



An  
Bord  
Pleanála

**Board Direction**  
**BD-002813-19**  
**ABP-303169-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/04/2019.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

### **Reasons and Considerations**

1. Having regard to the nature of the proposed development and to the provisions of the Donegal County Development Plan 2018-2024, it is considered that the proposed development would not comply with the requirements set out in Policy RH-P-7 of the Development Plan, which outlines the circumstances where replacement housing would be acceptable in a rural area, as the proposed house would be located a significant distance from the existing house to be replaced, which does not appear to have the benefit of a planning permission. Furthermore, the proposed development would contribute to the expansion of a suburban pattern of development in a rural area and, therefore, would be contrary to Policy RH-P-2 of the Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The locality of this proposed dwelling is characterised by inadequate surface water management infrastructure and information on file suggests that the area also suffers from pollution due to inadequate foul effluent treatment and disposal infrastructure for existing dwellings in the area, which includes existing infrastructure traversing the site. It is considered that, in the absence

of a comprehensive plan to deal with these problems, the addition of a further domestic wastewater treatment plant and further surface water discharges would exacerbate an existing unsatisfactory situation regarding environmental pollution and would be contrary to the provisions of the Sustainable Rural Housing Guidelines for Planning Authorities, which aim to protect water quality. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

3. On the basis of the information provided with the application and appeal, including the Natura Impact Statement, and in light of the assessment carried out above, The Board was not satisfied that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of Lough Swilly cSAC (Site Code: 002287) and Lough Swilly SPA (Site Code: 004075), in view of the sites' Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.

**Board Member**

**Date:** 15/04/2019

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Terry Ó Niadh