



An
Bord
Pleanála

Board Order ABP-317425-23

Planning and Development Acts 2000 to 2022

Planning Authority: Donegal County Council

Planning Register Reference Number: 23/50210

Appeal by Wild Irish Defence care of Peter Sweetman and Associates of PO Box 13611, Bantry, County Cork against the decision made on the 1st day of June, 2023 by Donegal County Council to grant permission subject to conditions to Paul and Jake Durning care of DML Architecture and Building Surveying of Market Square, Rathmullan, County Donegal in accordance with the plans and particulars lodged with the said Council.

Proposed Development: Erection of a new agricultural shed with underground slurry storage tanks and all associated site works at Newmill, Ramelton, Letterkenny, 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 policy objective WES-O-5 of the Donegal County Development Plan 2018 – 2024, it is considered that the applicant has failed to demonstrate that the proposed development, which would be sited immediately adjacent to the stream known as the Ardree Burn, would be capable of being constructed and operated without posing an unacceptable risk of water borne pollution to this stream and hence a reduction in its quality of water. Consequently, it is considered that the proposed development would contravene Objective WES-O-5, which seeks “to maintain, protect, improve and enhance the quality of surface waters and ground waters in accordance with the Programme of Measures contained within the relevant River Basin Management Plan”. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement, the Board is not satisfied that the proposed development individually, or in-combination with other plans or projects would not be likely to have a significant effect on Lough Swilly Special area of Conservation (site number 002287), Lough Swilly Special Protection Area (site number 004075) and Leannan River Special Area of Conservation (site number 002176), or any other European site, in view of the Sites' Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.


Mary Cregg

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

Dated this 23rd day of April 2024.