



An
Bord
Pleanála

Inspector's Report 306050-19

Development	Dwelling house with attached domestic garage, sewage treatment system and all associated site development works.
Location	Meenacahan, Inver, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	19/50869
Applicant(s)	Paul Arnold
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions
Type of Appeal	Third Party
Appellant(s)	Daniel Arnold
Observer(s)	None
Date of Site Inspection	18 th February 2020
Inspector	Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.636 ha and is located at Meenacahan, Inver, Co. Donegal. The site is located in a rural area and is accessed via the R262 travelling northwards between the settlements of Frosses and Glenties.
- 1.2. The application site is located to the rear of an existing single-storey cottage which fronts directly onto the eastern side of the R262. The site is elevated above this neighbouring property and is characterised by heathers, grass vegetation and rushes throughout. The ground conditions were substantially wet underfoot at the time of the inspection, with ponding/drains noted in parts.
- 1.3. A recently constructed dormer bungalow with detached shed structures adjoins the western boundary of the application site. This dwelling is set-back and elevated above the public road. Two further detached dwellings are located to the north-west and south-west of the application site fronting on the eastern side of the R262, while 1 no. single storey dwelling is located on the western side of the road.

2.0 Proposed Development

- 2.1. The proposed development comprises a dwelling house (189.5 m²) with attached domestic garage (62.6 m²), sewage treatment system and all associated site development works.
- 2.2. The proposed dwelling house comprises a 2-bedroom dormer bungalow with a finished floor level of 98.5 m and a ridge height of 104.97 m. The level of the site entrance at the R262 is at 89.4 m.
- 2.3. The front elevation of the proposed dwelling is orientated towards the rear garden of the single-storey cottage to the west of the application site, with a separation distance of 75 m arising.
- 2.4. The applicant submitted unsolicited further information to Donegal County on 18th October 2019 which repositioned the dwelling in a westerly direction within the site and re-orientated its front elevation in a south-westerly direction. The separation distance between the existing and proposed dwellings was reduced to 68 m on foot of the amended site layout. The proposed finished floor level and ridge height remained unchanged.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Planning Permission for the proposed development subject to 12 no. conditions issued on 7th November 2019.
- 3.1.2. Condition no. 1 requires that the development be carried out in accordance with the unsolicited information submitted by the applicant on 18th October 2019.
- 3.1.3. Condition no. 2 restricts the occupancy of the dwelling for 7 years.
- 3.1.4. Condition no. 3 requires permanent visibility splays of 160 m to be provided in each direction at the site entrance.
- 3.1.5. Condition no. 7 requires that the finished floor level of the development shall not exceed 98.5 m above the centreline of the adjoining public road.
- 3.1.6. All other conditions are generally standard in nature.

3.2. Planning Authority Reports (16th July 2019 and 21st October 2019)

3.2.1. Planning Reports

- 3.2.2. Donegal County Council's Planning Officer recommended that planning permission be refused for the proposed development on 16th July 2019 for 4 no. reasons as follows:

- (1) Insufficient information submitted to confirm that domestic effluent can be adequately treated and dispersed within the site;
- (2) The material intensification of the permitted site access would result in dangerous cross-over movements into and out of the site and would endanger public safety by reason of traffic hazard;
- (3) The Planning Authority was not satisfied that the proposed development would not give rise to water pollution issues and have an adverse impact on the qualifying interests of the Lough Nillan Bog Special Area of Conservation;
- (4) The proposed backland development would result in a haphazard form of development which would erode the rural character of the landscape, thereby causing a detrimental change to the rural character of the area.

- 3.2.3. The applicant requested a 6-month extension of time in respect of the planning application on 23rd July 2019, which post-dated the Planning Officer's recommendation to refuse permission. The request for an extension of time was granted by Donegal County Council on 25th July 2019.
- 3.2.4. The applicant submitted unsolicited further information on 18th October 2019, including: (1) a revised site layout (Proposed Site Layout Map & Site Section Drawing No. P-002 Rev B refers); (2) further details regarding the applicant's housing need; and (3) details regarding the site access.
- 3.2.5. Following an assessment of the revised information, the Planning Officer recommended that planning permission be granted for the proposed development as per the Notification of the Decision to Grant Planning Permission.
- 3.2.6. **Other Technical Reports**
- 3.2.7. **Roads and Transportation Department (26th June 2019):** No objection to the proposed development subject to drainage provision at the site entrance.
- 3.2.8. **Environmental Health Department (26th June 2019):** No objection to the proposed development subject to conditions relating to the installation of the proposed wastewater treatment system.
- 3.3. **Prescribed Bodies**
- 3.3.1. **An Taisce:** None received.
- 3.3.2. **Department of Arts, Heritage & Gaeltacht:** None received.
- 3.4. **Third Party Observations**
- 3.4.1. One third party submission was made on this application by Daniel Arnold of Meenacahan, Inver Co. Donegal who resides in the single-storey dwelling to the west of the application site. The following objections were raised: (1) permission for the sight lines at the entrance has not been provided; (2) elevated backland development; (3) impact on amenity value and privacy of neighbouring property; (4) damage to services, and (5) traffic hazard.

4.0 Planning History

4.1. Adjoining site to the south

- 4.1.1. **Planning Authority Reg. Ref. 16/51162:** Planning permission granted on 28th October 2016 for the construction of a dwelling house with sewage treatment system and separate domestic garage and all associated site development works.
- 4.1.2. Condition no. 3(a) required the entire roadside boundary to be removed along the entire frontage of the site.
- 4.1.3. Condition no. 4 required permanent visibility splays of 160 m to be provided in both directions at the vehicular entrance to the site.
- 4.1.4. This development has been implemented on site. The permitted vehicular access will serve the development which is proposed under the current appeal case.
- 4.1.5. **Planning Authority Reg. Ref. 15/50690:** Planning permission refused for the construction of a dwelling house with sewage treatment system and separate domestic garage and all associated site development works.
- 4.1.6. Permission was refused for 3 no. reasons including: (1) insufficient evidence that domestic effluent can be adequately treated and dispersed in the site; (2) insufficient evidence that adequate vision lines and stopping site distances can be provided at the site entrance; (3) unsuitable ground conditions for the installation of a wastewater treatment system, resulting in potential water pollution issues and a potential adverse impact on the qualifying interests of the Lough Nillan Bog Special Area of Conservation.

5.0 Policy and Context

5.1. National Planning Framework (NPF)

- 5.1.1. In planning for the development of the countryside, the NPF acknowledges that there is a need to differentiate between demand for housing in areas under urban influence and elsewhere, as per the following objective:
- 5.1.2. **National 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.

5.2. Sustainable Rural Housing Guidelines for Planning Authorities (2005)

5.2.1. The Guidelines confirm development plans should identify the location and extent of rural area types as identified in the NSS (now superseded by the NPF). These include: (i) **rural areas under strong urban influence** (close to large cities and towns, rapidly rising population, pressure for housing and infrastructure); (ii) **stronger rural areas** (stable population levels within a well-developed town and village structure and in the wider rural area; strong agricultural economic base and relatively low level of individual housing development activity); (iii) **structurally weaker rural areas** (persistent and significant population decline and weaker economic structure); and, (iv) **areas with clustered settlement patterns** (generally associated with counties of the western seaboard).

5.2.2. Development Plans must tailor policies that respond to the different housing requirements of urban and rural communities and the varying characteristics of rural areas.

5.3. Donegal County Development Plan 2018-2024

5.4. Rural Housing

5.4.1. The application site is located within a Structurally Weak Rural Area. The objectives and policies which apply to the development of a rural dwelling in such areas are identified below.

5.4.2. **Rural Housing Objectives**

5.4.3. **RH-O-1:** To distribute the projected need for housing units in the rural area in line with the Core Strategy.

5.4.4. **RH-O-2:** To support a balanced approach to rural areas to retain vibrancy and ensure the sustainability of established rural communities while having proper regard to environmental considerations

5.4.5. **RH-O-3:** To ensure that new residential development in rural areas provides for genuine rural need.

5.4.6. **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.

5.4.7. **Rural Housing Policies**

5.4.8. **RH-P-1:** The following requirements apply to all proposals for rural housing:

(1) Proposals shall be subject to the application of Best Practice in relation to the siting, location and design of rural housing as set out in Appendix 4 and shall comply with Policy RH-P-2;

(2) Proposals shall be sited and designed in a manner that enables the development to assimilate into the receiving landscape and that is sensitive to the integrity and character of rural areas. Proposals shall also be located so as not to adversely impact on Natura 2000 sites or other designated habitats of conservation importance, prospects or views, including views covered by Policy NH-P-17;

(3) Any proposed dwelling, either by itself or cumulatively with other existing and/or approved development, shall not negatively impact on protected areas defined by the North Western International River Basin District Plan;

(4) Site access/egress shall be configured in a manner that does not constitute a hazard to road users or significantly scar the landscape, and shall have regard to Policy T-P15;

(5) Any proposal which does not connect to a public sewer or drain shall provide for the safe and efficient disposal of effluent and surface waters in a manner that does

not pose a risk to public health and accords with Environmental Protection Agency codes of practice;

(6) Proposals shall be subject to the flood risk management policies of the Plan;

(7) In the event of a grant of permission the Council will attach an occupancy condition which may require the completion of a legal agreement under S. 47 of the Planning and Development Act 2000 (as amended).

5.4.9. **RH-P-2:** It is a policy of the Council to consider proposals for a new rural dwelling which meets a demonstrated need provided the development is of an appropriate quality design, integrates successfully into the landscape, and does not cause a detrimental change to, or further erode the rural character of the area. In considering the acceptability of a proposal the Council will be guided by the following considerations:

(1) A proposed dwelling shall avoid the creation or expansion of a suburban pattern of development in the rural area;

(2) A proposed dwelling shall not create or add to ribbon development;

(3) A proposed dwelling shall not result in a development which by its positioning, siting or location would be detrimental to the amenity of the area or of other rural dwellers or would constitute haphazard development;

(4) A proposed dwelling will be unacceptable where it is prominent in the landscape; and shall have regard to Policy T-P-15;

(5) A proposed new dwelling will be unacceptable where it fails to blend with the landform, existing trees or vegetation, buildings, slopes or other natural features which can help its integration. Proposals for development involving extensive or significant excavation or infilling will not normally be favourably considered nor will proposals that result in the removal of trees or wooded areas beyond that necessary to accommodate the development.

5.4.10. **RH-P-4 Structurally Weak Rural Areas:** It is a policy of the Council to consider proposals for new one-off housing within structurally weak rural areas from any prospective applicants with a need for a dwelling house (urban or rural generated need), provided they demonstrate that they can comply with all other relevant

policies of this Plan, including RH-P-1 and RH-P-2. New holiday home development will not be permitted in these areas.

- 5.4.11. 'Building a House in Rural Donegal: A Location, Siting and Design Guide' forms Appendix 4 of the Plan and includes technical and development management guidance for rural housing.

5.5. Landscape

- 5.5.1. Map 7.1.1 of the development plan confirms that the main body of the application site is located within an Area of Moderate Scenic Amenity. The site entrance and the adjoining regional road are designated as an Area of High Scenic Amenity.

5.5.2. Natural Heritage Policies

- 5.5.3. **NH-P-1:** It is a policy of the Council to ensure that development proposals do not damage or destroy any sites of international or national importance, designated for their wildlife/habitat significance in accordance with European and National legislation including: SACs, Special SPAs, NHAs, Ramsar Sites and Statutory Nature Reserves.
- 5.5.4. **NH-P-7:** Within areas of 'High Scenic Amenity' (HSC) and 'Moderate Scenic Amenity' (MSC) as identified on Map 7.1.1: 'Scenic Amenity', and subject to the other objectives and policies of this Plan, it is the policy of the Council to facilitate development of a nature, location and scale that allows the development to integrate within and reflect the character and amenity designation of the landscape.
- 5.5.5. **NH-P-9:** It is the policy of the Council to manage the local landscape and natural environment, including the seascape, by ensuring any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of the area.
- 5.5.6. **NH-P-13:** It is a policy of the Council to protect, conserve and manage landscapes having regard to the nature of the proposed development and the degree to which it can be accommodated into the receiving landscape. In this regard the proposal must be considered in the context of the landscape classifications, and views and prospects contained within this Plan and as illustrated on Map 7.1.1: 'Scenic Amenity'.

5.6. Natural Heritage Designations

5.6.1. The subject site is located approx. 100 m to the east of Lough Nillan Bog SAC and Lough Nillan Bog SPA.

5.7. EIA Screening

5.7.1. Having regard to the nature and scale of the proposed development, comprising 1 no. residential dwelling, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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. A third-party appeal was lodged by Daniel Arnold, the owner of the neighbouring dwelling to the west of the application site, on 2nd December 2019. The grounds of appeal can be summarised as follows:

- Letters of consent to achieve adequate sight-lines on the northern side of the site entrance have not been provided. If such sight-lines cannot be provided, the terms of the planning permission as granted by Donegal County Council cannot be complied with;
- The site entrance opens onto a narrow public roadway which is controlled by a speed limit of 80km and has a solid white line. Further development at this location will increase the risk of traffic hazard;
- Donegal County Council's Planning Officer initially deemed the proposal to constitute backland development, and as such, was contrary to Donegal County Council planning and development guidelines;
- While the dwelling has been repositioned on the subject site, it does not reduce the impact of continuous backland development, with many similar proposals refused permission by the planning authority;

- Donegal County Council has failed to consider the cumulative traffic impact of all the existing developments which utilise the proposed site entrance, including a family business which is in operation at this location.

6.1.2. A copy of the appellant's third-party submission is appended to the appeal. Additional concerns are raised therein in relation to the elevated nature of the development and its impact on the privacy and amenity value of the appellant's property and potential damage to service pipes.

6.2. Applicant Response

6.2.1. Harley Newman Planning Consultants lodged an appeal response on behalf of the applicant on 16th January 2020 which can be summarised as follows:

- The applicant currently resides in his parent's dwelling adjacent to the subject site and works in the family's electrical business which also operates from this location. The applicant wishes to remain living close to his family and place of business;
- The planning authority has adopted a balanced and pragmatic approach in the consideration and assessment of the planning application;
- The proposed development will utilise the permitted, existing and established entrance that serves the adjoining dwelling to the south (home of the applicant's brother) and which benefits from 160 m vision lines in both directions in accordance with road safety parameters;
- The proposed development will not result in any significant intensification of use of the existing entrance, with low traffic volumes occurring along the adjoining road;
- This area is designated as an Area of Moderate Scenic Amenity under the development plan, and as such, has the capacity to absorb additional development;
- The addition of a further dwelling at this location will facilitate the creation of a cluster of dwellings which will ensure the traditional 'clachan' type arrangement of buildings is fully respected in this rural area;

- The existing dwelling and detached garage to the south of the application site will largely screen the proposed dwelling, which will be inconspicuous in this landscape (enclosed photo image prepared by Cornerstone Architects refers);
- A stormwater management system will be installed to catch all run-off from the house and surrounding gravelled area, which will be piped into the existing stormwater drainage system serving the adjacent dwelling to the south. This existing system collects storm water and existing percolation runoff, crosses the public road and enters an open land drain as shown on enclosed drawing P-002 (Proposed Surface Water Drainage Layout);
- It is now proposed to install a new silt/petrol interceptor within the driveway of the application site which will collect all pollutants from the storm water of the proposed dwelling and from the storm water and percolation area of the existing dwelling, resulting in a significant environmental and planning gain for the area;
- A tertiary, biological wastewater treatment system with percolation area will be installed to treat effluent from the site, with the clean waters from the soil polishing filter eventually joining the existing open drainage system shown on enclosed drawing P-002 (Proposed Surface Water Drainage Layout);
- The Natura Impact Assessment included with the appeal concludes that, subject to mitigation measures, the proposed development would have no significant adverse effects on the integrity of any European site.

6.2.2. The appeal response is accompanied by a statement from the applicant which further elaborates on the circumstances of his housing need.

6.3. **Planning Authority Response (13th January 2020 and 13th February 2020)**

6.3.1. The Planning Authority notes that the applicant currently resides with his parents in an existing house and makes use of the existing vehicular entrance which will serve the application site. As such, it is submitted that the argument of intensification of use of the entrance cannot be substantiated.

- 6.3.2. The Planning Authority further considers that the revised dwelling layout as proposed by way of the applicant's unsolicited further information submission will result in a cluster of dwellings which will not expand the existing footprint of built development.
- 6.3.3. The Planning Authority concurs with the applicant's Natura Impact Statement which concludes that the proposed development would have no significant adverse effect on the integrity of a European site subject to compliance with mitigation measures.
- 6.3.4. All other matters are addressed in the Planning Officer's reports of 16th July 2019 and 21st October 2019.

6.4. **Observations**

- 6.4.1. None received.

6.5. **Further Responses**

- 6.5.1. A further response was received from the appellant Mr. Daniel Arnold on 11th February 2020. No new issues have been raised.

7.0 **Assessment**

- 7.1. I am satisfied that the main issues for consideration in this case include:

- Rural Housing Need
- Site Access
- Backland Development
- Wastewater Treatment
- Appropriate Assessment

- 7.2. Each of these issues is considered in turn below.

7.3. **Rural Housing Need**

- 7.3.1. The information which has been provided in the Supplementary Rural Housing Form confirms that the applicant has lived in the area for more than 7 years and that the proposed dwelling will be used as a primary, principal and permanent residence. The application is accompanied by a letter of support from Cllr. Tom Conaghan of

Donegal County Council who submits that the applicant is known to him as a native of the area and satisfies the rural housing criteria of the Donegal County Development Plan 2018-2024, in particular policies RH-P-1, RH-P-2 and RH-P-4.

- 7.3.2. Further information in relation to this issue is included in the applicant's appeal response. All houses within 400 m of the subject site are family owned. The applicant also works in the family electrical business with his father and brothers, which is based in the family home to the south-west of the site.
- 7.3.3. Policy RH-P-4 of the development plan states that the Council will consider proposals for one-off housing within structurally weak rural areas from any prospective applicants with a need for a dwelling house, provided they can demonstrate compliance with all other relevant policies of the plan, including RH-P-1 and RH-P-2. Given that the applicant is native to the area and that his place of work is local, albeit not specifically required to be rurally-based, I am satisfied that the applicant has demonstrated a reasonable basis for a housing need in this instance, subject to compliance with other relevant development plan policies as discussed below.

7.4. Site Access

- 7.4.1. The proposed development will be served by the existing, permitted site access serving the adjoining dwelling house to the south (planning authority reg. ref. 16/51162 refers). The appellant submits that letters of consent to achieve adequate sight-lines on the northern side of the entrance were provided for the previous applicant only and have not been provided for the benefit of the current application. The appellant also submits that further residential development at this location will increase the risk of traffic hazard and that the planning authority has failed to consider the cumulative traffic impact of all existing developments which use this entrance, including the applicant's family business.
- 7.4.2. In considering the foregoing, I note the photographs which accompany the applicant's Traffic and Transport Statement (Form TTS 1) which illustrate the works that have been undertaken to achieve adequate sightlines at the entrance. In my opinion, these are an accurate reflection of the on-site conditions based on my observations during the site inspection. I further note that the Roads and Transportation Department of Donegal County Council had no objection to the

proposed development, subject to drainage provision at the site entrance. Thus, given that the site entrance is already permitted under reg. ref. 16/51162, and on the assumption that the required sight lines have been delivered in accordance with the required technical standards, I consider the proposed access arrangement to be acceptable.

- 7.4.3. I also consider that the traffic movements which would be generated on foot of 1 no. additional dwelling at this location would not generate any significant intensification of development that would result in a traffic hazard and that to refuse permission on this basis would be unreasonable. I consider the appellant's commentary regarding the granting of consent to use the sight lines at the entrance is a civil matter, and as such, is not open for adjudication under this appeal case. In this regard, I draw the Board's attention to Section 34(13) of the Planning and Development Act, 2000 (as amended) which states that a person shall not be entitled solely by reason of a permission under this section to carry out any development.

7.5. Backland Development

- 7.5.1. The appellant submits that the proposed development constitutes elevated backland development which would impact on the privacy and amenity value of his property.
- 7.5.2. Donegal County Council's Planning Officer initially recommended that planning permission be refused for the proposed development (report of 16th July 2019 refers). Refusal reason no. 4 stated that the proposed development would result in a haphazard, backland form of development which would erode the rural character of the landscape and would be contrary to policies RH-P-1 and RH-P-2 of the development plan.
- 7.5.3. The applicant subsequently submitted unsolicited further information which repositioned the dwelling in a westerly direction and re-orientated its front elevation in a south-westerly direction. Donegal County Council's Planning Officer considered that the revised layout served to integrate the dwelling into the landscape, thereby obviating backland development and forming a tighter cluster.
- 7.5.4. In my opinion, the proposed development represents inappropriate backland development which would introduce a second building line behind the appellant's single-storey property. I consider that the proposed development would compound the existing, fragmented pattern of development at this location and would serve to

further erode the rural character of this scenic area. While Donegal County Council's Planning Officer considered that the revised site layout served to assimilate the proposed dwelling into the landscape, in my opinion, the proposed amendments do not address the elevated, backland nature of the development to the rear of the established building line. As such, I consider that the proposed development would be contrary to policies RH-P-1 and RH-P-2 of the development plan and would be contrary to the proper planning and sustainable development of the area.

7.6. Wastewater Treatment

- 7.6.1. The relevant standard for domestic wastewater treatment is the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (2009). The applicant's Site Suitability Assessment Report records the underlying aquifer as poor, with the groundwater having high vulnerability. The trial hole results record a depth of 1.7 m from the ground to the water table, with the soil characterised as peat between 0.1 – 0.4 m, with silt/clay and frequent gravels below.
- 7.6.2. The Site Suitability Assessment recorded a T-value of 70. As such, Table 6.3 of the EPA Code of Practice confirms that the site is not suitable for a septic tank system but may be suitable for a secondary treatment system with a polishing filter at the depth of the T-test hole.
- 7.6.3. In order to demonstrate satisfactory percolation and conditions for on-site wastewater treatment, site improvement works were undertaken by the applicant, comprising the removal of the existing peaty soil to a depth of 500mm to an area comprising 6.5 x 16 m. This area was then refilled with loamy topsoil in 300mm layers and lightly compacted to a level of 900mm partially raised above the original ground level. The location of the site improvement works is identified on the site sketch plans appended to the Site Suitability Assessment form.
- 7.6.4. Following the site improvement works, 3 no. P tests were undertaken on the area of imported soil. A result of 15.53 was obtained and as such, Table 6.3 of the EPA Code of Practice confirms that the site is suitable for a secondary treatment system with polishing filter at ground surface or over-ground. The applicant's Site Suitability Assessment recommends the undertaking of drainage and site improvement works and the installation of a mechanical aeration treatment system with tertiary treatment system and a 36 m² gravel distribution area.

7.6.5. In my opinion, the results of the Site Suitability Assessment confirm that the subject site is fundamentally unsuitable to facilitate the efficient and sustainable treatment of wastewater and as such, is reliant on a heavily engineered system which will require ongoing maintenance. If this system is not suitably maintained, the inefficient treatment of wastewater on the site may arise, with the potential for impacts on a Natura 2000 site as discussed further below.

7.7. **Appropriate Assessment**

7.7.1. The applicant's appeal response includes an Appropriate Assessment Screening and Natura Impact Statement. The screening assessment identified that the application site is hydrologically connected to Lough Nillan Bog SAC and Lough Nillan Bog SPA and as such, a Stage 2 Appropriate Assessment (AA) was required. A further 6 no. SAC/SPA's within 10-15 km of the application site were screened out for further assessment.

7.7.2. The AA identifies that several aspects of the development associated with the construction works, as well as surface water and wastewater management, could lead to a deterioration of water quality at this location through direct pollution events/accidental spillage or by indirect diffuse pollution from the wastewater treatment system. Such substances could include suspended solids, dirt and dust runoff, oils and other solvents, as well as nutrients that may lead to eutrophication and degradation of downstream habitats.

7.7.3. Thus, the AA identifies that it is critical that the quality of the discharge water from the drainage system of the development remains of good standard and that mitigation measures are in place to prevent any risk of pollution events. These mitigation measures include, inter alia, adherence to best construction practice, the installation and operation of the wastewater treatment system in strict accordance with the manufacturer's instructions with a long-term maintenance agreement in place, and the implementation and careful maintenance of the stormwater drainage system, including the regular servicing of the silt/petrol interceptor through which surface waters flow before discharge into the local drainage. The AA concludes that subject to compliance with identified mitigation measures, there would be no significant effects on the integrity of any European sites, as a result of the proposed development.

7.7.4. As identified in section 7.6.5 above, in my opinion, the proposed development is reliant on a heavily engineered wastewater treatment system and surface water drainage system and the regular maintenance of same. In the absence of ongoing and suitable maintenance, the proposed development has the potential to impact on a Natura 2000 site by way of the hydrological connections which exist between the Lough Nillan Bog SAC and Lough Nillan Bog SPA. As such, it is recommended that planning permission be refused in this instance.

8.0 Recommendation

8.1. I recommend that planning permission be refused for the proposed development based on the reasons and considerations set out below.

9.0 Reasons and Considerations

9.1. Having regard to the elevation position of the site to the rear of an existing single-storey property, it is considered that the proposed dwelling constitutes inappropriate backland development, which would further erode the rural character of this area. The proposed development would, therefore, be contrary to policies RH-P-1 and RH-P-2 of the Donegal County Development Plan 2018-2024 and as such, would be contrary to the proper planning and sustainable development of the area.

9.2. Having regard to the soil conditions noted on site, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.

9.3. On the basis of the information provided with the application and appeal, including the Natura Impact Statement, and in light of the assessment carried out, the Board is not satisfied that the proposed development individually, or in combination with other plans or projects, would not adversely affect the integrity of European sites Nos. 004110 and 00165 (Lough Nillan Bog SPA and Lough Nillan Bog (Carrickatlieve) SAC) in view of the site's Conservation Objectives.

Louise Treacy
Planning Inspector

8th April 2020