

An  
Bord  
Pleanála

Board Order  
ABP-308633-20

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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Donegal County Council**

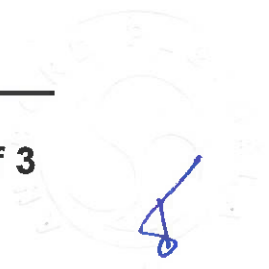
**Planning Register Reference Number: 20/50136**

**APPEAL** by Joe Dougherty of 11 Grainan Drive, Derry, Northern Ireland against the decision made on the 22<sup>nd</sup> day of October, 2020 by Donegal County Council to grant subject to conditions a permission to Aoife Gill care of McCullagh Architecture and Surveying Limited of Glenfinn Road, Ballybofey, County Donegal.

**Proposed Development** Construction of a dwelling house, septic tank/sewage treatment and associated site development works, all at Kill, Dunfanaghy, County Donegal.

## **Decision**

**REFUSE** permission for the above proposed development in accordance with the reasons and considerations set out below.

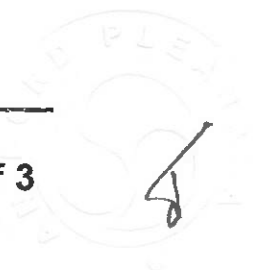


## **Matters Considered**

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. Having regard to the conditions on site, including the water rising from the hillside, exposed bedrock in areas and waterlogging, as well as the proposals to install land drains and a wastewater treatment system that would feature a sand-polishing filter area which would fail to meet the minimum separation distance standards to land drains, as required within the "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)", 2009 and subsequent clarifications issued by the Environmental Protection Agency, the Board is not satisfied that it has been satisfactorily shown that the subject site is capable of disposing of wastewater generated by the proposed development safely and without prejudicing public health. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



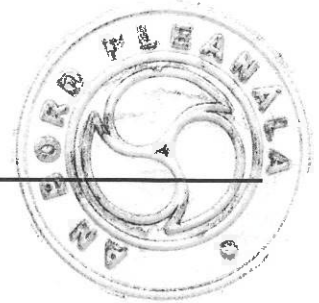
2. On the basis of the information submitted with the application and in response to the appeal, and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development, either individually, or in combination with other plans or projects, would not be likely to have a significant effect on the Horn Head and Rinclevan Special Area of Conservation (Site Code: 000147), in view of the site's conservation objectives. In such circumstances, the Board is precluded from granting permission.

*Terry Ó Niadh*

Terry Ó Niadh

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board.



Dated this *10<sup>th</sup>* day of *June*, 2021.