



An
Bord
Pleanála

Inspector's Report ABP-302899-18

Development	One and a half-storey dwellinghouse, detached garage, wastewater treatment system, access road and associated works
Location	An tArd Donn, Gaoth Dobhair, Leitir Ceanainn, Contae Dhún na nGall
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	18/51245
Applicant(s)	Ailbhe Ó Monacháin
Type of Application	Outline Permission
Planning Authority Decision	Refuse
Type of Appeal	First-Party
Appellant(s)	Ailbhe Ó Monacháin
Observer(s)	Transport Infrastructure Ireland
Date of Site Inspection	23 rd January 2019
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site is located in the rural townland of Arduns, in the Gweedore Gaeltacht area of northwest County Donegal. It is set back over 50m from the N56 national secondary road, which connects settlements along the northwestern seaboard of Donegal. The surrounding area is dominated by sparsely populated blanket peat uplands with housing more prevalent within valleys and along the coast.
- 1.2. The site comprises a stated 0.36ha elevated approximately 10m above the national secondary road, availing of views overlooking the Clady River valley and the wider coastal lowlands and islands to the northwest. Access to the site is via an existing private road serving a two-storey residence adjoining to the northeast of the site, which is stated to be the appellant's parents' home. Open drains flow along the northeastern, southeastern and southwestern boundaries of the site, flowing north towards a roadside open drain. Vegetation on site primarily comprising thick rushes, grass and moss, with rocky outcrops and soil indicative of the Atlantic blanket bog context. There are electricity lines to the north of the site, within the subject landholding, running parallel with the road. Land levels in the area drop steadily in a northwest direction towards the Clady headrace canal and the Clady River.

2.0 Proposed Development

- 2.1. The proposed development would comprise the following:
- construction of a single-storey dwellinghouse on a footprint measuring c.124sq.m;
 - construction of a detached single-storey garage on a footprint measuring c.40sq.m;
 - installation of a wastewater treatment system with percolation area;
 - vehicular access off an existing private access road;
 - connection to mains water supply;
 - all associated groundworks and landscaping.
- 2.2. In addition to the standard planning application documentation and drawings, the application was accompanied by a site suitability assessment report addressing on-

site disposal of effluent and a letter of consent from the owners of the site allowing the applicant to use the right of way and to undertake the proposed development.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority issued a notification of a decision to refuse to grant permission for the proposed development for the following reason:

- Reason No.1 – potential impact of the proposed development on traffic safety, arising from the adverse intensification of traffic movements to and from a substandard vehicular entrance onto a national secondary road, where a 100km/hr speed limit applies.

3.2. Planning Authority Reports

3.2.1. Planning Report

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

- the site is within a ‘structurally weak rural area’ and the applicant has submitted under previous applications information to outline their housing need and this is acceptable, along with the siting for the proposed house;
- notwithstanding the stated fact that the applicant resides in the existing house adjacent to the site and already uses the entrance road, the existing entrance is substandard, as a minimum of 215m visibility in both directions along the N56 is required and the application shows that only 90m would be achievable;
- submission of further information would not have allowed the applicant to successfully amend the proposed development to meet all relevant planning policies and standards, including Policy T-P-4 of the Development Plan;
- the concerns relating to public health (wastewater treatment) flagged in previous applications on the site have been addressed.

3.2.2. Other Technical Reports

- Environmental Health Officer (HSE) – conditions relating to surface and wastewater treatment should be attached.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland (TII) – objection based on the adverse impact and intensification of an access onto a national secondary road, which is contrary to national guidelines.

3.4. Third-Party Observations

3.4.1. None received.

4.0 Planning History

4.1. Appeal Site

4.1.1. The following recent planning applications relate to the appeal site:

- Donegal County Council (DCC) Ref. 18/50480 – Outline permission for a house, garage, a septic tank and connection to an existing private access road was refused in May 2018, due to the adverse impact of the development on traffic safety and concerns regarding surface and wastewater treatment;
- DCC Ref. 17/50552 – Outline permission for a house, garage, a septic tank and a new access road off the N56 to serve both the site and the adjoining property was refused in June 2017, due to the adverse impact on traffic safety and concerns regarding surface and wastewater treatment.

4.2. Surrounding Sites

4.2.1. There have been a number of recent planning applications and appeals for development on the neighbouring lands, including the following:

- ABP Ref. PL05E.246400 / DCC Ref. 15/51045 – permission for a house and a septic tank, on a site c.650m to the north of the appeal site, was refused by the Board in July 2016 for reasons relating to housing need, visual impact, the potential impact on a Natura 2000 site and traffic safety along a regional road;

- ABP Ref. PL05E.246399 / DCC Ref. 15/51044 – permission for a house and a septic tank, on a site c.650m to the north of the appeal site, was refused by the Board in July 2016 for reasons relating to the visual impact and the potential impact on a Natura 2000 site;
- DCC Ref. 12/50764 – permission granted in April 2013 for continuation and extension of an existing permitted quarry c.300m to the south of the appeal site and retention permission granted for revised site entrance arrangements;
- DCC Ref. 12/50283 – permission granted in October 2012 for an extension to a dwellinghouse approximately 450m to the south of the appeal site;
- DCC Ref. 12/30093 – extension of duration of permission (DCC Ref. 04/2290) granted for one year in April 2012 for two houses with septic tanks, on a site c.750m to the northeast along the N56 national secondary road;
- ABP Ref. PL05E.VA0003 – Strategic Infrastructure Development (SID) approved permission in October 2009 for a 110kV line connecting Binbane and Letterkenny electricity stations, including a line located 200m to the east of the appeal site on a north-south axis.

5.0 Policy & Context

5.1. National Guidance

National Planning Framework – Project Ireland 2040

- 5.1.1. Objective 19 of the National Planning Framework outlines that within areas under urban influence, single housing in the countryside will be facilitated based on the core consideration of a demonstrable economic or social need to live in the rural area. In discussing the enhancement of regional accessibility under national strategic outcome 2, the Framework includes an objective to maintain the strategic capacity and safety of the national roads network.

Sustainable Rural Housing Guidelines for Planning Authorities, 2005

- 5.1.2. The Guidelines provide criteria for managing rural housing requirements, whilst achieving sustainable development. Planning Authorities are recommended to identify and broadly locate rural area typologies that are characterised as being

under strong urban influence, stronger rural areas, structurally weak areas, or made up of clustered settlement patterns. The Guidelines outline how rural-generated housing need to reside in these areas should be defined in the Development Plan and examples of categories of persons that may be used to define same. The appeal site is located in a 'structurally-weak rural area', as set out under Section 5.2 below. Appendix 3 to the Guidelines outlines that the key Development Plan objective in relation to structurally-weak rural areas should be 'to accommodate any demand for permanent residential development as it arises subject to good practice in matters such as design, location and the protection of important landscapes and any environmentally sensitive areas.'

Spatial Planning and National Roads, Guidelines for Planning Authorities, 2012

- 5.1.3. The Spatial Planning and National Roads Guidelines set out the planning policy considerations relating to development affecting national primary and secondary roads, including motorways and associated junctions, outside the 50-60kph speed limit zones for cities, towns and villages.

5.2. Donegal County Development Plan 2018-2024

- 5.2.1. The policies and objectives of the Donegal County Development Plan 2018-2024 are relevant. The site is outside the settlement framework boundary for Bunbeg, based on maps accompanying the Plan.
- 5.2.2. Map 6.2.1 of the Plan identifies the appeal site area as being within a 'structurally-weak rural area'. Policy RH-P-4 of the Plan specifically outlines that applications for rural housing in structurally-weak rural areas need to comply with Policies RH-P-1 and RH-P-2 of the Plan, which provide guidance for rural housing, with particular attention to design, integration of proposals into the landscape and the environment, development parameters, suburbanisation and the erosion of the rural character of an area.
- 5.2.3. Objective RH-O-5 of the Plan aims to promote the siting and design of rural housing with particular regard to the Landscape Classifications illustrated on Map 7.1.1 of the Plan. The subject site is situated in an area of high-scenic amenity (HSA), which are considered to have capacity to absorb sensitively-located development. 'Building a House in Rural Donegal: A Location Siting and Design Guide' forms Appendix 4 to

the Plan and this includes technical and development management guidance for rural housing.

- 5.2.4. Policy WES-P-11 of the Plan requires applications for single dwellings in un-sewered areas to include a site suitability assessment for disposal of wastewater on-site and details of the proposed wastewater treatment system, in compliance with the EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses.
- 5.2.5. Policy T-P-4 of the Plan sets out that permission will not be given for ‘developments requiring new accesses or which would result in the adverse intensification of existing access points onto National Roads where the speed limit is greater than 60kph or roads treated to National Roads Standards’. Map 5.1.3 illustrates the roads to which Policy T-P-4 applies, including the N56 fronting the appeal site. Policy T-P-8 requires a Traffic and Transport Assessment and Road Safety Audit for any development proposing access to the Strategic Road Network. Appendix 3 to Part B of the Plan outlines Development Guidelines and Technical Standards, including those relating to entrances and visibility along national roads, where sight visibility of 215m is required in both directions at entrances to national roads outside of urban speed limit areas.

5.3. Environmental Impact Assessment - Preliminary Examination

- 5.3.1. Having regard to 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.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of appeal can be summarised as follows:
- a synopsis of the planning history for the site is outlined, including copies of correspondence with TII and the Planning Authority;

- speed limits along the N56 are not consistently set at 100km/hr and have varied in the past, in addressing temporary works, with a 60km/hr speed limit in operation during consideration of previous applications on the appeal site;
- the condition and use of the neighbouring stretch of the N56, including unbroken white line, ribbon development and use by cyclists, means that it is not achievable or safe to travel at 100km/hr along this road;
- the Planning Authority and TII are adapting the speed limits to restrict development along the N56;
- works were done to improve visibility and traffic safety at the proposed entrance and along the immediate stretch of the N56, including removal of vegetation and clearing of ground;
- the Planning Authority did not afford the appellant the opportunity to address road safety concerns as part of this application, and this does not seem fair given the existing scenarios along the N56 where the Planning Authority have permitted development despite sight visibility standards in both directions not being achievable;
- the Planning Authority are not applying the standards in a fair and equitable manner. There are extensive existing accesses within the wider area where sight visibility and other road safety standards are not met;
- sample recently permitted developments, including details attached to the grounds of appeal, provide precedent for the subject development. The cases include DCC Ref. 18/50314 relating to a distillery proposal in Crolly, c.2.5km to the south, DCC Ref. 18/51245 relating to a house along with a garage and a septic tank at Gweedore, c.1.5km to the northeast and DCC Ref. 16/51624 relating to a house and wastewater treatment system in Crolly, c.2km to the south;
- the housing need of the appellant is outlined including details of their adjacent family home and having grown up and been educated in this Gaeltacht area.

6.2. Planning Authority Response

6.2.1. The Planning Authority response to the grounds of appeal can be summarised as follows:

- temporary speed limits associated with ongoing improvement and upgrade works along stretches of the N56 national road are not applicable given the 100km/hr speed limit restriction;
- a request for further information with respect to sight visibility, stopping distances and the need to carry out a road safety audit would not address the Planning Authority's concerns with respect to traffic safety;
- sample precedent cases along the N56, as referenced by the appellant, are not relevant as one is located within a 60km/hr speed limit zone (DCC Ref. 18/50314) and one is accessed off a local road from the national secondary road (DCC Ref. 16/50385);
- planning policy T-P-4, provides justification for refusal of permission.

6.3. Observations

6.3.1. The response of TII to the grounds of appeal can be summarised as follows:

- the Planning Authority's position to refuse the proposed development is supported;
- regardless of the appellant's housing circumstances, the proposed development would result in additional vehicular movements and intensification of access onto and off the N56 national secondary road;
- national strategic outcome 2 of the National Planning Framework includes an objective to maintain the strategic capacity and safety of the national roads network;
- the proposals are at variance with national policy and exceptional reasons to depart from such policy has not been provided;
- the proposed development is contrary to national policy outlined in Section 2.5 of the Spatial Planning & National Roads Guidelines and local Policy T-P-4 of the Development Plan;

- the cases asserted by the appellant as providing precedent for the proposed development are not relevant given that the access locations for DCC Refs. 18/50314 and 16/51624 are within the 50-60km/hr speed-limit zones and as the access for DCC Ref. 16/50385 is off a local road.

7.0 Assessment

7.1. Introduction

7.1.1. Map 6.2.1 of the Donegal County Development Plan 2018-2024 identifies the appeal site as being within a 'structurally-weak rural area', where both urban and rural-generated housing needs will be facilitated. The appellant has outlined within their grounds of appeal their connections to the local area, including their adjacent parents' home, which they currently reside in, and I note that in assessing this application and previous applications (DCC Refs. 17/50552 & 18/50480) for the same applicant on the appeal site, the Planning Authority were satisfied that the proposal for a house to serve the applicant on the appeal site would be compliant with rural housing policy at the time of assessment. Based on the information available, I am satisfied that the appellant has demonstrated a housing need in line with current Development Plan Policy RH-P-4 and permission should not be withheld for reasons strictly relating to compliance with rural housing policy.

7.1.2. As a consequence, I consider the substantive planning issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Traffic Safety;
- Wastewater Treatment;
- Siting & Design.

7.2. Traffic Safety

7.2.1. The Planning Authority's recommendation to refuse planning permission is solely based on the impact of the proposed access arrangements on traffic safety, arising from the adverse intensification of traffic movements to and from a substandard

vehicular entrance onto a national secondary road, where a 100km/hr speed limit applies. The grounds of appeal assert that there is sufficient rationale for allowing the proposed entrance arrangements, including planning precedent along the N56 and that the Planning Authority has not been fair or reasonable in the manner in which they recommended refusal of planning permission on traffic safety grounds. The observers to the appeal, TII, are satisfied that the Planning Authority's recommendation to refuse permission should be upheld, as the proposed development would be contrary to local and national planning policy and exceptional reasons to depart from such policy has not been provided.

7.2.2. The appeal site is located off the N56, a national secondary road that has a speed-limit restriction of 100km/h. The N56 does not include footpaths or hard shoulders along the roadside stretch at the proposed entrance to the appeal site, but it does feature a single unbroken white line. The appellant's parents' house, adjacent to the northeast, is served by an existing private access off the N56. The appellant intends connecting with, improving and using this access to serve the appeal site. Improvement works along the entrance and road frontage in control of the appellant are outlined in the grounds of appeal, including the clearing of ground to improve sight visibility at the entrance.

7.2.3. Policy T-P-4 of the Plan sets out that permission will not be given for 'developments requiring new accesses or which would result in the adverse intensification of existing access points onto National Roads'. Standards relating to 'vision lines' are set out in Appendix 3 to Part B of the Development Plan, which outlines that a visibility splay of 215m would be required from a position setback 3m from the back edge of the national road where multiple access is proposed in a 100km/hr speed-limit zone. Policy T-P-8 requires a Traffic and Transport Assessment (TTA) and Road Safety Audit (RSA) for any development proposing access to the Strategic Road Network. I note that thresholds for developments requiring TTA and RSA are set out within the TII documents Traffic and Transport Assessment Guidelines (2014) and Road Safety Audit (2015). Given the minor nature of the proposed development using an existing access and the relevant guidelines, I consider that it would be disproportionate for TTA to be required in this case. Section 2.5 of the Spatial Planning & National Roads Guidelines outlines national policy to avoid the

generation of increased traffic from existing accesses to national roads to which speed limits greater than 60km/hr apply.

- 7.2.4. The applicants submitted a drawing (No.3) illustrating that sightline visibility splays of 90m in both directions would be achievable at the proposed entrance onto the N56. The Planning Authority considered that the existing entrance is substandard, as the minimum 215m sight visibility in both directions along the N56 is currently not achievable and would not be achievable as part of the proposed development.
- 7.2.5. Visibility onto the national road fronting the appeal site from the existing vehicular entrance is significantly obstructed viewing northeast by virtue of a slight bend and a steady drop in the road from a point c.100m to the northeast of the entrance. Having visited the site and reviewed maps for this area, I am satisfied that the necessary 215m sight visibility is only achievable at the entrance in a southwest direction, as a result of the clearing of vegetation to the roadside verge.
- 7.2.6. The appellant states that they already reside in the house adjacent to the appeal site and they currently use the existing vehicular access, therefore, no intensification of use would occur. In response to this, TII assert that the provision of an additional house would result in additional vehicular movements and intensification in use of a substandard access. I acknowledge that the provision of an additional dwelling off the existing access would result only in minor intensification in use of the entrance, and not to the extent that this intensification could reasonably be considered to be 'adverse'. However, the proposed entrance does not meet the minimum development standards, consequently, the additional vehicular movements associated with the proposed development onto and off the N56 national secondary road at a substandard entrance, would lead to significant concerns in relation to traffic safety along this strategic road.
- 7.2.7. Within the grounds of appeal it is asserted that recent permissions in the locality granted by the Planning Authority provide precedent for the subject development, as they entail accesses onto the N56 that do not meet the visibility standards applied in the case of the appeal site. In response to the grounds of appeal, both TII and the Planning Authority refer to the differing context for these neighbouring developments, including their access locations within 50-60km/hr speed-limit zones (DCC Refs. 18/50314 and 16/51624) and the access off a local road (DCC Ref. 16/50385).

Having considered both local and national planning policy with respect to the provision of accesses onto national roads, I am satisfied that the cases cited in the grounds of appeal do not provide precedent for or exceptional circumstances to justify the proposed development.

- 7.2.8. In conclusion, the proposed access arrangements do not meet the standards outlined in Appendix 3 to Part B of the Development Plan. Furthermore, the proposed development would be contrary to national policy outlined in Section 2.5 of the Spatial Planning & National Roads Guidelines, which aim to avoid the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60km/hr apply. Accordingly, the proposed development would give rise to traffic hazard and outline permission should be refused for this reason.

7.3. Wastewater Treatment

- 7.3.1. Outline planning permission (DCC Ref. 18/50480) on this site was refused in May 2018 for a house to be served by a conventional septic tank and percolation area, due to concerns regarding surface and wastewater treatment. The subject proposals have been revised to provide for installation of a packaged wastewater treatment system to be supplemented, if required, by a soil polishing filter that would not consist of peat. A surface water discharge pipe is also proposed up-gradient of the treatment system connecting two open drains along the side boundaries of the appeal site, before connecting with the open drain running alongside the road to the north. There is approximately a 1 in 9 slope upwards from north to south across the site.
- 7.3.2. Assessment of the wastewater treatment system is not undertaken within the Planning Officer's report, but I would note that the Environmental Health Officer (HSE) commented on this, and they require the proposed system to meet certain parameters, including the construction of a gravel-filled land drain 2m up-gradient of the percolation area. Policy WES-P-11 of the Development Plan, requires the disposal of wastewater from a dwelling to be carried out in accordance with the EPA standards, including the 'Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses'.

- 7.3.3. The existing roadside drain is 60m to the south of the proposed percolation area and the newly opened drains along the southeastern and southwestern boundaries are 22m to 40m from the proposed percolation area. The Site Suitability report states that a trial hole was examined in February 2017 with gravel and sand encountered at 0.5m depth and bedrock encountered at 1.78m depth. The sand and gravel was stated to be of single grain structure and the water table was not encountered. On my site inspection I noted the sand, gravel and silts to be compacted, with water ponding on it. I also noted surface water ponding in various locations throughout the site indicating poor water percolation.
- 7.3.4. Percolation tests undertaken for the proposed development revealed an average T-value of 12. The EPA Code of Practice states that where the T-value is between 3 and 50, as per the subject assessment, the site is suitable for the development of a septic tank system or a secondary treatment system discharging to groundwater.
- 7.3.5. The Site Suitability Assessment report states that, if required, additional subsoil from the proposed dwelling construction area would be used in the percolation area and that soil deemed as peat would not be used. To identify if the site is suitable for a secondary treatment system with polishing filter at ground surface or overground, a P-value of between 3 and 75 is required. A P-value for the subsoils has not being calculated as part of this application and I note that the existing stockpiled soils adjacent to the excavated area, are primarily comprised of peat.
- 7.3.6. Whilst the proposed treatment system is technically capable of providing a good quality effluent, I have concerns regarding the proposal. Firstly, as noted above, the soil classification description in the trial hole log does not tie in with the evidence on the ground, particularly given the compacted structure of the gravel, sands and silts evident at 0.5m depth and the water ponding noted, which indicate the presence of low permeable soils. Secondly, it has not been established that the polishing filter to be used would provide sufficient percolation medium above groundwater level to attenuate the effluent prior to discharge to ground. Sufficient details or engineering design based on testing of the proposed imported soils have not been presented.
- 7.3.7. In conclusion, having regard to the ground, soil and subsoil conditions that occur on this sloping site, including the shallow peat cover over compacted sand, gravel and silts and given the extent of water ponding evident on site, I have concerns that the

site can be satisfactorily drained, notwithstanding the proposed use of a packaged treatment system and soil-polishing filter. I consider that the proposed development would pose an unacceptable risk to ground water, including those which flow to the Clady River (Fawnboy Bog/Lough Nacung cSAC), as discussed under Section 8.0 below, and would be prejudicial to public health. Accordingly, outline permission should be refused on these grounds.

7.4. Siting

7.4.1. The proposed development is for a one and a half-storey detached dwellinghouse and a garage. The house and garage would be situated approximately 90m from the national road on rising ground, approximately 10m above the national road. The proposed house and garage would be visible for a stretch of approximately 300m along the national road. The structures would not be highly visible from the wider area due to the natural topography and would not interfere with protected views, prospects or features of interest outlined in Policy NH-P-17 of the Development Plan. The site is located in an area of 'High Scenic Amenity' based on Map 7.1.1 of the Development Plan, which is described as an area that has capacity to absorb sensitively-located development. Where visible from the national road and the immediate lands to the west, the house and garage would be viewed alongside the trees and the appellant's parents' house on a similar level adjacent to the site. Furthermore, the proposed site layout arrangements would be in accordance with the provisions set out within Appendix 4 to the Development Plan, relating to the location and siting criteria when 'Building a House in Rural Donegal'. The scale of the proposed development would be capable of being absorbed within this 'High Scenic Amenity' area. Consequently, I am satisfied that the proposed development should not be refused for reasons relating to the impact on the visual amenities of the area, subject to receipt of appropriate designs for the house and garage at permission consequent stage.

8.0 Appropriate Assessment – Stage 1 Screening

8.1. Introduction

8.1.1. The proposed development is described in section 2 of this report. Neither an Appropriate Assessment (AA) Screening Report nor a Natura Impact Statement (NIS) were submitted with the application or appeal. There are open drains running along the side and rear boundaries of the site. These drains feed northwards into a tributary of the Clady River, a river which is noted as having a good ecological status in the River Basin Management Plan and feeds directly into Gweedore Bay. There are 6 no. European sites within 10km of the subject site.

8.2. Description of European Sites

8.2.1. The Cloghernagore Bog and Glenveagh National Park candidate Special Area of Conservation (cSAC) (Site Code: 002047) is located approximately 300m to the southeast and 15m upstream of the site on the lower slopes of Grogan More mountain. Fawnboy Bog/Lough Nacung cSAC (Site Code: 000140) is located downstream, 650m to the north of the site along the Clady river. Other designated sites within 10km of the appeal site include Gweedore Bay and Islands SAC (Site Code: 001141), which is located approximately 1.5km to the west, Derryveagh and Glendowan Mountains Special Protection Area (SPA) (Side Code: 004039), which is located approximately 1.5km to the southeast, West Donegal Coast SPA (Site Code: 004150), which is located approximately 5km to the west and West Donegal Islands SPA (Site Code: 004230), which is located approximately 7.5km to the northwest.

8.2.2. With the exception of the Fawnboy Bog/Lough Nacung cSAC (Site Code: 000140), I am satisfied that the other sites within 10km of the appeal site can be ‘screened out’ on the basis that significant effects on these European sites could be ruled out as a result of the separation distance from the appeal site to the European sites or the location of the European sites upstream of the appeal site.

8.2.3. The Fawnboy Bog/Lough Nacung cSAC comprises almost the entire freshwater element of the Clady River and Lough Nacung. The following Conservation Objectives are set for this cSAC:

Conservation Objectives for Fawnboy Bog/Lough Nacung cSAC (000140)	
4010 – Northern Atlantic wet heaths with Erica tetralix	To restore the favourable conservation condition of Northern Atlantic wet heaths with Erica tetralix.

7130 - Blanket bogs (if active)	To restore the favourable conservation condition of Blanket bogs
7150 - Depressions on peat substrates of the Rhynchosporion	To restore the favourable conservation condition of Depressions on peat substrates of the Rhynchosporion
1029 - Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>)	To restore the favourable conservation condition of Freshwater Pearl Mussel

8.2.4. Map 3 accompanying the NPWS Site Conservation Objectives for the Fawnboy Bog/Lough Nacung cSAC identifies the appeal site as being upstream and within the catchment for Freshwater Pearl Mussel (*Margaritifera margaritifera*).

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

8.3.1. The proposed development is not directly connected with the Fawnboy Bog/Lough Nacung cSAC and it is not necessary to the management of this or any European site.

8.4. Direct, Indirect or Secondary impacts

8.4.1. There is hydrological connectivity between the proposed works and the Fawnboy Bog/Lough Nacung cSAC. Arising from this, the likely significant impacts, with reference to the Fawnboy Bog/Lough Nacung cSAC site conservation objectives, would be solely through:

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

8.4.2. I note the concerns raised in my assessment above regarding the suitability of the development to be operated using a proposed packaged wastewater treatment system with soil polishing filter. While I recognise that the qualifying features of the European site predominantly consists of heath, bog and peat habitats, it also supports the restoration of Freshwater Pearl Mussel to favourable conservation

condition. Organic matter, such as human waste, can contribute significantly to the degradation of Freshwater Pearl Mussel habitat. Having regard to the downstream hydraulic connectivity between the appeal site and the Clady River, there is potential for interdependence and interconnectivity between the Freshwater Pearl Mussel habitat and surface water running along the appeal site. There are concerns that the proposed development would pose an unacceptable risk to groundwater. Therefore, it cannot be reasonably ruled out beyond scientific doubt that there would not be significant effects, either individually or in combination with other plans or projects, on this European site on the basis of the information available.

8.5. Cumulative and In-Combination Effects

- 8.5.1. 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. On the basis of the information provided with the 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 Fawnboy Bog/Lough Nacung cSAC (Site Code: 000140), in view of the site's Conservation Objectives. In such circumstances, the Board is precluded from granting approval/permission.

9.0 Recommendation

- 9.1. I recommend permission be **refused** for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. Donegal County Development Plan 2018-2024 requires entrance arrangements to be in accordance with the standards set out in Appendix 3 to Part B of the Development Plan. Having regard to the additional use of an existing access in a shared arrangement and the location of the proposed

vehicular entrance/egress to serve the house at an existing substandard access onto the national road, it is considered that given the restricted sightlines to the northeast, where traffic turning movements generated by the development would interfere with the safety and free flow of traffic along the public road, the proposed development would endanger public safety by reason of traffic hazard and would be contrary to policy outlined in Section 2.5 of the Spatial Planning and National Roads, Guidelines for Planning Authorities (2012), which aims to avoid the generation of increased traffic from existing accesses to national roads where speed limits of greater than 60km/hr apply. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the ground, soil and subsoil conditions observed on the site with shallow peat cover over compacted sands, gravels and silts and extensive water ponding evident on site, the Board is not satisfied that the site is suitable for the treatment and disposal of domestic foul effluent in accordance with the 'Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)', 2009 and subsequent clarifications issued by the Environmental Protection Agency. The proposed development would, therefore, be prejudicial to public health.
3. On the basis of the information submitted 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 Fawnboy Bog/Lough Nacung cSAC (Site Code: 000140), or any other European site, in view of the site's conservation objectives. In such circumstances, the Board is precluded from granting permission.

Colm McLoughlin
Planning Inspector

30th January 2019