



Planning and Development Acts 2000 to 2018

Planning Authority: Donegal County Council

Planning Register Reference Number: 18/51106

APPEAL by Bernard and Marie McShane care of Harley Newman Planning Consultants of Bohullion, Burt, County Donegal against the decision made on the 8th day of November, 2018 by Donegal County Council to refuse permission to the said Bernard and Marie McShane.

Proposed Development Demolition of an existing dwelling and the construction of a replacement single storey dwelling complete with new on-site wastewater treatment system, connection to public water supply and storm drainage, landscaping and all associated site development works. The application includes for the disconnection of an existing outside WC from the communal treatment plant and the decommissioning of the existing septic tank both serving the dwelling to be demolished and a new vehicular access with verge widening onto the adjacent private road serving the site as a means of access for the replacement dwelling, all at Lisfannon, Fahan, 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. Having regard to the nature of the proposed development and to the provisions of the Donegal County Development Plan 2018-2024, it is considered that the proposed development would not comply with the requirements, as set out in Policy RH-P-7 of the Development Plan, which outlines the circumstances where replacement housing would be acceptable in a rural area, as the proposed house would be located a significant distance from the existing house to be replaced, which does not appear to have the benefit of a planning permission. Furthermore, the proposed development would contribute to the expansion of a suburban pattern of development in a rural area and would, therefore, be contrary to Policy RH-P-2 of the Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The locality of this proposed dwelling is characterised by inadequate surface water management infrastructure and information on file suggests that the area also suffers from pollution due to inadequate foul effluent treatment and disposal infrastructure for existing dwellings in the area, which includes existing infrastructure traversing the site. It is considered that, in the absence of a comprehensive plan to deal with these problems, the addition of a further domestic wastewater treatment plant and further surface water discharges would exacerbate an existing unsatisfactory situation regarding environmental pollution and would be contrary to the provisions of the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April 2005, which aim to protect water quality. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

3. On the basis of the information submitted with the application and the appeal, including the Natura impact statement, and in light of the assessment carried out above, The Board was not satisfied that the proposed development, either individually, or in combination with other plans or projects would not adversely affect the integrity of Lough Swilly Special Area of Conservation (Site Code: 002287) and Lough Swilly Special Protection Area (Site Code: 004075), in view of the sites’ Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.

Terry Ó Niadh

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.