

Sweeney

Roisin

From: communications
Sent: Monday 13 October 2025 15:06
To: Appeals2
Subject: Substitute Consent your ref no ACP- 323037-25 , McCaffrey's Quarry
Attachments: Report to ACP Under S177I.doc

From: planning enforcement <planningenforcement@Donegalcoco.ie>
Sent: Monday, October 13, 2025 3:01 PM
To: communications <communications@pleanala.ie>
Cc: ROISIN KELLY <rkelly@donegalcoco.ie>
Subject: Re: Substitute Consent your ref no ACP- 323037-25 , McCaffrey's Quarry

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Dear Sir /Madam,

Re: Substitute Consent your ref no ACP- 323037-25 , McCaffreys Quarry

I refer to your letter dated 8th October 2025 and received by this Authority on 9th October.
Find attached report from Planning Authority required under section 177I of Planning and Development Act, (as amended) for application under consideration by An Coimisiún Pleanála.

Kind regards,

Roisin Kelly
A/Senior Executive Planner.

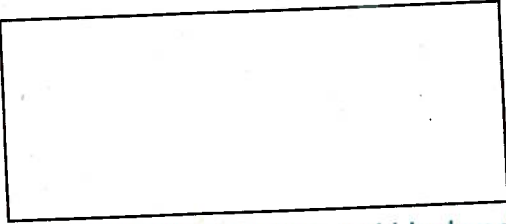
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**Planning Enforcement Unit
Donegal County Council**



**Comhairle Contae
Dhún na nGall**
Donegal County Council


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Má fhaigheann tú an ríomhphost seo lasmuigh de na gnáthuaireanta oibre, ní bheidh mé ag súil le freagra ná gníomh lasmuigh de d'uaireanta oibre féin.

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RE: Application for Substitute Consent – An Coimisiun Pleanala ref 323037-25.

Purpose of Report

An application for substitute consent has been submitted by Patrick Mc Caffrey & Sons Ltd. An Coimisiun Pleanala received this application on 14.7.25. It is noted that the application states that this site has been a manufacturing facility since 2013 and no further extraction works, or works of any kind are proposed in the proposed 2025 Substitute Consent application.

This report has been prepared by Donegal County Council as required under Section 177I of the Planning and Development Act 2000, as amended. As directed by the Department of Environment, Community and Local Government's Circular Letter, PL 8/2013, this report sets out the relevant planning site history and development plan policy against which the quarry has been considered.

Please find report of Planning Authority under Section 177I of Planning and Development Act 2000 as amended in respect of the above application for substitute consent.

Planning History of the site:

Planning application reference numbers 07/21124 and 07/21125 refer to the site.

- 07/21124 – refers to permission sought for the construction of a quarry, the nature of the development is for the extraction of rock, which consists of drilling, blasting and haulage of rock.
- 07/21125 - refers to permission for retention of a quarry. The nature of the development is for the extraction of rock which consists of drilling blasting, loading of rock and haulage of rock.

The 2 no applications were lodged simultaneously, validated by the local authority and determined in conjunction with one another. Assessment determined that the combined area of both sites exceeded 5 hec and thereby the authority considered it reasonable to assess in accordance with Article 103 (3), Schedule 7, Planning and Development regulations, 2001 (as amended) as to if the combined proposals would or would not be likely to have significant effects on the environment. The Planning authority concluded that the proposed developments would be likely to have significant effects of the environment and were required to submit an EIS. The two applications remained undetermined as no further documentation either an EIS or revised notices were received.

Commencement of quarry operations

The Section 261 Registration application received by the Council on 5th April 2005 and assessed in 2012 or 2013. The council deemed the overall quarry as a pre1963 quarry.

- EUQY01 refers to quarry registration ref number for this quarry.
- ABP Ref. SU0128 refers to an application for substitute consent lodged by Patrick mc Caffrey and Sons Ltd in 2014, for a quarry. This application was dismissed in 2017.

- S.5 1902 refers to a Section 5 case as to whether the ongoing quarrying and ancillary activities is development. This case it would appear is undetermined.

b. Enforcement cases relating to the site:

- UDDL 0526 – Unauthorised development case for quarrying without planning permission, at Ballymagroarty, Ballintra, Co Donegal. This site was the subject of an Injunction served on Patrick Mc Caffreys and Sons Ltd. Following a detailed process of working with the developer to resolve the issues it was concluded and case closed 18.8.16.
- UD1740 – a complaint was received that blasting was taking place in quarry at Patrick Mc Caffreys quarry Ballintra, without the benefit of planning permission. Following investigation it was ascertained that no blasting was occurring on lands outside of the pre1963 quarry. It was concluded that no unauthorized activity was taking place and the case was closed on 17/10/17.
- UD1957 – This case was opened on foot of the receipt of a complaint that following the decision of ABP on ? this quarry now remained unauthorised development. This submission was also referred as an Freedom of information case given that the consultants acting on behalf of the complainant sought all documents in relation to this case.

Relevant Development Plan Policy Framework.

County Donegal Development Plan 2024-2030.

Chapter 6 – Housing.

The site the subject of the application for S.C is located in a rural area outside any designated town or village settlement framework within County Donegal Development Plan 2024-2030. The subject site is located within an area designated as 'Structurally Weak Rural Area', for the purpose of rural housing policy RH P3 applies.

Chapter 8 – Infrastructure.

8.1 Transport

The relevant policies in relation to Transportation as set out in section as follows:

Policies T-P-10, T-P-11, T-P-12 (pls note this policy is currently the subject of Ministerial Direction), T-P-15, T-P-15A & T-P-15D, cumulatively seek to control development which would be prejudicial to the implementation of a transport scheme, ensure new developments comply with Development and Technical Standards set out in Chapter 10, control new access points / intensification onto National Road / Strategic Roads network.

8.2 Water and Wastewater Infrastructure

The relevant policies in relation to water, environment services and protection are set out in section 8.2.2. and policies WW-P-2, WW-P3, WW-P4 cumulatively seek to protect the environment, groundwater, quality of water, manage development proposals from risk of major accidents through controlling development.

8.4 Flooding

The relevant policies in relation to flooding are set out in section 8.4.4 of Chapter 8 as follows:

Policies F-P-1 - F-P-4 cumulatively seek to ensure that development proposals comply with 'The Planning System and Flood Risk Management - Guidelines for Planning Authorities', November 2009, DoEHLG and to assess / manage and control developments within flood plains or flood risk areas utilising the precautionary principal and or sequential test.

It is noted that the existing site is not located with a floodplain or flood risk area and does not give rise to any flooding concerns.

Chapter 11 – Natural, Built and Archaeological Heritage

The site the subject of the application for S.C is located in a rural area outside any designated town or village settlement framework within County Donegal Development Plan 2024-2030. The subject site is located within an area designated as 'Structurally Weak Rural Area', for the purpose of rural housing policy RH P3 applies.

The subject site is not located within or adjoining any sites of Special Protection Areas, Natural Heritage Areas or areas of Especially High Scenic Amenity.

Section 11.1 Biodiversity

In terms of designated European Natura 2000 Sites, Policy BIO-P-1 of the CDDP 2024-2030 states 'To require all developments to comply with the requirements of the EU Habitats Directive and EU Bird Directive, including ensuring that development proposals: a. Do not adversely affect the integrity of any European/Natura 2000 site (i.e. Special Areas of Conservation and Special Protection Areas) including effects on ex-situ but functionally linked habitats, and species (e.g. Pearl Mussel) save where a plan must be carried out for imperative reasons of overriding public interest (IROPI). b. Provide for the protection of animal and plant species listed in Annex IV of the EU Habitats Directive. c. Manage features of the landscape (such as rivers, riverbanks, field boundaries, ponds and small woods) which are of major importance for wild fauna and flora and the ecological coherence of the Natura 2000 network....'.

Ensure that all developments seek to conserve/protect the qualifying interests of Ramsar Sites, Nature Reserves, Natural Heritage Areas (NHA), proposed Natural Heritage Areas (pNHA), the Cró na mBroanán Red Grouse Sanctuary and any species protected under the Wildlife Act save to the extent necessary to provide for strategic infrastructure projects including but not restricted to the TEN-T Priority Route Improvement Project, Donegal, the Bridgend to County border project scheme, the Buncrana Inner Relief Road and Greenways, subject to such projects being in accordance with all relevant statutory and regulatory provisions. Otherwise, where no statutory or regulatory provisions apply this policy will be implemented by the Council

in so far as same can be practicably and reasonably achieved within the context of such projects.

BIO-P-3

- a. Protect features of local biodiversity value (e.g. hedgerows/field boundaries, trees, woodlands, wetlands, water bodies, riverbanks and peatlands) which make a significant contribution to the biodiversity, biodiversity/ecosystem services, ecological connectivity, and associated visual amenity and/or rural character of the area.
- b. Require that developments otherwise maximise the retention of and suitably integrate such features and provide new ecological corridors where appropriate. In this regard proposals for the removal of existing roadside hedgerows/field boundaries for new developments in rural areas will only be permitted in so far as is necessary to safeguard public safety and any remaining portion of those features identified above not so required shall be retained.
- c. Require that development proposals provide biodiversity enhancement measures (e.g. native tree and hedgerow planting, and nature-based water management solutions).
- d. Require that large-scale developments result in no net biodiversity loss and include a site-specific comprehensive Biodiversity Management Plan (BMP), as part of any planning proposal.

BIO-P-4 sets out to 'Ensure that any development proposals do not lead to the introduction or spread of invasive species. Where invasive species are present, development proposals will be required to submit an appropriate control and management programme for the particular invasive species as part of the planning process and to comply with the provisions of the European Communities Birds and Habitats Regulations 2011 (S.I. 477/2011).

BIO-P-5

- a. Ensure that new developments do not have a significant adverse impact on pollinator habitat and species, including protecting rare pollinators and maximizing the retention of habitats and providing biodiversity enhancement within development proposal where feasible.
- b. Require native pollinator friendly planting and management regimes as part of planting/landscaping schemes for new public development including green infrastructure, large scale residential and transport development.
- c. Manage road verges to enhance biodiversity in accordance with the All-Ireland Pollinator Plan.

Chapter 11 : Section.11.2 Landscape

The Plan identifies three separate Landscape Classifications for the county, these are illustrated on map 11.1 in the Plan. The site falls within an area designated as Areas of High Scenic Amenity (HAS) categorised as follows:

Areas of High Scenic Amenity (HSA): *These are landscapes of significant aesthetic, cultural, heritage and environmental quality that are unique to their locality and form a fundamental element of the landscape and identity of County Donegal. These areas have the capacity to absorb sensitively located development of scale, design and use that will enable assimilation into the receiving landscape and which does not detract from the quality of the landscape,*

subject to compliance with all other objectives and policies of the plan

Policy - L-P-2 To protect areas identified as 'High Scenic Amenity' and 'Moderate Scenic Amenity' on Map 11.1 'Scenic Amenity'. Within these areas, only development of a nature, location and scale that integrates with, and reflects the character and amenity of the landscape may be considered, subject to compliance with other relevant policies of the Plan.

Chapter 16 - Development and Technical Standards

Part 10.5 thereof deals with Industrial and Commercial Development. It is the stated aim of the Council: "To ensure the orderly and sustainable development of the County through the setting out of objectives and standards for the management of development".

Industrial And Commercial Development

Chapter 16 states that all industrial and commercial development proposals shall be subject to environmental and all other planning considerations and shall be located and designed in accordance with NRA, DMRB, EPA Guidelines and Standards and any such future publications.

- Landscaping and in appropriate cases, buffer zones between different uses will be required to be provided. Developers shall provide effective screening from the public road or residential areas, where appropriate.
- All service areas shall be located entirely within the curtilage of the site with adequate manoeuvring space and a suitable means of access to the public road being provided.
- All waste materials shall be stored to the rear of buildings in environmentally safe conditions and shall be screened from public view.
- All waste shall be stored in such a manner so as to ensure runoff shall not seep into surface water drainage system.
- All runoff from bunded areas shall be collected and disposed off separately from surface water drainage.
- All fuel connection points or similar discharge points shall be rollover bunded. All ducting (public and private) shall be designed and installed in accordance with 'Recommendations for Underground Telecommunications Cable Works - For Road, Commercial and Residential Schemes'. DCNR

Please note that should a favourable decision be forthcoming conditions that will address the aforementioned requirements should be attached to any consent. These conditions would deal with landscaping, buffers and screening (section 10.5.2.), suitable storage of all waste material (section 10.5.4. & 10.5.5.), separate collection and disposal of all runoff from bunded areas (section 10.5.6.), fuel connection / discharge points shall be rollover bunded (section 10.5.7).

Donegal County Council's Opinion:

The opinion of the Planning Authority as to whether or not substitute consent should be granted is not known at this stage as it is subject to further considered assessment of all relevant guidelines and documents submitted in support of the application. At this stage it is the Planning authority's opinion that if the application complies with the following , Donegal County Council have no objection in principle to consent being granted:

- National Planning Framework – 'Project Ireland 2040' (National Policy Objective 23)
- Regional Spatial and Economic Strategy for the Northern and Western Regional Assembly (2020). Provides a high-level development framework for the Northern and Western Region that supports the implementation of the NPF.
- DEHLG Quarries and Ancillary Activities - Guidelines for Planning Authorities 2004
- EPA Environmental Management Guidelines – Environmental Management in the Extractive Industry 2006
- Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora
- the provisions of the Planning and Development Act, 2000, as amended, and in particular Part XA, the provisions of the Planning and Development Regulations, 2001, as amended,
- the remedial Environmental Impact Assessment Report and the remedial Natura impact statement submitted with the application for substitute consent, and supporting documentation.

The conditions (non-exhausted list) ,if any, that should be attached to a grant of permission:

1. a. This permission authorises the operation of the quarry for a limited period of ? years only from the date of order, after which time the quarrying operations to cease unless in the meantime an additional limited permission has been granted by the Council for same.
- b. Quarry activity / areas to be excavated shall be restricted to the areas delineated in red on the plans and details submitted on ? save as hereinafter otherwise required.

Reason: To define the terms of the permission and to cater for orderly development.

2. a. A progressive restoration of exhausted areas and/or areas where quarrying operations have ceased shall proceed in accordance with a site restoration plan that shall be submitted to the Planning Authority for its approval, in writing within 6 months of the imposition of these conditions. This plan shall include the following:-
 - (i) the identification of all items of plant, machinery, scrap metal, stockpiles and waste material to be removed;
 - (ii) the identification of all areas to be levelled or graded;
 - (iii) the position of all quarry faces, together with details of measures to be used to ensure that all final faces are left in a safe and stable condition;

(iv) the identification of areas which are liable to flood, together with details of proposed measures to ensure public safety;

(v) details of additional landscaping/screening measures to be implemented; and

(vi) a timescale for the implementation of the restoration scheme of exhausted areas and/or areas where quarrying operations have ceased on a phased basis as the quarry progresses.

The restoration scheme shall be implemented in accordance with the approved plans and within the approved timescale. (In the event that agreement is not forthcoming on any issue the Planning Authority shall determine the appropriate restoration measures).

- b. In the event of the working of minerals ceasing, all building, plant and surface equipment shall be removed from the site and the final stage of restoration works shall be completed within 6 months of the termination of the permission or the exhaustion of the quarry, whichever is earlier.
- c. All restored surfaces shall be free from ponds and standing water and such drainage dykes and ditches as may be necessary to remove surface water shall be constructed.
- d. All existing topsoil removed in the course of working to be separately retained from waste material so that it can be readily spread evenly over exhausted dry areas or back filled waste material to the satisfaction of the Planning Authority.
- e. All sides of the excavation adjacent to land not required for quarrying operations shall be left with a slope not steeper than one vertical to three horizontal.

Reason: In order to facilitate reinstatement of the site and in the interests of visual amenity.

- 3 Quarrying and associated operations shall be confined to the hours of 0800 hours to 1800 hours Monday to Friday and 0800 hours to 1400 hours on Saturday and no quarrying operations shall be carried out outside these hours or on Sunday.

Reason: To protect the amenities of property in the vicinity.

- 4a. No oils or chemicals shall be discharged or allowed to discharge into surface or ground waters on site. Oil interception traps shall be provided on drainage lines serving areas where oil products are stored or used.
- b. All overground oil as other chemical storage tanks shall be adequately bunded to protect against spillage. Building shall be impermeable and capable of retaining drainage lines serving a volume equal to 1.5 times the capacity of the largest tank.

Reason: To preserve the amenities of the area.

- 5a. Noise levels emanating from the quarry and attributable to on-site operations shall not exceed 50 dB(a) when measured at any residential buildings.

- b. A noise survey shall be carried out on an annual basis in accordance with details to be agreed with the Planning Authority. Details of the noise survey shall be submitted to the Planning Authority upon completion.

Reason: To cater for orderly development.

- 6a. Dust deposition shall not exceed 350mg/m²/day when measured at the site boundaries and averaged over 30 days. Monitoring is to be carried out using Bergerhoff Gauges.
- b. A dust monitoring programme should be commenced and maintained by the operator of the site. Details of the dust monitoring and reporting programme and locations of dust monitoring equipment is to be agreed with the Environment Section of Donegal County Council within 3 months of permission being granted.
- c. Monitoring results in written format are to be submitted in writing to the Planning Authority and to the Environment Section of Donegal County Council at the Central Laboratory, The Kube, Magheranan, Letterkenny.
- d. All vehicles carrying rock, stone, sand or gravel from the quarry shall pass through a vehicle wheel wash and water sprinkling system details of which shall be agreed with the Planning Authority. Signs shall be erected on site indicating this requirement. All vehicles used for carrying matter from the site shall be fitted with tailboards or other similar devices to prevent spillages onto the public road.
- e. Any spillages on the public road shall be removed and the road cleaned by the site operator.
- f. The site operator shall, during dry weather, spray the access road when this becomes dusty as a result of site activities and haulage.
- g. The internal site roadways shall be maintained in a dampened condition and should be sprayed as required and at least twice weekly during periods of drought.

Reason: To limit the amount of dust generation onto the public road and to protect the amenities of the residential properties in the area.

- 7 All surface water flowing across the quarry area and all waters contaminated by the quarrying operations shall be discharged to settling ponds prior to discharge to the stream at the south-eastern boundary of the site.

Reason: To cater for orderly development.

- 8a. Permanent visibility splays shall be provided in accordance with NRA DMRB standards at the junction of the access lane and the National Primary (N15).
- b. Entrance radii at the junction of the access lane and the National Primary shall be in accordance with the National Roads Authority, Design Manual for Roads and Bridges NRA (DMRB) and the set back distance of the gates/barrier from the road edge shall be a minimum of 20m.

Reason: In the interests of traffic safety.

- 9 No surface water from site shall be permitted to discharge to public road and applicant shall take steps to ensure that no public road water discharges onto site.

Reason: To prevent flooding.

- 10 No other development, whether or not "exempted development" shall be carried out within the site without prior written agreement of the Planning Authority.

Reason: To cater for orderly development.

- 11 No signs, symbols or other means of advertisement shall be erected or posted on site without prior written agreement of the Planning Authority.

Reason: To cater for orderly development.

- 12 Within a period of 6 months from the date of imposition of this condition, the developer shall provide adequate security to the Council to ensure compliance with conditions.

(a) A Bond of a Banking or Insurance Company acceptable to the Council in an approved form; or

(b) A Cash Deposit; or

(c) Such other security as the Council may approve -

in the sum monies to be agreed in writing with the Planning Authority.

Reason: To ensure satisfactory completion of the development.