

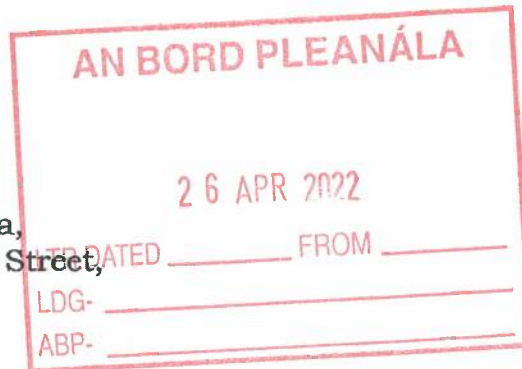
MICHAEL FRIEL

ARCHITECTS & SURVEYORS LTD.

CREESLOUGH,
Co. DONEGAL, F92 TF60.

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

Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1,
D01 V902.



25/04/2022

RE: Section 5 Referral to An Bord Pleanála by Donegal County Council and response on behalf of Eugene Ferry & Eamonn Sweeney prepared by M. Friel Architects with regards to a Pre- 1964 Quarry at Meenderrygamph, Derrybeg, Co. Donegal.

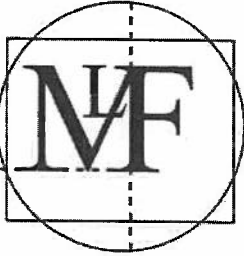
A Chara,

Please find attached a response to the Section 5 referral which has been made by Donegal County Council in respect to a Quarry in Meenderrygamph, Derrybeg, Co. Donegal which is owned by Eugene Ferry and Eamonn Sweeney

I trust that this is satisfactory however, should you require any additional information in regards to this matter, please don't hesitate to contact me.

Yours Sincerely,

for MICHAEL FRIEL MRIA



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Co. DONEGAL, F92 TF60.

PHONE: 074 91 38814

MOBILE: 087 286 9658

EMAIL: michael@mfielarchitects.ie

Your Case Number : ABP-313189-22

Response to Section 5 Referral to An Bord Pleanála by Michael Friel Architects with regard to development at Meenderrygamp, Derrybeg, Co. Donegal.

Applicants Name & Address: Eugene Ferry, Arduns, Gweedore, Co. Donegal & Eamonn Sweeney, Corner House, Gweedore, Co. Donegal.

**Location of existing Quarry:
Meenderrygamph, Derrybeg, Letterkenny, Co. Donegal
Quarry Registration No: EUQY 85**

I refer to the referral which has been made by Donegal County Council in respect to the existing Quarry at Meenderrygamph, Derrybeg which is currently owned by Eugene Ferry and Eamonn Sweeney. The Quarry has been registered as a quarry under Section 261 and has a Quarry registration number EUQY 85. The quarry was operational pre 1963, (we have provided evidence that the Quarry was operated from the 1940's) and this is accepted by Donegal County Council as per the details supplied by Donegal County Council in their referral documents. The Quarry was first operated by Donegal County Council (DCC) and the material within the Quarry was used for the purposes of road building and maintenance by DCC. This is an accepted point by the local Authority, however in discussions with DCC planning Section they had asked our clients to make a referral to An Bord Pleanála through a section 5 referral so as to give a clear and concise pathway for the operator and for Donegal County Council to allow our client to continue to operate in the specific area which is covered by the Pre 1963 operation(s). We submitted this referral to An Bord Pleanála on the 03rd of February 2022 and was assigned a reference number of ABP-312686-22 however the referral was deemed to be invalid as no decision had been taken by the local Authority in the matter, subsequent to this the Local Authority have now made a referral to An Bord Pleanála which is the subject of this response.

Proof that the Quarry was operational pre-1963:

I have appended with this referral document a series of aerial images which shows that the Quarry has been in operation prior to the need for planning permission was in place, that is to say Pre-1963. I have also appended with this referral document a letter from John Mc Fadden who advises that he was employed by Donegal County Council in 1957 to carry out works at the Quarry facility. The Quarry has been in continuous operation since that

time. I have also included by way of attachment a letter from the previous owner of the Quarry, Mr. Patrick J Doherty confirming that he extracted materials from the Quarry and that extraction was taking place prior to him purchasing same.

Operation at the Quarry:

The Quarry's main product is sand, stone and gravel. Little to no processing is required to the product prior to it leaving the site, other than it being extracted and graded. Larger rocks or stone which are too big are crushed to a size that is acceptable for the need that they are required for and the material is then taken off site. The material is of a pristine quality and once the over burden is stripped the sand and rock is clean and can be taken out of face and used without the need for blasting. In general terms there will be no more than 4 persons working at the facility at any one time with one person and machine extracting material from the face, another taking the material to a place either to be graded or crushed and then a person filling lorries with the material to be drawn to sites where the material is required. The material is suitable for building such as being used to make concrete or mortar or for plastering and can also be used for the purposes of road making, blinding & general fill. The facility is small scale and the operation has not intensified since 1963, the materials are only used for local works and the operators propose to keep the small scale nature of the operation in to the future.

Exempted Development :

In discussions which we have had with Donegal County Council there is an accepted principle that the facility is operational as a quarry from prior to 1963 and that the work that is now being undertaken at the facility within the confines of the area contained in the attached map could at that time have been envisaged to be taking place at the Quarry, as such it is a fair statement to make that there is development taking place at this location, however it is exempted development by virtue of the development being pre-1963. The basis of this referral is to allow a decision to be made on the future of the Quarry operation. It is our opinion that the local Authority is largely accepting of the bona fides of this case and accept this area has been quarried since before 1963 and indeed has been operated by Donegal County Council since before 1963 as can be verified from the attached documents and attachments with this referral. Given that the extraction area has not increased or intensified it should be an accepted principle that it is development however it should be accepted as exempted development given the above reasons.

Quarry / Extraction Area:

Donegal County Council refer to the overall landholding as being c 5.0 ha., this is correct, the actual land within the overall land holding is 4.93ha. in

size, however the area of the existing and established gravel pit is 2.88ha. and I have attached a drawing depicting this area. This area is the area which we are seeking to continue to extract from, the operator is aware that if this area is to be enlarged then it will require a permission to do so as it will be outside the pre 1963 area. The Local Authority's submission refers to an area " as the northern portion of the overall landholding/north of the overhead power lines (photos 8-18) refer was pre-63 authorised". This is the area which we are contending is the pre-63 area which has been operational since the 1940's & 1950's, has not extended and has not intensified since pre 1963. I have shown the location of the overhead power lines on the attached drawing for reference purposes and this drawing clearly shows that the area which our clients are seeking to continue extracting from is north of the Power cables and the area involved is 2.88ha. in line with the area which the planning authority advises is pre-1963.

There are a number of fundamental questions or stipulations which need to be met so as to allow for the operation to be classified as exempt development and I have teased these issues out below.

Has the footprint or area of development changed?

No. The area which is currently being developed through the extraction of rock is the same area as was in existence prior to 1963, this can be seen from the aerial images which we have supplied with this application.

The Quarry has been registered as a quarry, under Ref No: EUQY 85 and accepted by the Local Authority at the time of registration.

Given that the above has been accepted previously and the footprint has in no way altered, it is our strong contention that whilst development is taking place that it is exempted development as per the details supplied above and images which we have attached with this referral document.

Has the Works Intensified creating a material change of use?

No. The development is exactly as it would have been pre-1963 insofar as sand and stone are extracted by a mechanical excavator, graded and sorted and sold to persons for the purposes of road or House building in the locality. There is no doubt that modern machines have added to the ease with which this work can be carried out and it is not as labour intensive as it would have once been but the volume of material being extracted has remained steady over the years albeit it would have reduced further during the recessionary years through 2008 – 2015. The development is largely carried out by two persons, the owner and his son and the volume of material is dictated by the market in the area which is quite small. No extra processing of the material takes place at the site, no water is used to process any of the material and nothing is added to the material alter the form of the resource as the sand & stone is the natural resource in this instance.

Has The Quarry been abandoned to give rise to abandonment of use?

No. This development has been in place and operational since the early 1940's, the site was not closed at any stage for a prolonged period and local

people have been working and receiving sand & stone from the Quarry going back generations.

How large is the Quarry Site?

The size of the Quarry as per this application is 2.88 hectares which is below the threshold which would require an EIAR, our client is fully aware that if he wishes to increase the size of the extraction area or alter the operation in any way he is aware that he must apply to the Planning Authority for permission to expand the Quarry.

Conclusion:

It is accepted by Donegal County Council that the Quarry is registered as a pre-1963 Development under the Section 261(A) Quarry registration instrument prior to the 28th of April 2005, therefore the question which must now be answered by An Bord Pleanála is whether the development has altered by way of a material change by either intensification, moving to another area/site, the answer to the above is NO. The Area which the development is located has not been designated as a European site or as a Natura 2000 site. As such the development is operating as it was pre-1963 and it is fair to arrive at a conclusion that the works which are currently taking place would have been envisaged as being works which would have been carried out by those who initiated the development at the Quarry pre 1963. This Quarry operation as such meets the requirements which should allow it to continue to operate within it's footprint into the future. The operator is fully aware that if he wishes to extend the boundary of the Quarry or extract from any area outside that which is included in the attached boundary map that he will require Planning permission to do so.

No buildings have ever been erected at the development and our client is aware that any proposed works such as the erection of a building would require planning permission as it would constitute development.

I hope and trust that An Bord Pleanala will see fit to allow our client, who is an indigenous member of the Gaeltacht Community to continue to extract sand & stone and make it available to local persons who require it so that the tradition which pertains to this site can continue to exist.

Thanking you for the time which you have taken to consider this matter and if you require any additional information, please don't hesitate to contact me.

Le Meas,



For Michael Friel **MRIAI**



Patrick J. Doherty & Son Ltd.

BUILDING CONTRACTOR

Tel. 074 9531011
Fax. 074 9531184
email: pjdoherty@eircom.net

Patrick J Doherty (Director)
Philomena Doherty (Director)
Hugh Martin Doherty (Director)

Registered Office:
Coshclady, Bunbeg, Co. Donegal
Company Number 51845
Country of Registration - Ireland

Your Ref

28th August 08

To Whom It Concerns

Re: Land at Meenderrygamph, Gweedore sold to Mr Eugene Ferry.

Dear Sir,

This is to confirm that prior to us selling the above Land and indeed prior to us buying it, a small quarry had existed along the Cosclady Road, on the left hand side and there was evidence that Gravel had been extracted.

Yours faithfully,

Patrick Doherty & Son Ltd

28-8-12

John mc FADDEN
Lower Dora
Bunbeg.

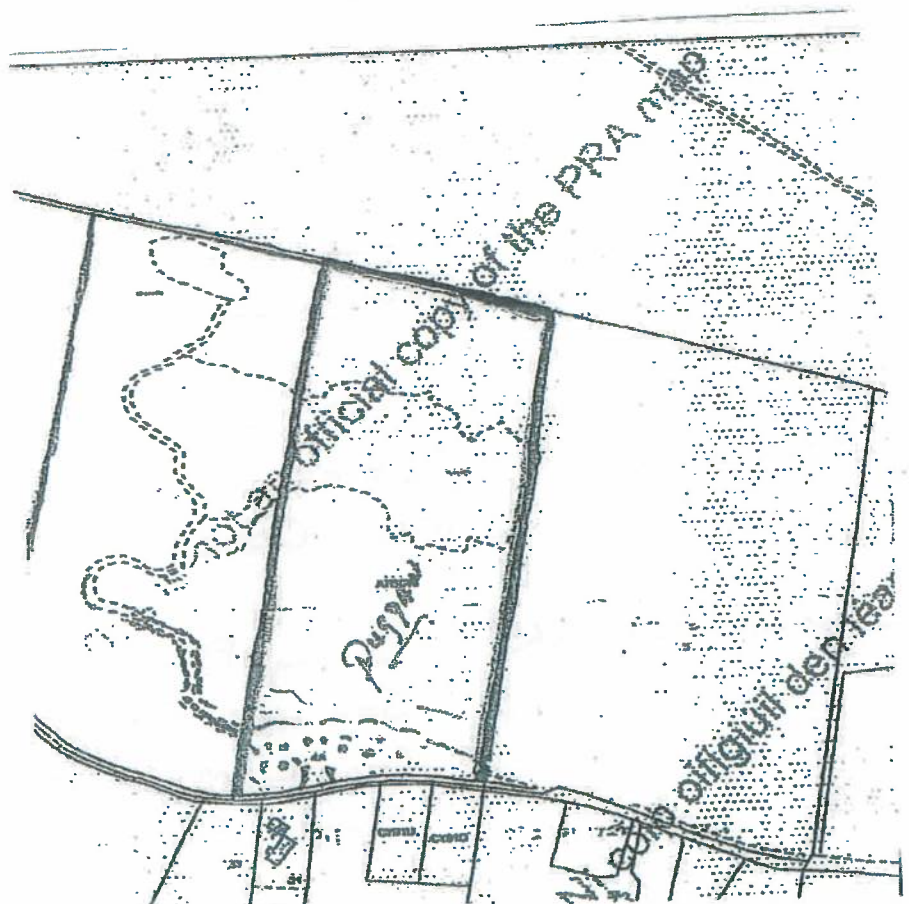
To Whom it may Concern:

I John mc Fadden was hired by Donegal County Council to carry out work on making a Rd into quarry we also excavated and stripped quarry area at Meenderryganh Gweedore in 1957.

Copy of map supplied of works carried out.

Yours Truly

John mc Fadden.



People from Council who worked
in the QUARRY 1957 - 1980

Foreman: Charlie mc GARVEY
Docket Man: Fergal Boyle
Ganger: Neilly mulligan

Sub Contractors:

LORRY HIRE:	HARRY CURRAN
" "	TOM mc BRIDE
" "	FRED COLL
" "	PADDY BOYLE
" "	JOSEPH mc FADDEN
IORB DRIVER	JOHN DOOHAN

County Engineer: J. D. Williams
Engineer: Butler
" " Mc Govern

Council DRIVERS: Denny Flynn
Joe mc BRIDE
Conal mc Fadden
Eddie Ferry

BALLYMALESK,
LETTERKENNY,
CO DONEGAL.

28-8-2012

To WHOM IT MAY CONCERN

THIS IS TO CERTIFY THAT I EDWARD FERRY
DROVE A TRUCK FOR DONEGAL CO COUNCIL
FROM 1966 TO 1982 AND ON THE YEARS
1967-68-69 I HAULED GRAVEL FROM
MEENDERRYCAMPH QUARRY BETTER KNOWN
AS DOOLANS & CAMPBELLS ON JAN, FEB, MARCH
OF 1967-68-69.

SIGNED

Edward Ferry

