



An
Bord
Pleanála

Board Direction
BD-007451-21
ABP-307922-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 01/02/2021.

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

Reasons and Considerations

1. It is a requirement of the planning authority, as set out in the Donegal County Development Plan 2018-2024 that entrance arrangements be in accordance with the standards set out in Appendix 3 to Part B of the Development Plan. Having regard to the additional use of an existing access in a shared arrangement and the location of the proposed vehicular entrance/egress to serve the house at an existing substandard access onto the national road, it is considered that, given the restricted sightlines, where traffic turning movements generated by the development would interfere with the safety and free flow of traffic along the public road, the proposed development would endanger public safety by reason of traffic hazard and would be contrary to policy outlined in Section 2.5 of the "Spatial Planning and National Roads Guidelines for Planning Authorities" issued by the Department of the Environment, Community and Local Government in January, 2012, which aims to avoid the generation of increased traffic from existing accesses to national roads where speed limits of greater than 60 km/h apply. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. On the basis of the submissions made in connection with the planning application and the appeal and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development, individually, or in combination with other plans or projects, would not be likely to have a significant effect on Fawnboy Bog/Lough Nacung Special Area of Conservation (Site Code: 000140), or any other European site, in view of the site's conservation objectives. In such circumstances, the Board is precluded from granting outline permission.

3. Having regard to the ground, soil and subsoil conditions observed on the site with shallow peat cover over compacted sands and gravels and extensive water ponding evident on site, the Board is not satisfied that the site is suitable for the treatment and disposal of domestic foul effluent in accordance with the 'Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)', 2009 and subsequent clarifications issued by the Environmental Protection Agency. The proposed development would, therefore, be prejudicial to public health.

Board Member

Date: 01/02/2021

Stephen Bohan