

**An
Bord
Pleanála**

**Board Direction
BD-011567-22
ABP-310308-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14/12/2022.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

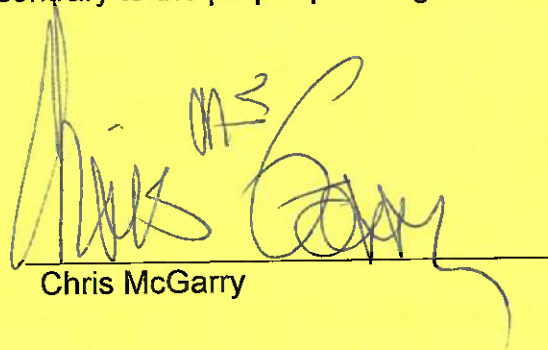
1. The proposed development includes removal of dumped material, identified as construction and demolition waste, during the site clearance/construction phase and emissions to air during the operational phase. Insufficient information has been provided as part of the application in relation to the extent and composition of dumped material dumped on the applicant's landholding and potential impacts on Lough Swilly Special Area of Conservation (Site Code 002287) and Lough Swilly Special Protection Area (Site Code 004075) arising from its removal. Further, the potential impact of emissions to air on Lough Swilly SAC and Lough Foyle Special Protection Area (Site Code 004087) are not identified or assessed within the submitted Natura Impact Statement/Addendum. The Board is therefore not satisfied, on the basis of the information provided with the application, including the Natura Impact Statement/Addendum, that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of European site(s) including Lough Swilly Special Area of Conservation (Site Code 002287), Lough Swilly Special Protection Area (Site Code 004075) and Lough Foyle Special Protection Area (Site Code

004087). In such circumstances the Board is precluded from granting approval/permission.

2. On the basis of the information submitted with the application and appeal and having regard to policies ED-P-8 and ED-P-11 of the Donegal County Development Plan 2018-2024, it is considered that the proposed development has not demonstrated a need to be located at this specific rural site, or that the proposed development would make a significant contribution to the economy of the county. In this regard it is considered that the proposed development would be contrary to the provisions of development plan policies ED-P-8 and ED-P-11 and would therefore be contrary to the proper planning and sustainable development of the area.

3. On the basis of the information submitted with the application and appeal including the Noise Impact Assessment submitted by the applicant the Board cannot be satisfied that the proposed development would not contribute to and extend a pattern of excessive noise levels at nearby residential property, where existing noise levels at surveyed noise sensitive locations are shown to exceed noise limits recommended by Environmental Protection Agency guidance document *Environmental Management in the Extractive Industry (Non-Scheduled Minerals)* (2006) including the maximum noise limit which the guidance states should not be exceeded. In the absence of clear, usable noise mitigation and management measures, the proposed development would seriously injure the amenities of the area including residential property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

Board Member



Chris McGarry

Date: 14/12/2022