

Planning and Development Acts 2000 to 2022

Planning Authority: Donegal County Council

Planning Register Reference Number: 22/50958

APPEAL by Odhran McLaughlin of Rockstown, Burnfoot, County Donegal against the decision made on the 3rd day of November, 2022 by Donegal County Council to grant subject to conditions a permission to Rockstown Developments Limited care of MH Associates of Convent Road, Letterkenny, County Donegal.

Proposed Development Completion of multiple residential development approved under planning reference numbers 05/4780, 06/71954, 07/71842 and extended duration of permission approved under 10/70356 and 10/70357, all at Rockstown, Tievebane, Burnfoot, County Donegal.

Decision

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

Reasons and Considerations


1. Having regard to the Donegal County Development Plan 2018 – 2024 and to the original application and further information submitted to the planning authority by the applicant, the Board is not satisfied that sufficient information has been provided to fully assess specific aspects of the proposed development including the following:
 - (a) Efficacy of the current wastewater treatment system, pumping system and percolation area on site, including details of on-going maintenance arrangements, to ensure the proposed development can be adequately serviced;
 - (b) Drainage arrangements including the attenuation and disposal of surface water; and
 - (c) Delivery of a link footpath along the northern side of the L3571 between the site and the existing footpath to the east or a comparable pedestrian facility, as conditioned under the parent permission 05/4780.

In these circumstances it would be premature for the Board to determine the appeal, as potentially, to do so would seriously injure the amenities of future residents and would risk water quality in local watercourses and water bodies. 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 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 result in adverse effects on the integrity of European Site Code Numbers 002287 and 004075, in view of the sites' conservation objectives.
- (a) As submitted, the proposed development is not the subject of a construction management plan, which addresses the control of surface water run-off from the site into a watercourse that flows into the European sites. Likewise, as submitted, the proposed development is not the subject of a Sustainable Drainage System. It is considered that during the construction and operational phases, water borne pollutants from the site may, therefore, be conveyed to the European sites, thereby affecting water quality.
- (b) As submitted, the proposed development is not the subject of any confirmation that the percolation area has been properly installed, and this percolation area is the subject of a maintenance agreement, which expires in 2026. It is considered that during the operational phase, water borne pollutants from the percolation area may, therefore, be conveyed to the European sites, thereby affecting water quality.

In such circumstances, the Board is precluded from granting planning permission.

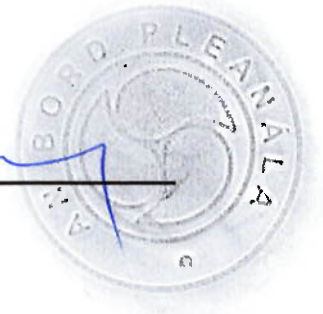


Martina Hennessy

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this 17th day of January 2024.