Island/Loughros Beg Bay Special Area of Conservation (site code 000190) and the extent of the habitats removed and/or infilled as a result of the quarrying activity that is the subject of the application, the Board decided that it was not possible to conclude, beyond all reasonable scientific doubt, that the subject development would not adversely affect, or has not had an adverse effect on, the integrity of a European site, specifically the Slieve Tooley/Tormore Island/Loughros Beg Bay Special Area of Conservation (site code 000190), having regard to the Conservation Objectives of that site. In such circumstances, the Board is precluded from granting substitute consent for the subject development.

2. Having regard to the nature and extent of the development, the remedial Environmental Impact Statement submitted with the application, as amended consequent to the notice issued by the Board under section 132 of the Planning and Development Act, 2000, the submissions on file and the Inspector's report, the Board completed an Environmental Impact Assessment of the development. It is considered that the development which was undertaken at this site after the 1st day of February, 1990 gave rise to significant adverse impacts on the landscape and seriously injured the visual amenities of the area. The mitigation measures proposed in the remedial Environmental Impact Statement are not considered adequate or reasonable and would not reduce the impact of the development on the landscape. The development which has been undertaken is, therefore, contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2017.