

Planning and Development Acts 2000 to 2021

Planning Authority: Donegal County Council

Planning Register Reference Number: 21/50657

APPEAL by Oisin Walsh care of Michael Mc Bride of Downings, Letterkenny, County Donegal against the decision made on the 2nd day of December, 2022 by Donegal County Council to refuse permission.

Proposed Development: Construction of a dwelling with on-site sewage treatment at Glenineeny, Glen, County Donegal.

Decision

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

Reasons and Considerations

1. The proposed development is located adjacent to Cloghernagore Bog and Glenveagh National Park Special Area of Conservation (Site Code: 002047) and is approximately 225 metres west of Derryveagh and Glendowan Mountains Special Protection Area (Site Code: 004039) and is hydrologically connected to both European sites by an open drain that routes adjacent to the north site boundary and which discharges to Glen Lough. On the basis of the information provided with the application and the appeal, and in light of the Stage 2 Appropriate Assessment undertaken, the Board cannot be satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the European sites, in view of the sites' conservation objectives, arising from discharge of suspended solids and/or pollutants to the drain, the treatment of effluent on the site and the clearance of woodland habitat from the site that may provide suitable ex-situ habitat for Species of Conservation Interest within the Special Protection Area. In such circumstances, the Board is precluded from granting permission.

2. Having regard to:
 - (a) the location of the site within a structurally weak area as identified by the County Donegal Development Plan 2018-2024,

 - (b) the provisions of the County Donegal Development Plan 2018-2024, which facilitates rural housing proposals in Structurally Weak Areas from prospective applicants with a need for a dwelling house (RH-P-4), provided they demonstrate that they can comply with all other relevant policies of the plan including policies RH-P-1 and RH-P-2,

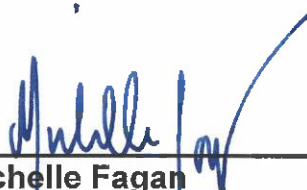
- (c) the National Policy Objective 19 of the National Planning Framework which, for rural areas outside of those under urban influence seeks to facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements, and
- (d) the documentation on file provided as part of the application and the appeal,

the Board considers that, in the absence of a demonstrated housing need at this location, the proposed development would result in a haphazard and unsustainable form of development, would contribute to the 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 proper planning and sustainable development of the area.

3. The subject site forms part of a distinctive woodland that characterises the approach to the village of Glen from the south. The proposed development, which will require a substantial amount of clearance, would result in excessive removal of trees from the site, contrary to policy RH-P-2 of the County Donegal Development Plan 2018-2024, which states that a proposed house will be unacceptable where it fails to blend with the landform, existing trees or vegetation, buildings, slopes or other natural features which can help its integration. The development also fails to respect the character of the area and would not assimilate into the landscape, contrary to policy RH-P-1 of the development plan, which requires proposed houses to assimilate into the receiving landscape. The proposed development would be contrary

to the provisions of the current development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

4. Notwithstanding the proposal to use a proprietary wastewater treatment system having regard to the information provided as part of the application and the appeal, which includes an old site characterisation assessment dated 28th August 2007, the likely presence of rock at or near surface or karst, to the proliferation of domestic wastewater treatment systems in this rural area, and to the Sustainable Rural Housing Guidelines for Planning Authorities, which recommend, in unsewered rural areas, avoiding sites where it is inherently difficult to provide and maintain wastewater treatment and disposal facilities, the Board could not be satisfied, on the basis of the information on the file, that the impact of the proposed development in conjunction with existing wastewater treatment systems in the area would not give rise to a risk of groundwater pollution. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Michelle Fagan

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

Dated this 10th day of May 2022

