



## Board Direction

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**Ref: PL05E.247122**

The submissions on this file and the Inspector's report were considered at a further Board meeting held on 22<sup>nd</sup> December 2016.

The Board decided to grant permission by a majority of 2:1 in accordance with the following reasons, considerations and conditions.

### **REASONS AND CONSIDERATIONS**

The Board carried out a screening exercise in relation to potential impacts on nearby European sites, specifically the Slieve League SAC and the West Donegal Coast SPA and having regard to the nature and scale of the proposed development, the nature of the receiving environment, the screening report submitted, the submissions on file and the report of the Inspector, the Board concluded that, on the basis of the information available, the proposed development would not be likely to have a significant effect on any European site, either individually or in combinations with other plans and projects.

Having regard to the nature, scale and design of the proposed development and to the objectives of the current Donegal County Development Plan, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the following comments by the Board apply.

*(i) Location*

The Board had regard to the respective analyses of the Inspector and the planning authority relating to the policy considerations affecting the location of the proposed development - being in a rural area 1 km west of the

settlement boundary of the village of Carrick – and in particular Policy ED-P-11 of the current County Development Plan. The Board accepted, on balance, the arguments made by the planning authority – especially in relation to the potential for the proposed development to contribute to the local economy and community regeneration and declined to refuse permission on this issue.

*(ii) Traffic*

The Board had regard to the quoted views of the planning authority's Executive Engineer (Roads) in the report of the Senior Executive Planner, dated 27<sup>th</sup> July 2016, wherein the issue of a possibly impaired visibility splay is described as "minor in nature and not significant" and determined that a refusal of permission on this issue was not warranted.

*(iii) Wastewater Treatment*

The Board considered that a refusal of permission on this issue was not warranted as the matter in question can be resolved by way of condition.

### **Conditions**

1. Plans/partic.
2. (a) The requirements of the planning authority in relation to the public road, the new entrance and entrance road, sightlines and all related roadside landscaping and drainage matters shall be ascertained and a programme for implementing same shall be agreed in writing with the planning authority prior to the commencement of construction.  
(b) Prior to the first use or operation of the distillery and/or visitor centre facility written certification of compliance with the above requirements by a suitably qualified and chartered engineer shall be submitted by the developer to the planning authority.  
**Reason:** In the interest of traffic safety
3. (a) Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority, prior to the commencement of development.  
(b) All stone finishes shall be of locally sourced stone only.  
**Reason:** In the interest of visual amenity.
4. CMP 1
5. As per PA c.13 (excl. c)
6. As per PA c.14 (lighting)
7. As per PA c.15 (car parking)
8. As per PA c.17 (signs)
9. As per c.16 (landscaping)
10. Noise A, as amended (nearest noise sensitive receptor; (i) T=1hr; (ii) T=15min)

11. The helipad shall be omitted.

**Reason:** In the interest of the amenities of the area.

12. (a) The proposed groundwater supply shall have sufficient yield to serve the proposed development, and the water quality shall be suitable for human consumption. Details, demonstrating compliance with these requirements, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

(b) There shall be no abstraction of water from the Owenwee River.

**Reason:** In the interest of the protection of human health and the water resources of the area.

13. As per PA c.20

14. Prior to the commencement of development, the developer shall submit a process waste management plan to the planning authority for written agreement. The plan shall outline the amount and nature of the waste streams produced, any anticipated variations in the production quantities, content or strengths as well as specific measures for their handling, storage and disposal.

**Reason:** In the interest of environmental protection and orderly planning.

15. Materials generated by the proposed development shall be disposed of by landspreading, or by any other means acceptable in writing to the PA. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations 2014 (SI 31 of 2014).

**Reason:** To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent the pollution of watercourses.

16. ARCH A

17. S.48 unspec.

*Note:*

The Board noted the planning authority had screened the proposed development for environmental impact assessment and concluded that EIA was not required. The Board noted and adopted the Inspector's screening which also concluded that EIA was not required.

Costs

The Board made a determination to not award costs for the following reasons and considerations.

## **REASONS AND CONSIDERATIONS**

Having regard to the nature of the application and of the appeal, the submissions made on file, the request made for costs, the provisions of

Section 145 of the Planning and Development Act, 2000, as amended, and to the discretion afforded to the Board in this matter, it is considered that no particular circumstances apply that would justify the award of costs against the planning authority in this instance.

Please issue a copy of the Direction with the Order.

Board Member: \_\_\_\_\_ Date: 22<sup>nd</sup> December 2016  
G.J. Dennison