

An
Bord
Pleanála

Board Direction
BD-018689-25
ABP-319607-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/01/2025.

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

Reasons and Considerations

The proposed development is located immediately adjacent to the Cloghernagore Bog & Glenveagh National Park Special Area of Conservation (Site Code: 002047) and by extension, the Sheephaven Special Area of Conservation (Site Code 001190). There is a direct hydrological connection to these sites by an open gully that routes parallel to the southern boundary of the site and which discharges into the Drumlackagh River at the mouth Sheephaven Bay. On the basis of the information provided with the application and on the appeal file, the Board cannot be satisfied that the development would not be likely to have a significant effect on the Cloghernagore Bog & Glenveagh National Park SAC (Site Code: 002047) and the Sheephaven SAC (Site Code 001190), in view of the respective sites' conservation objectives, by reason of the site context and open nature of the gully adjacent to the southern site boundary that allows for direct discharge of surface waters to the gully. In these circumstances the Board is precluded from giving further consideration to a grant of planning permission. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Note:

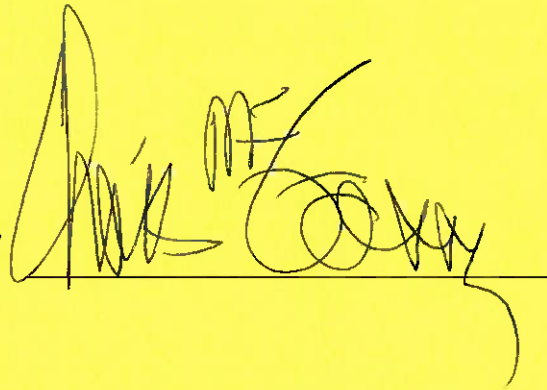
The Board noted the two recommended reasons for refusal, set out in the inspector's report as follows:

Having regard to the extent of existing development in the immediate vicinity and the location of the site in an area of 'High Scenic Amenity', the Board considers that the proposed development would not avoid the creation/expansion of a suburban pattern of development in this area and constitutes a haphazard form of rural backland development which contravenes Policy RH-P-9 of the County Donegal Development Plan 2024 - 2030 which seeks that proposals for individual dwellings be sited and designed in a manner that is sensitive to the integrity and character of rural areas and avoids expansion of a suburban pattern of development. The proposed development would also result in the further erosion of the character of the 'High Scenic Amenity' area and detract from the quality of the receiving landscape which would be contrary to objective L-0-1 of the Development Plan which seeks to protect, manage and conserve the character, quality and value of the Donegal landscape and policy L-P-2 of the Development Plan where areas identified as 'High Scenic Amenity' are protected and that only development of a nature, location and scale that integrates with, and reflects the character and amenity of the landscape may be considered. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

The Board is not satisfied, having regard to the ground conditions and the recommended wastewater treatment system, that effluent arising from the subject development can be satisfactorily treated and disposed of on the site in accordance with the EPA's Code of Practice for Domestic Waste Water Treatment Systems (PE <10) (EPA 2021). It is considered that the proposed development would be at a variance with Policy WW-P-6 of the County Donegal Development Plan 2024-2030 as it would result in an over-concentration of such systems in an area which cumulatively would be detrimental to water quality. Therefore, the proposed development would be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

The Board shared the concerns of the inspector as expressed in these two recommended reasons for refusal. However, having regard to the substantive reason for refusal set out above, and noting that these constitute new issues in the context of the appeal, it was decided not to pursue these matters in the context of the current appeal.

Board Member

A handwritten signature in black ink, appearing to read 'Chris McGarry', written over a horizontal line.

Date: 17/01/2025

Chris McGarry