

An
Bord
Pleanála

Board Direction
BD-010649-22
ABP-312388-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/05/2022.

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

Reasons and Considerations

1. The proposed development is located adjacent to Cloghernagore Bog and Glenveagh National Park SAC (Site Code 002047) and is approx. 225m west of Derryveagh and Glendowan Mountains SPA (Site Code 004039) and is hydrologically connected to both European sites by an open drain that routes adjacent to the north site boundary and which discharges to Glen Lough. On the basis of the information provided with the application and appeal, and in light of the Stage 2 Appropriate Assessment undertaken, the Board cannot be satisfied that the development, individually, or in combination with other plans or projects, would not be likely to have a significant effect on the European sites, in view of the sites' conservation objectives, arising from discharge of suspended solids and/or pollutants to the drain, the treatment of effluent on the site and the clearance of woodland habitat from the site that may provide suitable ex-situ habitat for Species of Conservation Interest within the SPA. In such circumstances, the Board is precluded from granting permission.

2. Having regard to:

- The location of the site within a structurally weak area as identified by the Donegal County Development Plan 2018-2024,
- The provisions of the Donegal County Development Plan 2018-2024, which facilitates rural housing proposals in structurally weak areas from prospective applicants with a need for a dwelling house (RH-P-4), provided they demonstrate that they can comply with all other relevant policies of the plan including policies RH-P-1 and RH-P-2,
- National Policy Objective 19 of the National Planning Framework which, for rural areas outside of those under urban influence seeks to facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements, and
- The documentation on file provided as part of the application and appeal

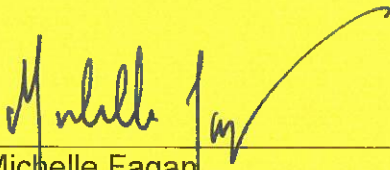
The Board considers that, in the absence of a demonstrated housing need at this location, the proposed development would result in a haphazard and unsustainable form of development, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3. The subject site forms part of a distinctive woodland that characterises the approach to the village of Glen from the south. The proposed development, which will require a substantial amount of clearance, would result in excessive removal of trees from the site, contrary to policy RH-P-2 of the Donegal County Development Plan 2018-2024, which states that a proposed house will be unacceptable where it fails to blend with the landform, existing trees or vegetation, buildings, slopes or other natural features which can help its integration. The development also fails to respect the character of the area and would not assimilate into the landscape, contrary to policy RH-P-1 of the

development plan, which requires proposed houses to assimilate into the receiving landscape. The development is therefore contrary to the provisions of the development and is contrary to the proper planning and development of the area.

4. Notwithstanding the proposal to use a proprietary wastewater treatment system having regard to the information provided as part of the application and appeal, which includes an old site characterisation assessment dated 28th August 2007, the likely presence of rock at or near surface or karst, to the proliferation of domestic wastewater treatment systems in this rural area, and to the Sustainable Rural Housing Guidelines for Planning Authorities, which recommend, in unsewered rural areas, avoiding sites where it is inherently difficult to provide and maintain wastewater treatment and disposal facilities, the Board could not be satisfied, on the basis of the information on the file, that the impact of the proposed development in conjunction with existing waste water treatment systems in the area would not give rise to a risk of groundwater pollution. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Board Member



Michelle Fagan

Date: 09/05/2022

