An Bord Pleanála

Ordú Boird

Board Order

ABP-307922-20

Na hAchtanna um Pleanáil agus Forbairt 2000 go 2020	**Planning and Development Acts 2000 to 2020**
Údarás Pleanála: Comhairle Contae Dhún na nGall	**Planning Authority: Donegal County Council**
Uimhir Thagartha sa Chlár Pleanála: 20/50611	**Planning Register Reference Number: 20/50611**
Uimhir Thagartha an Bhoird Phleanála: ABP-307922-20	**An Bord Pleanála Reference Number: ABP-307922-20**
Achomharc ó Ailbhe Ó Monacháin as An tArd Donn, Gaoth Dobhair, Leitir Ceanainn, Contae Dhún na nGall in aghaidh cinnidh a rinne Comhairle Contae Dhún na nGall ar an 16ú lá d'Iúil 2020 cead imlíneach a dhiúltú.	**Appeal** by Ailbhe Ó Monacháin of An tArd Donn, Gaoth Dobhair, Leitir Ceanainn, Contae Dhún na nGall against the decision made on the 16th day of July 2020 by Donegal County Council to refuse outline permission.

An Fhorbairt Bheartaithe:

Teach cónaithe, garáiste agus lánchóras cóireála le haonad scag-ghlanta ithreach a thógáil ar An Ard Donn, Gaoth Dobhair, Contae Dhún na nGall agus bealach rochtana an iarratais a cheangal den bhealach rochtana atá ann faoi láthair ón N56.

Proposed Development:

Construction of a dwelling house, garage and full treatment system with soil filtration unit at An Ard Donn, Gaoth Dobhair, Contae Dhún na nGall and connection of the application access route from the N56.

An Cinneadh

Cead imlíneach don fhorbairt bheartaithe thuas a diúltú de réir na gCúiseanna agus na Nithe atá leagtha amach thíos.

Decision

Refuse outline permission for the above proposed development in accordance with the Reasons and Considerations set out below.

Na nithe a cuireadh san Áireamh

Agus a chinneadh á dhéanamh, d’fhéach an Bord do na nithe sin ar ceanglaíodh air, de bhua na nAchtanna um Pleanáil agus Forbairt agus na Rialachán a rinneadh fúthu, féachaint dóibh. Bhí aighneachtaí agus tuairimí a fuarthas de réir na bhforálacha reachtúla san áireamh sna nithe sin.

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.

Cúiseanna agus Tosca

1. Is riachtanas de chuid an údaráis phleanála é, mar atá leagtha amach i bPlean Forbartha Contae Dhún na nGall 2018-2024, go mbeadh socruithe iontrála de réir na gcaighdeán atá leagtha amach in Aguisín 3 a ghabhann le Cuid B den Phlean Forbartha. Ag féachaint d'úsáid bhreise a bhaint as rochtain atá ann cheana i socrú roinnte agus an bealach isteach/amach atá beartaithe d'fheithiclí chun freastal ar an teach a shuí ag pointe rochtana fochaighdeáin amach ar an mbóthar náisiúnta, meastar, i bhfianaise na línte radhairc srianta, mar a gcuirfeadh gluaiseachtaí ó thrácht a bheadh ag casadh ag éirí as an bhforbairt bheartaithe isteach ar shábháilteacht agus ar shaorsreabhadh tráchta feadh an bhóthair phoiblí, go gcuirfeadh an fhorbairt a bheartaítear sábháilteacht an phobail i mbaol mar gheall ar ghuais tráchta agus go mbeadh sí contrártha leis an

Reasons and Considerations

1. It is a requirement of the planning authority, as set out in the Donegal County Development Plan 2018-2024 that entrance arrangements be in accordance with the standards set out in Appendix 3 to Part B of the Development Plan. Having regard to the additional use of an existing access in a shared arrangement and the location of the proposed vehicular entrance/egress to serve the house at an existing substandard access onto the national road, it is considered that, given the restricted sightlines, where traffic turning movements generated by the proposed development would interfere with the safety and free flow of traffic along the public road, the proposed development would endanger public safety by reason of traffic hazard and would be contrary to policy outlined in Section 2.5 of the "Spatial Planning and National Roads Guidelines for Planning Authorities" issued by the

mbeartas a leagtar amach i Roinn 2.5 de na “Treoirlínte do Phleanáil Spásúil agus do Bóithre Náisiúnta le haghaidh Údaráis Phleanála” a d’eisigh an Roinn Comhshaoil, Pobail agus Rialtais Áitiúil i mí Eanáir, 2012, a bhfuil sé mar aidhm acu giniúint tráchta méadaithe ó bhealaí atá ann cheana amach ar bhóithre náisiúnta a sheachaint, i gcásanna inar mó ná 60 km san uair na luasteorainneacha atá i bhfeidhm . Mar sin ní bheadh an fhorbairt bheartaithe ag teacht le pleanáil chuí agus forbairt inbhuanaithe an cheantair.

2. Ar bhonn na n-aighneachtaí a rinneadh i ndáil leis an iarratas pleanála agus leis an achomharc agus in éagmais Ráiteas Tionchair Natura, ní féidir leis an mBord a bheith sásta nach dócha go mbeadh éifeacht shuntasacht ag an fhorbairt a bheartaítear, ina haonar, nó i gcomhcheangal le pleananna nó tionscadail eile, ar Limistéar faoi Chaomhnú Speisialta Fhána Bhí / Loch na Cuinge (Cód an tSuímh: 000140),

Department of the Environment, Community and Local Government in January, 2012, which aims to avoid the generation of increased traffic from existing accesses to national roads where speed limits of greater than 60 km/h apply. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. On the basis of the submissions made in connection with the planning application and the appeal and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development, individually, or in combination with other plans or projects, would not be likely to have a significant effect on Fawnboy Bog/Lough Nacung Special Area of Conservation (Site Code: 000140), or any other

nó ar aon láithreán Eorpach eile, i bhfianaise chuspóirí caomhnaithe an láithreáin. In imthosca den sórt sin, tá cosc ar an mBord cead imlíneach a thabhairt.

3. Ag féachaint do na dálaí talún, ithreach agus fo-ithreach a chonacthas ar an láithreán le clúdach móna éadomhain os cionn gaineamh agus gairbhéal comhbhrúite agus fianaise de locháin a bheith ag teacht chun cinn ar fud an láithreáin, níl an Bord sásta go bhfuil an láithreán oiriúnach chun eisilteach bréan baile a chóireáil agus a dhiúscairt de réir an 'Chóid Chleachtais - Córais Cóireála agus Diúscartha Fuíolluisce a Fhreastalaíonn ar Thithe Aonair (p.e. ≤ 10) ', 2009 agus soiléirithe ina dhiaidh sin arna n-eisiúint ag an nGníomhaireacht um Chaomhnú

European site, in view of the site's conservation objectives. In such circumstances, the Board is precluded from granting outline permission.

3. Having regard to the ground, soil and subsoil conditions observed on the site with shallow peat cover over compacted sands and gravels and extensive water ponding evident on site, the Board is not satisfied that the site is suitable for the treatment and disposal of domestic foul effluent in accordance with the 'Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.≤ 10)', 2009 and subsequent clarifications issued by the Environmental Protection Agency. The proposed development would, therefore, be prejudicial to public health.

Comhshaoil. Dá bhrí sin, dhéanfadh an fhorbairt a bheartaítear dochar do shláinte an phobail.

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Stephen Bohan

Ball den Bhord Pleanála a bhfuil Údarás aige séala an Bhord a fhíordheimhniú	**Member of An Bord Pleanála duly authorised to authenticate the seal of the Board**

Dátaithe ar an   lá seo de   2021