



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

ABP- 019371-19  
20 SEP 2019  
Fee: € 110 Type: Cheque  
Time: 9:39 By: Post

www.ccdunannangall.ie www.donegalcoco.ie

Ref: UD17187

19<sup>th</sup> of August 2019

An Bord Pleanála  
64 Marlborough Street  
Dublin 1

AN BORD PLEANÁLA  
LDG-  
ABP-  
22 AUG 2019  
Fee: € 110 Type: Post  
Time: 9:21 By: Reg Post

**Re: Section 5 Referral with regard to quarrying of lands at Binnion Clonmany,  
Lifford PO, Co. Donegal**

A Chara

Please find attached a Section 5 referral by Donegal County Council with regard to the abovementioned development accompanied by proof of payment of the €110 fee.

The referral contains the details required under S.127 of the Planning and Development Act 2000(as amended) and other relevant information including; the location of the development, the developers names and addresses, photographs of the development, the subject matter of the referral, the full grounds of appeal, and the reasons, considerations and arguments on which it is based.

I trust this provides you with sufficient information to make a decision on the referral but should you require any further information please do not hesitate do contact us.

Mise, le meas

*D. Burke*

**For Carol Margey  
Senior Executive Planner  
Planning Enforcement Unit**

Cuir freagra chuig: Áras an Chontae, Leifear, Contae Dhún na nGall, Éire F93 Y622  
Please reply to: County House, Lifford, Co. Donegal, Ireland F93 Y622

Guthán/Tel: 074 9153900 | Facs/Fax: 074 9172812 | Ríomhphost/Email: info@donegalcoco.ie





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

Guthán / Tel  
Ríomhphost/Email  
www.ccdhunnagall.ie

074 9153900  
Info@donegalcoco.ie  
www.donegalcoco.ie

Áras an Chontae, Leifear, Co Dhún na nGall F93 Y622 / County House, Lifford, Co Donegal F93 Y622

finance@pleanala.ie

AN BORD PLEANALA  
64 MALBOROUGH STREET  
DUBLIN 1  
Ireland

Supp ID / Uimh. Áitheantais Soláthraí 393548  
Pay Date / Dáta Íocaíochta 23/08/2019  
Page / Leathanach 1 of 1

REMITTANCE ADVICE OF PAYMENT BY EFT / DUILLÍN ÍOCAÍOCHTA FAOI ÍOCAÍOCHT EFT

Your Ref/ Bhur dTagairt	Inv Date/ Dáta Sonraisc	Our Ref/ Ár dTagairt	AMOUNT/ SUIM EUR	Payable/ Iníochta EUR
UD17187 Section 5 Declaration	16/08/2019	30844627	110.00	110.00
			<div>AN BORD PLEANALA 22 AUG 2019 LTR DATED _____ FROM _____ LDG- _____ ABP- _____</div>	
PAGE TOTAL / IOMLÁN AN LEATHANAIGH			EUR 110.00	110.00
GRAND TOTAL / MÓRIOMLÁN			EUR 110.00	110.00

WH = Withholding Tax CT = Subcontractors Tax  
CMP = Late Payment Compensation

RA = Non Resident Landlord

PAYMENT ACCOUNT DETAILS / SONRAÍ CUNTAIS ÍOCAÍOCHTA

BIC AIBKIE2D  
IBAN IE70AIBK931055XXXX6067  
ACCOUNT NAME / AINM CUNTAIS AN BORD PLEANALA

20 SEP 2019

LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_  
LDG- \_\_\_\_\_  
ABP- \_\_\_\_\_



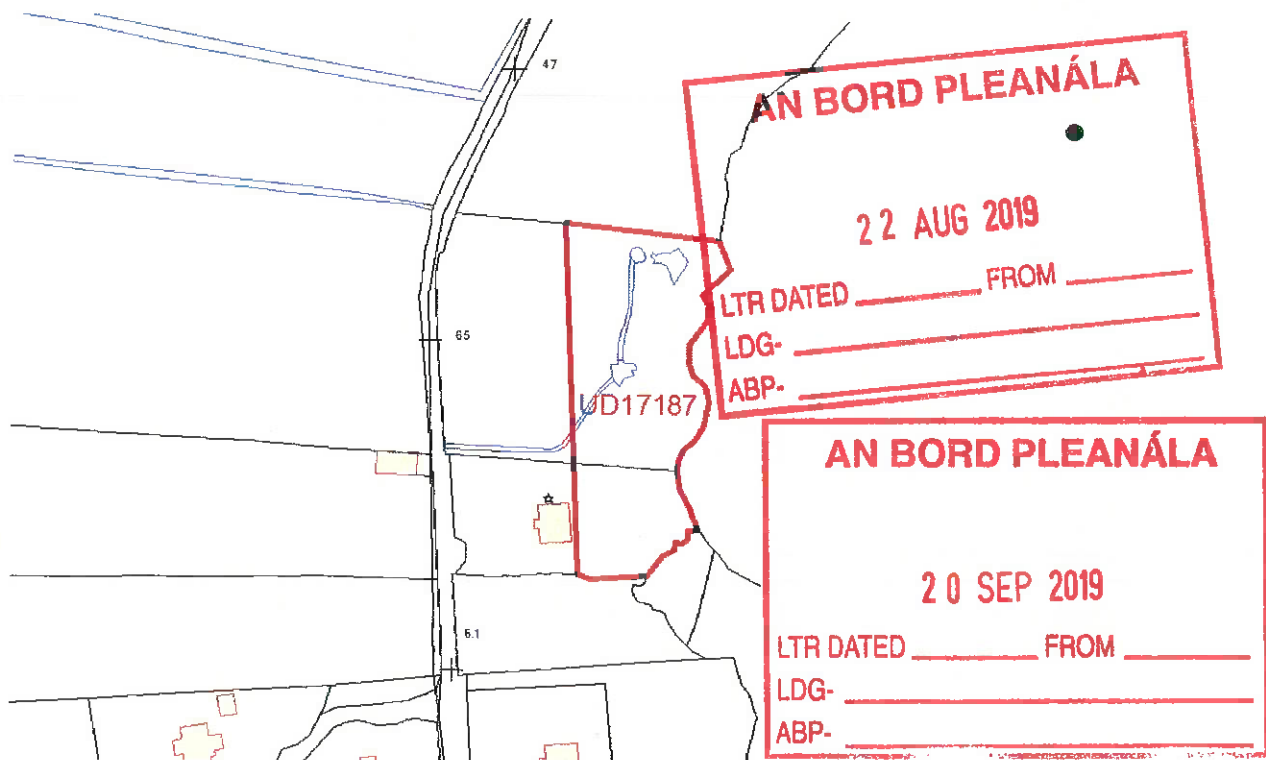
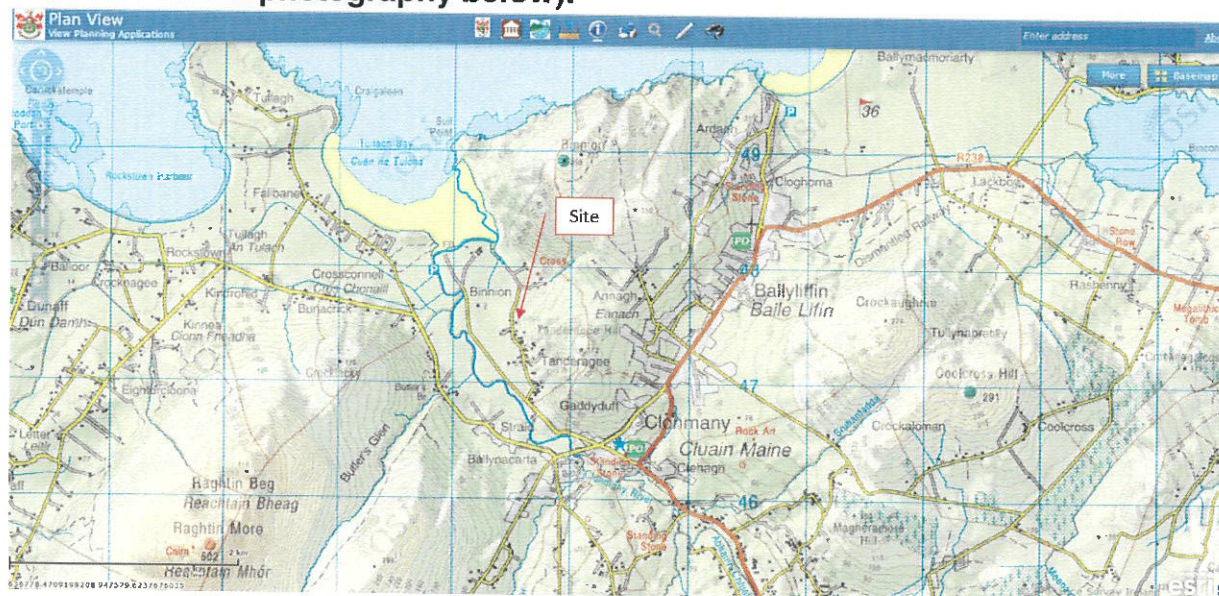
## Section 5 Referral to An Bord Pleanála by Donegal County Council with regard to development at Binnion, Clonmany, Co. Donegal

**Applicants Name and Address:** Donegal County Council, County House, Lifford, Co. Donegal

### Developers:

- William Gerard Doherty, Tanderagee, Binnion, Clonmany, Co. Donegal.
- Patrick G Doherty, Tanderagee, Binnion, Clonmany, Co. Donegal.

**Location of Proposed Development: Binnion, Clonmany, Co. Donegal (see site location in the OS extract below and the development site area outlined in map and in the aerial photography below):**



AN BORD PLEANAIA

15 AUG 2019

LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_

LDD- \_\_\_\_\_

ASP- \_\_\_\_\_

AN BORD PLEANAIA

50 SEP 2019

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LDD- \_\_\_\_\_

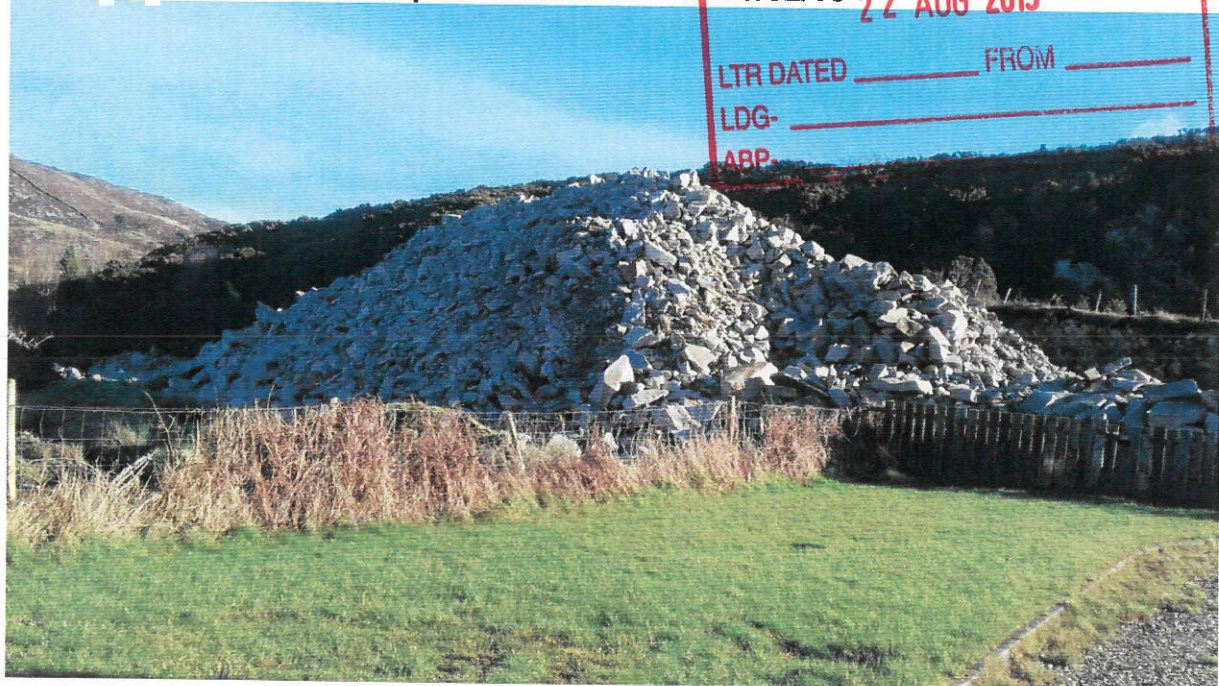
ASP- \_\_\_\_\_





Photographs of the development taken on the 16/02/18

22 AUG 2019



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**AN BORD PLEANÁLA**

20 SEP 2019

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AN BORD PLEANAÍLA

22 AUG 2019

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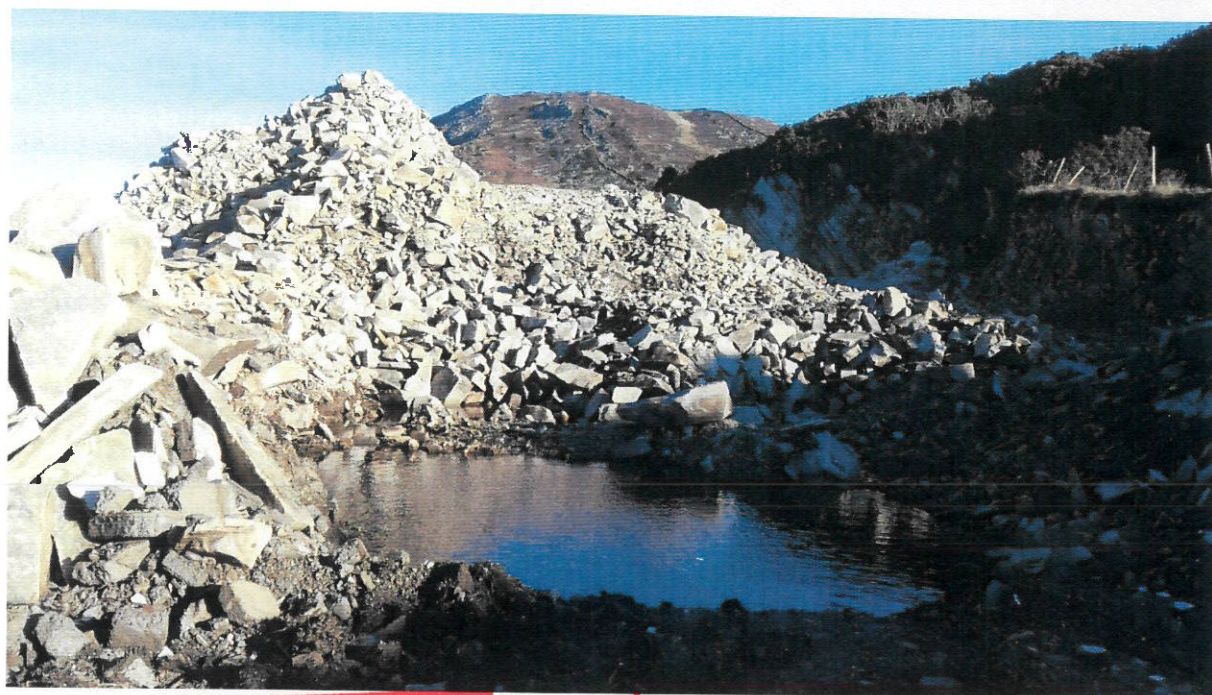
AN BORD PLEANAÍLA

20 SEP 2019

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**AN BORD PLEANÁLA**

**20 SEP 2019**

LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_

LDG- \_\_\_\_\_

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**AN BORD PLEANÁLA**

**22 AUG 2019**

LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_

LDG- \_\_\_\_\_

ABP- \_\_\_\_\_

AN BORD PLEANNÁLA	
28 Aibre 2019	
LTR DATED	FROM
LDC	
ABP	

AN BORD PLEANNÁLA	
20 SEP 2019	
LTR DATED	FROM
LDC	
ABP	





**AN BORD PLEANÁLA**

**20 SEP 2019**

LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_

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**AN BORD PLEANÁLA**

**22 AUG 2019**

LTR DATED \_\_\_\_\_ FROM \_\_\_\_\_

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Photographs of Development taken on the 28/09/18



**AN BORD PLEANÁLA**

**22 AUG 2019**

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**AN BORD PLEANÁLA**

**20 SEP 2019**

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LDG- \_\_\_\_\_  
ABP- \_\_\_\_\_

AN BORD PLEANAŁA

22 AUG 2018

LTR DATED FROM

LDC

ABP

AN BORD PLEANAŁA

20 SEP 2018

LTR DATED FROM

LDC

ABP





**Subject matter of referral:**

*Whether the quarrying of lands at Binnion, Clonman, Co. Donegal is or is not development and is or is not exempted development?*

**Grounds of referral and reasons and considerations on which it based:**

The development is currently being investigated as an unauthorised development under planning enforcement case reference UD17187. The development originally came to the attention of the planning authority as a result of a site inspection of the area on the 29/07/17.

AN BORD PLEANNALA

28 SEP 2018

FROM \_\_\_\_\_

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AN BORD PLEANÁLA

20 SEP 2019

The 2013 Digital Globe Aerial photography and the Google Street View photography (see below) indicates that the development site was originally a rocky hillside covered in gorse vegetation.

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On the 12/10/17 The planning authority issued an enforcement notice in accordance with S.154 and S.155 of the Planning and Development Act 2000(as amended) with respect of the development.

On the 10/10/18 the authority made a decision to prosecute for non compliance with said enforcement notice. A Court summons issued to the developers on the 17/01/19 and matter now stands adjourned before Carndonagh District Court

AN BORD PLEANALA

30 SEP 2019

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LDO \_\_\_\_\_  
ABP \_\_\_\_\_

AN BORD PLEANALA

22 AUG 2019

LTR DATED \_\_\_\_\_  
LDO \_\_\_\_\_  
ABP \_\_\_\_\_

In their submission to the authority of the 04/02/19 the developer contended that the development in question is exempted development under Article 8C of the Planning and Development Regulations 2001(as amended) namely:

*Land reclamation works (other than reclamation of wetlands) consisting of re-contouring of land, including infilling of soil (but not waste material) within a farm holding, shall be exempted development.*

The planning authority is of the view that the abovementioned development constitutes the quarrying of lands which, irrespective of the final purpose that the extracted material is used for, is a separate and materially different development to exempted development provided for under the abovementioned Article 8C of said regulations.

Consequently prior to hearing the planning authority is seeking confirmation from An Board Pleanála that it is development and is not exempted development.

<b>AN BORD PLEANÁLA</b>	
<b>20 SEP 2019</b>	
LTR DATED _____	FROM _____
LDG- _____	
ABP- _____	

AN BORD PLEANAIA

50 SEP 2013

LTB DATED FROM

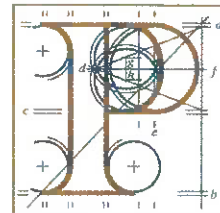
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ABP



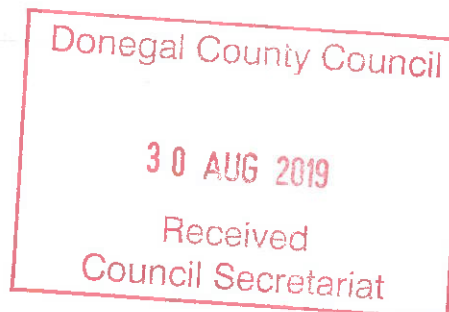
**Our Case Number:** ABP-305210-19

**Planning Authority Reference Number:** pa referral



**An  
Bord  
Pleanála**

Donegal County Council  
County House  
The Diamond  
Lifford  
Co. Donegal  
F93 Y622



**Date:** 22 August 2019

**Re:** Whether the quarrying of lands is or is not development or is or is not exempted development.  
Binnion, Clonmany, Co. Donegal.

Dear Sir / Madam,

An Bord Pleanála has received your letter in which you intended to make a referral under the Planning and Development Act, 2000, (as amended).

Section 127(1)(f) of the 2000 Act, (as amended), provides that a referral shall be accompanied by a fee. Your letter was not accompanied by a fee of €110 as stipulated in the Board's order of 14th February, 2011 and as provided for under section 144 of the 2000 Act, (as amended), and it is regretted that it must, therefore, be regarded as an invalid referral in accordance with section 127(2)(a) of the Act.

Please issue a written request for a refund of the fee of €110 which was sent to the Board by electronic fee transfer

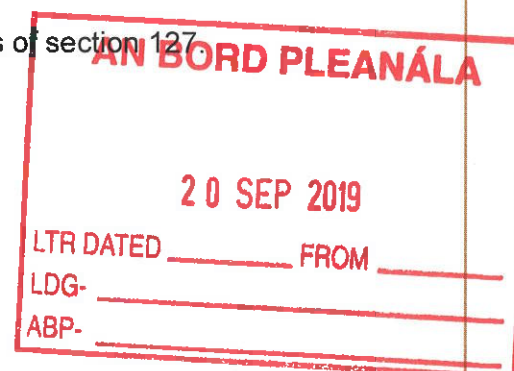
To lodge a valid referral you must comply with ALL of the requirements of section 127

The documents lodged by you are enclosed.

Yours faithfully,

Anna Howard  
Executive Officer  
Direct Line: 01-8737166

BPRL15



**Teil**  
**Glaio Áitiúil**  
**Facs**  
**Láithreán Gréasáin**  
**Ríomhphost**

**Tel**  
**LoCall**  
**Fax**  
**Website**  
**Email**

(01) 858 8100  
1890 275 175  
(01) 872 2684  
[www.pleanala.ie](http://www.pleanala.ie)  
[bord@pleanala.ie](mailto:bord@pleanala.ie)

64 Sráid Maoilbhríde  
Baile Átha Cliath 1  
D01 V902

64 Marlborough Street  
Dublin 1  
D01 V902

