



Joe Bonner BA MRUP Dip Env Eng Dip Proj Mgt MIPI

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1

21st July 2022

Re: Application Substitute Consent

Ian Tinney, T/A Tinney's Quarry, Trentaghmucklagh, St Johnstown, Co. Donegal

Dear Secretary,

This application for Substitute Consent is submitted on behalf of Ian Tinney, Trentaghmucklagh, St Johnstown, Co. Donegal who is the owner and operators of the quarry known as Tinney's Quarry also with an address at Trentaghmucklagh, St Johnstown, Co. Donegal and is submitted following from the decision of An Bord Pleanála to grant leave to apply for substitute consent in November 2021. A second but separate quarry lies immediately adjacent to the east of the quarry.

Please find enclosed a cheque for the application fee in the sum of €3850 made payable to An Bord Pleanála as well as the following

- Application Form
- Remedial EIAR
- Remedial NIS
- Site Location Map
- Site layout Plan
- Site Sections
- Drawing showing existing site office and weighbridge and proposed wheelwash (for information purposes)

The planning policy context and description of the development are set out in section 4 of the rEIAR so are not repeated here. The following paragraphs address the case for exceptional circumstances which are the same as in the original application for leave to apply for substitute consent submitted and granted under board reference LS05E.310041.

1.0 Board decision in respect of application for leave to apply for substitute consent

In granting leave to apply for substitute consent, the Board set out the following reasons and considerations:-

the Board examined whether or not exceptional circumstances exist such that it would be appropriate to allow the opportunity for regularisation of the development by granting leave to apply for substitute consent.

In this regard, the Board considered that:

- i) this application for leave to apply for substitute consent has demonstrated that the regularisation of the quarry would not circumvent the purposes and objectives of the Environmental Impact Assessment Directive or of the Habitats Directive, because it would allow for the provision of information and an analysis of the likely significant environmental effects of the development and the effects of the development on the integrity of European sites,*
- ii) notwithstanding the submission of a substitute consent application (An Bord Pleanála reference number 05E.SU0010) inferring that the applicant acknowledged that there was no planning permission for the quarry, prior to receipt of the planning authority's enforcement notice under reference UD 2061 dated the 3rd day of July 2020, the applicant could reasonably have had a belief that the quarrying development that took place was not unauthorised, particularly as the planning authority had failed to take enforcement action following the initial registration of the quarry and as the retention of an access road to specifically serve the quarry had been granted by the planning authority in 2005 (Donegal County Council planning register reference number 04/6411),*
- iii) the ability to carry out an assessment of the environmental impacts of the development for the purpose of an Environmental Impact Assessment and to carry out an Appropriate Assessment has not been substantially impaired, and that public participation in such assessments has not been substantially impaired, and*
- iv) a remedial environmental impact assessment would allow for the remediation of actual or likely significant effects on the environment and a remedial Natura Impact Statement would allow for the remediation of any adverse effects on the integrity of a European site.*

Having regard to the foregoing, it is considered that exceptional circumstances do exist such that it would be appropriate to permit the opportunity for regularisation of the development by permitting an application for substitute consent in relation to the site outlined in this application.

The case made for exceptional circumstances in the application for leave to apply for Substitute consent is set out below and continues to apply, albeit that the rEIAR and rNIS have now been completed and form part of this application.

2.0 Exceptional Circumstances

Section 177D (2) of the Planning and Development Act 2000 (as amended) provides that: -

(2) In considering whether exceptional circumstances exist the Board shall have regard to the following matters:

(a) whether regularisation of the development concerned would circumvent the purpose and objectives of the Environmental Impact Assessment Directive or the Habitats Directive;

Response given in initial application for leave to apply for substitute consent

It is considered that the regularisation of the development at Tinney's Quarry concerned would not circumvent the purpose and objectives of either the EIA Directive or the Habitats Directive in that the applicant had previously commissioned the preparation of a Remedial Environmental Impact Statement and a Remedial Natura Impact Statement in accordance with both the EIA Directive and Habitats Directive as part of application made of Substitute Consent in accordance with S261A of the Planning and Development Act 2000 (as amended).

With respect to the remedial NIS, the Board Inspector was satisfied that subject to the *'settlement ponds being adequate to cater for storm events and the discharge rates are controlled, it is unlikely that significant untreated discharges will end up in the adjoining stream'* and went on to state that *'it is unlikely that such discharges would result in significant adverse impacts on the qualifying interests of the River Finn SAC'*.

In respect of the previous remedial EIS prepared in respect of Tinney's quarry, the Board inspector was critical of the quality of the document, which although commissioned by Mr. Tinney, was not prepared by Mr. Tinney. The Board did not actually refuse Substitute Consent on the basis that the quarry would circumvent the purpose and objectives of the Environmental Impact Assessment Directive or the Habitats Directive, but stated that: -

The Board is not satisfied that the information contained in the remedial Environmental Impact Statement and associated documentation on file is adequate to allow the Board to undertake an assessment of the effects of the development on the environment.

In the absence of completion of an Environmental Impact Assessment, it is considered that **the Board is precluded from giving further consideration to the granting of substitute consent for the development the subject of the application.**

In granting Substitute Consent for the immediately adjacent quarry SU0006, the Board concluded that: -

The Board completed an environmental impact assessment in relation to the subject development, and concluded that the development of the quarry, by itself and in cumulation with similar such development in the vicinity, did not have and would not be likely to have significant effects on the environment.

The cumulative impacts in respect of the adjacent quarry would have referred to Tinney's Quarry and as the application for Substitute Consent would include a new remedial EIAR and remedial NIS which would include a full and adequate assessment of effects of the development on the environment, including those matters outlined in the Board's S261A request for further information on 23rd March 2015 (Section 2.5.2 above), the applicant in attempting to regularise the development would not circumvent the purpose and objectives of the Environmental Impact Assessment Directive or Habitats Directive.

Additional Comments - July 2022

Following on the granting of leave to apply for substitute consent, the applicant has commissioned the preparation of a remedial EIAR and remedial NIS and both have comprehensively addressed the concerns previously expressed by the Board in 2013 in the inspectors assessment and the request for further information.

In granting leave to apply for Substitute Consent, the Board considered that: -

this application for leave to apply for substitute consent has demonstrated that the regularisation of the quarry would not circumvent the purposes and objectives of the Environmental Impact Assessment Directive or of the Habitats Directive, because it would allow for the provision of information and an analysis of the likely significant environmental effects of the development and the effects of the development on the integrity of European sites,

(b) whether the applicant had or could reasonably have had a belief that the development was not unauthorised;

Response given in initial application for leave to apply for substitute consent

The Board in this instance is merely required to determine whether or not sufficient exceptional circumstances exist in order to permit Tinney's Quarry to apply for Substitute Consent in accordance with the provisions of the Act. If the Board accept that exceptional circumstances do exist, it can evaluate the planning merits of the case in the subsequent application for substitute consent that will be prepared and submitted to the Board and will address the many concerns outlined in the previous S261A request for further information and Board Inspector's report.

The applicant in this case Ian Tinney of Tinney's Quarry has relied upon professional assistance and the

planning knowledge of the Planning Authority and An Bord Pleanala since the first application was submitted in 2004 in respect of the quarry related access and is not a planning expert. Therefore, any errors of omission or under provision of information to the Board, should not result in a disproportionate impact on Mr. Tinney's livelihood and family business.

In granting permission in 2004 for the revised vehicular access to the quarry, no indication was given to Mr. Tinney that any aspect of the quarry may be unauthorised, and when Donegal County Council registered the quarry in 2007, again no indications were given to Mr. Tinney that there was any element of unauthorised development at the quarry.

In the 2012 S261A review of the quarry Donegal County Council determined that the quarry has commenced prior to 1st October 1964 and the requirements in relation to registration under Section 261 were fulfilled and directed that an application be submitted for Substitute Consent.

Considering that no response was lodged with An Bord Pleanala in respect of the request for further information, Mr. Tinney was clearly not aware of the implications of failing to address the Board's concerns and it is now six years after the request was issued on 23rd March 2015, that the implication of the Board's previous decision have come to light for Mr. Tinney.

As none of Mr. Tinney's advisors involved in the quarry over the years seemed to have been aware of the planning status of the quarry, it is very reasonable to conclude that Mr. Tinney who is not a planning expert had a belief that the development was not unauthorised.

Two examples are provided below of how the board has addressed this issue in similar cases.

Precedent No 1 Belgard Quarry, Tallaght (PL06S.LS0025)

Even if the Board is to determine that Mr. Tinney could not reasonably have had a belief that the development was not unauthorised, there is a directly relevant precedent in the form of the Roadstone Belgard quarry at Tallaght, Dublin, where the Board granted leave to apply for Substitute Consent to Roadstone on a significantly larger site.

An earlier application submitted in respect of Roadstone Belgard (LS0002) was later renumbered LS0025 and the application type was revised to a S177(C) application, the same type of application as Tinney's Quarry.

The Board determined the application under S177 (D) where 'exceptional circumstances' had to be proven.

The Board Inspector who assessed the application did not agree with the argument forwarded by the applicant and recommended a refusal which stated: -

On the basis of the nature of the application made to the Board, its direct association with the determination made by South Dublin County Council for this quarry under section 261A of the Planning and Development Act 2000 (as amended), the decision of the applicant not to seek a review of the planning authority's determination when in receipt of the planning authority's reasons for its determination, and this application now culminating in a proposal to review the determination by the planning authority under section 261A of the Planning and Development Act 2000, as amended, it is considered that it would be inappropriate for the Board to consider the granting of leave to apply for substitute consent in such circumstances.

Notwithstanding the Inspectors reservations, on 21st December 2017 the Board granted leave to apply for substitute consent.

Board Decision

The Board decision stated: -

Decision GRANT leave to apply for substitute consent under section 177D of the Planning and Development Act 2000, as amended, 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

Having regard to section 177D of the Planning and Development Act, 2000, as amended, the Board considered that an environmental impact assessment is required, in the light of the scale and nature of the quarrying that has been carried out.

Furthermore, the Board examined whether or not exceptional circumstances exist such that it would be appropriate to allow the opportunity for regularisation of the development by permitting leave to make an application for substitute consent.

In this regard, the Board:

- considered that the regularisation of the development would not be likely to circumvent the purpose and objectives of the Environmental Impact Assessment Directive,*
- considered that the applicant could not reasonably have had a belief that the development was not unauthorised,*
- considered that the ability to carry out an Environmental Impact Assessment and for the public to*

participate in such an assessment has not been substantially impaired,

- considered the nature of the actual/likely significant effects on the environment resulting from the carrying out of the development,*
- considered that the applicant had carried out unauthorised development due to this extension of quarrying, but noted that no enforcement action had been taken by the planning authority to address such unauthorised quarrying on the site, and*
- considered that the actual or likely significant effects on the environment could be remediated;*

and the Board further considered the following relevant matter: -

- the fact that an application for substitute consent had been required by the Planning Authority under Section 261A of the Planning and Development Act, 2000, as amended, only in respect of that part of the expansion of the quarry that took place after 2000, despite the significant extent of quarrying that had occurred in the preceding decade and considered that it would be appropriate that applications to regularise the entirety of the quarry expansion that had taken place over the extended period concerned should be permitted so as to allow the Board to properly and fully examine the impacts on the environment of this quarry expansion.**

Taking all of the above into consideration, it is considered that exceptional circumstances exist such that it would be appropriate to permit the opportunity for regularisation of the development by permitting an application for substitute consent.

The similarities between Roadstone and Tinney's quarries are that they both were required to Submit applications for Substitute Consent under S261A, and there were deficiencies in both previous applications and to paraphrase the Board's conclusion in respect of Roadstone's application: -

it would be appropriate that an application to regularise the entirety of Tinney's quarry ...should be permitted so as to allow the Board to properly and fully examine the impacts on the environment of this quarry expansion.

It was because the original application submitted on behalf of Mr. Tinney's was deemed deficient that the Board never actually made a decision in respect of the S261A application for Substitute consent.

Therefore, it is considered that exceptional circumstances exist that should permit Tinney's Quarry to apply for Substitute Consent recognising that the matter of exceptional circumstances will be examined for a second time in that application and the onus will be on Mr. Tinney and his team of competent experts to address those circumstance for a second time.

Precedent No 2

Clonfinlough, Co Offaly (LS0033)

In a second precedent at in Offaly, the Board Order dated 8th January 2019, to Grant Leave to Apply for Substitute Consent stated that: -

The Board examined whether or not exceptional circumstances exist such that it would be appropriate to allow the opportunity for regularisation of the development by permitting leave to make an application for substitute consent.

In this regard the Board: -

- Considered that the applicant could not reasonably have had a belief that the quarrying development that took place after the 31st day of December, 2009 was not unauthorised, having regard to the terms and conditions of planning permission register reference number PL 2/03/191 (An Bord Pleanála reference number PL 19.205910).

Additional Comments - July 2022

In granting leave to apply for Substitute Consent, the Board considered that: -

- notwithstanding the submission of a substitute consent application (An Bord Pleanála reference number 05E.SU0010) inferring that the applicant acknowledged that there was no planning permission for the quarry, prior to receipt of the planning authority's enforcement notice under reference UD 2061 dated the 3rd day of July 2020, the applicant could reasonably have had a belief that the quarrying development that took place was not unauthorised, particularly as the planning authority had failed to take enforcement action following the initial registration of the quarry and as the retention of an access road to specifically serve the quarry had been granted by the planning authority in 2005 (Donegal County Council planning register reference number 04/6411),*

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Further to precedent No 1 at Belgard Quarry, Tallaght (PL06S.LS0025), an application was made for substitute consent in respect of the development subject of the application for leave to apply for substitute consent. The Inspector's Report noted the following, bearing in mind that Tinney's quarry is 9.9ha in area with an extraction area of 7.7ha: -

- The existing limestone quarry holding is c. 241.3 hectares in area.
- The existing extraction area is located in the northern half of the quarry site and comprises an area of approximately 56.3 hectares.
- A separate application for substitute consent, SU0061 comprising an area of 18.2ha of the extraction area is located immediately west of the substitute consent area subject to this application. The operations within the adjoining substitute consent area have comprised rock extraction only.

- There is an application to An Bord Pleanála, under section 37L of the Planning and Development Act, 2000 (as amended) for further development of quarry, continued use and extension by deepening of an area (18.2 ha) of overall quarry site to 5mOD concerning the same area to the west subject to substitute consent application SU0061.
- Substitute consent was sought for this quarry on 09th March 2018. The site comprises of an area of 33.6 hectares. The application is accompanied by a remedial Environmental Impact Assessment Report (rEIAR) – dated March 2018 and a by revised rEIAR dated June 2018.

It is evident that the scope o the Belgard developments are significantly greater than the operations at Tinney’s quarry or that of the adjoining quarry.

In granting substitute consent the Boards Reasons and Considerations stated: -

In making its decision the Board had regard, inter alia, to the following:

- (a) the provisions of the Planning and Development Act, 2000, as amended, and in particular Part XA,
- (b) the ‘Quarry and Ancillary Activities, Guidelines for Planning Authorities’ issued by the Department of the Environment, Heritage and Local Government in April, 2004,
- (c) the provisions of the South Dublin County Development Plan 2016-2022,
- (d) the remedial Environmental Impact Assessment Report submitted with the application for substitute consent and supporting documentation, and the submissions received from the applicant in response to the Section 132 notice from An Bord Pleanála on the 15th day of June 2018.
- (e) the report and the opinion of the planning authority under section 177I of the Planning and Development Act, 2000, as amended
- (f) the submissions/observations made in accordance with regulations made under section 177N of the Planning and Development Act 2000, as amended,
- (g) the decision of An Bord Pleanála to grant leave to apply for substitute consent under Section 177D of the Planning and Development Act 2000, as amended, under file reference number 06S.LS.0025 on the 21st day of December 2017,
- (h) the pattern of development in the area and the planning history of the subject site and adjoining lands,
- (i) the nature and scale of the development the subject of this application for substitute consent, and the nature and scale of the development the subject of an associated application for substitute consent on the adjoining portion of the overall lands, under An Bord Pleanála reference number 06S.SU.0061
- (j) the Inspector’s Report, including in relation to potential significant effects on the environment and on the integrity of European sites in the area

Environmental Impact Assessment

The Board considered the nature, scale and location of the subject development, the remedial Environmental Impact Assessment Report and the documentation submitted with the application generally. The Board considered that the Environmental Impact Assessment Report submitted with the application identified and described adequately the direct, cumulative and indirect effects on the environment of the development that had taken place. The Board considered that the Inspector's report was satisfactory in addressing the environmental effects of the development, agreed with the Inspector's conclusions in relation to the acceptability of mitigation measures and residual effects, and adopted his analysis and conclusions in this regard. The Board was therefore satisfied that, subject to compliance with the mitigation measures proposed, and subject to the conditions of this Order, the effects of the development that has taken place on the environment has been, and would be, acceptable

It is considered that the same principles apply to Tinney's quarry as is demonstrate in the rEIAR and rNIS and should any queries arise from either document, the applicant would appreciate the opportunity to address them by way of a Section 132 Notice.

(c) whether the ability to carry out an assessment of the environmental impacts of the development for the purpose of an environmental impact assessment or an appropriate assessment and to provide for public participation in such an assessment has been substantially impaired;

Response given in initial application for leave to apply for substitute consent

As stated in response to Section 177 C (2) (a) above, it is considered that the ability to carry out an assessment of the environmental impacts of the development has not been substantially impaired.

The applicant previously demonstrated the ability to carry out an assessment of environmental impacts of development for the purposes of a rEIS and rNIS in the previous application for Substitute Consent albeit the quality of the information was inadequate. Mr. Tinney was the one who suffered most out of this but does not mean that the matter cannot be rectified on this occasion and does not mean that the ultimate decision of the Board will be a grant of substitute consent.

The footprint of the quarry has not been increased since the s261A review in 2012 and the matters that were highlighted in the Board's S261A Request for further information and the Inspector's report can all be addressed in a new remedial EIAR and NIS.

In respect to public participation, if the applicant is granted leave to apply for Substitute Consent, then the

recently enacted provisions of the *Planning and Development, and Residential Tenancies, Act 2020 (27/2020)*, which amended the Planning and Development Act 2000 (as amended) will apply, in particular Section 177H

(1) which provides that: -

- 1) Any person (other than the applicant for substitute consent) or a planning authority may make submissions or observations (including submissions or observations as to the existence or absence of exceptional circumstances justifying a grant of substitute consent) to the Board in relation to an application for substitute consent, and any such submissions or observations shall be in writing.

If the Board permits Mr. Tinney to apply for Substitute Consent in this instance the ability of the public to participate in such an assessment will not be substantially impaired.

Additional Comments - July 2022

Following from the issuing of the grant of leave to apply for substitute consent, Mr. Tinney has commissioned the preparation of a remedial EIAR that address is all of the topics set in the EIA directive and addresses all of the points of further information that were previously requested by the board but not addressed while a remedial NIS has also being prepared and both documents are submitted as part of the application to the Board, in which the public will be given the opportunity to make submissions or observations in writing in respect of the quarry. Both the site and newspaper notices indicate that the public may make submissions or observations in writing in respect of the application, and may also inspect the application at the offices of the Board or the Planning Authority.

(d) the actual or likely significant effects on the environment or adverse effects on the integrity of a European site resulting from the carrying out or continuation of the development;

Response given in initial application for leave to apply for substitute consent

The Planning Officer's report prepared as part of the Section 261A review identified the characteristics of potential impacts and stated that: -

Having considered the nature of the proposal, the planning authority considers that the most likely significant impacts would be as follows: -

- 1. Impacts on human beings.*
- 2. Impacts on traffic flows and management.*
- 3. Impacts on the Visual Amenity & General Landscape Character of the area.*
- 4. Impact on Historical and Archaeological features.*
- 5. Noise and Vibration*
- 6. Soils and Geology*
- 7. Air and Climate*

8. Ecology

The Board must also take into consideration its conclusion in granting Substitute Consent to the immediately adjacent quarry in SU0006 which is summarised in Section 3.0 above, where the Board stated:-

The Board completed an environmental impact assessment in relation to the subject development, and concluded that the development of the quarry, by itself and in cumulation with similar such development in the vicinity, did not have and would not be likely to have significant effects on the environment.

The Board has deemed the cumulative impact that includes Tinney's Quarry should not have significant effects on the environment and this view should be the same in this instance.

With respect to the remedial NIS in Tinney's Quarry S261A application for Substitute Consent, the Board Inspector was satisfied that subject to the *'settlement ponds being adequate to cater for storm events and the discharge rates are controlled, it is unlikely that significant untreated discharges will end up in the adjoining stream'* and went on to state that *'it is unlikely that such discharges would result in significant adverse impacts on the qualifying interests of the River Finn SAC'*.

The Board decision did not raise any concerns in respect of the remedial NIS.

Additional Comments - July 2022

The rEIAR has been prepared using the following headings: -

- 1.0 Non-Technical Summary
- 2.0 Introduction
- 3.0 Consideration of Alternatives
- 4.0 Description of Development and Planning Policy Context
- 5.0 Population and Human Health
- 6.0 Biodiversity
- 7.0 Land, Soils & Geology
- 8.0 Water
- 9.0 Noise and Vibration
- 10.0 Air
- 11.0 Climate
- 12.0 Material Assets - Traffic
- 13.0 Material Assets – Site Services
- 14.0 Cultural Heritage
- 15.0 Landscape and Restoration

- 16.0 Interactions

We refer the Board to the environmental sections of the rEIAR that address environmental matters from section 5-16 inclusive. In addition to the above, the Board's request for further information and the matters raised in the Board Inspector's report of the S261A application, which are addressed in detail in the sections 2.5.2 and 2.5.3 above highlight the likely significant effects on the environment that must be assessed and Mr. Tinney is now well aware of those concerns that relate to the same site that has not increase in size since the S261A application was submitted.

(e) the extent to which significant effects on the environment or adverse effects on the integrity of a European site can be remediated;

Response given in initial application for leave to apply for substitute consent

Again, I would refer the Board to the conclusions it reached in respect of the previous application for Substitute Consent in respect of the immediately adjacent quarry, where it was concluded that (a) in cumulation with similar such development in the vicinity, (the adjacent quarry) did not have and would not be likely to have significant effects on the environment.

I also refer the Board to the matters raised in the previous Inspector's report in respect of Tinney's Quarry (section 2.5.3 above) from which mitigation measures will emanate in a new remedial EIAR to demonstrate that Substitute Consent can be granted, like it was for the immediately adjacent quarry such that there will be no significant effects on the environment.

All of the identified matter of concern will be addressed comprehensively in a remedial EIAR prepared as part of the application for Substitute Consent and this subsection should not be a barrier to the Board permitting the applicant to submit an application for Substitute Consent.

Additional Comments - July 2022

No significant effects on the environment or adverse effects on the integrity of a European site were identified and we refer the Board to the individual sections of the rEIAR and rNIS for further details.

(f) whether the applicant has complied with previous planning permissions granted or has previously carried out an unauthorised development;

Response given in initial application for leave to apply for substitute consent

Under planning reg. ref. 04/6411 Donegal County Council granted for permission for the following

development: -

Retention for quarry entrance and access road and associated site works.

No applications for retention have been required to be made for development on this site.

Importantly, the site was registered under Section 261 and Mr. Tinney applied for Substitute Consent as required under S261A, albeit the Board decision was not an actual decision in the normal manner as it was deemed that the Board is precluded from giving further consideration to the granting of substitute consent for the development the subject of the application.

Granting consent to Mr. Tinney to apply again for Substitute consent will give the Board the opportunity to consider the application once more.

(g) such other matters as the Board considers relevant.

Response

The manner in which Mr. Tinney's previous application for Substitute Consent was handled on his behalf has left him at a considerable disadvantage which meant that the Board could not make a decision on the matter and the amendments to legislation regarding quarries means that if legislators and competent authorities have struggled, as High Court challenged to the quarry legislation have proven, then it is impossible that a common person, which for the purposes of this process includes Mr. Tinney, would be able to understand the legislation and for that reason Mr. Tinney should be given the opportunity to commission the preparation of a remedial EIAR and NIS and submit them to the Board as other quarry operators have been permitted to do.

The granting of leave to apply for Substitute Consent does not prejudice the later stages of the process and Substitute Consent would not provide consent to any future development on the lands.

Such an opportunity was provided to a much larger quarry at Roadstone, Belgard and Mr. Tinney should be afforded the same opportunity.

Additional Comments - July 2022

Having been granted leave to apply for substitute consent we refer to the Board to the remedial EIAR and remedial NIS.

3.0 Conclusions

Substitute Consent applies only to the past and not the future and the area that will be subject to this application is smaller in area than that considered in the previous application for Substitute Consent under S261A. Based on the information submitted above it is considered that exceptional circumstances continue to

exist in the case of Tinney's Quarry and it is therefore requested that the Board gives its full consideration the information provided in respect of this application for Substitute Consent.

If Substitute Consent is granted, it will only regularise the previous development carried out and save with the exception of taking of remedial measures, would not allow for continuing or future development of the quarry.

Any such continuing or future development would require separate planning permission to be obtained following the granting of substitute consent.

We look forward to hearing from the Board in relation to this matter.

Yours Sincerely,

A handwritten signature in black ink that reads "Joe Bonner". The signature is written in a cursive, slightly slanted style.

Joe Bonner