

**An
Bord
Pleanála**

**Board Direction
BD-016098-24
ABP-317425-23**

The submissions on this file and the Inspector's report were considered at Board meetings held on 12/03/2024 and 16/04/2024.

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

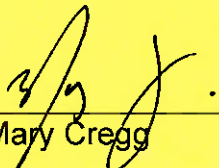
Reasons and Considerations

1. Having regard to policy objective WES-O-5 of the Donegal County Development Plan 2018 – 2024, it is considered that the applicant has failed to demonstrate that the proposed development, which would be sited immediately adjacent to the stream known as the Ardree Burn, would be capable of being constructed and operated without posing an unacceptable risk of water borne pollution to this stream and hence a reduction in its quality of water. Consequently, it is considered that the proposed development would contravene objective WES-O-5, which seeks "to maintain, protect, improve and enhance the quality of surface waters and ground waters in accordance with the Programme of Measures contained within the relevant River Basin Management Plan". The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in-combination with other plans or projects would not be likely to have a significant effect on Lough Swilly Special area of Conservation (site number 002287), Lough Swilly Special Protection Area (site number 004075) and Leannan River Special Area of

Conservation (site number 002176), or any other European site, in view of the Sites' Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.

NOTE: The Board noted the applicant did not provide details on slurry spreading, and it was therefore it was not possible to consider such details as part of the Appropriate Assessment screening. Because of the other substantive issues for refusal, the Board did not seek additional information on this point.

Board Member



Mary Cregg

Date: 22/04/2024