

An
Bord
Pleanála

Board Order ABP-316224-23

Planning and Development Acts 2000 to 2022

Planning Authority: Donegal County Council

Planning Register Reference Number: 22/51586

Appeal by Ann Breen of Clonmass, Dunfanaghy, Letterkenny, County Donegal and by others against the decision made on the 16th day of March, 2023 by Donegal County Council to grant subject to conditions a permission to Hugh Harkin care of Genesis Planning Consultants of Dean Swift Building, Armagh Business Park, Hamiltonsbawn Road, Armagh.

Proposed Development: Construction of a dwellinghouse with wastewater treatment system and domestic garage, all at Marblehill, Dunfanaghy, County Donegal.

Decision

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

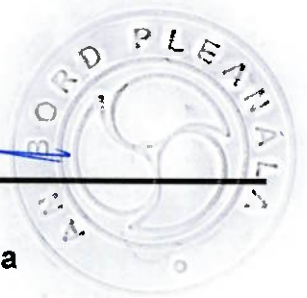
Reasons and Considerations

1. It is considered that the proposed development would introduce a building and associated site works into a highly scenic area, designated as an area of High Scenic Amenity, that contributes significantly to the quality of the character of the landscape that has remained free from one-off houses, and it is considered that the proposed development would fail to assimilate into the receiving landscape. It is also considered that to permit development in the proposed location would set an undesirable precedent for further one-off housing to the south of the subject site with individual accesses onto the local road. It is considered that the proposed development would interfere negatively with the character and high quality of the landscape, which is designated as an area of High Scenic Amenity, and would cause a detrimental change to, and further erode, the rural character of the area which would be contrary to policies RH-P-1, RH-P-2 and NH-P-7 of the Donegal County Development Plan 2018-2024. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the features and fauna on the subject site, identified in the Ecological Report for Screening for Appropriate Assessment received by the planning authority on the 27th day of February, 2023, it is considered that the Site Characterisation Report does not reflect fully the identified features and fauna on the site and does not provide sufficient detail in accordance with the Environmental Protection Agency Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), 2021. Accordingly, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the proposed development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system and the incorporation of site drainage improvement works. The proposed development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. On the basis of the information provided 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 the Sheephaven Special Area of Conservation (Site Code: 001190) in view of the site's Conservation Objectives. In such circumstances, the Board is precluded from granting permission for the proposed development.


Liam Bergin

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



Dated this 08th day of March 2024.