

## James Sweeney

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**From:** Kenneth Goodwin <kgoodwin@mores.ie>  
**Sent:** Tuesday 4 November 2025 16:31  
**To:** Appeals2  
**Cc:** Hugh; Marie; Liam Smyth; E2321 PMC Ballymagroarty Quarries rEIAR.  
**Subject:** Response Case File ACP-323037-25  
**Attachments:** 25 11 04 - E2321 - SC Application Response Rev01.pdf

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Dear Sir, Madme,

Please find attached a response on behalf of our client Patrick McCaffrey & Sons Ltd to prepare a response to a request by An Coimisiún Pleanála ('ACP') dated 15th October 2025 regarding their development at Ballymagroarty and Glasbolie, Ballintra, Co. Donegal (the 'Site').

ACP case file ACP-323037-25.

The request was in response to correspondence received by ACP from Donegal County Council ('DCC') under Section 177I of the Planning and Development Act, 2000 (as amended).

If you require anything further please contact me on 086 155 430 or by email on KGoodwin@mores.ie.

Kind Regards,

Kenneth

**Kenneth Goodwin**  
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for and on behalf of  
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**4<sup>th</sup> November 2025**

An Coimisiún Pleanála,  
64 Marlborough Street,  
Dublin 1,  
D01 V902,

**MOR Ref.: E2321**

**ACP Ref.: ACP-323037-25**

**By Email [appeals@pleanala.ie](mailto:appeals@pleanala.ie)**

**Re: Responses for Application for Substitute Consent (Ref. ACP-323037-25)**

Dear Sir/Madam,

Malone O'Regan Environmental ('MOR Environmental') Consultants were commissioned by Patrick McCaffrey & Sons Ltd to prepare a response to a request by An Coimisiún Pleanála ('ACP') dated 15<sup>th</sup> October 2025 regarding their development at Ballymagroarty and Glasbolie, Ballintra, Co. Donegal (the 'Site'). The request was in response to correspondence received by ACP from Donegal County Council ('DCC') under Section 177I of the Planning and Development Act, 2000 (as amended).

In preparation of this response, MOR Environmental has reviewed the Remedial Environmental Impact Assessment Report and Remedial Natural Impact Statement submitted in support of the Substitute Consent application, ACP case reference ACP-323037-25.

MOR Environmental reaffirms that the application before ACP does not seek any new extraction or works under this application.

## **1 OVERVIEW OF ISSUES RAISED BY DCC**

The purpose of this review is to assess whether the Remedial EIAR ('rEIAR') and Remedial Natural Impact Statement ('rNIS') adequately address the environmental and planning issues identified by DCC. Based on the MOR Environmental review of the submission, the following issues have been raised by DCC:

1. Historic unauthorised quarrying and associated enforcement measures;
2. Previously undetermined planning applications due to the absence of an Environmental Impact Statement ('EIS');
3. Location within a High Scenic Amenity area, indicating elevated visual sensitivity;
4. Necessity for comprehensive dust, noise, and drainage management measures;
5. Requirement for a detailed site restoration and long-term management plan;
6. Consideration of traffic safety and surface water management at the N15 junction; and,
7. Ensuring compliance with relevant national, regional, and European Union policy frameworks.

## **2 HISTORIC UNAUTHORISED QUARRYING AND ASSOCIATED ENFORCEMENT MEASURES**

DCC have presented summaries of the planning submitted on the Site, which were either withdrawn or not completed. In addition, DCC identified that during the S261, S261A process, the Site was confirmed to be pre-1963 and to have been registered as Quarry EUQY01.

### **2.1 Planning History Response**

As provided in Chapter 2, Sections 2.2–2.4 (Planning and Policy Context), the rEIAR details the full Site history, including:

- Pre-1963 origins;
- Section 261 registration;
- Previous substitute consent (SU0128); and,
- Enforcement cases (ABP refs 308276, 313030).

The rEIAR acknowledges the need for substitute consent. The current application has been prepared in accordance with Section 177E of the Planning and Development Act 2000 (as amended) to regularise historic activities within the statutory Substitute Consent process.

Regarding the enforcement cases file, we acknowledge the Council's confirmation of case closure and the former quarry's pre-1963 status. For enforcement UD1740 regarding a blast incident on the Site, this issue is closed with the Local Authority, and no further blasts have occurred.

### **2.2 Previously undetermined planning applications due to the absence of an Environmental Impact Statement (EIS) - Response**

As provided in Chapter 2, Section 2.2.1 of the rEIAR, notes 2007 applications (07/21124 & 07/21125) were left undetermined as no EIS was submitted.

In 2014, a substitute consent application was submitted to An Bord Pleanála ('ABP') with a remedial EIS and remedial AA. However, this application only related to the former northern quarry in terms of existing development and direct effects and was dismissed by ABP in 2017. That application was followed with a 37L with EIS submission for extension into new lands.

However, the current submission includes both a rEIAR and rNIS prepared in full accordance with the EIA Directive (2014/52/EU) and Habitats Directive (92/43/EEC).

The rEIAR (Chapters 1–3) sets out the EIA methodology, baseline assessments, and mitigation measures, addressing all environmental factors previously omitted. The rNIS provides the Appropriate Assessment ('AA') under Article 6(3) of the Habitats Directive, thereby satisfying the statutory requirements for both EIA and AA.

### **2.3 Location within a High Scenic Amenity area, indicating elevated visual sensitivity - Response**

Chapter 12 – Landscape and Visual of the rEIAR evaluates the former quarry's visual impact within the designated High Scenic Amenity Area of the Donegal County Development Plan 2024–2028. It also provides a full visual receptor sensitivity, scenic value, and representative viewpoints. It concludes that visual effects are slight to imperceptible due to the existing former quarry context.

A detailed Landscape and Visual Impact Assessment ('LVIA') has been undertaken, including viewpoint analysis and photomontages. The assessment concludes that existing topography, berms, and vegetative screening significantly mitigate visual effects. The proposed restoration plan further enhances long-term landscape integration, ensuring consistency with County Development Plan Policies.

The expert opinion on the LVIA was no further mitigation is required for the Site in relation to having no significant effect on the environment.

## **2.4 Necessity for comprehensive dust, noise, and drainage management measures - Response**

The former quarry operates under Water Discharge Licences (Refs: LWAT-41 and LWAT-48) and an Air Emissions Licence (Ref: APL 05/01), which provide regulatory oversight of emissions and discharges. These controls are detailed within the rNIS (Sections 3.3–3.6) and the rEIAR (Air Quality, Noise, and Hydrology Chapters).

Chapter 8 (Water), Chapter 9 (Air Quality), and Chapter 11 (Noise & Vibration) in the rEIAR provide detailed dust risk assessment (IAQM method), air dispersion modelling, drainage management (settlement lagoons, interceptors), and noise modelling. All emissions reported to be within EPA and EU limits as relevant.

The reports confirm that surface water is treated via settlement lagoons and interceptors prior to discharge, and that dust and noise emissions remain within permitted thresholds.

The rNIS concludes that no significant effects arise for European sites as a result of these discharges or emissions, confirming compliance with Best Practices, National and EU environmental standards as relevant.

## **2.5 Requirement for a detailed site restoration and long-term management plan - Response**

A comprehensive Restoration and Enhancement Plan is provided within the rEIAR Biodiversity - Chapter 6 (Rehabilitation and Aftercare Section).

The plan provides for phased ecological restoration, including berms, wetland and grassland habitats, habitat piles, and floating vegetation rafts. The design supports biodiversity enhancement and aligns with DCC Development Plan 2024 – 2030, Policy BIO-P-1 on rehabilitation and ecological improvement.

## **2.6 Consideration of traffic safety and surface water management at the N15 junction - Response**

The rEIAR (Traffic and Transportation- Chapter 14) includes an updated Traffic Impact Assessment which demonstrates that the N15 junction operates within capacity and complies with Transport Infrastructure Ireland ('TII') standards.

The assessment confirms safe access and egress for Heavy Goods Vehicles ('HGVs') and ensures no adverse effect on road safety. Surface water management measures, as detailed in the rEIAR Hydrology Chapter and rNIS Section 3.4, ensure that runoff is effectively managed, captured and treated prior to discharge. Furthermore, the Site is in compliance with the Water Framework Directive (2000/60/EC).

The Site is accessed off a private road from the N15, which the Applicant supports in terms of maintenance, but does not have a right to alter or amend. As part of voluntary improvements on this road, the Applicant has maintained the road in agreement with the landowner, with the latest resurfacing completed on the 11<sup>th</sup> of July 2025.

If conditioned, the Applicant is agreeable to provide drainage of potential surface waters within their land / catchment area as agreed with Donegal County Council.

## **2.7 Ensuring compliance with relevant national, regional, and European Union policy frameworks - Response**

Both the rEIAR and rNIS have been prepared in accordance with relevant national and EU legislation, including the Planning and Development Act 2000 (as amended), the Habitats and Birds Directives, the EIA Directive, and the Water Framework Directive.

The rNIS (Section 1.4) and rEIAR – Chapter 2 (Policy and Planning Context) confirm consistency with the National Planning Framework, National Development Plan, and Donegal County Development Plan (2024–2030).

The assessments collectively demonstrate compliance with Article 6(3) of the Habitats Directive and the objectives of the EIA Directive, ensuring that no adverse effects arise for protected European sites or the wider environment.

### 2.7.1 Development and Technical Standards

The Site fully accords with the environmental protection and site design standards outlined under the DCC Development Plan relating to extractive industry and general industrial development. This includes the following approaches:

- **Landscaping and screening:** The rEIAR Landscape and Visual Impact Assessment confirms the presence of vegetative screening berms and boundary planting that effectively screen operations from the N15 and adjacent receptors.
- **Service areas:** All service and operational areas are located within the Site boundary and include adequate manoeuvring space in accordance with TII access standards.
- **Waste management:** The rEIAR Resource and Waste Management Plan ('RWMP') confirms that all waste is stored in designated, screened areas and handled under environmentally safe conditions.
- **Surface water and runoff:** The rNIS (Sections 3.4–3.6) and rEIAR Water Chapter 8, confirm that surface water drainage and runoff from bunded areas are managed via sealed containment and settlement systems, preventing any uncontrolled discharge.
- **Fuel and chemical storage:** All fuel storage and connection points are bunded in accordance with EPA and CIRIA C736 guidance, ensuring no risk of seepage to surface water.
- **Utilities:** All service ducting is designed and installed to current national standards for underground infrastructure.

### 2.7.2 Compliance with County Development Plan Environmental Standards

The Site has been designed and is operated in full accordance with the environmental and site management standards set out in the DCC Development Plan 2024–2030, including requirements relating to landscaping, screening, drainage, waste management, and pollution control. The former quarry is appropriately screened from the public road and surrounding receptors by existing vegetative berms and boundary planting, as confirmed in the Landscape and Visual Impact Assessment of the rEIAR. All service and operational areas are contained fully within the Site boundary, providing adequate manoeuvring space and safe access to the N15 in compliance with TII standards.

All waste materials are stored within designated, screened areas to the rear of operational zones and managed in accordance with the RWMP. Surface water and runoff from bunded areas are collected and treated within the on-site settlement system prior to licensed discharge, ensuring compliance with the Water Framework Directive (2000/60/EC) and EPA guidance. All fuel and chemical storage areas are fully bunded and designed in accordance with best practice, thereby preventing any risk of contamination to surface water or groundwater. Service ducting and associated utilities have been installed to current national specifications, ensuring overall compliance with the relevant Development Plan standards and environmental protection objectives.

## **2.8 Response to Donegal County Council's Opinion**

### **2.8.1 National Planning Framework – Project Ireland 2040 (National Policy Objective 23)**

The Proposed Development aligns with the National Planning Framework by supporting sustainable resource extraction, regional employment, and the use of existing infrastructure. The rEIAR (Chapter 2 - Planning and Policy Context Chapter) demonstrates compliance with NPO23, ensuring that environmental protection and proper site management are fully integrated into the former quarry's operations and restoration strategy.

### **2.8.2 Regional Spatial and Economic Strategy (Northern and Western Regional Assembly, 2020)**

The project supports the objectives of the RSES by maintaining a sustainable supply of aggregates essential for regional growth and infrastructure delivery. The rEIAR (Chapter 2: Policy Context, Section 2.5.3 – Regional Policy) confirms that the development is consistent with the RSES core principles of sustainable land use, environmental protection, and efficient use of existing quarry resources, of which there are no remaining reserves.

### **2.8.3 DEHLG Quarries and Ancillary Activities – Guidelines for Planning Authorities (2004)**

The rEIAR has been prepared in full accordance with these guidelines. The report includes detailed assessments of:

- Air Quality – Chapter 09;
- Noise – Chapter 11;
- Water – Chapter 08;
- Traffic – Chapter 14; and,
- Landscape and Visual – Chapter 12.

The rEIAR outlines appropriate mitigation and monitoring measures to ensure compliance with best practice standards in quarry management.

### **2.8.4 EPA Environmental Management Guidelines – Environmental Management in the Extractive Industry (2006)**

The former quarry operates under DCC Licences (LWAT-41, LWAT-48, and APL 05/01), ensuring ongoing compliance with these guidelines. The rNIS (Sections 3.3–3.6) and rEIAR document how site management practices align with EPA standards for water quality, air emissions, and waste management.

### **2.8.5 Council Directive 92/43/EEC – Habitats Directive**

The rNIS has been prepared in accordance with Article 6(3) of the Habitats Directive. It concludes that the former quarry, with mitigation in place, will not adversely affect the integrity of any Natura 2000 sites. This assessment addresses potential direct, indirect, and in-combination effects in compliance with EU and national regulations.

### **2.8.6 Planning and Development Act 2000 (as amended) and Planning and Development Regulations 2001 (as amended)**

The rEIAR and rNIS have been prepared under Part XA of the Act and associated Regulations governing Substitute Consent. All procedural, assessment, and mitigation requirements under Sections 177A–177O have been met.



### **2.8.7 Remedial Environmental Impact Assessment Report (rEIAR) and Remedial Natura Impact Statement (rNIS)**

The accompanying rEIAR and rNIS collectively address the full scope of environmental, ecological, and planning considerations raised by Donegal County Council and An Coimisiun Pleanála. These documents demonstrate compliance with national and EU environmental law and provide a robust framework for the continued management and restoration of the Site.

### **2.9 Response to Recommended Conditions from Donegal County Council**

*(as outlined in the Planning Authority's Opinion to ACP).*

The Applicant welcomes DCC's position of "*no objection in principle to consent being granted*", and furthermore to the proposed conditions to be applied, subject to ACP's review and assessment of the application.

#### **2.9.1 Condition 1 – Duration and Extent of Permission**

1(a) - The applicant accepts that Substitute Consent may be granted for a specified limited period, as determined by An Coimisiun Pleanála. The duration proposed will provide sufficient time for ongoing operations, progressive restoration, and compliance monitoring. This application seeks a 30-year period.

Regarding 1b – It is important to note that this application does not seek any further quarrying works.

#### **2.9.2 Condition 2 – Progressive Restoration and Aftercare**

2(a) - A comprehensive Restoration and Enhancement Plan is provided in the rNIS, Section 3.5 and rEIAR Rehabilitation Section under Chapter 6 - Biodiversity. However, it must be noted that quarrying has ceased within the Site, and no future quarrying is being sought. The submitted Plan identifies areas for which restoration can be undertaken in the short term and the final restoration following Site closure. As per the Restoration Plan, flooding in some areas is an integral aspect of the final landscape.

2(b) – All extractions have ceased on the Site, and the submitted Restoration Plan within the rEIAR addresses the timelines and approach for restoration on-site.

2(c) – This proposed condition is not in line with the submitted restoration plan within the rEIAR, which takes into consideration the groundwater levels and the optimum future use for lands within the Site.

2(d) No future extraction or soil stripping is sought under this application. Please refer to the submitted Restoration Plan for future use of lands following closure.

2(e) The case before the Bord does not pertain to any future excavation or blasting. The existing slopes are rock faces and established, in many cases for decades. No changes to any boundary slopes are proposed.

#### **2.9.3 Condition 3 – Hours of Operation**

The Applicant is agreeable to reduced working hours for select operations on Site and propose the following:

- On-site processing of aggregate - 08:00–18:00 Monday to Friday and 08:00–14:00 on Saturday;
- Loading and returns of aggregate - 07:00-19:00 Monday to Friday and 07:00-15:00 on Saturday; and,
- Production & transport of Concrete and Asphalt - 06:00–19:00 Monday to Friday and 06:00–14:00 on Saturday.

However, regarding on-site manufacturing activities such as asphalt and concrete production, the Applicant notes that many contracts awarded for these services locally are by public bodies, which often stipulate out-of-hours deployment or arrival of materials to site by 8am, resulting in departure of HGVs from this centrally located Site up to 2 hours beforehand, and production of asphalt or concrete during out of hours periods. Due to the nature of the product, this necessitates production outside regular hours. Nevertheless, in all cases, relevant and stricter limits for noise and disturbance can be complied with during these activities conducted outside standard operating hours. As such, occasional production and transport of asphalt and/or concrete outside the working hours stipulated above may be required, and will be undertaken with prior agreement of the Area Engineer.

No quarrying is proposed.

#### **2.9.4 Condition 4 – Oils, Chemicals, and Bunding**

There are no concerns regarding draft condition 4(a) - No oils, fuels, or chemicals are discharged to ground or surface water. Drainage in areas where oils are stored passes through interceptor traps.

Regarding 4(b) - EPA and CIRIA C736 guidance is for overground storage tanks to be housed within impermeable bunded compounds capable of containing at least 110% of the largest tank volume, which the Applicant has achieved on-site.

#### **2.9.5 Condition 5 – Noise Control**

According to Chapter 11 of the submitted rEIAR, the established noise limits are an  $L_{Aeq, 1hour}$  of 55 dBA, measured at the nearest sensitive receptor during operational hours, and an  $L_{Aeq, 15minutes}$  of 45 dBA at any other time, in line with standard noise nuisance thresholds. Any deviation from these limits would represent a significant departure from industry norms.

Provision for annual noise monitoring by accredited consultants, conducted in accordance with agreed methodologies and with reporting and submission to the Planning Authority, is acceptable to the Applicant.

#### **2.9.6 Condition 6 – Dust Deposition and Monitoring**

6(a) - Dust levels will not exceed 350 mg/m<sup>2</sup>/day, averaged over 30 days.

6(b) - A comprehensive dust monitoring and reporting programme is in place, as described in the rEIAR Air Quality Chapter (Chapter 9).

6(c) - Results are submitted to Donegal County Council's Environment Section as required.

6(d)–(g) - Wheel-washing, water spraying, and regular cleaning of access roads are undertaken to minimise dust and debris on the public road. Internal haul roads are maintained in dampened condition during dry weather.

#### **2.9.7 Condition 7 – Surface Water and Settling Ponds**

All surface and process water is conveyed through settlement ponds prior to licensed discharge to the stream at the south-eastern boundary.

The rEIAR Water Chapter and rNIS Section 3.4 confirm that this arrangement protects downstream water quality and complies with EPA discharge licence conditions.

#### **2.9.8 Condition 8 – Traffic Safety at N15 Junction**

8(a) - Permanent visibility splays have been provided in accordance with TII (formerly NRA) Design Manual for Roads and Bridges ('DMRB') standards.

8(b) - Entrance radii and gate setbacks (minimum 20m) comply with TII requirements.

The rEIAR Traffic and Transport Assessment demonstrates safe access and egress, ensuring compliance with national road safety standards.



### **2.9.9 Condition 9 – Surface Water and Public Road Interface**

No surface water from the former quarry discharges onto the public road, and no road runoff enters the Site. Drainage systems are designed to operate independently, as detailed in the rEIAR Water Chapter – Chapter 8 (Water).

### **2.9.10 Condition 10 – Additional Development**

Applicant is agreeable to a condition noting no development works, including exempted development works, will be undertaken within the Site without prior written approval from the Planning Authority.

### **2.9.11 Condition 11 – Signage and Advertising**

Applicant is agreeable to conditions relating to no new signage or advertisements to be erected without prior written consent of the Planning Authority.

### **2.9.12 Condition 12 – Security / Financial Bond**

The Applicant agrees to provide a financial bond or equivalent security to guarantee restoration is completed. Such bonds are usually limited to the agreed restoration plan and should be subject to adjudication with An Coimisiún if the applicant and Council cannot reach an agreement. An alternative wording, similar to other determinations such as the below, would be deemed appropriate:

“Prior to recommencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the Site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to the Board for determination.”

## **2.10 Conclusion**

The remedial documentation demonstrates that the former quarry at Ballymagroarty operates in full compliance with environmental, technical, and planning requirements. The mitigation measures and restoration plan provide for long-term environmental protection and visual integration.

Accordingly, MOR Environmental Consultants conclude that the rEIAR and rNIS adequately address all issues raised by Donegal County Council and ACP and are consistent with the policies, objectives, and environmental standards of the Planning and Development Act 2000 (as amended), the Donegal County Development Plan 2024–2030, and relevant EU directives.

The applicant accepts and complies with the policy framework and operational standards set out in Donegal County Council's Opinion. The rEIAR and rNIS collectively demonstrate that all environmental, technical, and management requirements have been met or exceeded.

Yours sincerely,

**for Malone O'Regan Environmental**



**Kenneth Goodwin**