



An
Bord
Pleanála

Inspector's Report ABP307496-20

Development

Demolition of existing maintenance shed and construction of a dwellinghouse and new access with connection to existing wastewater treatment plant.

Location

Kill, Dunfanaghy, County Donegal.

Planning Authority

Donegal County Council.

Planning Authority Reg. Ref.

19/51305.

Applicant

Molly Roarty.

Type of Application

Permission.

Planning Authority Decision

Grant.

Type of Appeal

Third Party -v- Refusal.

Appellant

Allen Robinson.

Observers

None.

Date of Site Inspection

2nd October, 2020.

Inspector

Paul Caprani.

Contents

1.0 Introduction	3
2.0 Site Location and Description	3
3.0 Proposed Development	4
4.0 Planning Authority's Decision	4
4.1. Decision	4
4.2. Documentation Submitted with Application	4
5.0 Planning History.....	6
6.0 Grounds of Appeal.....	7
7.0 Appeal Responses.....	8
7.1. Applicants Response to the Grounds of Appeal.....	8
8.0 Development Plan Provision.....	10
9.0 Planning Assessment	12
10.0 Conclusions and Recommendation.....	19
11.0 Decision	19
12.0 Reasons and Considerations	20

1.0 Introduction

ABP307496-20 relates to a third party appeal against the decision of Donegal County Council to issue notification to grant planning permission for the demolition of an existing maintenance shed associated with a golf course and the construction of a two-storey dwellinghouse together a connection to an existing wastewater treatment plant and associated site works. The issues raised in the third party appeal primarily relate to rural housing need and flood risk. An NIS was also submitted with the planning application.

2.0 Site Location and Description

- 2.1. The appeal site is located on the outskirts of the village of Dunfanaghy along the northern coast of Donegal. The subject site is located on the eastern outskirts of the village approximately half a kilometre east of the village centre. The site is roughly rectangular in shape and is located adjacent to the coast and on the western periphery of Dunfanaghy Golf Course. The site currently accommodates a single-storey corrugated iron maintenance shed associated with the golf course. An embankment runs along the southern boundary of the site and separates the site from a recently constructed residential development on lands to the south-east (Rinn na Mara). This recently completed residential development is located on higher ground levels than the subject site, the difference in ground levels is between 2 and 3 meters. An earthen embankment runs along the northern boundary of the site and separates it from the adjoining golf course. A number of dwellings are located to the west and south-west of the site all of which are accessed off the N56 National Secondary Route to the east of the village. A narrow footpath runs adjacent to the western side of the site. A small stream also runs adjacent to the western side of the site and discharges into the coastal area to the north. The existing shed on site covers a gross floor area of 130 square metres and rises to a height of 4.6 metres. An area of hardstanding accommodating outdoor storage of materials is located to the front of the shed.

3.0 Proposed Development

- 3.1. Planning permission is sought for the construction of a split level 1/2 storey dwellinghouse on the subject site. The two-storey element of the dwelling is located to the rear with the lower ground floor accommodating two bedrooms, a utility room and shower room. Two additional bedrooms including a master bedroom together with living accommodation is located on the upper ground floor. A circular lounge is located on the east elevation. The upper ground floor in the eastern portion of the building rises to a height of 3.45 metres. The rear/western end of the dwelling rises to a height of 6 metres. The building incorporates a flat roof and is contemporary in style.
- 3.2. The lower ground floor incorporates a natural stone cladding while the upper ground floor to the rear of the dwelling is characterised in the main by a smooth render finish. The circular element on the eastern elevation incorporates extensive glazing surrounded by natural stone cladding. A central element of the building on the southern elevation incorporates extensive glazing surrounded by timber panelling. A recessed balcony area is also provided along the north elevation. Access to the proposed dwelling is to be provided via an extension to the access road which ends in a cul-de-sac serving the existing residential development to the south-east. It is also proposed to pump foul effluent from the dwelling to the existing wastewater treatment plant and pumping station which serves the newly constructed residential development to the south-east of the site.

4.0 Planning Authority's Decision

4.1. Decision

- 4.1.1. Donegal County Council issued notification to grant planning permission subject to 11 conditions.

4.2. Documentation Submitted with Application

- 4.2.1. The application was accompanied by a supporting statement. This statement sets out details of the proposed development and notes that the site and maintenance shed is currently owned by Dunfanaghy Golf Club who have agreed terms with the

applicant to sell the subject site subject to planning permission. A letter of consent is attached. It is stated that the applicant's father is a local builder who recently constructed the Rinn na Mara development to the south-east of the subject site. The statement also assesses the proposed development in the context of:

- Scenic designations contained in the development plan.
- Natura 2000 sites.
- Building design and visual impact.

4.2.2. Details of the pumping statement are also submitted with the supporting documentation. Also submitted is a letter from Rinn na Mara Owners Management Company confirming a grant of a right of way to the applicant to access all services currently supplying the residential estate adjacent.

4.2.3. A report from the Health Service Executive recommended additional information be submitted.

4.2.4. The initial planner's report assesses the proposed development in the context of:

- The principle of development on site which is deemed to be acceptable.
- Siting and design.
- Access arrangements.
- Public health and
- Appropriate assessment.

4.2.5. The report recommends additional information be submitted in respect of the following:

1. The applicant is requested to submit 3 copies of an ecological report which considers the risk of significant effects on the adjacent Natura 2000 site and particularly as a result of site development works and excavations, use of concrete products and hydrocarbons and the risk of sedimentation or contaminated discharges from the site.
2. The applicant is to submit legal clarification of the status of the existing right of way/path/walkway, which traverses and extends beyond the site into the shore adjacent to the golf course.

- 4.2.6. A report from Irish Water states that there is no objection to the proposed development.
- 4.2.7. Further information was submitted on 26th day of February, 2020. It included a Natura Impact Statement. The NIS sets out details of the overview of the project and the receiving environment. It goes on to set out the conservation objectives of identified European sites which could be affected; namely the Horn Head Rinclevan SAC (Site Code: 000147) and the Horn Head to Fanad Head SPA (Site Code: 004194). The report goes on to assess the potential impacts on the conservation objectives associated with these Natura 2000 sites. Section 4.5 of the NIS sets out a series of mitigation measures which include measures to ensure the careful management of building materials on site during construction. The NIS concludes that:
- The project is not directly connected with the management of an European site.
 - The project along with or in combination with other plans or projects is not likely to have significant effects on any habitats or species associated with the two Natura 2000 sites referred to.
- 4.2.8. In relation to the second issue it is stated that the right of way which traverses the north-western corner of the site and leads to the shoreline will remain unaffected by the development.
- 4.2.9. The applicant was requested to publish new newspaper notices making specific reference to the fact that an NIS has been submitted in respect of the application.
- 4.2.10. The subsequent planner's report notes the information submitted and states that the NIS has determined that the site will not have significant adverse effects on the European sites in question. It is therefore recommended that planning permission be granted subject to 11 conditions.

5.0 Planning History

- 5.1. No appeal files are attached. The planner's report states that there is no recent planning history associated with the subject site.

5.2. It is noted that planning permission was granted for 11 dwelling units on lands to the south-east of the subject site under Reg. Ref. 15/50755.

6.0 Grounds of Appeal

6.1. The grounds of third party appeal note that the site is low lying and appears to be approximately 2.5 metres lower than the lands to the immediate south which are on the appellant's ownership (Mr. Robinson). It is noted that the site is also lower than the dwellings to the immediate west. It is also noted that a culverted stream runs along the western boundary a mere 3.3 metres from the existing shed and proposed house. It is noted that the application is silent on this matter.

6.2. With regard to the information contained in the submitted application form the following is noted:

- It is not considered that insufficient information was submitted with regard to the bona fides of the applicant's compliance with rural housing policy. It is suggested that the applicant could avail of a house in the adjacent development which is owned by the applicant's father.
- It is argued that a question also arises with regard to the planning status of the existing structure on site thus the proposed development in this instance maybe replacing an unauthorised structure.
- No reference is made to the fact that a culverted drain runs along the western edge of the site.
- No construction management plan has been provided.
- The application is silent in respect of whether or not the existing building is deemed to be in a coastal flood zone.
- The Planning Authority did not ask the applicant to provide a demonstrable economic or social need as to why they have to live in this location.
- It appears that there are other viable sites which are available to the applicant within family owned lands that are much more suitable than seeking to build a house on the subject site in a rural area outside the settlement boundary of Dunfanaghy.

- It is argued that, in accordance with the OPW Flood Risk Management Maps, at least part of the site is prone to flooding. Simply because the site has an existing building on it, this does not eliminate flood risk. It is suggested that development in areas with a high probability of flooding should be avoided and only considered in exceptional circumstances. A house is designated as a highly vulnerable type of development. The development of the subject site for a house is of a much greater vulnerability level than the maintenance shed. Reference is made to numerous policy statements contained in the County Development Plan which referred to the importance of flood risk management in determining planning applications.

7.0 Appeal Responses

7.1. Applicants Response to the Grounds of Appeal

- The existing shed was constructed in 1991 and has now become obsolete due to its location and size. The development of a new shed must be part-funded by the proceeds associated with the sale of the redundant shed.
- The appeal is motivated by a refusal of planning permission for holiday homes on adjacent lands lodged by the appellant rather than any genuine concern in respect rural housing policy in Donegal.
- The response argues that the site, due to surrounding development represents a brownfield site, rather than a rural site outside the development boundary of the village as suggested in the grounds of appeal. The site can be fully serviced in terms of public services and infrastructure.
- It may not be possible to ascertain whether or not the existing shed has the benefit of planning permission. It may historically have the benefit of planning permission or may have constituted exempted development under previous exempted development regulations. Furthermore, it does not seem reasonable to seek to regularise the planning status of a structure where it is proposed to remove that structure.
- It is stated that Dunfanaghy and Cresslough are essentially the same community. The applicant meets the criteria for Rural Housing Need set out in

the development plan specifically in relation to policy RH-P-3. Despite what is suggested in the grounds of appeal, there are very few other sites available in the area.

- The issue of flood risk was referred to in the documentation submitted with the application. In this regard reference is made to P22 of NIS as well as diagrams and photographs contained in the documentation submitted. The CFRAM map does show the potential for flooding at the lower section of ground where the public footpath traverses the site at the base of the berm/embankment. However, the embankment surrounding the site is more than 3 m above the path and rises to over 5 m for the remainder of the site. The finished floor levels of the proposed dwelling are 2.5 m above the path and CFRAM predicts no more than 1 meter of flooding in the area in the case of a flood event. Dunfanaghy Golf club members have never recalled the footpath at the base of the shed being flooded, not to mention the flooding of the shed itself. Finally, in relation to this matter the Bay surrounding the site is sheltered and does not experience the storm surges associated with the north Atlantic.
- The replacement of an unsightly shed with a well-designed dwelling will improve the visual amenities of the area. The proposal would also set a desirable precedent for persons living and working in their local community. The applicant is happy to accept a condition requiring that a construction and environmental management plan be part of any grant of planning permission.
- A number of appendices are attached
 - Details of the grant of planning permission for a new shed at Dunfanaghy Golf Course
 - Details of the refusal of planning permission for 3 dwellings sought by the appellant under 17/50270.
 - The Planner's report and recommendation.
 - Dunfanaghy settlement boundary and the location of site in the context of this boundary.
 - Details of the initial application submitted.

- Other available sites in and around Dunfanaghy.
- Letter from CR Renaissance Properties Ltd regard other available sites.
- The NIS submitted with the application.
- Further Photo's showing the extent of the embankment surrounding the site.
- Letter from Dunfanaghy Golf Club stated that no flooding of the subject site has occurred.
- Details of the Sewage Treatment Plant Maintenance Report

7.2. Planning Authority's Response to the Grounds of Appeal

- 7.2.1. A response was received by the Board on 10th August 2020. It states that the Planning Authority relies on the considerations and recommendations contained in the planning reports dated 8/10/2019 and 28/4/2020. On this basis it is requested that the decision to grant planning permission subject to conditions be upheld in this instance.

7.3. Environmental Designations

- 7.3.1. The subject site is located contiguous to, but outside the Horn Head and Rinclevan SAC which incorporates the beach area to the immediate north-west of the subject site. The Horn Head to Fanad Head SPA is located on the western side of Dunfanaghy approximately 1.2 kilometres from the subject site.

8.0 Development Plan Provision

- 8.1. The site is governed by the policies and provisions contained in the Donegal County Development Plan 2018 – 2024.
- 8.2. The site is located contiguous to, but outside the Urban Development Boundary for Dunfanaghy and is located on lands designated as being a stronger rural area. In relation to stronger rural areas, Policy RH-P-3 applies. It is the policy of the Council to consider proposals from prospective applicants in need of housing within an area defined as stronger rural area, provided they demonstrate that they can comply with

all other relevant policies of the Plan including RHP1 and RHP2 and where the applicant can demonstrate they can comply with one or more of the following:

- Persons whose primary employment is in a rural based activity with a demonstrated genuine need to live in the locality of that employment base, for example those working in agriculture, forestry and horticulture etc.
- Persons with a vital link to the rural area by reason of having lived in this community for a substantial period of their lives (7 years minimum) or by the existence in the rural area of long established ties (7 years minimum) with immediate family members or by reason of providing care to a person who is a resident of the area (7 years minimum).
- Persons who for exceptional health circumstances, can demonstrate a genuine need to reside in a particular rural location.

- 8.3. This policy shall not apply where an individual has already had the benefit of a permission for a dwelling on another site, unless exceptional circumstances can be demonstrated. An exceptional circumstance would include, but would not be limited to, situations where the applicant has sold a previously permitted, constructed and occupied dwelling, to an individual who fulfils the bona fide requirements of that permission. New holiday home development will not be permitted in this area.
- 8.4. The subject site is located on lands designated as especially high scenic amenity.
- 8.5. Section 5.4 of the development plan specifically relates to flooding and flood risk. The aim of the plan is to manage development proposals within flood risk areas in a sequential manner based on avoidance, substitution, justification and mitigation and to otherwise ensure that flood risk can be managed to an acceptable level without increasing flood risk elsewhere.
- 8.6. Objective F-O-1 seeks to assess all development proposals in accordance with “The Planning System of Flood Risk Management – Guidelines for Planning Authorities”.
- 8.7. Policy F-P-1 seeks to ensure that it is the policy of the Council to ensure that all development proposals comply with the Planning System and Flood Risk Management – Guidelines for Planning Authorities. In doing so the Planning Authority shall:

- Assess developments in accordance with the sequential approach and precautionary principles set out in the Planning System and Flood Risk Management – Guidelines for Planning Authorities.
- Utilise the Draft Flood Risk Management Plans (and any associated Flood Risk Management) prepared as part of the CFRAMS programme or any other flood risk data sets or mapping it considers appropriate in assessing flood risk.

8.8. Policy F-P-3 states it is the policy of the Council to require the applicant/developers to submit, where appropriate, evidence of compliance with the justification test set out in Section 5.15 of the “Planning System and Flood Risk Management – Guidelines for Planning Authorities” (DoEHLG 2009) or any subsequent related publication.

8.9. Policy F-P-4

It is the policy of the Council not to permit development where flood or surface water management issues have not been, or cannot be, addressed successfully and/or where the presence of unacceptable residual flood risk remains for the development, its occupants and/or property or public infrastructure elsewhere including, inter alia, up or downstream.

9.0 **Planning Assessment**

9.1. I have read the entire contents of the file, visited the subject site and its surroundings and have had particular regard to the issues raised in the grounds of appeal. I consider that the Board in this instance can generally restrict its deliberations to the issues raised in the grounds of appeal namely:

- Housing Need
- Flooding and Flood Risk
- Other Issues

9.2. Housing Need

- 9.2.1. The grounds of appeal argue that the level of assessment undertaken by the Planning Authority in relation to housing need is not comprehensive. It is argued that the planner's report paid scant regard to this issue and predicated its conclusions merely on the basis of a letter submitted via a local councillor which notes that the applicant has lived her entire life in Creeslough approximately 10 kilometres to the south of the subject site.¹
- 9.2.2. The subject site, while located outside the development boundary for Dunfanaghy, is located contiguous to the boundary and is surrounded on all sides by suburban type development. In this regard for all intents and purposes I consider the subject site constitutes an infill site within an existing built up area. The development of the subject site would not result in ribbon type development on the periphery of the village but would in many respects result in the consolidation and densification of the existing built up area.
- 9.2.3. The grounds of appeal also argue that the Planning Authority gave mere cursory consideration in respect of whether or not a genuine housing need was demonstrated.
- 9.2.4. I note the provisions of Rural Housing Policy RH-P-3 which sets out the housing need criteria for an area designated as "stronger rural area". The policy is clear and unambiguous in stating that the applicant needs to demonstrate compliance with one or more of the following:
- Persons whose primary employment is rural based with a demonstrated genuine need to live in the locality of that employment base. For example, those working in agriculture, forestry and horticulture.
- 9.2.5. The applicant in this instance has submitted documentation to state that she is employed at the adjacent golf course. This in my view demonstrates that the applicant's primary employment is rural-based and is employed locally to the proposed place of residence and the applicant meets the criteria with regard to a genuine need to live in the locality. In this regard whether or not the applicant currently resides in an area 10 kilometres away would not preclude the applicant

¹ The Board will note that the grounds of appeal state that the applicant lived her life in Creeslough. The copy of the letter submitted by the Councillor on behalf of the applicant has this information redacted in the letter.

from demonstrating a genuine housing need. The applicant in my view has met one of the primary criteria set out under Rural Housing Policy RH-P-3.

- 9.2.6. The Board may also assess the proposed development under National Policy Objective 19 in the National Planning Framework which requires that, in providing rural housing, a distinction is made between areas under urban influence and larger towns and centres of employment and elsewhere. The Board will note that the planning application in this instance is not located in an area under urban influence as designated in the development plan. National Policy Objective 19 states that in rural areas elsewhere (such as the current application site), Planning Authorities should 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 viabilities of smaller towns in rural settlements. Again, it is my considered opinion that the proposed development would meet the criteria set out in National Policy Objective 19 in that the proposal located contiguous to the boundary of the urban area of Dunfanaghy would contribute to the viability of the town. On this basis I do not consider that the applicant contravenes the policy objectives in the local area plan or the National Planning Framework. The applicant therefore has demonstrated a genuine housing need based on the criteria referred to.

9.3. **Flooding and Flood Risk**

- 9.3.1. The potential for flooding and flood risk was the other major issue raised in the grounds of the third-party appeal. I note that the issue of flooding did not constitute a significant issue in the Planning Authority's assessment of the application. The NIS submitted by way of additional information made reference to the issue of flooding and noted that the proposed development is located just outside an area at risk of flooding based on a 10-year return period. It notes that the predicted depth of flooding around this shoreline is less than 1 metre. Therefore, given the elevation of the house, no impacts via flooding are envisaged. The proposed dwelling in my view is located precariously close to the tidal flood extent map. The subject site appears to be located contiguous to the boundary of the flood risk area. Having inspected the site I would consider that the subject site is at risk of flooding as it is considerably lower than the lands on which the adjacent Rinn Na Mara development development is located which is c.2.5 metres higher than the subject site. The ground levels which

occupy the subject site are only marginally above the coastal area to the immediate north which is designated as a flood risk area.

9.3.2. It is my considered opinion that the Board should exercise a precautionary approach in relation to the current application in the context of flood risk.

9.3.3. Having regard to the nature of the proposed use i.e.

(a) residential development which is classed as being of a development type which is most vulnerable to flood risk,

(b) the fact that the site is located contiguous to an area which is designated as being a flood risk area,

(c) longer term climate change considerations which would render areas such as the subject site more vulnerable to coastal flood inundation and storm surges.

I consider that the Board should refuse planning permission on the basis that the proposed development would be at risk from flooding particularly in the medium to long term. If the Board do not accept this recommendation it should at the very minimum request the applicant to submit an appropriate site-specific flood risk assessment prior to determining the application.

9.4. **Other Issues**

9.4.1. It is argued in the grounds of appeal that there is no evidence that the building in question has the benefit of planning permission. The grounds of appeal do not definitely suggest that the building is unauthorised but merely recommends that both the Council and An Bord Pleanála look into this matter in the process of determining the application. No information is contained on file or on Donegal County Council's website in respect of the planning status of the structure in question. The applicant in response to the grounds of appeal states that the shed was constructed in 1991, but no information is elicited in respect of the planning status of the structure. The fact remains that there is a building in situ on the subject site, the planning status of which is unknown. The fact that the proposed structure will replace an existing structure on site which has been in place for in excess of 7 years and therefore is outside the time period for which enforcement proceedings can be undertaken is a material matter in my view in determining the application. From a visual impact perspective the proposal in this instance essentially seeks to replace an existing

structure with a new structure and therefore in visual impact terms the visual impact arising from the proposal will not be dissimilar to what currently exists on site.

9.4.2. The grounds of appeal indicate that no construction management plan has been provided. If the Board are minded to grant planning permission it could consider requiring such a plan to be submitted to the Planning Authority prior to the commencement of development. The applicant in the appeal response states that she is agreeable to any such condition.

9.4.3. The appellant in the grounds of appeal suggests that there are alternative residential dwellings available for the applicant on the basis that the applicant's father has developed the residential estate to the immediate south-west. Details as to whether or not such dwellings are available to the applicant are not available to the Board, nor should the Board seek such information in my opinion. Furthermore, the applicant is entitled to apply for planning permission on lands outside the development in question and such application will be determined on their merits and in accordance with the proper planning and sustainable development of the area.

9.5. **Appropriate Assessment**

9.5.1. A Natura Impact Statement was submitted by way of additional information to the Planning Authority. The NIS sets out a brief description of the project together with the identification of designated sites within the zone of influence of the development. It is noted that the development is located outside, but is hydrologically connected to the Horn Head and Rinclevan SAC (Site Code: 00147) and therefore potential negative impacts may exist in respect of this SAC. The Horn Head to Fanad Head SPA (Site Code: 004194) is located less than 2 kilometres away from the proposed development to the east. Given the sensitivity of the surrounding environment and its proximity to the said SPA this Natura 2000 site is also considered to be within the zone of influence. Other Natura 2000 sites in the wider area are identified but are not considered to be within the zone of influence as there is no source/receptor pathway between the development and the SACs in question. For this reason, all other SACs other than the two referred to above were screened out for the purposes of the NIS. The NIS goes on to identify the qualifying interests and conservation objectives associated with the two Natura 2000 sites in question.

9.5.2. The potential impacts identified are:

- Damage to adjacent habitats on foot of construction and demolition of the existing structure on site.
- Deterioration of water quality downstream.
- Disturbance to sea birds and wildlife during site preparation and construction and during operation of the development.

9.5.3. Section 4.3 of the document assesses the potential impact on each of the qualifying interests associated with the SACs. It notes that in the case of the habitats which form the qualifying interests of the SAC, are all located on either the eastern side of the SAC, or the other side of Sheephaven Bay or on the western side of the peninsula. Thus, all locations are hydrologically isolated from the proposed development and therefore will not be adversely impacted upon.

9.5.4. In relation to the species associated with the SAC it is likewise noted that many of the species do not frequent the area around the subject site (Grey Seal, Geyer's Whorl Snail etc). Therefore, no hydrological pathways between the development and these species or habitats exist. Other species such as the Slender Naiad and Petalwort are also located outside the zone of influence of the subject site and as such will not be impacted upon by the proposal.

9.5.5. In relation to the impact on the SPA, it is noted that the development is located on a habitat that is not used by populations of the bird species for which Horn Head to Fanad Head SPA is designated. Many of the bird species associated with the SPA are centred around cliff areas and it is stated that in which the subject site is located is not suitable for the birds associated with the SPA.

9.5.6. Nevertheless, it is recommended that a number of mitigation measures be employed including constructing the building outside the breeding season and ensuring that light spillage is minimised.

9.5.7. Section 4.5 of the EIS sets out a series of mitigation measures. Section 4.6 refers to cumulative and in combination impacts. No cumulative or in combination impacts are identified or anticipated. The NIS concludes that the proposed development will not give rise to any significant adverse effects on the integrity of any European sites.

9.5.8. For the purposes of completeness, it is proposed to carry out an independent appropriate assessment for the purposes of the current application and appeal. The

NIS in my opinion has identified the two Natura 2000 sites which could be potentially be affected by the proposed development namely the Horn Head to Rinclaven SAC (Site Code: 000147) and to a lesser extent the Horn Head to Fanad Head SPA (Site Code 004194). The NIS in my view also correctly identifies the potential impacts that could arise from the proposed development on the qualifying interests associated with the Natura 2000 sites namely:

9.5.9. Potential for adverse impact on water quality during construction and operational phases.

- To address this potential impact all storm water from the proposed development and curtilage will be piped to an existing drainage system via a soakaway fitted with a sediment/oil filter. Other mitigation measures include the installation of sediment screens at appropriate locations so any surface water run-off will not enter the adjoining stream.
- Any use of cement/concrete will be managed carefully on site to ensure that no run-off exists.
- During the operational period all effluent generated by the dwellinghouse will be pumped to an existing wastewater treatment system at the adjoining residential development where appropriate treatment will take place.
- Any potential adverse impact arising from the demolition of the existing building and the removal of existing machinery etc. from the site will not take place within the boundary of the SAC and therefore will not lead to any damage or fragmentation of the SAC in question.

9.5.10. With regard to the species associated with the SAC, I note the information contained in the NIS which clearly indicates that the species in question are not located proximate to the subject site and therefore with the appropriate mitigation measures referred to there is no probability that the species (Grey Seal, Geyer's Whorl Snail, Petalwort and Slender Naiad) will be impacted in any way by the proposed development.

9.5.11. With regard to the potential impact on the SPA, the Board will note that the SPA in question is not proximate to the subject site and at its nearest point is located over a kilometre from the subject site. Information contained in the NIS also indicates that

the bird species that are Features of Conservation Interest associated with the SPA are not readily suited to the habitat in which the subject site is located. Many of the species associated with the SPA (Fulmar, Cormorant, Peregrine, Guillemot, Razorbill and Chough) are mainly located on sea cliffs, islands, and rocky coastlines. They are not associated with coastal beaches, estuaries or sand dunes such as the habitat in which the subject site is located. Notwithstanding that, a number of mitigation measures are proposed and referred to above which will ensure that any potential impact is minimised in terms of noise and artificial lighting. I also note that the NIS has not identified any potential cumulative/in combination effects with other plans and projects in the area.

9.5.12. Arising from my assessment above, I consider the conclusions reached in the NIS to be robust, comprehensive and accurate. I therefore consider it reasonable to conclude on the basis of the information on file which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development individually or in combination with other plans and projects will not adversely affect the integrity of European Site No. 00147 or Site No. 004194 or any other European site in view of the site's conservation objectives.

10.0 Conclusions and Recommendation

Arising from my assessment above I would have concerns that the proposed development being located contiguous to a coastal flood zone would be at risk of flooding and I therefore recommend that planning permission be refused for the reasons set out below.

11.0 Decision

Refuse planning permission for the proposed development based on the reasons and considerations set out below.

12.0 Reasons and Considerations

1. The proposed development is located in an area which is at risk of flooding. The Board is not satisfied on the basis of the information lodged with the planning application and in the absence of an appropriate site specific flood risk assessment that the proposed development would not give rise to a heightened risk of flooding either on the proposed development site itself or on adjacent lands. The proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

Paul Caprani,
Senior Planning Inspector.

November 4th, 2020.