

An
Bord
Pleanála

Board Order

ABP-314670-22

Planning and Development Acts 2000 to 2022

Planning Authority: Donegal County Council

Planning Register Reference Number: 22/51151

Appeal by An Taisce of Tailor's Hall, Back Lane, Dublin against the decision made on the 25th day of August, 2022 by Donegal County Council to grant permission, subject to conditions, to Patrick and Cabrini Uí Lochlainn care of O'Connor Burke Architecture of Glenturas House, 18 Beraghmore Road, Derry/Londonderry, Northern Ireland.

Proposed Development: An díon ardaithe dár dteach cónaithe a choinneáilt agus ionad cóireála fuíolluise le láthair shíothlúcháin a chur isteach, mBun an Inbhir lochtarach, Doirí Beaga, Contae Dhun na nGall.

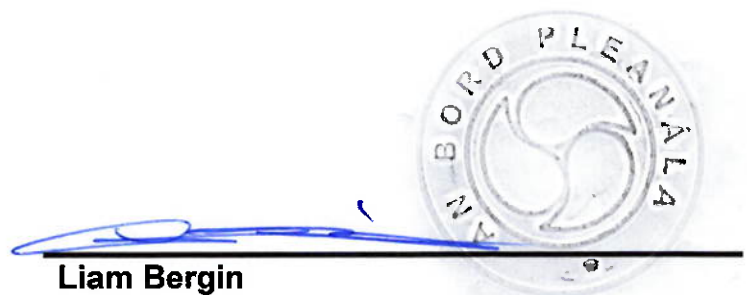
Decision

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

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. Furthermore, the proposed domestic wastewater treatment system does not accord with the minimum requirements of the Environmental Protection Agency Code of Practice Domestic Wastewater 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 Special Area of Conservation (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 Special Area of Conservation 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.



Liam Bergin

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 28th day of November 2023