

File With _____

SECTION 131 FORM

Appeal NO: ABP - 315708-23Defer Re O/H ☐

Having considered the contents of the submission dated received 15/03/24
 from Agent

for Applicant I recommend that section 131 of the Planning and Development Act, 2000

be not be invoked at this stage for the following reason(s): New information received
Board to advise.

E.O.: Laura Grady LawlorDate: 26/03/24

For further consideration by SEO/SAO

Section 131 not to be invoked at this stage. ☐Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

M _____

Please prepare BP 70 - Section 131 notice enclosing a copy of the attached
 submission

to: All parties Task No: 383306-24Allow 2(3/4) weeks – BP 70EO: Laura Grady LawlorDate: 08/05/24AA: Paul DwyerDate: 08/05/24

File With _____

CORRESPONDENCE FORM

Appeal No: ABP-315708-23

M _____

Please treat correspondence received on 15/03/24 as follows:

1. Update database with new agent for Applicant/Appellant _____	
2. Acknowledge with BP 23	1. RETURN TO SENDER with BP _____
3. Keep copy of Board's Letter <input type="checkbox"/>	2. Keep Envelope: <input type="checkbox"/>
	3. Keep Copy of Board's letter <input type="checkbox"/>

Amendments/Comments
- Applicant's response to S.132 Notice received by email.

4. Attach to file (a) R/S <input type="checkbox"/> (d) Screening <input type="checkbox"/> (b) GIS Processing <input type="checkbox"/> (e) Inspectorate <input type="checkbox"/> (c) Processing <input type="checkbox"/>	RETURN TO EO <input checked="" type="checkbox"/> Laura G.
---	--

	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: Laura Goady Lawlor	AA: Fadime Khatipova
Date: 26/03/24	Date: 27/03/24

Karen Byrne

From: Ronan Woods <ronan@genesisplanning.co.uk>
Sent: Friday 15 March 2024 16:27
To: Appeals2; Bord
Subject: Appeal 315708-23
Attachments: Cover letter (315708-23).pdf

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Hi

Please find attached responses & additional information to address letter from An Bord Pleanala dated 15th December 2023

A hard copy is also posted today

Regards,

Ronan Woods/Director
Genesis Planning Consultants

E: ronan@genesisplanning.co.uk
W: www.genesisplanning.co.uk

T: 02830493001 (NI)
A: Dean Swift Building, Armagh Business Park, Hamiltonsbawn Road, Armagh, BT60 1HW
T: 045 571 862 (ROI)

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AN BORD PLEANÁLA	
15 MAR 2024	
LTR DATED _____	FROM _____
LDG- _____	
ABP- _____	315708-23

An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

15th March 2024

By: E Copy & Hard Copy

Your reference: 315708-23
Planning reference: 2250933, Donegal County Council

Dear Sir/Madam,

On behalf of the applicant, Patrick Bonar, please find attached additional information that addresses matters raised in letter dated 15th December 2023.

For conciseness we summarise how each item is addressed below.

Point 1: The alleged dumping of waste

Response: This is addressed in the cover letter (appendix 1) by Michael Friel and the accompanying receipts which confirm waste was removed from the site in 2015.

Point 2: Groundwater flow volumes

Response: This is addressed in the cover letter by Greentrack Environmental Consultants in Appendix 2.

Point 3: Water discharge volumes

Response: This is addressed in the cover letter (appendix 1) by Michael Friel.

Point 4: Site restoration plan & water management proposals

Response: This is addressed in the cover letter (appendix 1) by Michael Friel.

Office UK: Dean Swift Building, Armagh Business Park,
Hamiltonsbawn Road, Armagh, BT60 1HW
Email: info@genesisplanning.co.uk

Tel: (+44) 28 30493 001
Tel: (+353) 45 571 682

Point 5: Road access improvements proposals

Response: This is addressed in both the cover letter by Michael Friel (appendix 1) and the drawings in appendix 4; specifically drawing sheets 19280-09 (site layout), 19280-10 (site layout), 19280-21 (site sections), 19280-23 (realignment of junction at R236-6) & 19280-24 (passing bay road improvement layout) & site location drawing.

We also enclose a letter of consent from the land-owner to facilitate these works. (Appendix 4)

Point 6: Operational matters and sump

Response: This is addressed in the cover letter (appendix 1) by Michael Friel.

Point 7: Processing plant

Response: This is addressed in the cover letter (appendix 1) by Michael Friel.

To conclude as the Board will note appropriate sites for rock extraction are finite and this site is ideal for quarrying operations to recommence

In the context of enclosures and application particulars we trust all is in order for a grant of permission.

Yours sincerely,



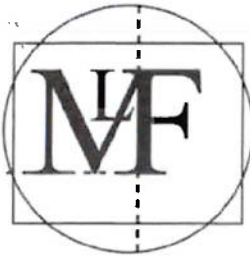
Ronan Woods
Director

Enclosures

- Appendix 1 Cover letter & statement of response from Michael Friel, Architects & Surveyors
- Appendix 2 Cover letter from Greentrack Environmental Consultants
- Appendix 3 Photos of site
- Appendix 4 Drawing sheets drawing sheets 19280-09 (site layout), 19280-10 (site layout), 19280-21 (site sections), 19280-23 (realignment of junction at R236-6) & 19280-24 (passing bay road improvement layout) & site location drawing

We also enclose a letter of consent from the land-owner to facilitate these works

- Appendix 1 Cover letter & statement of response from Michael Friel, Architects & Surveyors



MICHAEL FRIEL

ARCHITECTS & SURVEYORS LTD.

CREESLOUGH,
Co. DONEGAL, F92 TF60.

PHONE: 074 91 38814
MOBILE: 087 286 9658
EMAIL: michael@mfielarchitects.ie

Response to Appeal made;

Case No: ABP-315708-23

Planning Authority Reference No: 22/50933

Applicant Name: Patrick Bonar

Development Description: Demolition of existing concrete structure and quarrying of 5.37 hectares which will be subject to extraction and processing of rock through drilling, blasting, crushing and screening and all associated ancillary facilities/works over a 25 year period. An environmental impact assessment report and Natura impact statement accompanies this application.

Location: Magherasolis and Craigs, Raphoe, Lifford, Co. Donegal.

A Chara,

I refer to correspondence received from An Bord Pleanála on the 15th of December 2023 in regards to the above application and to that regard, please see below and attached information which will assist in the making of a decision on this application. I can inform that the information contained below does not provide for a deviation or amendment to the information previously submitted with the application but merely clarifies the position for the benefit of the decision making process.

- **The alleged dumping of waste within the former Quarry has not been addressed in the Planning application or the EIAR. Please investigate this dumping in order to identify its contents and estimate its extent and volume. Measures for its remediation shall be proposed, including how the quality of water discharging from the site would be safeguarded during remediation:**

Response:

Historical dumping took place at the site prior to 2015, when the facility was in the ownership of Donegal County Council. The materials were made up of household waste as well as tyres, grass cuttings etc. Discussions were ongoing between Donegal County Council and the Magee family who farm the lands adjacent to the Quarry facility in regards to the Magee's purchasing the lands from the Council. As part of these discussions the Council insisted that prior to the site being sold to the Magee family that the rubbish which was dumped by members of the local Community would be taken from the site to a registered

waste facility so that the site would be clean and that no hazardous or any other type of waste would be present on the site. I am in a position to provide 2 No. receipts for 4 No. skips of rubbish which were removed from the site and taken to a facility which is operated by DM waste at Labbadish, Letterkenny. This material was removed in 2015, therefore when this and the previous application was made there was no rubbish present on the site. The ecologist would not have been aware of any rubbish which had previously been on the site, therefore it is not contained within the application or the EIAR as the material had been removed up to five years prior to the site first being visited by the Ecological team who were engaged by Patrick Bonar. Access to the site is now closed off through the erection of gates along the roadway.

We are happy that if permission is granted for this application that a condition be inserted in any grant of permission which would see a visit taking place by the Environment Section of the Council to ensure that no waste is in place prior to any works taking place at the site, this visit can verify that no waste is present on the site prior to any works taking place.

- **Sections 8.4.10 and 8.6.2.2 of the EIAR address groundwater in conjunction with the preferential flow within the former Quarry. Please clarify the basis for the calculation/estimation of the volume of groundwater within this flow at present and under the proposed quarry.**

Response:

I have attached with the response an addendum report from Greentrack Environmental Consultants who set out the basis for the calculations/estimation of the groundwater volumes currently and the projected volumes if the proposed quarry goes to operational phase.

- **Please state the volumes of water that would discharge from the water management proposals into the land drain under normal and storm surge scenarios. Provide details of this drain, i.e., exact position, specification and condition, and demonstrate its adequacy to receive the envisaged discharge.**

Response:

A response to this point has been formulated by Greentrack Environmental Consultants and is included with this response by way of an attachment and deals with the normal and storm surge scenarios. I have also included a cross section of the drain for your perusal which shows the adequacy of same.

- **Please clarify how, under the site restoration plan, water would drain from lowered quarry floor to the "original" drainage system, i.e., the one that would pre-date the water management proposals**

Response:

When the Quarry has been exhausted and the restoration plan is being implemented it is proposed to allow for the Quarry floor to be flooded and it will

effectively act as a closed settlement pond for the body of water within it. There will be an outlet which will be located approximately 10m above the Quarry floor which will allow for water to flow into the existing drainage system when it reaches the level of the outlet. It is expected that the outfall from the water body will be quite small as there will be an amount of water which will escape through the quarry floor and remaining quarry faces. The drainage point will be via the existing drainage system where the water will be pumped to, from the Quarry floor during the operational phase of the Quarry. I have appended a site layout drawing which shows the location of the access to the drainage system which is also the point where the water collected from the Quarry floor, during the operational phase which will be collected in a sump will be pumped to this location.

- **Please clarify the improvements proposed for the means of access to the site, i.e., the local road and its onward extension into the site, by means of a detailed site survey plan and elucidating cross-sections. This plan and there cross-sections shall indicate how the means of access would be drained and the relationship between it and the land drain, which would receive the discharge from the site. Any removal of existing vegetation to improve forward visibility shall be specified, too.**

Response:

It is proposed to upgrade the road leading to the Quarry from the R-236 so as to ensure that the road is capable of dealing with the traffic which will be travelling to and from the Quarry as well as the existing traffic currently using the road. The upgrades will take the form of;

- Creating 4 No. lay bays along the road, which are long enough to facilitate an artic or rigid lorry pulling in and leaving the lay by again. The open drain will be piped at these locations using a twin wall 450mm pipe and stone will be placed on top of the pipe, compacted and a 50mm layer of stone mastic asphalt (SMA) will be laid before being finished with a layer of tar and chips which will be 10 mm stone interwoven with a 6mm stone to give grip and ensure the surface stays together for a longer period. Trees and hedges, common to the immediate area will be planted at the extremity of the layby's so as to give screening and so as to ensure that the works when complete are in keeping with the existing natural look along the roadway. As agreed with the roads section of the council, the upkeep of this road will be the responsibility of the Quarry operator if permission is granted, it is expected that periodic inspections will take place by the Local Authorities roads section so that any works which are necessary are agreed in advance of them taking place over the course of the operational phase of the Quarry facility.
- Rock Armour will be placed at locations, most likely in the form of rock placed in gabion cages as outlined on the site layout drawing to ensure that the road does not subside or slip in any way, the locations of the Rock armour placement has been agreed during a site meeting with the local roads Engineer, Mr. Tommy Doherty & Mr. Michael Canning Rod design team member.

- We agreed with the roads service to carry out vertical road re-alignment which would see the dip on the road at the location of the road crossing (Drain) eradicated so as to provide for improved visibility over the crest. We have included by way of a cross section details of this improvement.
- There are improvements proposed at the road junction between the L-23749 and the R-236 which will involve widening the junction access and moving the junction to a location which is to the north east of the existing junction to provide adequate vision lines as per the layout which I have attached.

- **Please clarify the following proposed operational phase aspects of the proposal:**

a) The sump shown in phase 1 of the proposed quarry would be suspended in conjunction with the lowering of the quarry floor. Elucidate how this sump would remain operational during such lowering and demonstrate its compatibility with the maintenance of access to the proposed quarry.

- **Response:**

A sump will remain operational during all of the extraction phases; the sump will be located at the lowest part of the Quarry floor and will collect waters from the surrounding lands within the Quarry prior to being sent to be treated in the settlement ponds. The location of the sump is currently on the Quarry floor so the level of the Quarry is at a low level, the pumping mechanism used to pump from the sump to the primary lagoon will be a 4" submersible Pump which can be easily moved. When the floor is lowered at the location of the sump the sump will move to a location outside of the blast zone which will have been lowered in advance but within the general area of the proposed final sump area. I have attached a drawing which shows the location of the proposed 2nd sump which will only be in operation when the primary or final sump area is being excavated. This is generally accepted as being part of the continuous development of a Quarry whereby quarry floor levels change but a sump will remain operational within the lowest part of the Quarry floor to deal with surface and storm water.

b) Under the "Noise and Dust" Chapter of the EIAR, the processing plant is described as being static within zone 1, which would encompass Phase 1 of the proposed quarry. Elucidate how this plant would remain operational during the lowering of the quarry floor.

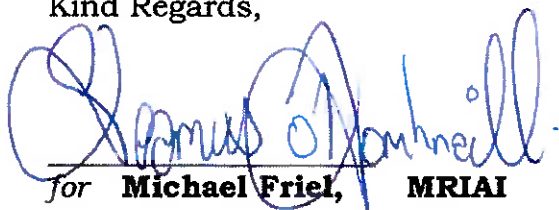
- **Response:**

It is proposed to use a mobile processing plant during the excavation stage within phase 1, when Phase 1 has been excavated to its finished point it is then proposed to take in static plant which will remain in place for the remainder of the excavations from Phase 2 through to Phase 5. This will allow the mobile plant made up of a crusher and screener to be moved within Phase 1 when excavations or blasting is taking place and the static plant will be taken

onto site when the blasting and excavations have ceased in Phase 1 and remain in place for the duration of the excavations.

I trust that the above and attached addresses the matters as raised in the correspondence which we received, however should you require any additional information, please don't hesitate to contact.

Kind Regards,


for **Michael Friel, MRIAI**

D&M Environmental Services Ltd.

2 x 8m skips D.M. Waste

42318

Refuse Collection, Skip Hire & Recycling

LABBADISH, LETTERKENNY, CO. DONEGAL

Telephone: 353 74 9157189 Fax 353 74 9157466

Email: info@dmwaste.com Web: www.dmwaste.com

RECEIVED WITH THANKS

Name *Mr Andrew Magee*

Address *Askefield Road*

Collection period to:

Sum of: *Inclusive of VAT 13^{1/2}%*

€280 - 00

Signed *[Signature]*

Date *03.05.15*

- Appendix 2 Cover letter from Greentrack Environmental Consultants

Planning Reference: 22/50933

ABP Reference: ABP-315708-23

Application:

Demolition of existing concrete structure and the quarrying of 5.37 hectares which will be subject to extraction and processing of rock through drilling, blasting, crushing and screening and all associated ancillary facilities/works over a 25 year period.

Appeal:

Greentrack compiled the Environmental Impact Assessment Report and Natura Impact Statement which accompanied the planning application. Some clarification on certain points have been requested by An Bord Pleanála to enable a full determination of the appeal.

- **Sections 8.4.10 and 8.6.2.2 of the EIAR address groundwater in conjunction with the preferential flow within the former Quarry. Please clarify the basis for the calculation/estimation of the volume of groundwater within this flow at present and under the proposed quarry.**

Greentrack Response:

A small but distinct flow was observed within the quarry void, along the base of the redundant southern faces, which fed into the overall flow leaving the void. This flow appeared to coincide with the geological contact between the hornfels and the metadolerite volcanic intrusive. Photograph 8.3 within section 8.4.14 shows the geological contact. Conductivity measurements (Section 8.4.14.1 in the EIAR) taken throughout the site would support the view that the quarry void outflow had a significant groundwater contribution. In addition the GSI description of the Raphoe Groundwater Body state that '*In the absence of inter-granular permeability, groundwater flow is expected to be concentrated in upper fractured and weathered zones*'. The geological contact between the hornfels and metadolerite represents a potential preferential flow path and appears to be evidenced in the field.

Section 8.4.10 of the EIAR contains a water balance estimation. One of the areas examined was the existing quarry void catchment and this outflow rate was measured periodically over the winter study period (October 2021 – March 2022). The outflow rate was observed to be higher than anticipated taking into account average Effective Rainfall for the quarry void catchment. The basis for the estimation of the volume of groundwater within this flow is the difference between the expected outflow rate and the observed outflow rate. 21 measurements of flow rate that were taken are presented in Appendix 8.2 of the EIAR and show three minimum values of 0.47 l/s, 0.54 l/s and 0.41 l/s. A crude estimate of 0.4 l/s was taken to be the baseflow of groundwater along the geological contact. The volume of flow is expected to increase proportionally with incident rainfall. The flow regime for this groundwater flow is not expected to change with the proposed quarry operation.

- **Please state the volumes of water that would discharge from the water management proposals into the land drain under normal and storm surge scenarios. Provide details of this drain, i.e., exact position, specification and condition, and demonstrate its adequacy to receive the envisaged discharge.**

Greentrack Response:

Under normal circumstances the estimated discharge from the water management proposals is estimated at approx. 3 l/sec. This is based on average rainfall and includes a 30% increase for climate change (Section 8.6.2.2 - 8.6.2.4 EIAR).

Storm surge discharge is estimated from a worst case scenario. As the project progresses there are plans to deepen the excavations and create temporary sumps near the working quarry deck. Water will be periodically pumped from the temporary sumps to the main quarry sump and then onwards for settlement treatment and attenuation. These temporary sumps will have an attenuation function in times of extreme rainfall where stormwater can be temporarily stored until pumped for treatment and discharge. Worst case scenario exists when these temporary sumps have not been created and stormwater from an extreme weather event requires treated and attenuated immediately. This situation exists in the early stages of Phase 1 where only the main sump, settlement tanks and wetland ponds have been created and are available to attenuate stormwater.

The one in 100-year 6-hour storm event for the site generates 51.8mm rainfall. Unattenuated this is equivalent to c. 60 l/sec discharge when no allowances are made for percolation or evapotranspiration. There is approximately 700mm freeboard available in each of the wetland ponds. The attenuation storage volume available in the wetland ponds is c. 1,131 m³ (Section 8.62 in the EIAR) and flow restriction devices on the outflows of the ponds will be restricted to 9 l/sec to utilise this attenuation volume in the case of a storm surge. The attenuation volume required for the one in 100-year storm event is c. 1,118 m³. There is adequate capacity in the wetland ponds to attenuate a storm surge associated with the one in 100-year 6-hour storm event.

The discharge from the water management proposals is likely to vary from 0.4 l/sec to 9 l/sec. The land drain that the water management system proposes to discharge to is broadly triangular in cross-section with a flattened base.

The approx. cross-sectional area of the channel is 0.605 m² at bankfull. At maximum discharge, the contribution from the proposed development to the channel dimensions would approximate 1.5 % of the available channel cross section at a nominal water velocity of 1 m/sec. The land drain is therefore shown to have sufficient carrying capacity for the discharge from the proposal.

- Appendix 3 Photos of site

Photos of the Quarry floor



Photo looking west across the Quarry floor

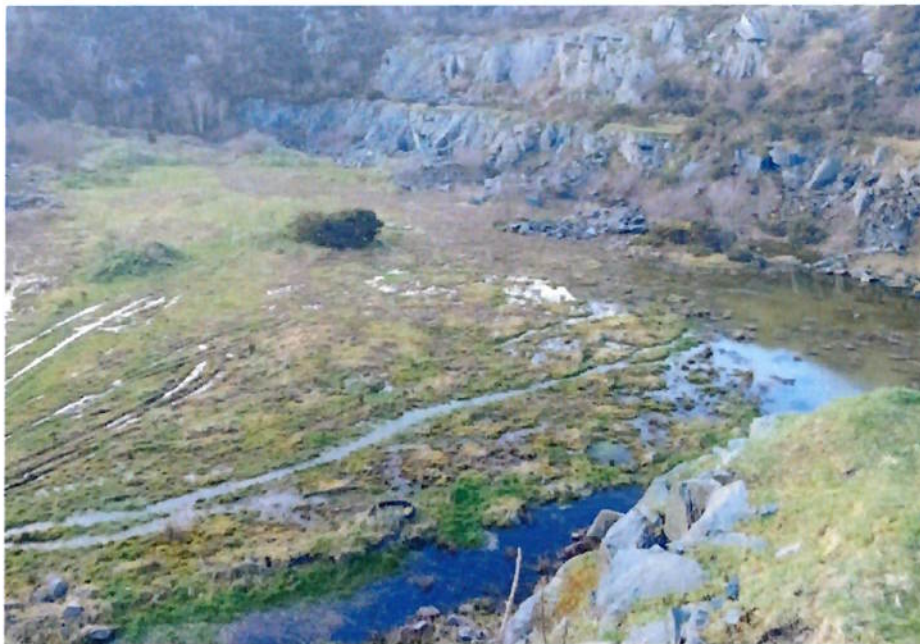


Photo looking north west across Quarry floor



Photo looking south east across the Quarry floor



Photo looking north across the Quarry floor



Photo looking south east across the Quarry floor

- Appendix 4 Drawing sheets drawing sheets 19280-09 (site layout), 19280-10 (site layout), 19280-21 (site sections), 19280-23 (realignment of junction at R236-6) & 19280-24 (passing bay road improvement layout) & site location drawing

We also enclose a letter of consent from the land-owner to facilitate these works

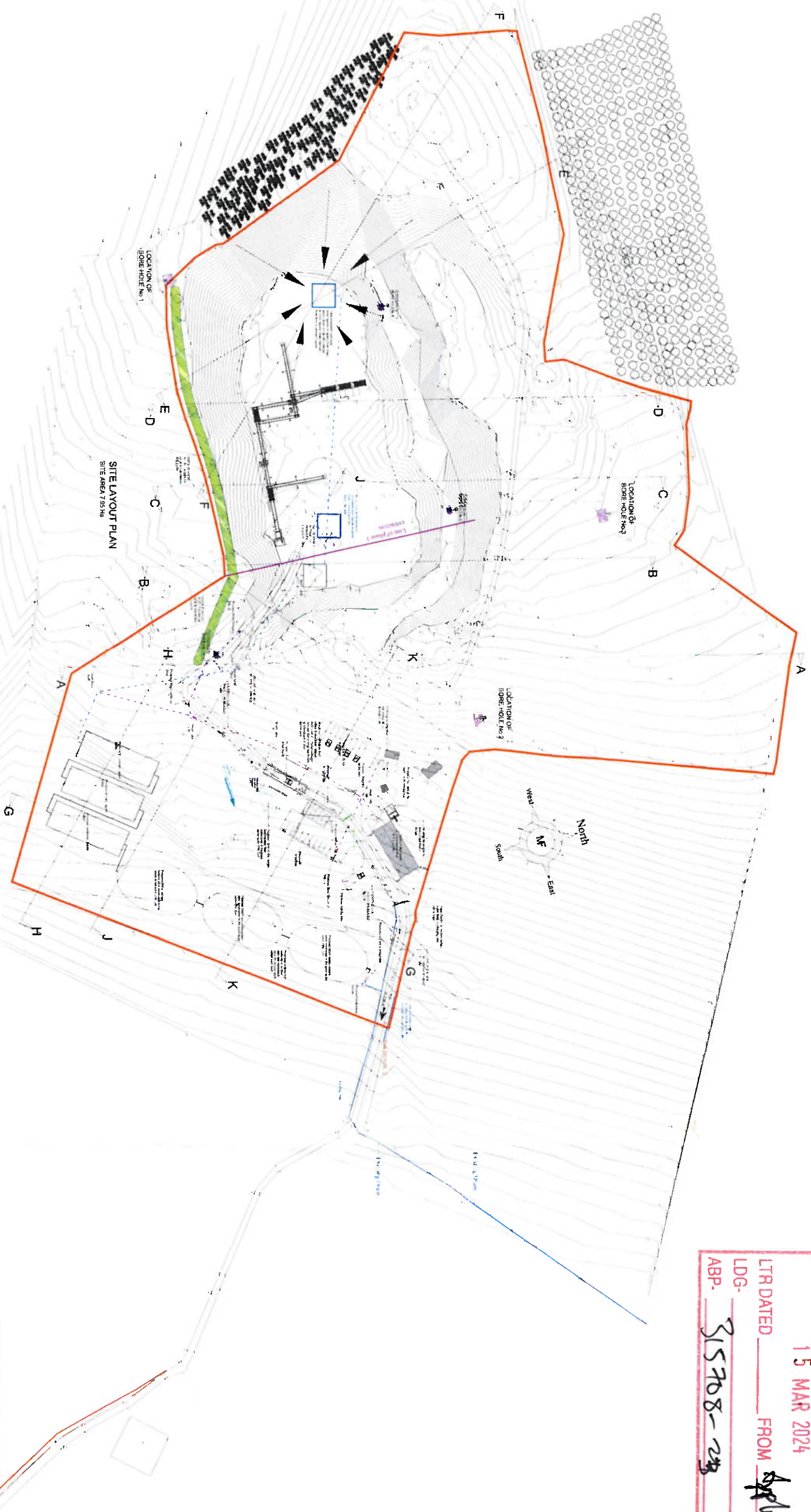
AN BORD PLEANÁLA

15 MAR 2024

LTR DATED FROM *Applied*

LDG-

ABP- *315708-23*



Job Title
PROPOSED QUARRY
AT
RAPHOE
CO DONEGAL

Client
BONNARS QUARRIES
CO DONEGAL

Drawing Title

GENERAL ARRANGEMENT DRAWING

Drawn By Scale 1:1000 Date Apr 2022

Job Number 19280 Dwg Number 09

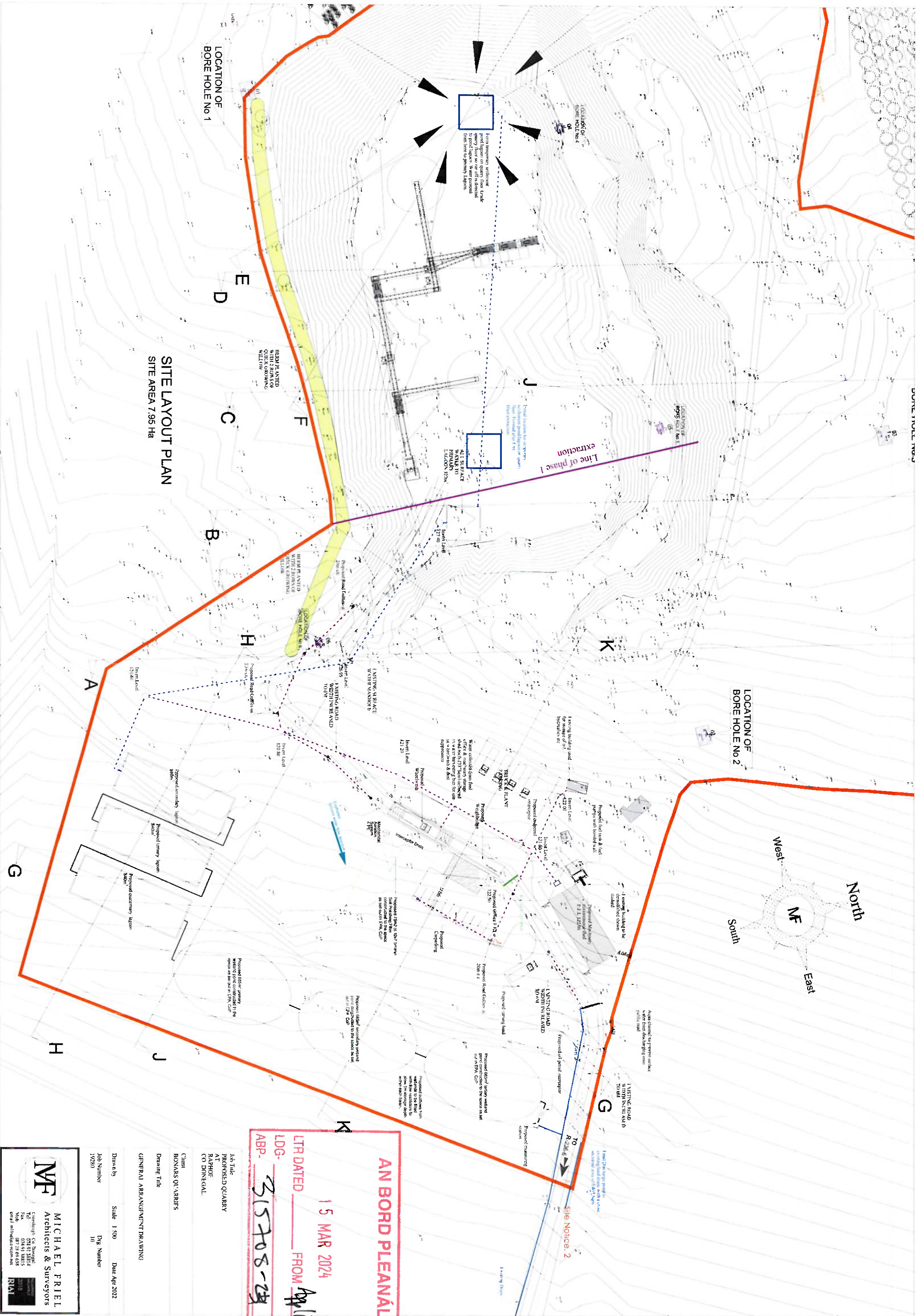


MICHAEL FRIEL
Architects & Surveyors

Castleknock, Co. Dublin
Tel: 074 91 18114
Fax: 074 91 18115
Mob: 087 23 69 658
Email: michael.friel@mf.ie



RAI



AN BORD PLEANÁLA

15 MAR 2024

LTR DATED FROM *Applied*

LDG- *315708-24*

ABP- *315708-24*

Job Title
PROPOSED QUARRY
AT
RAVHOE
CO DONEGAL

Client
BOXNARS QUARRIES

Drawing Title
GENERAL ARRANGEMENT DRAWING

Drawn by Scale 1:500 Date Apr 2022
Job Number Dwg Number
19280 10



MICHAEL FRIEL
Architects & Surveyors

Creeshing Co Donegal
Tel: 074 91 35814
Fax: 074 91 88435
Web: www.mf.ie
email: mfr@mf.ie

2018
RIA



Section J-J



Section G-G

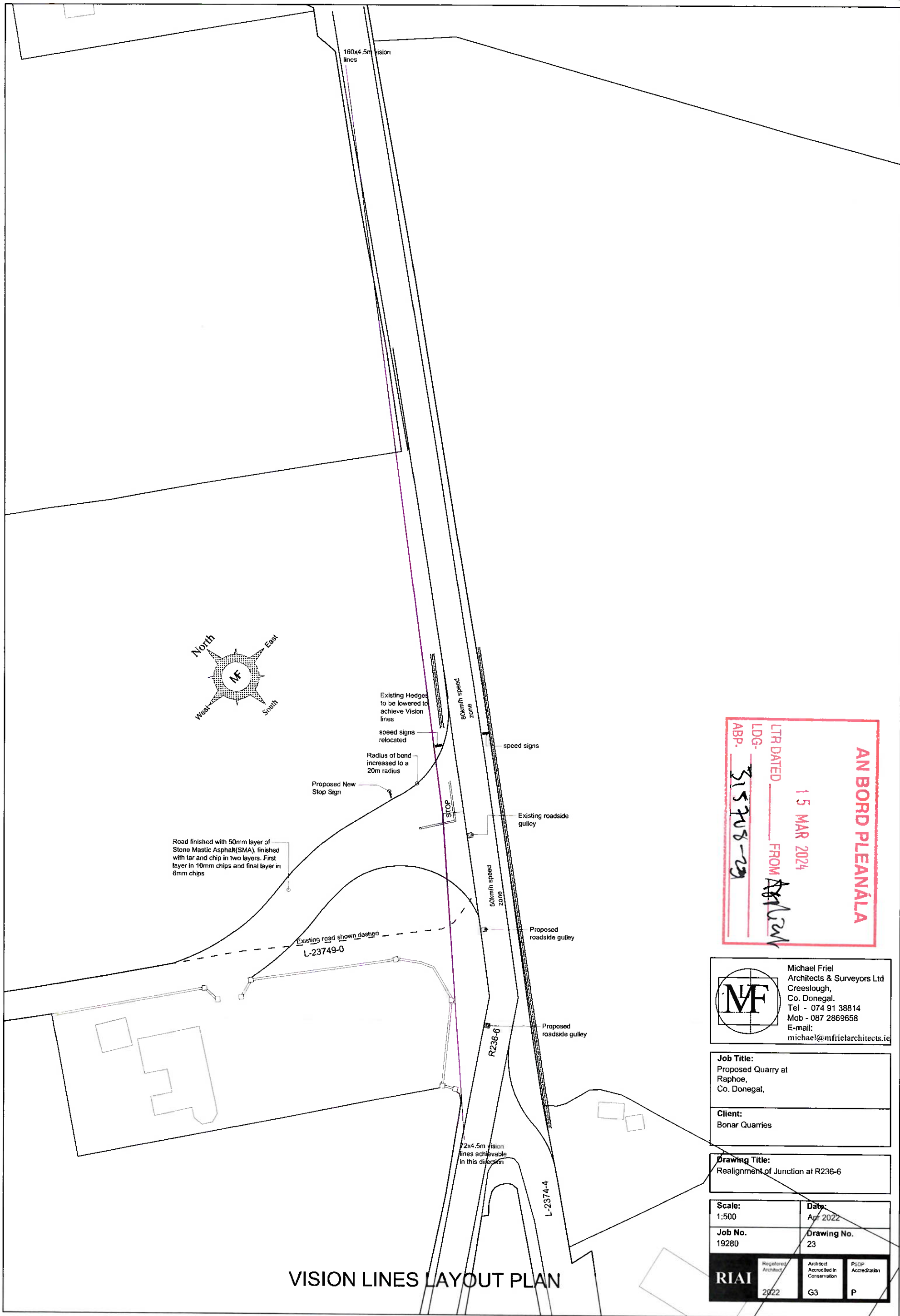
AN BORD PLEANÁLA

15 MAR 2024

LTR DATED _____ FROM *Applicant*

LDG- _____

ABP- *315708-123*




AN BORD PLEANÁLA

LTR DATED 15 MAR 2024

LDG- FROM

ABP- 315708-29

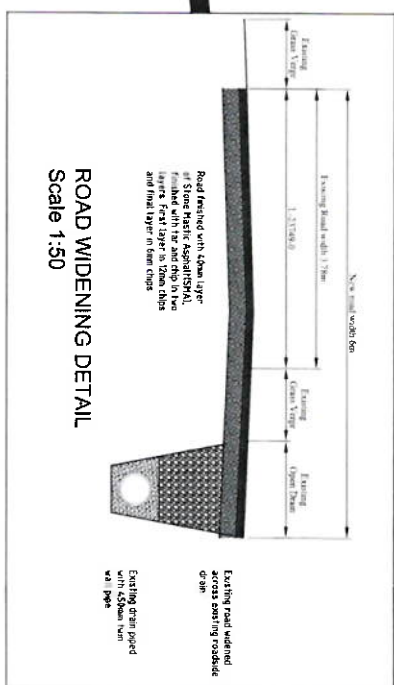
 Michael Friel
Architects & Surveyors Ltd
Creeshlough,
Co. Donegal.
Tel - 074 91 38814
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E-mail:
michael@mfielarchitects.ie

Job Title:
Proposed Quarry at
Raphoe,
Co. Donegal,

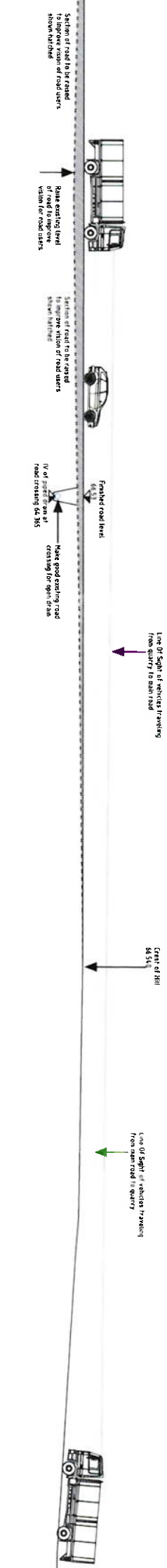
Client:
Bonar Quarries

Drawing Title:
Realignment of Junction at R236-6

Scale: 1:500	Date: Apr 2022
Job No. 19280	Drawing No. 23
RIAI Registered Architect 2022	Architect Accredited in Conservation G3
	PSDP Accreditation P



Section T-T
Scale 1:200



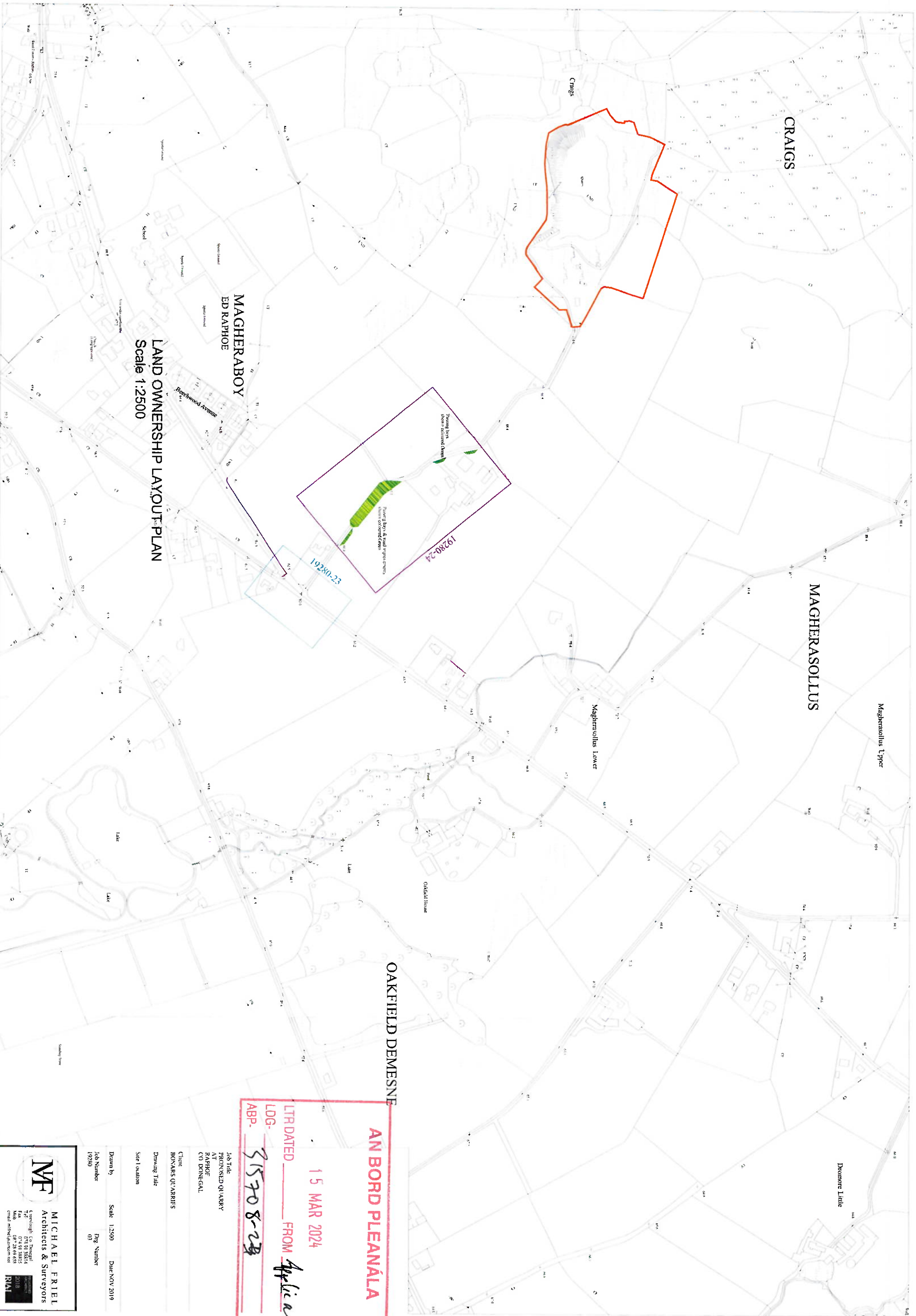
AN BORD PLEANÁLA

15 MAR 2024

LITRATED _____ FROM *Applink*

LDG- _____

ABP- *515708-23*



AN BORD PLEANÁLA

15 MAR 2024

LTR DATED FROM *Appliat*

LDG- *315708-23*

ABP- *315708-23*

Job Title
PROPOSED QUARRY
AT
RAPHOE
CO DONEGAL

Client
BONARS QUARRIES

Drawing Title
Site Location

Drawn by Scale 1:2500 Date NOV 2019
Job Number Dwg Number
19280 03



MICHAEL FRIEL
Architects & Surveyors

Specialising in Co. Donegal
Tel: 074 91 38614
Fax: 074 91 38615
Mob: 087 28 69 648
Email: m.friel@frielfriel.ie

2018
RAI

Andrew Magee,
Magherasolis,
Raphoe
Co. Donegal
16/02/2024

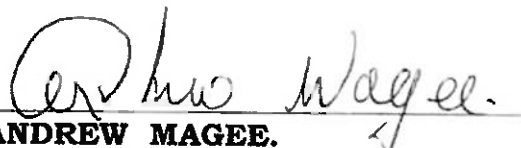
To whom it concerns,

I wish to advise that I give consent to Patrick Bonar to cut back roadside hedges on my property at Magherasolis, Raphoe registered to me under Folio No: DL21029F so as to ensure that the hedges/growth along the R236 to achieve the necessary safe vision lines. I further give permission for Mr. Bonar to maintain the verge and keep the growth to a low level so as to ensure that safety is maintained for all road users.

I further give consent to the construction of a number of Lay-byes to be provided along the L- 23749 also on lands within my Folio, DL21029F in line with the agreement as made with the local roads Engineer during a site meeting.

I hope that this is satisfactory and you may contact me if you require any further information.

Yours Sincerely,


ANDREW MAGEE.