

An
Bord
Pleanála

Board Direction
BD-008439-21
ABP-308633-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/06/2021.


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

Reasons and Considerations

1. Having regard to the conditions on site, including the water rising from the hillside, exposed bedrock in areas and waterlogging, as well as the proposals to install land drains and a wastewater treatment system that would feature a sand-polishing filter area that would fail to meet the minimum separation distance standards to lands drains, as required within 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 Board is not satisfied that it has been satisfactorily shown that the subject site is capable of disposing of wastewater generated by the proposed development, safely and without prejudicing public health. 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 in response to 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 the Horn Head and Rinclevan SAC (Site Code:

000147), in view of the sites' conservation objectives. In such circumstances, the Board is precluded from granting permission.

Board Member



Terry Ó Niadh

Date: 04/06/2021

Note: The site of the proposed development is located in a stronger rural area, as identified in the Donegal County Development Plan 2018 – 2024, wherein policies aim to manage the extent of development whilst facilitating those with a genuine rural-generated housing need. It is considered that the proposed development does not comply with Development Plan policies in relation to rural housing, in particular Policy RH-P-3, or the Sustainable Housing Rural Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005 and National Policy Objective 19 of the National Planning Framework, as the applicant has failed to demonstrate that they have a rural-generated housing need to reside in this stronger rural area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area. However, the Board considered that this was a new issue and decided not to pursue this issue in the light of the substantial reasons for refusal set out above.