

**An
Bord
Pleanála**

**Board Direction
BD-012065-23
ABP-315406-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 02/05/2023.

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

Reasons and Considerations

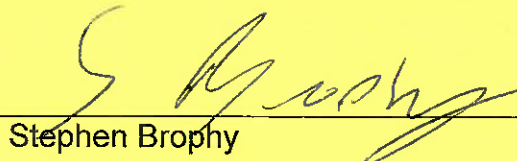
1. The proposed development, by reason of its scale, massing and location on a backland plot that is remote from other development in the area, results in a haphazard and visually intrusive form of development that fails to respect the rural character of the area and would not assimilate into the landscape, contrary to policies RH-P-1 and RH-P-2 of the Donegal County Development Plan 2018-2024. The Board was also not satisfied that the proposed development would be in accord with Best Practice in relation to the siting, location and design of rural Housing as set out in Appendix 4 of the County Development Plan. The development is therefore contrary to the aforementioned provisions of the development plan and is also contrary to the proper planning and sustainable development of the area.
2. On the basis of the information provided with the application and appeal, 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 Mulroy Bay SAC (Site Code 002159), in view of the site's conservation objectives, by reason of the close proximity of the proposed septic tank and percolation area to the SAC boundary and the hydrological connection via groundwater, which provides a route for wastewater being discharged from the

site to enter the SAC. In such circumstances, the Board is precluded from granting permission.

Note

The Board noted the inspector's concern regarding the weakness of the documentation on file demonstrating the applicant's compliance with relevant provisions of the County Development Plan 2018-2024 relating to rural housing need; however in the context of the above substantive reasons for refusal, the Board decided not to pursue this issue further at this time.

Board Member



Stephen Brophy

Date: 02/05/2023