

An
Bord
Pleanála

Board Direction
BD-014355-23
ABP-314184-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/10/2023.

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

Reasons and Considerations

1. Notwithstanding that the proposed development is located down slope and screened from the local road, it is considered that the proposed development, taken in conjunction with other buildings in the vicinity, would be visible from the N56 National Road, would introduce an undesirable new development line on this level of the hill and create an ad hoc and haphazard series of buildings viewed from the coastal road section of the N56 National Road which would fail to assimilate into the receiving landscape. Furthermore, it is considered that the length and layout of the proposed new access road to serve the proposed dwelling would create an unacceptable scar on the hillside. Accordingly, it is considered the proposed development would negatively interfere with the character and quality of the landscape which is designated as an area of High Scenic Amenity and would cause a detrimental change to and further erode the rural character of the area, contrary to planning policies RH-P-1, RH-P-2 and NH-P-7 in the County Donegal Development Plan 2018- 2024.

2. Having regard to the location of the access/egress point onto a local road of poor width and alignment, the close proximity to a national school, the proposed gradient of the access road, and the adequacy of the submitted traffic survey the Board is not satisfied the proposed minimum visibility lines are sufficient and would therefore endanger public safety by reason of a traffic hazard or obstruction of road users.

3. Having regard to the soil conditions and the proposed discharge of surface water into a watercourse (Code:MULNAMIN_BEG_010) which discharges into the West of Ardara/Maas Road SAC, (Site code 000197), the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system and the incorporation of site drainage improvement works, as the impact on the West of Ardara/Maas Road SAC, (Site code 000197) and the high density of other effluent disposal units serving property in the vicinity has not been addressed. The proposed development would, therefore, be considered prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

Note:

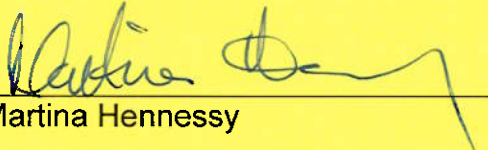
The Board noted that the applicant has submitted application drawings and further information where the Ordnance Survey site outlined in red does not correspond, and is smaller than, the site plan outlined in red. In such circumstances, the Board is not satisfied that the application can be properly assessed or that consent has been properly provided to make the application over the entire lands outlined in the site plan.

The Board also noted that an Appropriate Assessment screening report has not provided by the applicant. On the basis of the information provided with the application and in response to the appeal, the Board is not satisfied that adequate information has been provided on the impact of the proposed development

individually, or in combination with other plans or projects on the West of Ardara/Maas Road SAC, (Site code 000197).

While ordinarily these new matters would warrant further consideration and a request for further information, in this instance given the substantive reasons for refusal above, it was decided not to pursue these matters under the current appeal.

Board Member


Martina Hennessy

Date: 27/10/2023

