



An
Bord
Pleanála

Inspector's Report ABP-301814-18

Development	Demolition works to the rear and construction of single and two-storey extensions to public house and associated development
Location	Bayview Bar, Main Street, Dungloe, County Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	18/50031
Applicant(s)	Michael Boyle
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	Paul & Rosemary Gallagher
Observer(s)	None
Date of Site Inspection	5 th December 2018
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1.** The appeal site has a stated area of approximately 0.53ha and is located on the northern end of Main Street in Dungloe town centre, within the Donegal Gaeltacht. The site fronts onto Main Street, the R259 regional road, and backs onto the Gweedore Road, the N56 national road, which connects Dungloe with other settlements along the western seaboard of Donegal.
- 1.2.** Currently on site is a two-storey public house and restaurant, The Bayview Bar (Radharc an Camas), with a gross floor area (GFA) of approximately 406sq.m, including lounge bar, dining area, kitchen and facilities for patrons at ground floor and with storage space at first-floor level and within the roofspace. Attached to the rear of the premises are two single-storey sheds. The external finishes to the public house feature timber-sash windows, painted plaster walls and blue-black slates to the roof.
- 1.3.** Adjacent to the site is a parade of primarily two-storey commercial and residential buildings fronting onto Main Street. A recessed vehicular entrance to the rear of the property is provided off the N56, leading to a hardsurfaced parking and service area that has been formally laid out. Pedestrian access to the car park is also available from a gated laneway separating the northside of the public house with a holiday home and a two-storey building containing a vacant ground-floor commercial unit and a first-floor apartment. Adjacent to the north of the rear entrance road are the grounds of a residential property on extensive gardens. Dungloe Community Hospital is opposite the rear vehicular entrance to the site off the N56. Running parallel and adjacent to the southern boundary of the site is the Dungloe river, flowing west towards Dungloe Bay. Ground levels in the area drop gradually following the Dungloe river. Historical maps of the area, identify the location of a tobar (well) feature centrally within the site.

2.0 Proposed Development

- 2.1.** The proposed development comprises the following:

- demolition of two single-storey sheds and bar areas to the rear with a stated GFA of c.152sq.m;
- construction of a single-storey side extension and single-storey and two-storey extensions to the rear with a stated GFA of 354sq.m and change of use of first-floor storage area, with a stated GFA of 66sq.m, to restaurant dining area;
- revised internal layout to public house accommodating lounge areas, kitchen, seating areas and facilities for staff and patrons at ground floor, restaurant dining areas, ancillary office and facilities for patrons at first-floor;
- external smoking and bar areas along the northern boundary to the side of the property;
- revised layout and additional car parking area to the rear and provision of a footpath off the Gweedore Road;
- signage and advertisement features along the northside of the building.

2.2. In addition to the standard details, the planning application was accompanied by a Traffic and Transport Statement.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to grant permission for the proposed development, subject to 13 conditions of a standard nature, including the following:

- C.2** restaurant opening hours from 11:00 hours to 23:00 hours from Monday to Sunday;
- C.4** signage in Irish/bilingual;
- C.13** Section 48 contributions apply.

3.2. Planning Authority Reports

3.2.1. Planning Report

The initial report of the Planning Officer (March 2018) noted the following:

- the design and scale of the proposed extensions are acceptable in this urban context, within the settlement framework boundaries for Dungloe;
- overlooking of third-party properties would not arise;
- the proposed parking provision, including 38 car spaces, two disabled bays and bicycle parking meet the Development Plan standards;
- details of surface water drainage proposals are required;
- bilingual signage is required;
- the proposed construction works would not block pedestrian paths or public roads;
- clarification regarding the future use of the external bar area is required.

The final report of the Planning Officer (March 2018) reflects the decision of the Planning Authority and noted the following:

- surface water drainage details are acceptable;
- the external bar area would be used on a temporary basis during busy periods and festivals;
- amended proposals are acceptable, comprising an external stairs to a first-floor door to address the Chief Fire Officer's requirements.

3.2.2. Other Technical Reports

- Chief Fire Officer – objected initially, as inadequate means of escape to the rear from first floor;
- Environmental Health Officer (HSE) – no comment.

3.3. Prescribed Bodies

- Inland Fisheries Ireland (IFI) – recommends methods to address pollution and flooding to the adjacent watercourse, both during construction and operational stages;
- Transport Infrastructure Ireland (TII) – no comment;
- National Transport Authority (NTA) – no response.

3.4. Third-Party Submissions

3.4.1. A submission was received from a local representative.

4.0 Planning History

4.1. Appeal Site

4.1.1. Pre-planning discussions (under Donegal County Council [DCC] Ref. PP5069) between representatives of the Planning Authority and the applicant took place in November 2017 with matters relating to emissions, residential amenity, parking and traffic discussed. The following applications relate to the appeal site:

- An Bord Pleanála Ref. PL05B.229561 / DCC Ref. 07/31452 – permission refused (January 2009) for a block of ten residential units backing onto the riverside area to the rear of the public house, due to the overdevelopment of the site, the lack of sensitivity for the riverside location, the potential flood risk and the treatment capacity constraints in dealing with the associated wastewater;
- DCC Ref. 06/31221 – Permission granted (December 2006) for extensions and revised layout and floor areas to the public house;
- DCC Ref. 97/1442 – Retention permission granted (July 1997) for extensions to the public house, revised layout and upgrade of the entrance from the rear.

4.2. Surrounding Sites

4.2.1. Recent applications for development in the vicinity, including the following:

- DCC Ref. 18/51583 – Notification of a decision to grant retention permission issued in November 2018 for use of a 1.5-storey detached building adjacent to the north of the appeal site, as a short-term holiday let;
- DCC Ref. 13/50902 – Permission granted (August 2013) for alterations to the dwellinghouse on the grounds adjoining to the north of the appeal site.

5.0 Policy Context

5.1. Seven Towns Local Area Plan 2018-2024

- 5.1.1. The Seven Towns Local Area Plan (LAP) 2018-2024 outlines that Dungloe is an important tourist destination and hub, which has been boosted in recent times by the Wild Atlantic Way initiative. Traffic congestion on the main streets of the town is a concern. An upgrade of the Dungloe effluent treatment works became operational in 2018, and this has capacity to treat the envisaged future expansion of the town. The LAP was prepared in the context of the Catchment Flood Risk Assessment and Management Studies available from the Office of Public Works (OPW) regarding flood risk.
- 5.1.2. The western half of the appeal site containing the public house has a zoning objective 'Town Centre' within the Seven Towns LAP, where it is the stated objective 'to sustain and strengthen the defined town centre area, as the centre of commercial, retail, cultural and community life'. The eastern half of the site comprising the rear vehicular access and landscaping is not assigned a specific land-use zoning objective in the LAP. Policy GEN-TC-2 of the LAP outlines that any proposal for commercial or retail use within a town centre area will be required to demonstrate compliance with a host of criteria, including compatibility with surrounding uses, residential amenity, wastewater capacity, traffic safety, noise and other emissions, Natura 2000 sites, flood risk, water quality and high-quality design and landscaping.

5.2. Donegal County Development Plan 2018-2024

- 5.2.1. The general development management policies and standards of the Donegal County Development Plan 2018-2024 are applicable to the LAP. Relevant policies and sections of the Development Plan include:
- Section 5.4 – flooding;
 - Section 9.7 – signage in Irish Only or Bilingual;
 - Policy TOU-O-5 – 'to facilitate the development of ancillary tourism attractions (e.g. restaurants, cafes, bars, and tourist accommodation) in a manner consistent with the brand identity of the Wild Atlantic Way';
 - Policy T-P-13 – parking and servicing requirements.
- 5.2.2. Appendix 3 and Table 6 of the Plan outlines that one car parking space per 20sq.m of publically-accessible floor area is required for public houses without dancing

areas, while one car parking space per 9sq.m of publically-accessible floor area is required for restaurants.

5.3. National Guidelines

5.3.1. The following National Guidelines are relevant:

- The Planning System & Flood Risk Management - Guidelines for Planning Authorities.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The Board granted leave to appeal the Planning Authority decision (under ABP Ref. 301490-18) to the adjacent owners to the north of the appeal site, for two reasons in May 2018. The principal grounds of the third-party appeal can be summarised as follows:

Residential Amenity

- impact on the enjoyment of the appellants' adjacent commercial unit with residential apartment above and a detached 1.5-storey apartment adjacent to the east of this;
- the external bar and smoking area would directly abut the appellants' residential property and should be relocated at the very least;
- increased nuisance arising from noise, odours and anti-social behaviour during ongoing and expanded use of the premises as a bar, a nightclub and a restaurant with take-away facility;
- extension of the building encroaching within 0.6m of the appellants' property;
- noise studies should have been requested and mitigation measures to address potential noise arising should have been requested;
- extensive planning precedent are listed for An Bord Pleanála decisions refusing planning permission for external smoking areas, based on their impact on residential amenities;

- further precedent for An Bord Pleanála decisions refusing permission for change of use and redevelopment of sites for public houses, based on the impacts of the proposals on residential amenities are listed;
- opening hours should be restricted by condition;

Traffic & Access

- over-intensification in use of the site;
- further restriction of access along the northern side to the appellants' property;
- absence of details to show adequate servicing arrangements, including swept-path analysis drawings;

Flood Risk

- the riverside area to the Dungloe river is within Flood Zone A and B and no flood risk assessment was submitted as part of the planning application;
- proposals for housing on the site were previously refused permission by An Bord Pleanála due to the risk of flooding;

Appropriate Assessment

- it is unclear if a screening report was undertaken by the Planning Authority for the purposes of considering the impact of the development on Natura 2000 sites;

Procedural Issues

- legal consent to use the right of way between the appellants' property and the appeal site is required and was not submitted with the application;
- omission of details from the development description and drawings (cart feature to the flat-roof, external smoking/bar area, use of the premises as a nightclub/entertainment venue);
- consultation with Irish Water did not occur;
- reduced value of the appellants' property and land.

The appeal was accompanied by photographs of the site, as well as correspondence and a map from a legal representative and flood risk maps for Dungloe.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority responded to the grounds of appeal by stating that the Planning Officer's previous assessments of the proposed development continue to justify their decision to grant permission.

6.3. Observations

- 6.3.1. None received.

6.4. Applicant's Response

- 6.4.1. The applicant's response to the grounds of appeal can be summarised as follows:
- the site has capacity to absorb the development. Proposals primarily comprise upgrading of the existing facility and replacement of out-dated extensions to the rear;
 - it is not intended to create a nightclub, a late-night music venue or a youth-orientated venue, and a letter is submitted from the applicant outlining their intention to operate a family-oriented business, invest in the town and increase employment from 35 to 45 persons in the facility, while harnessing the increase in tourists to Dungloe arising from the Wild Atlantic Way initiative;
 - the existing bar operates within its licensing agreements and does not operate a late license other than during festivals when licensing extensions are allowed for all premises in the town;
 - the location of the external smoking area is based on operational considerations and the 1.5-storey detached apartment building adjacent to the smoking area does not have the benefit of planning permission. A copy of a Warning Letter (DCC Ref. UD1879) from the Planning Authority enforcement unit asserted to refer to same is included with the applicant's response;
 - a revised internal layout and reduced footprint for the proposed side extension is proposed with an extract drawing attached to show same. This would

provide for an increase in the separation distance between the public house and the appellants' boundary;

- all deliveries would be to the rear, where there is sufficient turning area for vehicles;
- flood risk is not an issue as the proposal are merely for extensions of the existing facility;
- the applicant has sufficient legal title both to submit the application and to carry out the development.

6.5. Further Submissions

6.5.1. The appellants' response to the response of the applicant includes photographs and can be summarised as follows:

- reaffirming concerns raised in the initial grounds of appeal submitted, requiring amendments to the proposed development to address the impact on residential amenities and the control of traffic and parking;
- proposed development provides for the continuation of anti-social behaviour and the restriction of access to a gate to the appellants' property.

6.5.2. The Planning Authority's response to the response of the applicant reaffirms their previous assessment of the proposed development.

7.0 Assessment

7.1. Introduction

7.1.1. The proposed development would provide for an extension of an existing public house with restaurant facility, increasing the net floor area of the premises by 202sq.m, primarily in the form of rear extensions. Under the provisions of the Seven Towns Local Area Plan 2018-2024, the public house and car park is zoned 'Town Centre' and is subject to an objective 'to sustain and strengthen the defined town centre area, as the centre of commercial, retail, cultural and community life'. The Local Area Plan recognises that Dungloe is an important tourist destination and hub, which has been boosted in recent times by the Wild Atlantic Way initiative with

objectives in the Local Area Plan aimed to enhance this function of the town. The immediate area comprises an expansive mix of uses, including residential and commercial uses. Overall, I consider the principle of the proposed development to be acceptable, subject to assessment of the relevant planning and environmental considerations identified below. Policy GEN-TC-2 of the Local Area Plan outlines that any proposal for commercial or retail use within a town centre area will be required to demonstrate compliance with a host of criteria, including compatibility with surrounding uses, residential amenity, wastewater capacity, traffic safety, noise and other emissions, Natura 2000 sites, flood risk, water quality and high-quality design and landscaping. Consequently, I consider the substantive planning issues arising from the grounds of appeal and in assessing the proposed development are as follows:

- Impact on Residential Amenities;
- Flood Risk;
- Access & Servicing;
- Other Matters.

7.2. Impact on Residential Amenities

- 7.2.1. The appellants' property adjacent to the north features two buildings, including a two-storey building facing south onto Main Street with a vacant commercial unit at ground floor and an apartment at first floor. Adjacent to the east of this is a smaller 1.5-storey detached building, which the appellants assert is an apartment. There are other residential properties in the immediate area, including those on extensive grounds adjoining the rear entrance road and the car park serving the site.
- 7.2.2. The grounds of appeal assert that the proposed development would have undue impact on the residential amenities from their two apartments adjoining the appeal site to the north. Nuisance arising from noise emanating from the proposed external smoking area and bar, as well as continued anti-social behaviour, are cited as the primary sources for this undue impact. In response the applicant notes that the appellants' 1.5-storey detached building does not have the benefit of planning permission, the existing bar premises is operated within the terms of their licencing

agreement and a nightclub or a late-night music venue is not proposed as part of the development. I note that in November 2018, since submission of the applicant's response, a notification of a decision to grant retention permission for use of the existing 1.5-storey detached apartment for short-term holiday let was issued by the Planning Authority (Ref. 18/51583).

7.2.3. In comparison with the scale and positioning of the existing buildings on site relative to neighbouring residences, the proposed extensions to the side and rear would have negligible potential to impact further on neighbouring residential amenities, as a result of excessive overlooking, overbearing impacts or overshadowing. An external bar and smoking area is proposed along the northern boundary of the site, adjacent to the recently permitted holiday-home. Photographs submitted with the appeal show that a canopy structure had previously occupied this area, but this canopy was not in-situ at the time of my site visit. A short-term holiday let apartment is considered a commercial use in planning terms. Consequently, the closest residential unit to the proposed external smoking and bar area would be the appellant's first-floor apartment, approximately 15m to the west, and the detached residence on extensive grounds to the north of the appeal site car park. The appellant's first-floor apartment would be separated from the external smoking and bar area by the holiday home and a 2m-high boundary wall.

7.2.4. The external bar area would measure approximately 9sq.m, while the external smoking area would measure approximately 7sq.m. In response to a further information request from the Planning Authority, the applicant outlined that the external bar would be used during busy periods and festivals. Where external smoking areas to licensed premises feature external bar areas, they have significant potential to attract large numbers of patrons and often become the fulcrum for the premises itself. This can significantly undermine the amenities of neighbouring residents, as a result of noise emissions, particularly where this occurs during late-night hours and where noise levels are amplified by equipment or the surrounding environment. I acknowledge that the smoking area itself would be of modest size, would be a standard feature for a facility of this nature and would have significantly less potential to attract patrons from the premises than the external bar. Consequently, subject to a condition omitting the proposed external bar area and restricting use of audio equipment and speakers in the external smoking area, the

proposed development would not detrimentally impact on neighbouring residential amenities and permission should not be refused on this basis.

7.3. Flood Risk

- 7.3.1. The southern boundary of the appeal site is formed by the right bank of the Dungloe river channel, which drains from Dunglow Lough to Dungloe Bay. At the time of my site visit, following typical levels of rainfall for this time of year, the highest point of the river was approximately 2.5m below the lowest point of the car park. The grounds of appeal assert that the riverside area to the Dungloe river is within Flood Zone A and B and no flood risk assessment was submitted as part of the planning application. It is also noted by the appellant that permission for housing on this site was previously refused by An Bord Pleanála due to the risk of flooding. In response the applicant states that flood risk is not an issue as the proposal is merely for extensions of an existing facility.
- 7.3.2. No flood incidents are identifiable from the OPW indicative river and coastal flood maps for the site. Several recurring flooding incidences are recorded for the surrounding area, including recurring river flood events, approximately 50m to the northwest of the site on the opposite side of the N56 national road. Recurring coastal flood events are recorded for an area approximately 600m to the west of the site.
- 7.3.3. Previously the Preliminary Flood Risk Assessment and Management Study (PFRAMS) had identified Dungloe as an Area for Further Assessment (AFA) when the OPW would be undertaking the Catchment Flood Risk Assessment and Management Study (CFRAMS). CFRAM maps are now the primary reference for flood risk planning in Ireland. Based on the AFA CFRAM mapping (floodinfo.ie), the proposed development site is not identified as being within Flood Zone A or B for either fluvial or coastal flooding. The river and its associated channel is within Flood Zone A and B and no works are proposed in this area as part of the proposed development. Therefore, according to CFRAMs the proposed development would be located entirely in Flood Zone C with regard to fluvial flood risk, where the probability of flooding is low. The CFRAM studies of communities at potentially significant flood risk within the North Western River Basin noted that the Dungloe area was at low risk from flooding. For the purposes of flood risk assessment a

public house would fall into a 'commercial' development category and, as such, would be a 'less vulnerable' appropriate development in Flood Zone C (and Flood Zone B) based on Tables 3.1 and 3.2 of 'The Planning System & Flood Risk Management - Guidelines for Planning Authorities'. This suggests that the site is suitable for the proposed development from a flood-risk perspective.

- 7.3.4. In conclusion, I am satisfied that the proposed development would not lead to a risk of flooding of lands outside the subject site, would be at low risk from flooding and would be appropriate for this area. Accordingly, the proposed development should not be refused permission for reasons relating to flood risk.

7.4. Access & Servicing

- 7.4.1. The grounds of appeal assert that adequate provision has not been made for servicing of the proposed development, including the absence of swept-path analysis drawings to show the scope for vehicles to manoeuvre in the car park area that is proposed to be extended to the rear. The appellants also raise concerns regarding the proximity of the proposed building to their boundary and the implications for access to their holiday home. In response the applicant submitted a revised drawing reducing the footprint of the side extension and increasing the separation distance between the boundary and the proposed extension.
- 7.4.2. During my site visit there was extensive car parking available to the rear of the premises and ample scope for service vehicles to manoeuvre within this space. It would be highly likely that delivery times for the premises would not overlap with the peak business times for the premises. The layout drawing (No.P-005) submitted following a request for further information also identifies a proposed delivery area to the rear of the public house. Consequently, I am satisfied that adequate serving arrangements are available for the facility proposed to be extended.
- 7.4.3. I consider that the proposed development would provide for adequate servicing arrangements for the proposed development and would not unduly restrict pedestrian or traffic movement in the area. In conclusion, the proposed development should not be refused for reasons relating to access and servicing.

7.5. Other Matters

- 7.5.1. The issue of legal interest to make the application and use of the laneway between the appellants' property and the appeal site is raised in the grounds of appeal. I am satisfied that the applicant has provided sufficient evidence of legal interest in the site to make the application. I also note here the provisions of Section 34(13) of the Planning and Development Act 2000, as amended, and Chapter 5.13 entitled 'Issues relating to title of land' of the 'Development Management – Guidelines for Planning Authorities' (DoECLG, June 2007), which clarify that the onus is on the developer to ensure that they have sufficient legal interest to carry out development.
- 7.5.2. The appellants have requested that the opening hours should be restricted by condition. As the proposed development would comprise extension of an existing town centre public house, I am satisfied that the hours of operation, including those for the restaurant, can be addressed via the licensing regulatory authorities.

8.0 Appropriate Assessment – Stage 1 Screening

8.1. Introduction

- 8.1.1. The proposed development is described in section 2 of this report and I note that this effectively comprises extensions to the existing development. Inland Fisheries Ireland initially commented on the appeal and specified measures to form part of the project, including the need to buffer and treat discharges from the hard surfaced areas. Following a request for further information surface water drainage proposals were submitted, which included a fuel interceptor to buffer and treat surface water from the proposed development.

8.2. Description of European Sites

- 8.2.1. The Dungloe River which forms the southern boundary of the site, drains from Dunglow Lough, approximately 1km to the east, to Dungloe Bay, 0.3km to the west. European sites within 15km of the subject site, as listed below:

Code	Site	Distance	Direction
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2283	Rutland Island and Sound cSAC	0.8km	west
2047	Cloghernagore Bog and Glenveagh National Park SAC	1.5km	east
4039	Derryveagh and Glendowan Mountains SPA	1.6km	East
142	Gannivegil Bog SAC	3.7km	Southeast
1195	Termon Strand SAC	4.7km	Southwest
1141	Gweedore Bay and Islands SAC	5.8km	North
4132	Illancrone and Inishkeeragh SPA	7.2km	West
197	West of Ardara/Maas Road SAC	8.1km	South
4150	West Donegal Coast SPA	8.9km	West
1107	Coolvoy Bog SAC	11.1km	Southeast
111	Aran Island (Donegal) Cliffs SAC	11.2km	Northwest
140	Fawnboy Bog/Lough Nacung SAC	12.3km	Northeast
4116	Inishkeel SPA	12.5km	South
4230	West Donegal Islands SPA	13.4km	North
4121	Roaninish SPA	13.6km	Southwest

8.2.2. With the exception of the Rutland Island and Sound cSAC (Site Code: 002283), which includes the majority of the Dungloe Bay area, I am satisfied that the other sites within 15km of the appeal site can be ‘screened out’ on the basis that significant impacts on these European sites could be ruled out as a result of either their separation distance from the appeal site, the absence of a pathway to the appeal site or the distance across sea waters.

8.2.3. The Rutland Island and Sound cSAC lies between Aran Island and Burtonport and includes the island and a number of small rocky islets. The following Conservation Objectives are set for this cSAC:

Conservation Objectives for Rutland Island and Sound cSAC (002283)	
1150 - Coastal Lagoons	To maintain the favourable conservation condition of

	Coastal lagoons
1160 - Large shallow inlets and bays	To maintain the favourable conservation condition of Large shallow inlets and bays
1170 - Reefs	To maintain the favourable conservation condition
1210 - Annual vegetation of drift lines	To maintain the favourable conservation condition of Annual vegetation of drift lines
2110 - Embryonic shifting dunes	To maintain the favourable conservation condition of Embryonic shifting dunes
2120 - Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)	To maintain the favourable conservation condition of Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes')
2130 - Fixed coastal dunes with herbaceous vegetation (grey dunes)	To maintain the favourable conservation condition of Fixed coastal dunes with herbaceous vegetation ('grey dunes')
2190 - Humid dune slacks	To maintain the favourable conservation condition of Humid dune slacks
1365 - Harbour seal (<i>Phoca vitulina</i>)	To maintain the favourable conservation condition of Harbour Seal

8.2.4. Maps accompanying the site Conservation Objectives for the Rutland Island and Sound cSAC identifies 'large shallow inlets and bays' [1160] and 'reef' [1170] as the closest habitat to the appeal site, 0.8km to the west.

8.3. Is the project necessary to the management of European sites?

8.3.1. In firstly considering whether or not the project is necessary to the management of the European Sites, I note that the proposed development is not directly connected with the Rutland Island and Sound cSAC and any other European site, and that it is not necessary to the management of any European site.

8.4. Direct, Indirect or Secondary impacts

8.4.1. While there is not potential for habitat loss, there is hydrological connectivity between the proposed works and the Rutland Island and Sound cSAC. Arising from this, the likely significant impacts, with reference to the Rutland Island and Sound cSAC site conservation objectives, would be either through:

- pollutants or sedimentation to ground or surface water (e.g. run-off silt, fuel oils, effluent) at construction and operational phases of the proposed development.

8.4.2. The proposed development includes features integral to the project to avoid pollutants or silt moving from the site. The implementation of good construction site management, would form an integral aspect of the project and I am satisfied that the proposal would not result in a reduction in the quality or quantity of water entering the cSAC habitats during the construction phase. The implementation of good operation and maintenance of the fuel interceptor during the operational phase as outlined within the planning application will form an integral aspect of the project, and I am satisfied that the proposal would not result in a reduction in the quality of water entering the cSAC habitats during the operational phase.

8.4.3. Using the source-pathway-receptor model, I do not consider, on the basis of the information submitted, that the proposed development would be likely to impact on the conservation objectives of the Natura 2000 sites in question through the potential mechanisms outlined above.

8.5. Cumulative and In-Combination Effects

8.5.1. As I have concluded above that the proposed development would not be likely to impact on the conservation objectives of Natura 2000 sites, I do not consider that there are any specific in-combination effects that arise from the development when taken in conjunction with other plans or projects.

8.6. Appropriate Assessment Screening Conclusion

8.6.1. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the Rutland Island and Sound cSAC (Site

Code: 002283) or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

9.0 Environmental Impact Assessment - Preliminary Examination

9.1. Having regard to the existing development on site, the nature and scale of the proposed development and the location of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

10.0 Recommendation

10.1. I recommend that planning permission should be granted for the proposed development, subject to conditions, for the reasons and considerations as set out below.

11.0 Reasons and Considerations

11.1. Having regard to the nature, scale and location of the proposed development, the existing development on site, the zoning of the site for 'Town Centre' development in the Seven Towns Local Area Plan 2018-2024, which also recognises the tourism function of Dungloe, and the pattern of development in the area, including surrounding uses, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, would not lead to a risk of flooding of lands outside the subject site and would be at low risk from flooding, would be acceptable in terms of traffic safety and convenience and would be in accordance with the provisions of the Seven Towns Local Area Plan 2018-2024. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further information received by the Planning Authority on the 14th day of March 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) the external bar area shall be omitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interests of residential amenity.

3.
 - (a) All entrance doors in the external envelope shall be tightly fitting and self-closing;
 - (b) All windows and roof lights shall be double-glazed and tightly fitting;
 - (c) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes;
 - (d) Audio equipment / speakers shall not be operated from the external smoking area.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity.

- .4. The external finishes of the proposed extension (including roof tiles) shall be the same as those of the existing building in respect of colour and texture.

Reason: In the interest of visual amenity.

5. Details of all signage and lighting shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of the amenities of the area.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

7. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to

commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

9. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This Plan shall provide details of intended construction practice for the development, including:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) Location of areas for construction site offices and staff facilities;
 - (c) Details of site security fencing and hoardings;
 - (d) Details of on-site car parking facilities for site workers during the course of construction;
 - (e) Features to obviate queuing of construction traffic on the adjoining road network;
 - (f) Features to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (g) Features addressing noise, dust and vibration, and observing/reviewing of such levels;
 - (h) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
 - (i) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter watercourses.

A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the Planning Authority.

Reason: In the interests of clarity, amenities, public health, safety and protecting the integrity of European sites.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority that is provided or intended to be provided by or on behalf of the Authority, in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the Planning Authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the Planning Authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.

Colm McLoughlin
Planning Inspector

19th December 2018