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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: 17/50424**

**Appeal** by Gweebarra Conservation Group care of Patricia Sharkey of Cloghercor, Doochary, County Donegal against the decision made on the 11<sup>th</sup> day of May, 2018 by Donegal County Council to grant subject to conditions a permission to Irish Water care of AECOM/Jennings O'Donovan and Partners of Finisklin Business Park, Sligo in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** A new watermain in the L-6373-1, L-6373-2 and L-6363-1 public roads, from the N56 junction to a proposed water storage reservoir at Derryloughan (planning register reference number 16/51737). Part of the watermain is inside the boundary of a Special Area of Conservation known as West of Ardara/Maas Road Special Area of Conservation (Site Code: 000197). The pipelines are part of improvements to the Regional Water Supply Scheme. A separate planning application for a booster pumping station at Kincrum (planning register reference number 16/50917) also refers. All in the townlands of Kincrum, Lettermacaward, Cleengort and Derryloughan, Doochary, County Donegal.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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**

Having regard to the County Donegal Development Plan 2018-2024 and in particular, to objective WES-0-3 to provide an adequate and secure supply of clean and wholesome drinking water to existing areas of supply and to those areas identified for growth in the Core Strategy and Settlement Structure, together with the limited scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area and would not impact on the natural environment nor be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment Screening**

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the planning Inspector's report in respect of the identification of the European Sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development. The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the West Ardara/Maas Road Special Area of Conservation (Site Code: 000197) is the European Site for which there is a likelihood of significant effects.

## **Appropriate Assessment**

The Board considered the Natura impact statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for European Sites in view of the conservation objectives of the West of Ardara/Maas Road Special Area of Conservation to maintain or restore the favourable conservation condition of the Annex I habitat and the Annex II species for which the Special Area of Conservation has been selected. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular, the

- (i) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal, and
- (iii) the conservation objectives of this European Site.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the West of Ardara/Maas Road Special Area of Conservation (Site Code: 000197) in view of the site's conservation objectives.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. All mitigation measures outlined in the Natura impact statement submitted with the planning application shall be implemented in full. Details of the construction method statement, the construction environmental management plan and the environmental incident emergency response plan set out in Section 5 of the Natura impact statement shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of environmental protection and preserving the integrity of the West of Ardara/Maas Road Special Area of Conservation (Site Code: 000197).

3. Site preparation and construction works shall adhere to best practice and shall conform to the substantial Inland Fisheries Ireland requirements for the protection of fisheries habitat during the construction and development works at river sites.

**Reason:** In the interest of protecting the environment.

4. All works associated with the development shall be confined to the carriageway of the public road throughout the alignment of the proposed watermains.

**Reason:** In the interest of environmental protection and preserving the integrity of the West of Ardara/Maas Road Special Area of Conservation (Site Code: 000197).

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

**Dated this            day of            2019.**