

File With \_\_\_\_\_

**SECTION 131 FORM**

Appeal NO: ABP - 315708 - 23

Defer Re O/H

Having considered the contents of the submission dated received 22/05/24  
from

Gerard Moyne I recommend that section 131 of the Planning and Development Act, 2000

~~be~~ not be invoked at this stage for the following reason(s): Pending review by Inspector and Board

E.O.: Laura Grady Lawlor

Date: 10/06/24

**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 \_\_\_\_\_ - Section 131 notice enclosing a copy of the attached submission

to: \_\_\_\_\_ Task No: \_\_\_\_\_

Allow 2/3/4weeks – BP \_\_\_\_\_

EO: \_\_\_\_\_

Date: \_\_\_\_\_

AA: \_\_\_\_\_

Date: \_\_\_\_\_

File With \_\_\_\_\_

**CORRESPONDENCE FORM**

Appeal No: ABP - 315708-23

M \_\_\_\_\_

Please treat correspondence received on 29/05/24 as follows:

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

<b>Amendments/Comments</b>
- Response to S.131 notice received from Gerard Mayne (lodged through <sup>as ab</sup> observation.) LDG-072290-24
- Refused to issue.

<b>4. Attach to file</b> (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"/>	<b>RETURN TO EO</b> <input checked="" type="checkbox"/>
---	---

	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: <u>Laura Grady Lawlor</u>	AA: <u>Sinead White</u>
Date: <u>07/05/24</u>	Date: <u>10-06-24</u>

# Validation Checklist

Lodgement Number : **LDG-072290-24**  
Case Number: **ABP-315708-23**  
Customer: **Gerard Moyne**  
Lodgement Date: **29/05/2024 10:46:00**  
Validation Officer: **Laura Grady Lawlor**  
PA Name: **Donegal County Council**  
PA Reg Ref: **2250933**  
Case Type: **Normal Planning Appeal PDA2000**  
Lodgement Type: **Response to Request / Submission**



An  
Bord  
Pleanála

Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm ABP Case Link	Confirmed-Correct
Fee/Payment	Valid – Overpaid
Name and Address available	Yes
Agent Name and Address available (if engaged)	Not Applicable
Subject Matter available	Yes
Grounds	Yes
Sufficient Fee Received	Yes
Received On time	Yes
Eligible to make lodgement	Yes
Completeness Check of Documentation	Yes

Response to Statutory Notice (Lodged through Observation portal)

BP23 letter (amended) to Appellant. Enclose receipt.

BP97 letter to Appellant. Leave letter undated. Letter to go in pouch for finance.

Prepare refund pouch for Finance.

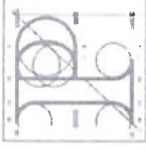
Update case narrative.

Run at: 07/06/2024 11:51

Run by: Laura Grady Lawlor

# Lodgement Cover Sheet - LDG-072290-24

Response to S.131 notice.



An Bord Pleanála

ABP-315708-24

## Details

Lodgement Date	29/05/2024
Customer	Gerard Moyne
Lodgement Channel	Post
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-072290-24
Map ID	
Created By	Andrea Caraus
Physical Items included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	

## Categorisation

Lodgement Type	Objection / Submission
Section	Processing

PA Name	Donegal County Council
Case Type (3rd Level Category)	

## Fee and Payments

Specified Body	No
Oral Hearing	No
Fee Calculation Method	System
Currency	Euro
Fee Value	0.00
Refund Amount	0.00

Observation/Objection Allowed?	
Payment	PMT-056391-24
Related Payment Details Record	PD-056256-24

## Observation

- Task-387291-24  
 BP23 amended.  
 BP97 - Refund €50

PA Case Number	
PA Decision Date	
County	
Development Type	
Development Address	
Appellant	
Supporting Argument	

Development Description	
Applicant	
Additional Supporting Items	

Case Number ABP – 315708 – 23

Planning Ref 2250933

<b>AN BORD PLEANÁLA</b>	
LDG-	<u>072290-24</u>
ABP-	_____
29 MAY 2024	
Fee: €	<u>50</u> type: <u>cash</u>
Time:	<u>9:21</u> By: <u>post</u>

Dear Sirs,

I wish to object strongly to the granting of any permissions to the Applicant Patrick Bonar.

Mr Bonar is well known in Donegal and his antics before the courts for no compliance of planning laws are even better known. His representative Mr Michael Friel regularly gives evidence in his defense even when his client was clearly in breach of court orders and in contempt of the said, court orders.

I make reference to the case against Mr Bonar for the destruction of the environment at Moyra Glebe in the locality of Falcarragh Co. Donegal. Mr Bonar was ordered to cease illegal quarrying by Judge Cunningham an order he took to mean increase the actions of illegal quarrying. The Council finally got the operation ceased, but not before unmeasurable damage was done to the Ray River which is a very important Samanoid river which flows into an SPA.

No effort has been taken by Mr Bonar or the land owner to mitigate ongoing pollution of the Ray River and no effort has been taken to restore the site to some form of normality. Mr Bonar remains engaged in legal proceedings with DCC with regards to his pollution of the waterways. See attached emails from DCC.

I make the statement above as a means to elaborate on the fact that Mr Bonar cannot be trusted as has been shown by the numerous High Court proceedings which have been taken against him at high expense to the tax payer, for failure to comply with the law. His convictions for environmental damage and failure to comply with planning laws are a testament to the character of the individual.

Mr Friels makes reference to compliance regarding water on the site. Somewhat of a joke considering the exploits of Mr Bonar on the site at Moyra Glebe where Inland Fisheries & Donegal

County Council had to seize pumping equipment from the site to stop the continued pollution of the Ray River as Mr Bonar was pumping heavily laden dirty water directly into the river.

Mr Bonar has stopped quarrying at Moyra Gebe and has left the place in a mess. This however does not stop his continued destruction of our county. He has just moved the operation to another site near Killybegs where he continues in his destruction. An enforcement order has been issued against him once again in this matter and no doubt yet another Court appearance will ensue with Mr Friel no doubt giving evidence on his behalf.

Greentrack make reference to the 1 in 100 year 6 hour storm. Factually this is a reference which has long since been debunked due to climate change and it is now reasonable to accept that this should be regarded as 1 in 30 years 6 hour storm.

When one looks at the excavations carried out by Mr Bonar all over Donegal one would be hard pressed to find any attempts by him to date to restore any of these sites.

It is deeply concerning that a recent application under the planning and development act 2000 section 35 was withdrawn by DCC against Mr Bonar for the site in Raphoe, for reasons which I believe were political interference in the planning processes. No other reasonable explanation can justify this act of interference.

On the basis of the information submitted and having regard to policies ED-P-8 and ED-P-11 of the Donegal County Development Plan 2018 – 2024 it is considered that the proposed development has not demonstrated a need to be located at this specific site and that it would make a significant contribution to the economy of the County.

With regards to the presence of waste on the site the presentation of a scribbled docket can hardly be regarded as evidence of the removal of waste. There are no weights and details of the contents of the skips. No doubt evidence of the presence of such waste must be in the gift of Donegal County Council to provide, as they must have carried out an inspection of the site and no doubt monitored the removal of the waste.

I wish to refer to my previous objection to this development and trust that the Board will refuse this application.!

Sincerely Yours

Gerard Moyne



**From:** JOE FERRY (LAB) <[JOE.FERRY@donegalcoco.ie](mailto:JOE.FERRY@donegalcoco.ie)>  
**Sent:** Thursday, May 16, 2024 3:24 PM  
**To:** Gerard <[gmoyne@gpsi.ie](mailto:gmoyne@gpsi.ie)>  
**Subject:** Moya Glebe Quarry

Mr. Moyne,

The water pollution case has not yet been heard in the District Court, but the Planning case has secured a cessation of all works, including restoration. I am not involved in the latter. The owner of the site has undertaken to monitor discharges from the site and to dose chemical agents when required to assist with settlement of sediment. I am out of the office today, so I am not able to update you on the next time the water pollution case will be in court.

Kind regards

Joe

**From:** Gerard <[gmoyne@gpsi.ie](mailto:gmoyne@gpsi.ie)>  
**Sent:** Thursday, May 16, 2024 3:03 PM  
**To:** JOE FERRY (LAB) <[JOE.FERRY@donegalcoco.ie](mailto:JOE.FERRY@donegalcoco.ie)>  
**Subject:** Moya Glebe

**CAUTION: This email originated from outside of Donegal County Council. Do not click links or open attachments unless you recognise the sender and are sure that the content is safe.**

Dear Joe,

Can you give me an update on the prosecution of Sean Magee, Naimar ltd and Bonar Quarries for their environmental damage to the waterways and tributaries of the Ray River as well as the destruction to the lands of the site at Moya Glebe.

I visited the site yesterday the 15<sup>th</sup> of May and find that no effort has been made to restrict pollution of the waterways and no effort has been made in the process of restoration.

I look forward to your response.

Gerard Moyne

DEW

Defending Environmental Wealth

[Email Disclaimer](#)

[Clásal Séanta Ríomhphoist](#)

Inishoneil  
Carndonagh  
Co. Donegal

Planning Section  
Donegal County Council  
Co. Donegal

REF: # 22/50933

Payment of fees Re: 89946

To whom it may concern

I wish to lodge an objection to the planning application of Mr Patrick Bonar to open a quarry at Magherasolis & Criag Raphoe. Co. Donegal.

It is sad that the community and people of Donegal are having to defend yet again against continued planning applications from this individual which will have a profound effect on their lives, habitats and environs of Raphoe and further afield.

These applications are too often not in the best interests of anyone, but the "for profit", only industry and to hell with protecting our County and our habitats. Enforcement is scant from Donegal County Council and usually only acted upon when citizens refuse to accept non action as a norm.

In recent correspondence which may relate to this applicant an employee of Donegal County Council informed a complainant to carry out a full investigation into the pollution of one of our best salmonoid rivers and revert to the Dept. of Environment. Meanwhile this same

employee was instructing the criminals running an illegal quarry on how they might mitigate their actions. This is the epitome of bad practice and poor environmental practices and raises deep concerns as to why the polluters never pay !

The Applicant is well known to have little or no regards to the environment and continues to flagrantly contravene the rights of nature.

These applications such as this one, display a total disconnect between the Planners and Donegal County Councils own Dept. of Environment and the EPA. Although the lack of connectivity with the EPA is nothing new as enforcements officers with the EPA have already in the past years expressed concerns with regards to DCC and its lack of response to enforcement. There appears to be little or no communication from DCC to the EPA in relation to far too many applications..

Local authorities are responsible for the planning and environmental regulation of quarry developments (extracting non-scheduled minerals) and ancillary facilities (including concrete and asphalt manufacturing facilities).

The current planning and environmental regulatory framework require these developments to comply with the Planning and Development Act (2000) and related regulations. Yet the current lack of enforcement of legislation regarding quarrying can be seen if one was to drive the Donegal Hills and meet the trucks registered outside this jurisdiction doing their business removing stone illegally whilst rising plumes of dust on roads, which most certainly never see mitigating measures unless it rains. I believe the applicant has plant in one of these illegal quarries.

The local authorities and An Bord Pleanala attach conditions relating to environmental management of these developments to planning permissions granted yet there is little or no oversight ever. In addition to obtaining planning permission, the following licences/permits may be required from local authorities where discharges, emissions or waste activities are carried out:

• A waste permit under the Waste Management (Permit) Regulations, 1998 may be required where soil or clay is imported to sites pending recovery for restoration purposes. The local authorities attach conditions (covering environmental issues) to waste permits granted for such activities. It should be noted that even where an operation is not required to have a permit or single media licence there remains an obligation to comply with the provisions. It is a rarity to see any implementation of any of this legislation.

The notion that the issuance of permits/licences can be at arm's length to planning is a wholly unsatisfactory situation. We have individuals bringing waste onto sites which have planning permission, but no waste management licences this shows how dysfunctional the system is in protecting our community from unscrupulous acts.

I am also very concerned that Donegal County Council in receiving this application and in engaging in the process DCC is not compliant with their statutory obligations as clearly laid down in the Aarhus Convention, Habitats Directive, Clean Water Directive and Clean Air Directives et al.

This site and all of its activities are fraught with environmental catastrophic issues, yet the enforcement against perpetrators over the last several decades is to say the least abysmal. RTE shone a light in 2018 and Donegal County Council drew down the blinds...

It must be noted that national policy seeks to facilitate quarrying activity and recognises the need for it; however, national policy [NPF] also recognises the importance of maintaining and protecting the natural landscape and built heritage.

I appeal to this Authority to get off the fence with regards to your obligations to the citizens and nature. When our environment is destroyed such as it is, there is no coming back.

With regards to the Donegal County Development Plan [2018 – 2024] : THE County Plan has designated this area as one of *high scenic amenity* where new extractive industry is restricted; it has to be argued that this proposal is a new one, not an extension of an existing quarry; the old use of the site as a quarry has now ceased for nearly 50 years and any application for a quarry on the site must be considered *de novo*.

The County Development Plan also provides for the Landscape Character Assessment for all County Donegal and ascribes the area where the quarry would be located to the Lagan Valley LCA. The policy regarding such areas dictates that no development will be permitted which would alter the character of such areas. The Lagan Valley Landscape area is described as mainly an agricultural one with good quality pasture and arable land. It must be argued that the introduction of quarrying operations will inexorably alter the landscape character of the area. One must reference the increased likelihood of massive change in the landscape due to climate change and one must reflect of the increased flood levels that are more than likely in the next 50 years.

The gross impact on this community and its environs is palatable and any granting of permission by this authority will be challenged as it has in recent past.

In closing, I wish to make reference in it's entirety the objection and all of its content I being in full agreement of same by **RAPHOE COMMUNITY IN ACTION LDT, CHAIR Ms MARY HARTE NOLAN, IN RESPECT OF P.A. REG. REF. 22/50933.**

It is more than time to recognise the rights of nature and stop the destruction of our Country.

Sincerely Yours

Gerard Moyne

**RECEIVED**  
12 OCT 2020  
DONEGAL COUNTY COUNCIL  
PLANNING OFFICE

Donegal County Council  
Public Services Centre  
Milford  
Co. Donegal

07/10/2020 09:18:43

Receipt No : MILFORD00648091

GERARD MOYNE  
INISONEIL  
CARNDONAGH  
LIFFORD P.O.  
CO. DONEGAL  
REF: 20/50159

PLANNING OBJECTION FEE 20  
GOODS 20.00  
VAT Exempt/Non-vatable

Total : 20.00 EUR  
15.75 IEP

Tendered :  
Card 20.00  
VISA  
8088  
0624

Change : 0.00

Issued By : Margaret Todd  
From : Milford Cash Office  
Vat reg No.IE8P28103W

**PLANNING AND DEVELOPMENT REGULATIONS 2001 (AS AMENDED)**

**Acknowledgement of Receipt of Submission or Observation  
on a Planning Application**

**THIS IS AN IMPORTANT DOCUMENT**

**KEEP THIS DOCUMENT SAFELY. YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANALA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY. IT IS THE ONLY FORM OF EVIDENCE THAT WILL BE ACCEPTED BY AN BORD PLEANALA THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING APPLICATION.**

PLANNING AUTHORITY: DONEGAL COUNTY COUNCIL

PLANNING APPLICATION REF NO 20/50159

A submission/observation in writing has been received from Gerard Moyné, Inishoneil, Camdonagh, Co. Donegal on 7<sup>th</sup> October 2020 in relation to the above planning application.

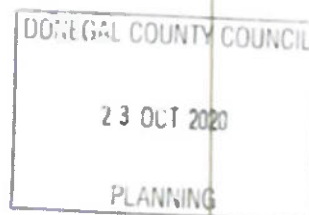
The appropriate fee of €20 00 has been paid

The submission/observation is in accordance with the appropriate provisions of the Planning & Development Regulations, 2001 (as amended) and will be taken into account by the Planning Authority in its determination of the planning application.

  
for A/Senior Ex. Planner  
Planning Services

23<sup>rd</sup> October 2020

Donegal County Council  
Stamp.





100

100