



## Board Direction

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**Ref: PL05.245461**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18<sup>th</sup> January 2016. The Board decided to refuse permission generally in accordance with the Inspector's recommendation, and in accordance with the draft reasons and considerations set out below.

### REASONS AND CONSIDERATIONS

- 1 On the basis of the information on file, the Board is not satisfied that the habitats of the north western and south western the boundaries of the site have been clearly identified, or that the proposed development would not result in the removal of Old Oak Woodland habitat on those boundaries. Furthermore, the Board had regard to the extensive planning history in the vicinity, whereby the Board has refused permission for reasons relating to the cumulative pollution risk attached to multiple effluent disposal systems, to the general unsuitability of the site conditions in this area for the disposal of foul effluent, to the identification of this area by the Environmental Protection Agency as being both sensitive and at very high risk from domestic waste water pollution, to the poor percolation characteristics of this site, the shallow depth of soil, the presence of outcropping rock within the site and the surrounding area, the proximity of wells, and the location of the site partly within a Special Area of Conservation, the Board considers that the site is not suitable for the disposal of foul effluent. The proposed development would be prejudicial to public health and would result in a serious cumulative risk of environmental pollution. For these reasons, the Board is not satisfied that the proposed development would not be likely to have adverse effects on the Lough Swilly Special Area of Conservation (European site code 002287), in view of its conservation objectives, either by itself, or in combination with other development in the vicinity. In these circumstances, the Board is precluded from giving further consideration to a grant of permission.
- 2 It is considered that the proposed development would contribute to an emerging pattern of linear development visible from the public road, together with the loss of natural woodland currently forming the road frontage and contributing significantly to its character, where the road provides access to shoreline amenities enjoyed by the public. The proposed development would, therefore have a significant adverse impact on the visual amenities of this scenic area, and would be contrary to Core Strategy policies and objectives set out in the Buncrana and Environs Development Plan 2014-2020, including objectives CS-O-10 and CS-O-11, which seek to protect and enhance the character of Buncrana's built heritage and its scenic coastal setting, and to make sustainable use of its cultural and heritage assets for tourism and employment. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

*Note:*

The Board has serious concerns in relation to the acceptability in principle of development that would be reliant on on-site disposal of foul effluent and provision of water, on a site having an “established development” zoning objective and located within the boundaries of Buncrana town environs. In the absence of provision of appropriate public health infrastructure to serve this zoned land, the Board considered that the proposed development might constitute haphazard and piecemeal development and an unsustainable approach to development within town environs, might be prejudicial to public health, and result in a serious risk of pollution of the environment, by itself and in combination with other similar such development in the vicinity, as well as by the precedent it would set. However, it was also considered that this would constitute a new issue in the context of the appeal, and having regard to the substantive reasons for refusal, the Board decided not to pursue this matter further with the parties.

*Please issue a copy of this Direction with the Board Order.*

Board Member: \_\_\_\_\_ Date: 18<sup>th</sup> January 2016  
Fionna O' Regan