



An
Bord
Pleanála

Inspector's Report

ABP-304620-19

Development	Construction of a house, garage, waste water treatment and disposal system, entrance and boundary walls.
Location	Ballymagroarty, Ballintra, Co. Donegal.
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	1850519
Applicant(s)	Jim & Helen Connolly.
Type of Application	Permission
Planning Authority Decision	Refused.
Type of Appeal	First Party
Appellant(s)	Jim & Helen Connolly.
Observer(s)	None.
Date of Site Inspection	6 th November 2019.
Inspector	Sarah Lynch

1.0 Site Location and Description

- 1.1. The site is located in the rural townland of Ballymagroarty to the east of the N15 c. 4km south of Ballintra village. The site is accessed via an existing laneway which connects directly with the N15.
- 1.2. The site used for grazing at present and is bounded to the west by a mature hedgerow and treeline and gated agricultural entrance. The topography of the site is gently rolling and the site is slightly above the level of the adjacent access lane. There is no development in the immediate vicinity of the site apart from a cattle crush at the entrance to the lane. Development within the surrounding townland is a mix of rural residential and agricultural. Lands surrounding the appeal site were wet underfoot and contain rushes.

2.0 Proposed Development

- 2.1. It is proposed to construct a rural dwelling, access and waste water treatment system.

3.0 Planning Authority Decision

3.1. Decision

Donegal County Council determined to refuse permission for the proposed development for two reasons which can be summarised as follows:

1. The proposed development would be contrary to Policy T-P-15 which requires all development to comply with the Development and Technical standards to promote road safety. The proposed development provides for a substandard access in terms of reduced vision splays and has not provided a speed survey to justify same. The proposal is contrary to Table 3 of the Donegal Development Plan.
2. It is the policy of the Council not to permit new or intensified accesses onto the National roads where the speed limit is in excess of 60kph. The proposed development will utilise a poorly designed access onto a national road where maximum speed limits apply.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planners report reflects the decision of the local authority.

3.2.2. Other Technical Reports

- Environmental Health Officer – no objections subject to WWTP conditions.
- Engineer – The N15 is a national primary route where 100kph speed limit applies.
- Existing junction is 40 yrs old and is a poorly aligned Y junction at a very fast stretch of the road.
- Any intensification of this junction would create a road safety issue.
- Right turn off N15 and angle of approach is of concern.

3.3. Prescribed Bodies

TII – Object to the proposal as it of at variance with National Roads policy.

3.4. Third Party Observations

None.

4.0 Planning History

There is no recently recorded history for this site or lands within the immediate vicinity.

5.0 Policy Context

5.1. Development Plan

5.2. Donegal County Development Plan 2018-2024

The policies and objectives of the Donegal County Development Plan 2018-2024 are relevant. The following Plan objectives are particularly relevant:

- ‘RH-O-3: To ensure that new residential development in rural areas provides for genuine rural need;
- RH-O-4: To protect rural areas immediately outside towns from intensive levels of residential development and thus safeguard the potential for incremental growth of the towns and their potential beyond the plan period; to utilise existing physical and social infrastructure; and to avoid demand for the uneconomic provision of new infrastructure.
- RH-O-5: To promote rural housing that is located, designed and constructed in a manner that is sustainable and does not detract from the character or quality of the receiving landscape having particular regard to the Landscape Classifications illustrated on Map 7.1.1 and contained within Chapter 7 of this Plan’.
- Map 6.2.1 of the Plan identifies the appeal site as being within a ‘structurally weak rural area’.
- The site is within an area of High Scenic Amenity, which are defined in the Plan as areas generally of agricultural quality that have adequate capacity to absorb suitably positioned and designed development.
- ‘Building a House in Rural Donegal: A Location Siting and Design Guide’ forms Appendix 4 to the Plan and includes technical and development management guidance for rural housing.

Sustainable Rural Housing, Guidelines for Planning Authorities (2005)

- The subject site is located within an area designated as being ‘Rural Areas under Strong Urban Influence’ within these Guidelines.
- Section 3.3.3 deals with ‘Siting and Design’.

National Planning Framework – Project Ireland 2040

Policy Objective 19: ‘Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social

need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;

In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

Draft Regional Spatial and Economic Strategy (November 2018)

In relation to rural areas the draft RSES states ‘the NPF confirms that there needs to be a distinction made between areas under urban influence and elsewhere and it defines areas under urban influence as being effectively those areas within the 15% commuter catchment of Cities, Regional Growth Centres and the Key Towns. It confirms that the capacity to provide for single rural housing should be retained for those that have a demonstrable economic or social need to live in the area, subject to all other proper planning and sustainable development considerations. The management of these pressures is a matter for individual local authorities through the development plan process, having regard to the provisions of Ministerial Guidelines (Rf. Sustainable Rural Housing Guidelines for Planning Authorities 2005) and other material considerations , including environmental considerations, the pressure for housing, availability and adequacy of support infrastructure, suitability of soils to treat and dispose of wastewater to appropriate standard, visual and physical impact and the need to provide for house design and orientation that meet current and future energy efficiency demands’.

5.3. Natural Heritage Designations

The nearest Natura 2000 site to the appeal site is Ballintra SAC which is c. 2.44km north east of the site.

5.4. EIA Screening

5.5. Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, 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

- The applicant is building on family lands.
- Grandparents live on landholding.
- Applicant has lived in the locality for her lifetime.
- The road fronting onto the site is a public road L75051.
- Sightlines can be achieved at the site entrance, sight visibility at the public road is a matter for Donegal County Council.
- The site was chosen as the most suitable given the restrictions on the landholding.
- The land is a level platform suitable for building.
- The proposed development would bring the number of dwellings on the landholding to 3.
- The family lands are dissected by the N15.
- Other sites were investigated on the landholding but were deemed to be unsuitable.
- The application has not be adequately assessed and an equal assessment similar to the quarry is required.
- Irish Water is intensifying the use of the access road for the water treatment plant which requires construction and maintenance staff.
- Senior planner gave advice which stated that the matter of the entrance was not an issue as it was the junction of two public roads.

6.2. Planning Authority Response

- Donegal County Council Roads Department and Transport Infrastructure Ireland have strong objections to the development.
- The applicant has drawn comparisons with the quarry in the vicinity. It is responded that each planning case is individual and is dealt with on the planning merits of each case.

7.0 Assessment

7.1. This is a first party appeal against Donegal County Council's decision to refuse permission for the proposed development. As outlined above the reasons for refusal pertain to reduced visibility splays at the entrance and the lack of a speed survey to justify a reduction in same and that the proposed development would provide for an intensification of an existing entrance onto a national primary route which is contrary to the policy of the Council and TII. I have reviewed the file and also have concerns in relation to the need for a dwelling at this location. The issues for consideration before the Board therefore, are those raised within the reasons for refusal and in addition rural housing need and appropriate assessment. I am satisfied that no other substantial issues arise. The main planning issues are as follows:

- Suitability of access
- Rural Housing Policy
- Appropriate Assessment

Suitability of access

7.2. Donegal County Council determined to refuse planning permission for two reasons which pertained to road safety. The first reason for refusal related to inadequate sight lines and the absence of a road speed survey to justify the same and the second pertained to the intensification of an entrance onto a national primary route contrary to policy T-P-4 of the Development plan.

7.3. It is contended by the applicants that they have been unfairly treated. Comparison is made within the grounds of appeal with other forms of development which have been permitted access onto the N15 such as an existing quarry to the north east of the site

and other dwellings in the vicinity. The applicants also refer to the use of the existing country road and associated junction with the N15 by Irish Water in order to access a water treatment plant on the lands.

- 7.4. The applicants state that the suitability of the junction with the N15 and the L75051 is a matter for Donegal County Council.
- 7.5. Whilst I acknowledge the applicants contentions, I have considered the requirements of The Spatial Planning and National Roads Guidelines 2012 (DoECLG) in it is stated that lands joining national roads, to which the speed limit of greater than 60 kmph applies, the Planning Authority will avoid the creation of additional access points from new development and the generation of increased traffic from existing accesses to a national road. This provision applies to all categories of development including individual houses in rural areas regardless of the housing circumstances of the applicant.
- 7.6. Exceptional circumstances provided for in the Spatial Planning and National Roads Guidelines (2.6), related to development along a national road, arise where development is of national or regional strategic importance or located along lightly-trafficked sections of national secondary routes. The N15 is a national primary route where speeds of 100kph apply and development along this route cannot therefore avail of the exceptional circumstances as aforementioned.
- 7.7. In addition, the stretches of national road where the general restriction can be lifted, based on the foregoing criteria, must be identified in the County Development Plan or Local Area Plan following consultation with the NRA. Such stretches of road have not been identified in the vicinity of the appeal site in the Donegal County Development Plan.
- 7.8. Whilst I note that the proposed development is accessed via a public road which in turn has a poorly designed Y junction with the N15 and the remediation of this junction is beyond their control, I have serious concerns regarding the safety of this junction and its capacity to serve a residential property where multiple traffic movements will occur multiple times on a daily basis.
- 7.9. I also draw the Boards attention to the response of the Council's Road Design team in which it is stated that the existing Y junction was constructed almost 40 years ago and is a poorly designed junction leading onto a very fast stretch of the N15. It was

further stated that given the layout of this junction with the National Primary Route any intensification of use would create a road safety issue.

7.10. I consider that based on the information accompanying the appeal that the proposed development, in conjunction with other development, accessed via this likely trafficked country road by itself and by the precedent that a grant of permission would create, would endanger public safety by reason of traffic hazard due to the additional traffic, including turning movements, that would be generated onto the national primary route N15 at a point where a speed limit of 100kph applies, and would interfere with the free-flow of traffic on the road. As such, I consider that the issue with regard to the proposed development in terms of access is in relation to the inadequacy of the junction to cater for any intensification of use. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Rural Housing Policy

7.11. I note from the information submitted that the applicants are building on family owned lands. No information has been submitted with regard to the applicants need for a rural dwelling at this location. It appears from the information on the file that the application for a dwelling is based on one of the applicants being from the vicinity.

7.12. I note from the Donegal Development Plan that the site is located in a structurally weak area c. 4km from Ballintra village where, according to census 2016, there are 31 vacant units within the settlement excluding holiday homes out of a total housing stock of 129. This level of vacancy in such a small settlement is significant where the total population is recorded as being 191 persons.

7.13. It is recognised within the NPF that there is a continuing need for housing provision for people to live and work in Ireland's countryside. A more flexible approach, primarily based on siting and design, will be applied to rural housing in areas that are not subject to urban development pressure. This will assist in sustaining more fragile rural communities. One-off housing will, however, be required to be considered within the context of the viability of smaller towns and rural settlements.

7.14. Whilst I acknowledge that the site is located in an area whereby the restrictions on the development of rural housing is limited, the impact of such development on the vitality and viability of rural towns cannot go un-mentioned. I note from comparison of

the 2011 census data to that of the 2016 census data that the population of Ballintra is in decline and the levels of vacancy have remained stagnate. It is evident therefore that Ballintra is undoubtedly a settlement in need of regeneration and revitalisation.

- 7.15. The permission of one-off housing in close proximity to this town will do little to assist the regeneration of this settlement and I consider it will only serve to exacerbate the decline of the town.
- 7.16. In the absence of any justification for a dwelling at this location and having regard to the falling population and levels of vacancy in Ballintra I consider that the proposed development would be contrary to both the provisions of the Donegal County Development Plan which under policy RH-0-4, seeks to safeguard the potential for incremental growth of such towns and the NPF in that it will provide of a development which will do little to improve the viability or vitality of Ballintra.
- 7.17. I further note that the proposed development will be heavily dependent on the private car which would hamper Irelands attempts to move toward a low carbon economy and would only serve to exacerbate long term problems such as climate change.
- 7.18. Overall, I consider the development of a one-off dwelling in this rural un-serviced site in such close proximity to a town in need of regeneration and revitalisation to be unacceptable and contrary to the proper planning and sustainable development of the area.

Appropriate Assessment

- 7.19. Having regard to the minor nature of the development, and the separation distance to any European site, 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.

8.0 Recommendation

- 8.1. I recommend that the application is refused for the following reason:

9.0 Reasons and Considerations

1. The proposed development of a house at this location would result in the intensification of a country lane which has a poorly designed Y junction onto the N15 where a speed limit of 100 km/h applies. It is considered that the additional and conflicting turning movements generated by the proposed development would endanger public safety by reason of traffic hazard, would interfere with the free flow of traffic on this national road, would compromise the level of service and carrying capacity of the road at this location, and would fail to protect public investment in the national road network, both by itself and by the undesirable precedent it would set for similar such development. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. The proposal would give rise to a residential development that is heavily reliant on the private car in a rural area removed from the town of Ballintra where high residential vacancy rates and declining population figures have been recorded. It is the policy of the Donegal County Development Plan 2018-2024 to seek opportunities for renewal and regeneration of such rural towns and to ensure that new residential development in rural areas is prioritised and reserved to supply genuine rural need, this is reasonable. Furthermore, the subject site is located in a rural area where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, to facilitate the provision of single housing in the countryside having regard to the viability of smaller towns and rural settlements. Having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the proposed development would not negatively impact the viability of Ballintra, The proposal would therefore be contrary to both the provisions of the Donegal County Development Plan 2018-2024 and the overarching national policy as set out in the National Planning Framework and as such would be contrary to the proper planning and sustainable development of the area..

Sarah Lynch
Planning Inspector

8th November 2019