



An
Bord
Pleanála

Board Order ABP-303842-19

Planning and Development Acts, 2000 to 2019

Planning Authority: Donegal County Council

Application by Donegal County Council for approval under section 177AE of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura Impact Statement, lodged with An Bord Pleanála on the 1st day of March 2019.

Proposed Development: Construction of a combined footpath and cycleway adjacent to the R248 on the Carrigart to Downings Regional Road. This is planned to extend along the western margin of the R248 from its beginning near Carrigart to its junction with a minor road close to Rosepenna Hotel and Golf Resort in Downings. This represents a total distance of approximately 2.6 kilometres. For much of its length, the combined footpath/cycleway is proposed to be three metres in width and will occupy the existing roadside verge. At the southern end of the site, the verge is replaced by a strip of hardstand and, in this location, it is proposed to create a shared pathway which is approximately two metres in width so as to fit within this area. A filter drain is to be constructed along the entire length of the scheme. The works will involve traffic management, excavation, kerb laying, concrete works, backfilling and any associated accommodation works, as amended by the further information received by the Board on the 24th day of September 2019.

Decision

Refuse to approve the above proposed development based on 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

In the absence of adequately scaled drawings which detail the location and dimensions of the proposed combined footpath and cycleway relative to Annex I habitat for the full route, and relative to the Umlagh Stream, and in the absence of an Invasive Species Management Plan, the Board is not satisfied that the local authority has demonstrated that the proposed development would not adversely affect the integrity of European Sites: Sheephaven Special Area of Conservation (Site Code: 001190) and Mulroy Bay Special Area of Conservation (Site Code: 002159) in view of the sites' Conservation Objectives, as the proposed development would entail development which has the potential to disturb / remove Annex I habitat, and to deteriorate water quality, within the European sites.

In overall conclusion, the Board is not satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the site's Conservation Objectives. In such circumstances, the Board is precluded from approving the proposed development.

John Connolly

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020.