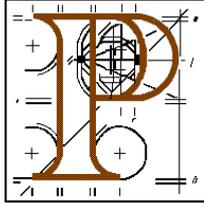


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Donegal County

Planning Register Reference Number: 14/51195

An Bord Pleanála Reference Number: PL 05.245461

APPEAL by Brendan McLaughlin, Bunrana Environmental Group of 16 Ardaravan Heights, Bunrana, County Donegal against the decision made on the 13th day of August, 2015 by Donegal County Council to grant subject to conditions a permission to Malcolm McGee care of North West Modern Designs of 42 Marian Park, Bunrana, Lifford, County Donegal.

PROPOSED DEVELOPMENT: The erection of a storey and a half dwelling with effluent treatment plant at Tullyarvan, Bunrana, County Donegal.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.