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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: 19/50064**

**APPEAL** by Nigel McCutcheon of 41A Pettigo Road, Dooraanorth, Kesh, County Fermanagh against the decision made on the 7<sup>th</sup> day of November, 2019 by Donegal County Council to grant subject to conditions a permission to Anthony McElwee care of Kieran Gallagher of Doon, Termon, Letterkenny, County Donegal.

**Proposed Development:** (1) Retention of existing site development works, and (2) permission for the erection of a dwelling house with septic tank at Ballykerran, Kilmacrennan, Letterkenny Post Office, County Donegal. The proposed development was revised by further public notices received by the planning authority on the 18th day of September, 2019 and 21st day of October, 2019.

## **Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

1. Having regard to the soil and ground conditions noted on site, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.

2. On the basis of the information provided with the application and appeal particularly in relation to the infilling of the site, the efficacy of the proposed wastewater treatment system and in relation to the presence/absence of hydrological connections to European Sites and in the absence of an Appropriate Assessment Screening Report or Natura impact statement, the Board cannot be satisfied that the development, individually, or in combination with other plans or projects, would not be likely to have a significant effect on European Site Code:002176 (River Leannan Special Area of Conservation), in view of the site's conservation objectives. In such circumstances, the Board is precluded from granting permission.

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**Maria FitzGerald**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2020.**