



An
Bord
Pleanála

Board Direction
BD-014620-23
ABP-314670-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/11/2023.

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

Reasons and Considerations:

1. Notwithstanding the proposal to use a proprietary wastewater treatment system, having regard to the information provided as part of the application and appeal, the Board is not satisfied that effluent from the development can be satisfactorily treated and disposed of on site and would not give rise to a risk of groundwater pollution. Further, the proposed domestic wastewater treatment system does not accord with the minimum requirements of the Environmental Protection Agency *Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)* (2021), Table 6.2 of which outlines minimum separation distances from specified features such as housing, site boundaries and open drains. The proposed development would therefore be contrary to the proper planning and sustainable development of the area and would also be prejudicial to public health.
2. On the basis of the information provided with the application and appeal, and in light of the Stage 2 Appropriate Assessment undertaken, 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 Gweedore Bay and Islands SAC (Site Code 001141), in view of the site's conservation objectives, by reason of (a) the requirement to undertake excavation works up to an open drain

adjacent to the east site boundary that provides a direct hydrological connection to the SAC and to connect the proposed surface water drainage system to this open drain and (b) the requirement for ongoing maintenance of a heavily engineered wastewater treatment system. In such circumstances, the Board is precluded from granting permission.

Note:

The Board considered that, notwithstanding the two substantial reasons for refusal, that the status of the extension to the property itself would be required to be addressed in any future application as it appears that the raising of the roof was not the full extent of the development on this site.

Board Member


Liam Bergin

Date: 20/11/2023