



An  
Coimisiún  
Pleanála

Commission Order  
ABP-320883-24

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**Planning and Development Act 2000, as amended**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: 2351408**

**APPEAL** by Emer Gallagher of Caislin, Ballygorman, Malin Head, County Donegal against the decision made on the 29<sup>th</sup> day of August 2024 by Donegal County Council to refuse permission for the proposed development.

**Proposed Development:** Construction of a new single storey detached dwelling, proposed new wastewater treatment plant and percolation area, together with associated siteworks and connection to existing services, at Culoort, Malin Head, Lifford PO, County Donegal.

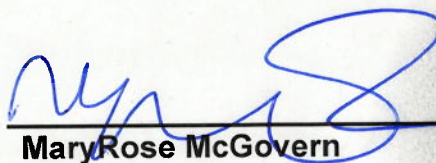
## **Decision**

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

## Reasons and Considerations

Having regard to the location of the subject site within the Malin Head Special Protection Area (SPA) (Site Code: 004146), the Conservation Objectives and Qualifying Interests of the said SPA, and on the basis of the information submitted with the application and appeal, including the findings of the Stage 2 Appropriate Assessment, and the Addendum to the Natura Impact Statement, the Commission is not satisfied that it can be determined beyond reasonable scientific doubt that the proposed development, either individually or in combination with other plans or projects, would not have an adverse impact on Corncrake, which is a species of conservation interest for the SPA. Consequently, in view of the site's Conservation Objectives, the Commission cannot be satisfied that the development would not be likely to have an adverse effect on the integrity of the Malin Head SPA. In such circumstances, the Commission is precluded from granting permission for the proposed development.

Furthermore, the proposed development would be contrary to the Donegal County Development Plan 2024-2030, in particular Policy Objective RH-P-9 which requires proposals for individual dwellings to be assessed, amongst other things, against the need to avoid any adverse impact on Natura 2000 sites, and Policy Objective BIO-P-1 which requires all developments to comply with the requirements of the EU Habitats Directive and the EU Bird Directive, including ensuring that development proposals do not adversely affect the integrity of any European/Natura 2000 site, including effects on ex-situ but functionally linked habitats, and species, save where a plan must be carried out for imperative reasons of overriding public interest (IROPI). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Mary Rose McGovern

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate  
the seal of the Commission.



Dated this 3<sup>rd</sup> day of November 2025.