



An  
Bord  
Pleanála

## Inspector's Report PL 05E.247949

---

<b>Development</b>	Construction of a leisure home park to include 37 mobile home pitches, 20 stopover caravan/touring van spaces recreational building, 2 playing pitches with playground area, underground water storage tank, provision of a mechanical aeration sewage treatment system and sand polishing filter, all associated site works and services
<b>Location</b>	Carrowhugh, Greencastle, Lifford PO, County Donegal
<b>Planning Authority</b>	Donegal County Council
<b>Planning Authority Reg. Ref.</b>	16/51403
<b>Applicant</b>	Carrowhugh Investments Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	Charles Doherty, Sarah Doherty & James Reynolds
<b>Date of Site Inspection</b>	4/4/2017
<b>Inspector</b>	Dolores McCague

## 1.0 Site Location and Description

- 1.1. The site is located in the townland of Carrowhugh, Greencastle, towards the north-eastern corner of the Inishowen Peninsula and 1.9 kilometres to the north-east of the centre of Greencastle. The site has frontage to the Regional Road R241, which skirts this side of the Inishowen coastline, while the coast itself lies 130 metres to the east of the site. A short distance to the rear of the site, on higher ground, a local road runs parallel to the regional road. This road is part of the Wild Atlantic Way where fine views of Lough Foyle, Derry, North Antrim and farther afield, are available; and from which there are views over the subject site. The regional road is an established tourist route known as the Inishowen 100.
- 1.2. Two separate land-ownership parcels comprise of the subject site. Letters of consent, to the making of the application, have been supplied.
- 1.3. Near the roadside the site is double its width further back. Most of the site is roughly rectangular in shape forming a long narrow strip of land, with its long axis running away from the road. The lowest area is found near the centre, and the land rises gently from this lower area towards the road and away from the road. Nearer to the rear there is a bench rise in level. The vegetation in the lower areas is indicative of impeded drainage and there are full, open drains, showing a high water table level.
- 1.4. To the west of the site there is an existing caravan park. A single-storey office and service building is setback about 120 metres from the roadside. All the pitches appear to be occupied; shown on the layout plan, submitted with the subject application, as a 45 mobile home park. Further west there is a leisure home part, in the first party's ownership, where wooden chalet type houses, similar to those currently proposed, are sited. To the north and west there is grazing land. Along the road there are some few isolated dwellings, including a few between the road and the sea. A small leisure home park occupies the seaward side of the road, a short distance to the north. There is a golf club on lands on the seaward side of the regional road to the south.
- 1.5. The site is given as 3.67ha.

## 2.0 Proposed Development

- 2.1. The proposed development is the construction of a leisure home park to include 37 mobile home pitches, 20 stopover caravan/touring van spaces, a recreational building, 2 playing pitches with playground area, underground water storage tank, provision of a mechanical aeration sewage treatment system and sand polishing filter and all associated site works and services. Water is to be supplied from existing private wells.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.2. The planning authority decided, 22/11/2016, to grant permission subject to 16 conditions, including:

4 e) A minimum 2m wide footpath complete with public lighting shall be provided throughout the site, along the entire length of the site frontage and thereafter extended to co-join with the existing public footpath located to the west of the subject site in accordance with the site layout plans and details submitted to and received by the planning authority on the 28<sup>th</sup> September 2016.

12 Potable water supply for the development hereby permitted shall be from 2 no. bore wells permitted under parent planning permission (Plan Reg No 09/70386 refers).

13 a) A wastewater treatment system (independently certified by IAB, BSI or ISO EN) suitable for a population equivalent of 250 no. persons shall be installed, operated and maintained in strict accordance with the supplier's instructions. The system shall be capable of dealing with the seasonality of the caravan park and shall have the capacity to restart efficiently after quiet periods.

b) Documentary evidence detailing a five-year maintenance contract between the applicant/owners and the suppliers of the wastewater treatment system shall be forwarded to the planning authority upon its installation.

c) all effluent shall be conveyed from the development to the wastewater treatment system via pipework measuring 100 -110mm in diameter, and shall achieve a minimum fall of 1:40 to 1:60 depending on the material used.

d) a sand polishing filter shall be provided to further treat the secondary effluent. It shall comprise no less than 560 sq metres. The surface layer shall comprise 10 - 20mm distribution gravel aggregate of 100mm thickness in which pressure distribution pipes are placed overlain by a geotextile fabric (in accordance with EN ISO 10319) and soil cover. Pressure distribution pipes shall be 32mm in diameter with 4 - 6mm perforations drilled at 300mm centres facing downwards, and shall have access/inspection points for rodding and scouring purposes. Pipes shall be laid parallel at 600mm centres and jointed in a continuous manner. The top layer of sand shall be a 200mm thick layer of 0.4 - 1.4mm coarse sand with a  $D_{10}$  of 0.7 - 1.0mm. this shall rest on a 75mm layer of washed, pea gravel. The bottom sand layer shall be a 150mm layer of fine sand 0.1 - 0.5mm. this layer shall rest on a 150mm layer of 10 - 20mm graded gravel in which drainage pipes may be placed. A thin (50mm) layer of sand below the graded gravel shall protect the liner from damage. The hydraulic loading shall not exceed 60 l/m<sup>2</sup>/d. Gravel layers within the sand polishing filter must be vented to the open air. The internal vertical sides of the sand polishing filter shall be lined with an impermeable material to prevent lateral migration of wastewater from the filter. The bottom of the filter shall not be lined. The filter shall be soil covered and sown with grass.

e) a pump unit shall be installed to evenly distribute the effluent over the entire polishing filter. An in-line filter with a mesh size of 10mm shall be installed between the pump chamber and the infiltration pipework to prevent blockages in the pipe orifices.

f) no part of the sand polishing filter shall be within:

10m of any dwelling

3m of the boundary of the adjoining site

4m of the nearest road boundary

10m of the nearest stream or ditch

3m of the nearest trees

5m of the surface water soakaway which shall be located down gradient of the polishing filter area

25m of the well

g) a gravel filled land drain shall be constructed around the perimeter of the sand polishing filter, set back at a distance of at least 2metres in order to protect the area from surface water run-off from the higher ground on the site. This land drain shall connect to existing storm water drains.

3.3. The decision was in accordance with the planning recommendation.

### 3.4. **Planning Authority Reports**

#### 3.4.1. Planning Report

The history is outlined including 09/70386 (this site) full planning permission granted for a leisure home park to include 37 mobile home pitches, 20 stopover caravan/touring van spaces, recreational building, provision of a mechanical aeration sewage treatment system and sand polishing filter, all associated site works and services and also retention of 2 no. boreholes for water supply to serve proposed leisure home park. Granted 2010, expired 5<sup>th</sup> September 2015.

The subject site is located within an 'Area Under Strong Urban Influence' as defined in the County Development Plan 2006-2012.

It is proposed to utilise the existing permitted boreholes to serve the proposed development. During the assessment of the previous application for retention of said boreholes, both boreholes indicated a capacity of 36m<sup>3</sup> per day, at full capacity both boreholes are capable of delivering 1,263 litres per day per pitch (minimum standard of 1.263 litres per day is required in accordance with the 'development and technical standards' for caravans and camping).

TOU-P-1 to TOU-P-17 of the Plan, and TOU-P-9 to TOU-P-11; dealing with appropriate locations for multiple static caravans / mobile homes, towing caravans and motor homes. Consideration of proposals for extension of existing parks and applicable minimum standards are of particular relevance. Development controls and technical guidelines Chapter 10 of CDP.

Visibility splays of 120m are achievable.

Not considered to impact on Natura site; nearest site 2.5km southwest.

Recommending permission subject to conditions, including:

4 e) A minimum 2m wide footpath complete with public lighting shall be provided throughout the site, along the entire length of the site frontage and thereafter extended to co-join with the existing public footpath located to the west of the subject site in accordance with the site layout plans and details submitted to and received by the planning authority on the 28<sup>th</sup> September 2016.

3.5. Other Technical Reports

3.6. EHO – conditions

3.7. Chief Fire Officer - conditions

3.8. **Prescribed Bodies**

3.9. DAU of the DAHRRG – conditions re archaeology.

3.10. **Observation**

3.11. No observation was received by the planning authority.

## 4.0 **Planning History**

This site:

06/70755 (front part of subject site) refusal of outline permission for construction of a leisure home park to consist of 20 mobile home pitches with associated site works and services for 2 reasons:

Reason 1 Having regard to the fact the suggested safe yield of the proposed private water supply is inadequate to meet peak demand, that there are no back up proposals in the event of a borehole failure, that the quality of the water source has not been established, that the impact of de-watering within the zone of the borehole on third party property has not been thoroughly assessed, the planning authority is not satisfied on the basis of the information submitted that the proposed development can be served by means of private water supply in accordance with

the necessary standards or without prejudice to existing third party properties within the zone of influence of the borehole. Accordingly, to permit the proposed development would be premature pending augmentation of the public water supply and would thereby be contrary to the proper planning and development of the area.

Reason 2 – The planning authority is not satisfied, on the basis of the information submitted that provision has been made for the safe and adequate treatment and disposal of wastewater generated by the proposed development having regard to the interlink between the on-site waste water treatment system and the on-site water supply. Therefore to permit the development as proposed would be prejudicial to public health, and contrary to the proper planning and sustainable development of the area.

06/71212 (rear part of subject site) refusal of outline permission for construction of a leisure home park to consist of 28 mobile home pitches a touring van /caravan parking area and service/ recreational building with associated site works and services to include borehole and water reservoir, sewage treatment system and soil polishing filter, for 2 reasons

Reason 1 similar to reason 1 of 06/70755

Reason 2 similar to reason 2 of 06/70755

Report from Senior Executive Engineer – while the applicant has gone some length to demonstrate that an alternative private on-site water supply can be achieved, the Water Service would be of the opinion that the proposal remains inconclusive, particularly for the operational phase. When considered along with the application on the same site (which includes some 46 units plus a further 10 touring caravans plus a further 10 touring vans, together with onsite service building and the adjoining development noted (file 03/5116 by same developer) the suggested safe yield of the proposed private water supply, which may be generous, at 40m<sup>3</sup> /day would be inadequate at peak demand.

The proposal lacks backup in the event of failure of the existing system borehole.

The steady state conditions were not realised during the trial pumping of the well. It was noted that it was difficult to establish a zone of influence for the borehole, a typical figure of 500m is assumed. Doubts remain regarding the inter-link of two

systems, via the onsite polishing filter for waste water treatment / on-site water supply source. A separate concern in that regard is that the file notes how the effluent eventually passes to a culverted drainage system. This begs the questions via the proper use of the polishing filter, which ideally should dissipate into ground.

08/70464 (subject site) refusal of outline permission for construction of a leisure home park to consist of 37 mobile home pitches, 20 stopover caravan/touring van spaces, service / recreational building, provision of sewage treatment system and sand polishing filter, all associated site works and services and also retention of 2 no. boreholes for water supply to serve proposed leisure home park.

#### Reason

The subject site is located within an area designated as being under pressure from 'Urban Generated Housing' in the County Development Plan 2006-2012. Having regard to the current lack of public water treatment capacity within east Inishowen and the period within which the capacity constraints involved may reasonably be expected to cease, it is considered that the proposed development would be premature pending the construction and commissioning of a new public sewage treatment plant and sewerage system in east Inishowen. Furthermore, it is considered that having regard to existing and permitted development within the area served by individual septic tanks systems and privately operated treatment plants discharging to ground water, the proposed development would be prejudicial to public health, would seriously injure the residential amenity of the area, would unnecessarily contribute to a threat of further pollution of groundwater and would sustain an unnecessary precedent to further such development. The proposed development would, therefore materially contravene the provisions of the County Development Plan 2006-2012, would be prejudicial to public health, and would be contrary to the proper planning and sustainable development of the area.

09/70386 (subject site) the construction of a leisure home park to consist of 37 mobile home pitches, 20 stopover caravan/touring van spaces recreational building, provision of a mechanical aeration sewage treatment system and sand polishing filter, all associated site works and services, (schedule A), granted 6<sup>th</sup> September 2010, expired 5<sup>th</sup> September 2015. Conditions included: 13) potable water supply



hereby permitted shall be by 2 no. bore wells in accordance with the plans and particulars submitted to the planning authority support of the 09/70386 planning application; 14) wastewater.

Schedule 'B' retention permission granted for 2 no. boreholes for water supply to serve proposed leisure home park. Conditions 1) the 2 no. boreholes for water supply herein permitted, shall be used to service the development approved under schedule A of planning permission 09/70386 only. No additional development shall connect to the boreholes herein permitted, unless a prior application for same has been approved by the planning authority. 2) Water supply shall be in accordance with the plans and particulars contained in the GH Saul reports received by the planning authority on 6<sup>th</sup> August 2009 and 10<sup>th</sup> June 2010, submitted in support of this application.

Report on file states that the water supply for this development shall be treated as per the attached report from GH Saul Consulting Engineers and all the recommendations made in the report should be included as a condition in any permission granted. Submissions on the file include a hydrogeological report which refers to the results of pumping tests; a pump test report on a new production borehole which proposes treatment of the supply; a site suitability assessment for on-site wastewater treatment system; and a planning report which states that the applicant has identified a different location for the sand-polishing filter which demonstrated improved soakage results than the previous location.

LV3317 Leave to appeal in respect of 16/51403, was granted to Charles Doherty and others in respect of the subject appeal. This file accompanies the subject file.

Site to west

PL05.208129 (PA reg. ref. 03/5116) Board decision to grant permission on foot of the planning authority's decision to grant permission, for leisure home park development served by public water supply and on-site wastewater treatment. That site is separated from the subject site by another caravan park leisure home development, but is under the control of the first party. The Board's decision notes that they had regard to the pattern of development in the immediate vicinity and the proximity of the site to the nearby beach.

This file accompanies the subject file.

Further west:

PL05.120142 (PA reg. ref. 00/4415) construction of a caravan park (156 pitches), construction of reception block with shop and games room plus construction of toilet block and installation of septic tank and Puraflo treatment plant at Carrowhugh, Greencastle refused by the Board on foot of a PA decision to refuse, for three reasons:

1. The site of the proposed development is located in a rural area of high scenic amenity value, which is designated as Landscape Category 2 in the current Donegal County Development Plan, where is it the policy of the planning authority to conserve the scenic landscape. This designation and policy are considered reasonable. It is considered that the proposed development would interfere with the character of the landscape and with a view or prospect of special amenity value which it is necessary to preserve. The proposed development would conflict with the reasonable policy of the planning authority and would, therefore, be contrary to the proper planning and development of the area.
2. Taken in conjunction with existing development in the area, it is considered that the proposed development would result in an excessive concentration and incongruous pattern of development in a rural area lacking certain services and remote from existing centres of development and would, therefore, be contrary to the proper planning and development of the area.
3. The Board is not satisfied, on the basis of the submissions made in connection with the planning application and appeal, that the site can be drained satisfactorily by means of a septic tank, notwithstanding the proposed use of a proprietary effluent treatment system. The proposed development would, therefore, be prejudicial to public health.

## **5.0 Policy Context**

### **5.1. Development Plan**

**The County Donegal Development Plan 2012-2018** is the operative plan.

Relevant provisions include:

Policies and objectives to protect the character of the landscape including the preservation of views and prospects and the amenities of places and features of natural beauty or interest; NH-0-8; NH-P-10 and NH-P-14.

Policies and objectives in relation to tourism development including specific policies referring to caravan / mobile home parks.

Designation of views and prospects worthy of protection, map 8 of the plan.

The Landscape Character Assessment defines the area as a visually and ecologically sensitive landscape.

## **5.2. Natural Heritage Designations**

North Inishowen Coast SAC, located c 2.5km to the north east is the nearest Natura site and is a coastal site.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.2. The third party appeal against the grant of permission has been made by AI Architects on behalf of Charles Doherty, Sarah Doherty and James Reynolds.

6.3. The grounds of appeal include:

6.4. The third parties own land directly adjacent to the proposed caravan park. They are concerned that the proposed development will have a detrimental effect on the local environment and adjacent landowners and the potential users of the facility.

6.5. Condition 4 e) A minimum 2m wide footpath complete with public lighting shall be provided throughout the site, along the entire length of the site frontage and thereafter extended to co-join with the existing public footpath located to the west of

the subject site in accordance with the site layout plans and details submitted to and received by the planning authority on the 28<sup>th</sup> September 2016.

- 6.6. The footpath was not included on the site plans as submitted as the existing public footpath to the west of the site terminates at the front of a small housing estate known as 'The Links' approximately 1km from the site location. Given the width of the existing county road, a 2m wide footpath as conditioned will have to cross numerous third party landholdings to maintain the required carriageway width of the county road and accommodate the conditioned 2m wide footpath. Each landowner will be required to provide written permission for the use of the land together with land transfer documentation providing wayleaves or transfer of ownership. The site plan: drawing 0217/LP5/F102 dated September 2016, as submitted with the planning application references a 2m footpath extended to entrance of adjoining leisure home park (currently under construction) to facilitate pedestrians'. This footpath is at the site frontage only, extending no further than the applications site boundaries. There is no further reference to the provision of a 2m wide pedestrian footpath and lighting within the application. Condition 4e) requests the footpath be extended to the west to meet the existing public footpath. This should have been addressed by further information. It impacts 1000m of road frontage and 8/9 third party folios and has far reaching effects on lands to the west. It cannot be implemented without third party consents.
- 6.7. There will be considerable impact from the approved caravan park in terms of increased vehicular and pedestrian traffic.
- 6.8. They provide land registry maps of lands in the third party ownership and letters confirming that they will not enter into any agreement to facilitate a footpath or street lighting.
- 6.9. The grounds states that the existing caravan park owned by the first party has suffered in terms of closure of facilities and lack of maintenance and the third party, who is the owner of the adjoining caravan park, fears for impact on her park and is concerned that there would be a second poorly run park on the other side of her site.

## 6.10. **Planning Authority Response**

6.11. The Planning Authority has responded to the grounds of appeal. They state that the intended requirement of condition no. 4 e) is to ensure the provision of a minimum 2m wide footpath complete with public lighting along the full extent of the service road within the site, along the full extent of the site frontage and ultimately to co-join with the existing, established footpath serving the existing caravan park development located immediately west of the subject site (approx. 7m to the west) as detailed in the site layout plan and details submitted to and received by the Planning Authority on the 28<sup>th</sup> September 2016. In the interests of clarity, it is not the intention of this condition to require the provision of a footpath from the subject site extending towards the settlement of Greencastle, located over 1km in a westerly direction. In relation to the overall decision they refer the Board to the planner's report.

## 6.12. **First Party Response**

6.13. Harley Planning Consultants Ltd has responded on behalf of the first party to the grounds of appeal, including:

The site is located approx. 2km east of Greencastle along R241 from Greencastle to Shrove.

The site is located adjacent to and east of the existing parks owned by the applicant and one appellant, and close to a popular beach on L Foyle. It is just over 3.5ha in area consisting of a number of fields which extend in a N/NW direction back from the R241. It is generally flat but rises steeply towards the rear.

The development is similar to that which withered. Ref 09/70386 was not developed due to the economic downturn.

Ref 09/70386 was granted under the 2008-2012 plan but it is considered that the policies and technical standards relating to caravan park developments in the current plan 2012-2018 remain largely similar.

The relevant policies and standards are set out in the planning statement submitted with the planning application.

The condition, referred to in the grounds of appeal, was queried by the first party following the decision.

The planning authority agreed that there had been a typing error and that the condition should read 'A minimum 2m wide footpath complete with public lighting, shall be provided throughout the site, along the entire length of the site frontage and thereafter extended to co-join with the existing private footpath located to the west of the subject site in accordance with the site layout plan and details submitted to and received by the Planning authority on the 28<sup>th</sup> September 2016'.

The planning authority will clarify the position. It is obvious that as drafted it is in error.

If the planning authority intended the footpath to be extended 1.2km, a request for additional information would have issued.

The condition would be unreasonable and unenforceable.

The provision of a footpath is unnecessary and undesirable.

The local beach amenity is directly across the road, the caravan parks have shops and a restaurant.

Many patrons bring their own provisions. The need to walk to Greencastle does not arise.

An Bord Pleanála agreed that the original development was acceptable in terms of traffic safety and convenience when allowing that development (PL05A.208129).

The allegation of poor maintenance of facilities is denied.

The appellant's park was the subject of enforcement in the past.

A decision to refuse planning permission, on the basis of past failures to comply, must be made on foot of an application to the High Court.

The appeal is vexatious.

A letter is attached to the response stating that the effluent treatment plant at the existing park has been managed by the writer's company on behalf of the owners since 2014 and was previously managed by them on behalf of the previous owners.

#### **6.14. Further Responses**

#### **6.15. First Party**

- 6.16. Harley Planning Consultants Ltd has responded on behalf of the first party to the planning authority's response to the grounds of appeal, welcoming the clarification regarding the condition and stating the first party's deep disappointment that the confusion regarding the wording has allowed a leave to appeal to be allowed.
- 6.17. **Third Party**
- 6.18. AI Architects on behalf of the third parties has responded to the planning authority's response to the grounds of appeal including:
- 6.19. There is no existing footpath to the west as referred to in the planning authority response, (approx. 7m to the west). They attach drawings and photographs to support this point and to illustrate the nature of the road. The only existing footpath to the west is in Greencastle. There are currently in the region of 116 mobile homes on the two established sites and the number will increase by 57 to 173 with the proposed development. This has the potential to accommodate over 700 people when full. The nearest village being Greencastle, there is the potential for large numbers of people to both drive and walk from the three sites to the village. It has bars, restaurants, the harbour and Lough Foyle Ferry, Maritime Museum and golf club, amongst other attractions. There are attractions for adults and children, many of whom will walk from the sites to Greencastle along the side of the existing road. Condition 4(e) indicated that the planning office recognised the potential danger of this number of pedestrians especially at high season. The road has an 80km/hr speed limit with sweeping bends that reduce visibility. The conditioning of the provision of a footpath linking with the village is of paramount importance to safeguard the safety of pedestrian traffic using the road and the condition was seen as addressing this potential safety issue. To state that the provision of a footpath to Greencastle was not their intention leaves a serious question regarding pedestrian safety.
- 6.20. The third parties take issue with the Traffic and Transport Statement that there will be a 3.09% increase in traffic and that it is not believed that the proposed development will have an adverse impact on the existing road network and will improve the road frontage. With a 30% increase in accommodation the 3% increase in traffic seems a little farfetched. The improvement in the frontage cannot be considered in isolation to the location of the site in relation to its surroundings.

Access to the nearest beach is via a track opposite the site entrance. The new footpath to the site frontage will provide safer pedestrian access to that, but beyond that the footpath stops and patrons have to walk along the road verge.

- 6.21. A previous application refused by Donegal County Council, for 20 touring pitches and 20 static caravan holiday homes, is cited, (Reg Reg 14-50939), and a copy of the planning report is supplied. The reasons included that the site is not an appropriate distance in terms of walking to Greencastle and Shrove beach and that concerns arise in relation to pedestrian safety along the narrow road which does not have public lighting. To provide a safe pedestrian route to Greencastle, the nearest village, along a narrow road with restricted visibility must be a priority and therefore a condition of planning approval. They request that condition 4(e) be interpreted responsibly as the requirement of a footpath from the application site to the existing footpath in Greencastle and in the absence of this the decision should be overturned.

## **7.0 Assessment**

- 7.1. The issues which arise in relation to this appeal relate are appropriate assessment, the principle of the development, condition no 4(e) and road safety, and water supply and wastewater and this assessment is dealt with under these headings.

### **7.2. Appropriate Assessment**

- 7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, individually or in combination with other plans or projects, on a European site.

### **7.3. The principle of the development**

- 7.3.1. The provisions in the current development plan (2012-2018) in relation to proposals for multiple static caravan / mobile home developments include that water supply and wastewater should be adequate, there should be provision for safe and adequate pedestrian linkages to local services (where appropriate); and that the receiving environment has the capacity to accommodate the proposal in terms of environmental, landscape and visual amenity considerations. In view of existing and



permitted cumulative development, in particular development located in coastal locations, proposals must demonstrate that they would not detract from the visual setting of the coastline or be visually obtrusive from key points along the coastline.

7.3.2. The proximity to a beach is noted as the attraction for users of the facility. The site is otherwise isolated from services and facilities. The development plan recommendations that there should be adequate linkages to local services is not complied with. Condition 4(e) is referred to under a separate heading.

7.3.3. The site is located between touring routes area where views of Lough Foyle and Northern Ireland's hills and headlands are available over the site and where the site is visible in the same viewing frame as the coastline. The proposed development, taken in conjunction with the existing development would seriously erode the visual amenity of the area. In principle the proposed development is inappropriate and should be a reason to refuse permission.

7.3.4. **Condition no 4(e) & Road Safety**

7.3.5. The planning authority imposed a condition requiring that a 2m wide footpath be provided connecting with the existing public footpath located to the west of the subject site. This condition was the subject of an application for leave to appeal, and has been referred to in the grounds of appeal. The planning authority accepts that the condition, which would require the provision of a footpath of over 1km in length to the edge of the settlement of Greencastle, over lands which are not in the control of the first party, was not the intention when drafting the condition. The first party has submitted a suggested revision of the condition. The confusion points to the isolation of the site from the nearest village and the lack of integration with services and therefore the unsuitability of the location for development of this nature.

7.3.6. In addition to the unsustainability of a development which is entirely car dependent, it would give rise to concerns with regard to pedestrian safety by its location in an area remote from the nearest settlement on a regional road where traffic speed is not controlled and where neither a public footpath or public lighting is available for the protection of pedestrians. The proposed development should be refused for this reason.

### 7.3.7. **Water Supply and Wastewater**

- 7.3.8. Water is proposed to be supplied from existing boreholes on lands to the west within an existing leisure home park site. It is proposed to extend a watermain from the source to the public road, along the public road to the subject site and thence to the rear of the site where a 60,000 litre underground reservoir is proposed on the higher ground. Details of the source are not provided as part of the subject application but the details provided in relation to the previous application, 09/70386, which permitted retention of the boreholes solely for the use of the development permitted under 09/70386, i.e. on the subject site, were to the satisfaction of the planning authority. The development, permitted by the Board, on the nearby site (on which the boreholes are located), is serviced by a water supply taken from an extension to the public watermain at the Golf Club road, per details supplied with that application, 09/70386.
- 7.3.9. It is proposed to dispose of foul effluent by means of a treatment plant and sand polishing filter located close to the road boundary. This would be the third large development on these adjoining sites, served by on-site treatment, and discharging to groundwater in a confined, unserviced rural area.
- 7.3.10. The Board previously considered the use of a proprietary effluent treatment system, for a similar development in the area, to be a reason to refuse planning permission (PL05.120142). On-site treatment and disposal of wastewater from similar development has, on several occasions, been a reason for refusal by the planning authority.
- 7.3.11. Notwithstanding that the decision includes a condition requiring a five-year maintenance contract between the applicant/owners and the suppliers of the wastewater treatment system, the reliance on on-site effluent disposal, particularly in the context of use of a bored well water supply, and where there is a concentration of such systems, is of serious concern.
- 7.3.12. The planning authority previously expressed concerns regarding the inter-link of the water supply and wastewater systems, and referred to same in previous refusal reasons.
- 7.3.13. In my opinion the water supply and wastewater system arrangements, notwithstanding the details presented in 09/70386 regarding yield, quality and

recharge of the water supply and the method of discharge of treated effluent on-site to groundwater, raises serious public health concerns in relation to the concentration of large scale systems for on - site disposal of wastewater and the use of a bored well water supply for such a large scheme and this is a reason to refuse permission.

## **8.0 Conclusion**

In accordance with the foregoing assessment I recommend that planning permission be refused for the following reasons and considerations.

## **9.0 Reasons and Considerations**

1 The proposed development would be located in a rural area of high scenic amenity value, where touring routes following the roads to east and west of the site afford views towards the sea, and Northern Ireland, and include designated views. It is considered that the proposed development would interfere with the character of the landscape and with a view or prospect of special amenity value which it is necessary to preserve and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Taken in conjunction with existing development in the area, it is considered that the proposed development would result in an excessive concentration and incongruous pattern of development in a rural area lacking certain services and remote from existing centres of development and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The Board is not satisfied, on the basis of the submissions made in connection with the planning application and appeal, that provision has been made for the safe and adequate treatment and disposal of wastewater generated by the proposed development having regard to the use of bored wells for water supply. The proposed development would, therefore, be prejudicial to public health.

4 The proposed development would be located in a rural area on a regional road where traffic speed is not controlled and where the nearest settlement providing necessary services is in excess of a kilometre away. In the absence of a public footpath or of public lighting connecting the site to the settlement, use of this busy narrow regional road for additional pedestrian movement, to which the proposed development would give rise, would be hazardous

.

---

Planning Inspector

3 May 2017

#### Appendices

- 1 Photographs
- 2 Extracts from the County Donegal Development Plan 2012-2018
- 3 Site Synopsis for North Inishowen Coast SAC