



An
Coimisiún
Pleanála

Commission Order
ACP-322909-25

Planning and Development Act 2000, as amended

Planning Authority: Donegal County Council

Planning Register Reference Number: 2560690

APPEAL by Donna McCorkell of Carrowen, Burt, County Donegal against the decision made on the 12th day of June 2025 by Donegal County Council to grant permission to David McDermott care of Patrick Canning of Ballylawn, Manorcunningham, County Donegal for the proposed development.

Proposed Development: Change of use and part retention and completion of existing commercial unit to facilitate a commercial vehicle roadworthiness test centre and all ancillary works all at Tonyhabboc, Newtowncunningham, Lifford, County Donegal.

Decision

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

Reasons and Considerations

1. Submitted documentation refers to a proposal to increase the capacity of an existing septic tank and percolation area. The submitted site layout plan shows that the septic tank and percolation area is located outside the application red line boundary and therefore the upgrade of same is not included as part of the application for permission. Furthermore, on the basis of the submissions made in connection with the planning application and the appeal, the Commission is not satisfied that the land on which the existing septic tank and percolation area is located is in the ownership or control of the applicant, and therefore, the Commission is not satisfied that the applicant has sufficient legal estate or interest in the land on which the septic tank is located to enable the applicant to continue the use of the septic tank or carry out the proposed upgrade works to same.
2. Policy WW-P-2 of the County Donegal Development Plan 2024-2030 seeks to ensure that new developments do not have an adverse impact on water quality including surface and ground water and that new developments do not hinder the achievement of, and are not contrary to, relevant EU and national plans including the objectives of the EU Water Framework Directive. Policy WW-P-5 requires that commercial developments, where they are to be maintained in single ownership with a projected PE>10, shall provide effluent treatment by means of an independent wastewater treatment system which complies with the Environmental Protection Agency's 'Treatment systems for Small Communities, Business, Leisure Centres and Hotels' manual or any subsequent or updated relevant code of practice.

Having regard to the information on file, the Commission is not satisfied that the applicant has demonstrated that the arrangements provided for dealing with wastewater disposal from the development are adequate to cater satisfactorily for the development, that the development would not contribute to surface or groundwater pollution at this location or that it would not be prejudicial to public health and would not cause pollution, that would hinder the achievement of, and are not contrary to, the objectives of the EU Water Framework Directive, or to policies WW-P-2 and WW-P-5 of the County Donegal Development Plan 2024-2030. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Declan Moore

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 13th day of October 2025.