

James Sweeney

From: Bord
Sent: Thursday 19 December 2024 13:31
To: Appeals2
Subject: FW: Your Case Number: ABP-318082-23
Attachments: Drumbeagh, Mountcharles, Co.Donegal 318082.pdf

From: planning enforcement <planningenforcement@Donegalcoco.ie>
Sent: Wednesday 18 December 2024 16:34
To: Bord <bord@pleanala.ie>
Subject: Your Case Number: ABP-318082-23

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A Chara,

Find attached response to your letter dated 28th November 2024 in respect of Your Case Number: ABP-318082-23.

Le meas,

**Planning Enforcement Unit
Donegal County Council**



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

Roisin Kelly
A/Senior Executive Planner

Planning Enforcement
Directorate of Community Development & Planning Service
Donegal County Council Lifford, Co. Donegal, F93 Y622

rkelly@donegalcoco.ie
www.donegalcoco.ie

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64 Marlborough Street
Dublin 1

Re: Application for Substitute Consent for the continuation of existing quarrying works, consisting of the extraction and grading of stone for the building industry, and all associated site development works. A remedial EIAR accompanies this application.
Drumbeagh, Mountcharles, Co. Donegal.

Dear Sir/Madam

I refer to your letter dated 28th November 2024 and in accordance with Section 132 of the Planning and Development Act 2000 (as amended) wish to provide the following information in respect of **SU05E.318082:**

Section 177I report which shall include the items set out in section 177I (2) (a), (b), (c), (d) and (e).

(2)

(a). Information relating to development (including development other than the development which is the subject of the application for consent) carried out on the site where the development the subject of the application for consent is situated, and any application for permission made in relation to the site and the outcome of the application.

Planning register number 23/50120 – Invalid application - SUBSTITUTE CONSENT FOR THE CONTINUATION OF EXISTING QUARRYING WORKS, CONSISTING OF THE EXTRACTION AND GRADING OF STONE FOR THE BUILDING INDUSTRY, AND ALL ASSOCIATED SITE DEVELOPMENT WORKS.

(b). information relating to any warning letter, enforcement notice or proceedings relating to offences under this Act that relate to the applicant for substitute consent:

In 2020 the following enforcement cases were opened by Donegal County Council:

- **UD2027: Bridget & Gabriel Murray, relating to the continuing of quarrying activity without the benefit of Planning permission. On 18th November 2020 under S.154 of the Planning and Development Act as amended, an urgent Enforcement Notice issued to the aforementioned. The developer failed to comply with the Enforcement notice and on 22nd April 2021 DCC referred the case to the Councils solicitor for summary proceedings for an offence under Section 154(8) of the Planning and Development Act 200 as amended.**

Note ABP ref no ABP - 312788-22 Re extension of time for application for substitute consent – Quarry Drumbeagh, Mountcharles, Co Donegal. Application subsequently granted.

- **UD20241:** relating to the unauthorised storage of containers, crates, poles and vehicles. This was inspected and investigated and the case was subsequently closed on the basis that no breach of planning enforcement was discovered.

(c). information regarding the relevant provisions of the development plan and any local area plan as they affect the area of the site and the type of development concerned;

County Donegal Development Plan 2024-2030 is the governing Development Plan for this area:

- Site is located in Structurally weak Rural Area which is defined for the purpose of rural housing:

Structurally Weak Rural Areas

RH-P-3

To consider proposals for new one-off housing within 'Structurally Weak Rural Areas' from any prospective applicants for a dwelling house, subject to siting and design considerations and compliance with all other relevant policies of this Plan including Policy RH-P-9. New holiday homes **will** not be permitted in these areas.

- The sites scenic amenity classification is 'High Scenic Amenity'.
- The site is located in an area categorised as being 'Open to consideration' for Wind energy Development.
- Site is located adjacent to Donegal Bay Special Area of Conservation.

(d). any information that the authority may have concerning—

(i) current, anticipated or previous significant effects on the environment, or on a European site associated with the development or the site where the development took place F850[or, where *section 177E(2A)(b)* applies, is proposed to take place] and, if relevant, the area surrounding or near the development or site, or

(ii) any remedial measures recommended or undertaken;

(e). the opinion, including reasons therefor, of the F851[chief executive] as to—

- (i) whether or not substitute consent should be granted for the development, and
- (ii) the conditions, if any, that should be attached to any grant of substitute consent.

Donegal County Council's Opinion:

The Planning Authority has no objection in principle to An Bord Pleanála approving the current application for substitute consent for reasons relating to the small localised nature of quarrying activity at this location. The develop have a small area of land for future quarrying with limited opportunity for future expansion.

The following are included as standard conditions used by DCC.

Schedule of Conditions:

1a. This permission authorises the operation of the quarry for a limited period of (five) 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 hereinunder otherwise required.

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

2a. 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 two 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.

Hoping this addresses the matter at this time, should you wish to request any further information please do not hesitate to contact this office.

Kind regards

Roisin Kelly

Acting Senior Executive Planner

18th December 2024