



Planning and Development Acts 2000 to 2018

Planning Authority: Donegal County Council

Planning Register Reference Number: 18/51266

APPEAL by Desmond McDaid of Drumenan, New Mills, Letterkenny, County Donegal against the decision made on the 15th day of November, 2018 by Donegal County Council to grant subject to conditions a permission to Sinead McDevitt care of Corner Stone Architecture of Drumardagh, Letterkenny, County Donegal.

Proposed Development: Construction of a new dwellinghouse with a domestic garage together with a sewage treatment system and percolation area and all associated site development works at Drumenan, Newmills, Letterkenny, County Donegal.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. The subject site is partly located within an area identified as Flood Risk A on the Preliminary Flood Risk Assessment mapping issued by the Office of Public Works (2011). The site is also located in an area identified by the Environmental Protection Agency as being both sensitive and at very high risk in relation to domestic waste water pollution. Having regard to ground conditions prevailing on the site, the presence of a stream along the western boundary, the high concentration of existing houses in the area dependent on individual waste water treatment systems, and the indicative flood risk at this site, the Board considers that the site is not suitable for the disposal of foul effluent. The proposed development would, therefore, be prejudicial to public health and would give rise to the potential for water pollution in an area at risk of flooding. It is considered that the proposals to undertake intervention to the soils cannot appropriately address the inherent unsuitability of the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The R250 regional road fulfils an important regional function connecting Letterkenny in the east of the county with Glenties to the west. It is considered that the proposed development would generate additional traffic turning movements on the heavily trafficked regional road (R250), which by itself and in combination with the proliferation of direct private entrances onto the regional road in the vicinity, would interfere with the free flow of traffic on, and would compromise the level of service and carrying capacity of the road at this location, and would fail to protect public investment in the regional road network. Furthermore, it is considered that the proposed entrance, where a speed limit of 80 kilometres per hour applies, and where there is a continuous white line in the centre of the carriageway, would endanger public safety by reason of traffic hazard and obstruction of road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the location of the subject site within a 'Stronger Rural Area' in close proximity to Letterkenny, where housing is restricted to persons demonstrating local need in accordance with Policy RH-P-3 as set out in the County Donegal Development Plan 2018-2024, the Board is not satisfied, on the basis of the documentation available on file, that the applicant has adequately demonstrated that she comes within the scope of the specific housing need criteria as set out in the development plan for a house in this location. In the absence of an identified locally-based need for a house at this rural location, it is considered that the proposed development would contribute to the excessive pattern of 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 policies and objectives of the development plan, and would be contrary to the proper planning and sustainable development of the area.

4. The proposed development would constitute undesirable ribbon development and would exacerbate an emerging suburban pattern of development in this rural area contrary to the provisions of Policy RH-P-2 of the County Donegal Development Plan 2018-2024. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Paul Hyde

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.