



An  
Bord  
Pleanála

## Inspector's Report ABP309840-21

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<b>Development</b>	Construction of a dwellinghouse, proprietary domestic wastewater treatment system and all associated site works.
<b>Location</b>	Naran, Portnoo, Donegal, County Donegal.
<b>Planning Authority</b>	Donegal County Council.
<b>Planning Authority Reg. Ref.</b>	2051538.
<b>Applicant(s)</b>	Thomas and Ann Pollard.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party -v- Grant.
<b>Appellant(s)</b>	Iain Shovlin.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	22 <sup>nd</sup> June, 2021.
<b>Inspector</b>	Paul Caprani.

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## 1.0 Introduction

ABP309840-21 relates to a third-party appeal against the decision of Donegal County Council to grant planning permission for the construction of dwellinghouse, proprietary domestic wastewater treatment system and all associated works at a site at Naran, Portnoo, County Donegal. The grounds of appeal argue that the proposed development is contrary to national, regional and local development plan policy and constitutes a traffic hazard.

## 2.0 Site Location and Description

- 2.1. The subject site is located within the small village of Naran in West Donegal. Naran is a picturesque coastal village located approximately 10 kilometres north of Ardara and a kilometre east of the village of Portnoo. The subject site is located in the north-eastern environs of the village adjacent to the coastline. It is served by a small cul-de-sac road which runs eastwards towards the coastal area to the north of the village.
- 2.2. The subject site is located on the northern side of the private road approximately 40 metres from the junction of the main road running through the village. The junction of the private road fronts onto the local road L-2413-1 which runs southwards also to the immediate south east of the private road the L-7553-1 runs south east and incorporates a pronounced downward slope towards a parking area along the beach at Naran. The local roads serving the site is narrow and is not wide enough to accommodate two cars passing in opposite directions. The local private road on which the site is located serves approximately 5 houses located at the eastern end of the cul-de-sac.
- 2.3. The site itself comprises of a relatively narrow long strip of land which stretches northwards from the access road to the shoreline to the north. The site is approximately 90 metres in length and 20 metres in width and has a site area of 0.15 hectares. It incorporates a notable downward slope towards the coastal area. The lands on either side of the subject site are undeveloped. A dwellinghouse and adjacent outbuilding are located further west facing onto the junction between the

private road the L-2413-1 and the L-7553-1 local access road and the main road serving the village.

### **3.0 Proposed Development**

- 3.1. Planning permission is sought for the construction of a two-storey dormer bungalow on the subject site. The proposed dwelling is to be located in the southern portion of the site, setback approximately 15 metres from the access road. It incorporates a gross floor area of 234 square metres (144 square metres at ground floor level and 90 square metres at first floor level). The building rises to a ridge height of 7.7 metres and incorporates a nap plaster finish with a tiled roof. The building faces northwards towards the coastal area.
- 3.2. A proprietary wastewater treatment system is proposed to be located in the front garden to the south of the dwellinghouse.

### **4.0 Planning Authority Decision**

#### **4.1. Decision**

- 4.1.1. Donegal County Council issued notification to grant planning permission subject to 12 conditions.

#### **4.2. Documentation Submitted with the Planning Application**

- 4.2.1. The planning application form indicates that the proposal is to provide a primary principle and permanent place of residence for the applicants. A letter supporting the application was also submitted by a local councillor. A letter from the landowner giving consent to the application is also submitted. Details of a traffic survey indicating the average speed of traffic is also set out. The average speed was just less than 40 kilometres an hour at the junction between the local access road and the road serving the village.
- 4.2.2. An appropriate assessment screening undertaken by the local authority concluded that a Stage 2 Appropriate Assessment is not required on the basis that the proposal

would not have a significant effect on the nearest Special Area of Conservation (west of Ardara/Maas Road SAC).

- 4.2.3. The initial planner's report notes that the principle of the proposal is acceptable based on the supporting information submitted by the local councillor in respect of the application. It is noted that the site is located on scenic lands and while the main element of the dwelling is acceptable, the elongated projection onto the front and rear elevation provide for an unnecessarily lengthy side profile and increase the overall visual impact of the dwelling on the receiving landscape. Amendments are required in that regard.
- 4.2.4. Further information is also required to demonstrate that the appropriate sightlines are achievable at the junction between the local access road (the L-2413-1 and the L-7533-1).
- 4.2.5. The report therefore concluded that additional information was required in relation to:
- The overall house design,
  - Availability of sightlines.
- 4.2.6. Further information was submitted on 8<sup>th</sup> January, 2021. It incorporated revisions to the house design and a new site layout plan showed that 70 metre vision lines on the L-7553-1 are achievable. This vision line will not impact on any third-party property.
- 4.2.7. A copy of an email attached on file from the Executive Engineer states that it appears that 70 metre vision lines are achievable along the L-7533-1 from the exit point on the proposed private road. As this road and access is within the reduced speed limit this is considered acceptable from a roads point of view.
- 4.2.8. A further planner's report notes the additional information submitted and considered that revised plans are acceptable. On this basis Donegal County Council issued notification to grant planning permission subject to 12 conditions.

### 4.3. **Planning Authority's Decision**

- 4.3.1. Condition No. 1 required that the development be carried out strictly in accordance with the lodged plans and details particularly the following revised plans and details.
- Revised site layout received on 08/01/2021.

- Revised house type received on 08/01/2021.

Save as hereunder otherwise required.

**Reason:** To define the permission.

- 4.3.2. Condition No. 4 stated that prior to the commencement of development, permanent visibility splays of 70 metres shall be provided at the laneway junction with the public road network in accordance with the revised plans and details received by the Planning Authority on 08/01/2021. Visibility in the vertical plane shall be measured from the driver's eye height of 1.05 metres and 2 metres positioned at the setback distance in the direct access to an object height of between 0.26 metres and 1.05 metres. Vision splays to be calculated and provided as per Figure 2 of Appendix 3 (Development Guidelines and Technical Standards) of Part B of the County Development Plan 2018 to 2024.

**Reason:** In the interest of traffic safety.

## 5.0 Planning History

- 5.1. No history files, other than the application to seek leave for appeal (see section below) are attached.
- 5.2. The planner's report makes reference to the following planning history.
- 5.3. Under Reg. Ref. 99/987 planning permission was refused for the erection of two dwellings with a septic tank on the subject site.
- 5.4. Under Reg. Ref. 03/3345 planning permission was refused for the erection of a dwellinghouse and septic tank on the subject site. In the case of both applications the planner's report states that both were refused in respect of traffic safety at the junction of the private laneway with the county road to the west of the site entrance.
- 5.5. The planner's report states that history on adjoining sites were also refused on the grounds of traffic safety and this issue is highlighted to the applicants during pre-planning discussions.

## 6.0 Application for Leave to Appeal

6.1. Under ABP309504-21 An Bord Pleanála granted leave to appeal the decision of Donegal County Council under Section 37(6) of the Planning and Development Act 2000. A submission for leave to appeal was submitted on behalf of the owner of adjoining lands, Mr. Iain Shovlin. The grounds on which leave to appeal were sought were based on the contention that:

- The entrance works required under the grant of planning permission will affect the adjoining landowner's lands.
- The provision of requisite sight distance will require the removal and works to a section of the adjoining landowner's boundary wall, embankments and hedges.
- No written or legal consent has been provided to allow these works to be carried out.
- The site layout plan submitted as further information does not accurately predict how sightlines are to be provided to the required standards and does not meet those standards and therefore will result in a traffic hazard.
- The Planning Authority have incorrectly determined that the proposed development can achieve compliance with the technical standards set out in the Donegal County Development Plan.

6.2. The Board considered the grounds on which leave to appeal was sought and determined that it has been shown that:

- (i) The development, in respect of which a decision to grant permission has been made, will differ materially from the development as set out in the application for permission by reason of Condition No. 4 imposed by the Planning Authority to which the grant is subject, and
- (ii) The imposition of Condition No. 4 will materially affect the appellant's enjoyment of the land adjoining the land in respect of which it has been decided to grant planning permission or reduce the value in the land.

This decision was dated 12<sup>th</sup> March, 2021.

## 7.0 Grounds of Appeal

- 7.1. On the basis of the Board's determination a third-party planning appeal on behalf of the adjoining landowner to the west was lodged on 30<sup>th</sup> March, 2021.
- 7.2. It is argued that the proposed development does not comply with national and regional planning policy. In particular it is argued that the proposed development is contrary to Objectives 14, 19, 41A, 52, 60 and 61 of the National Planning Framework which set out in clear policy context for landscape protection particularly at coastal locations.
- 7.3. It is also argued that the proposed development is contrary to the Sustainable Rural Housing Guidelines which seeks to ensure that the planning system guides residential and other development to the right locations in rural areas in the interests of protecting natural and manmade assets and the need to protect sites that are sensitive in visual and landscape terms.
- 7.4. It is also suggested that the proposal contravenes many of the policies and guidelines contained in the Regional Spatial Economic Strategy – Northern and Western Region. It is argued that Section 5 and Objective 5.2(a) of the Regional Policy sets out clear policy objectives to protect, manage and conserve landscapes and seascapes. It is argued that the proposed development contravenes these policy objectives.
- 7.5. With regard to the development plan, reference is made to Policy RHP4. While the Council considers proposals for new one-off housing within structurally weak areas, this is only in the case that they can demonstrate that they comply with other relevant policies of the Plan. Of particular relevance to the appeal is the fact that the site is located in a designated area of "Especially High Scenic Amenity Value" (EHSA) as per Map 7.1.1 of the County Development Plan. There are numerous policy statements in the development plan which seek to protect, conserve and manage landscapes of 'Especially High Scenic Amenity'. Specifically, it is argued that the proposal contravenes Policies NH-P-6 and NH-P-13 of the Plan, as the proposal will have a detrimental impact on this sensitive landscape this will also contravene many of the objectives relating to tourism set out in the development plan.



- 7.6. The development plan also incorporates a number of policies which requires the development of individual dwellings to assimilate into the existing landscape in order to protect the integrity and character of sensitive areas. In this regard reference is made to Policy RH-0-5 and RH-P-1.
- 7.7. It is considered that the proposed development is not acceptable on road/traffic safety grounds in that the access and visibility splays at the junction of the laneway onto the public road cannot be provided to the required standard as set out in Figure 2 of Appendix 3 of the Development Plan.
- 7.8. The grounds of appeal include an accompanying site layout plan which demonstrates how sightlines will impact on the appellant's lands and will require the removal of embankments, hedgerows and a roadside wall to provide required sight distances. No such consent has been provided by the applicant. On the basis of the above, it is argued that the proposed development constitutes a traffic hazard and danger to road safety.

## **8.0 Appeal Responses**

### **8.1 Applicants' Response to the Grounds of Appeal**

- 8.1.1. It is noted that the area in which the site is located is an area of natural beauty which attracts many tourists to the area. As a result, many dwellings in the area are used as holiday homes. The current application before the Board is to be used as the primary residence on a full-time basis and would therefore significantly contribute to the community. Furthermore, the site is located within the structurally weak area which will further support services and shops and business in the area. Donegal County Council have accepted the bona fides of the applicants in respect of housing need. Reference is made to numerous policy statements contained in the development plan and it is concluded that the applicants comply with the necessary policies set out in the County Development Plan. While the subject site is located in an area designated as being of Especially High Scenic Amenity, this does not mean that the development on the subject site is not permissible as suggested in the grounds of appeal. Donegal County Council had regard to the development plan and the amenity designation but nevertheless considered the development to be

appropriate on site. This infers that the local authority consider that the development will assimilate adequately into the landscape.

- 8.1.2. The applicant has carried out an exercise in respect of sightlines and the attached drawing clearly shows that there is no need to remove or carry out any works to the appellant's boundary wall, embankments or hedges. Condition No. 4 of the Planning Authority decision can be met without impacting on the appellant's land. On this basis it is suggested that the appellant did not have sufficient grounds to be granted leave to appeal. On this basis, it is suggested that the appeal is without foundation and the Board is asked to dismiss the appeal and let the decision of the Planning Authority stand.
- 8.1.3. The applicants have consent from the landowners to the south to maintain vision lines in a southerly direction. The local authority planner is fully satisfied that appropriate vision lines exist. The roads in the vicinity of the site are narrow and this results in lower traffic speeds which on foot of a survey an average speed of 39.5 kilometres per hour was recorded.
- 8.1.4. With regard to visual impacts, it is stated that the proposed dwellinghouse is located on a concealed site and would be barely visible from the surrounding country roads. In addition, the contours of the site and the existing screening will further allow the development to assimilate into the landscape with little or no negative visual impacts. The proposal will nestle in with the existing cluster of houses in the vicinity. The proposed design is traditional, and the ridge height of the dwelling is relatively modest at 7.7 metres.
- 8.1.5. The applicants operate a tourist-based industry and require a dwelling which is independent from the business established in the area. In this regard it is argued that the proposal is fully in accordance with the Regional Spatial and Economic Strategy. It is noted that the National Planning Framework under Planning Objective 19 support the development of houses which enhance the viability of smaller towns and villages. Naran is such a settlement. Allowing persons to build homes in the area will sustain and strengthen these services and allow them remain in the local area.
- 8.1.6. It is stated that the proposed package treatment system will allow effluent to be treated safely in accordance with EPA guidance and therefore there will be no risk posed to sensitive receptors.

8.1.7. In conclusion, it is stated that the proposed development constitutes a permanent residential dwelling for people who live and work in the area and fully in accordance with the Housing Policy Guidelines set out in the Development Plan.

## **8.2. Planning Authority's Response to the Grounds of Appeal**

8.2.1. It is the contention of the Planning Authority that the applicant has sufficiently demonstrated that sightlines can be provided at the junction of the laneway with the L7533-1. This was verified by the Council's Local Roads Engineer.

8.2.2. Council policy does not prohibit the consideration of residential development on EHSA lands. Each site is considered on its own merits. While the settlement of Naran does not have a settlement framework boundary, the Planning Authority considers the subject site to be located within the urban fabric of the settlement. The site is surrounded by existing residential development and therefore there is clearly a precedent set for development which is a material consideration.

8.2.3. The applicant has demonstrated a genuine housing need as she has been a resident in the area for a substantial number of years and runs a local pub. The proposed dwelling is for a permanent home and is located in a structurally weak area which has suffered from persistent and significant population decline.

## **8.3. Further Submission by the Appellant**

8.3.1. A response on behalf of the appellant by Genesis Planning Consultants contains a number of maps which are summarised below.

Map AP1 comprises of a detailed topographical/land survey carried out by a surveyor which accurately depicts the existing road alignment, junction, hedges and embankments and walls and the extent of the associated lands belonging to the appellant.

Map AP1B is also based on a detailed land survey and depicts the sightlines required. It clearly shows how works are required on the appellant's lands to achieve requisite sight distances. It is stated that sight distances are not achievable along the L7533-1 without a significant removal of the appellant's bank hedgerow, vegetation and wall.

8.3.2. It is stated that the maps submitted by the applicants in the response to the grounds of appeal are not based on a topographical land survey.

- 8.3.3. The maps submitted by the applicant in the response to the grounds of appeal is not based on any topographical land survey and incorrectly depicts both the X and Y sight distances. It is further noted that the map fails to show any sight distances along the L7533 road.
- 8.3.4. Email correspondence (Appendix 5 of the submission) which acknowledges that in order to achieve requisite site lines it would likely involve work on the left hand approach in order to provide requisite site lines.

## **9.0 Planning Policy Provision**

### **9.1. National Planning Framework**

- 9.1.1. The grounds of appeal make reference to various policy objective statements contained in the NPF 2040. The various policy statements are set out below.
- 9.1.2. Chapter 5 of the NPF relates to Planning for Diverse Rural Places.
- 9.1.3. National Policy Objective 14 seeks to protect and promote the sense of place and culture and the quality, character and distinctiveness of the Irish rural landscape that makes Ireland's rural areas authentic and attractive as places to live, work and visit. The action plan for rural development will support this objective up to 2020, thereafter a review of the action plan will be undertaken to ensure continued alignment and consistency with the National Policy Objectives of this framework.
- 9.1.4. National Policy Objective 19 seeks to ensure in providing for the development of rural housing, that a distinction be made between areas under urban influence i.e. with the commuter catchment of cities and large towns and centre of employment and elsewhere. In rural areas elsewhere the Plan seeks to 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.
- 9.1.5. Chapter 9 of the NPF relates to Realising Our Sustainable Future.
- 9.1.6. National Policy 52 states that the planning system will be responsive to our national environmental challenges and to ensure that development occurs within

environmental limits, having regard to the requirements of all relevant environmental legislation and the sustainable management of our natural capital.

9.1.7. National Policy Objective 60 seeks to conserve and enhance the rich qualities of the natural and cultural heritage of Ireland in a manner appropriate to their significance.

9.1.8. National Policy Objective 61 seeks to facilitate landscape protection, management and change through the preparation of a national landscape character map and development of guidance on local landscape character assessments (including historic landscape characterisation) to ensure a consistent approach to landscape character assessment, particularly across planning and administrative boundaries.

## 9.2. **The Regional Spatial and Economic Strategy for the Northern and Western Region**

9.2.1. The Regional Spatial and Economic Strategy for the Northern and Western Region sets out policies in relation to rural housing in Section 3.5. It notes that the management of rural areas is challenging in that some areas have a declining and aging population while others are experiencing urban generated pressure from the demand for houses within the commuter zone of our cities, regional centres and support towns. The NPF confirms that there needs to be a distinction made between areas under urban influence and elsewhere. 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 the individual local authorities through the development plan process, having regard to the provisions of the Ministerial Guidelines and other material considerations. This includes, but is not limited to, environmental considerations, the pressures for housing, availability and adequacy of support infrastructure, the suitability of soils to treat and dispose wastewater to an appropriate standard, visual and physical impact, and the need to provide for house design and orientation that meets the current and future energy efficiency demands.

## 10.0 Development Plan Provision

10.1. The Donegal County Development Plan 2018 – 2024 applies. The subject site is not located on lands which are covered by a specific land use zoning objective. The site is located in a rural area designated as structurally weak.

10.2. With regard to Rural Housing Policy Guidelines the following is relevant.

RH-P-1 – It is the policy of the Council that the following requirements apply to all proposals for rural housing.

1. Proposals for individual dwellings shall be subject to the application of best practice in relation to siting, location and design of rural housing as set out in Appendix 4 and shall comply with RH-P-2.
2. Proposals for individual dwellings shall be sited and designed in a manner that enables the development to assimilate into the receiving landscape and that it is sensitive to the integrity and character of rural areas as identified in Chapter 7 and Map 11.1.1 of this Plan. Proposals for individual dwellings shall also be located in such a manner 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 new 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 arrangements 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-P-15.
5. Any proposal for a new rural dwelling which does not connect to the 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 the Environmental Protection Agency's Code of Practice.
6. Proposals for individual dwellings shall be subject to the flood risk management policies in this plan.

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

10.3. RH-P-2 – It is the policy of the Council to consider proposals for a new dwelling which meets a demonstrated need providing the development is of an appropriate design quality, 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 the proposal the Council will be guided by the following considerations.

1. The proposed development shall avoid the creation or expansion of a suburban pattern of development in a rural area.
2. The proposed dwelling shall not create or add to ribbon development.
3. The proposed dwelling shall not result in a development by its positioning, siting or location would be detrimental to the amenity of the area or of other rural dwellings or would constitute haphazard development.
4. The proposed dwelling will be unacceptable where it is prominent in the landscape, and shall have regard to Policy T-P-15.

10.4. A proposed new dwelling will be unacceptable where it fails to blend in with the landform, existing trees or vegetation, buildings, slope 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 development. The extent of excavation that may be considered will depend upon the circumstances of the case, including the extent of which the development of the proposed site, including necessary site works, will blend in unobtrusively with its immediate and wider surroundings.

10.5. Policy RH-P-4 specifically relates to structurally weak rural areas. It is the policy of the Council to consider proposals for new one-off housing within structurally weak rural areas from any perspective applicants with a need for a dwellinghouse (urban or rural generated need), provided that they demonstrate they can comply with all other relevant policies of this Plan, including Policy RH-P-1 and RH-P-2. New holiday home development will not be permitted in these areas.

- 10.6. The site is located in a coastal strip of land which is designated as an area of Especially High Scenic Amenity. The site is not located in an area which is governed by a designated scenic view.
- 10.7. Policy NH-P-6 states that it is the policy of the Council to protect areas identified as especially high scenic amenity on Map 7.1.1 entitled “Scenic Amenity”. Within these areas only developments assessed to be of strategic importance are developments that are provided by policy elsewhere in the Plan shall be considered.
- 10.8. Policy NH-0-7 seeks to protect the areas of especially high scenic amenity from intrusive and unsympathetic developments.
- 10.9. Policy NH-P-13 states that it is the 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 environment. In this regard the proposal must be considered in the context of the landscape classifications and the views and prospects contained within this plan as illustrated on Map 7.1.1 “Scenic Amenity”.

## 11.0 **Planning Assessment**

11.1. 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 the relevant issues in determining the current application and appeal before the Board are as follows:

- Housing Need
- Visual Amenity Issues
- Traffic and Road Safety Issues

Each of these issues will be dealt with below.

### 11.2. **Housing Need**

11.2.1. The subject site is located in an area designated as a structurally weak area in the development plan. Policy RH-P-4 states the Council will consider proposals for new one-off housing within structurally weak areas from any prospective applicants with a need for a development house (urban or rural generated need), provided that they



can demonstrate that they comply with other policies set out in the plan. It is clear from the documentation submitted with the application that the proposal is intended for a primary principle and permanent residence for the applicant. It is also clear from the documentation contained on file that the applicants are living in the area for the past 19 years and run a business in the locality. On the basis of the information contained on file therefore, I am satisfied that a proposed dwellinghouse at this location would satisfy the policy requirements set out in the Donegal County Development Plan subject to compliance with other relevant policies in the plan and qualitative safeguards.

### 11.3. Visual Amenity Issues

- 11.3.1. The grounds of appeal argue that the proposed development contravenes many national and local policies on the basis that the proposal will have an unacceptable impact on the visual amenities of the area particularly having regard to the fact that the is located in an area designated as being of 'Especially High Scenic Amenity'. The development plan describes such landscapes as being sublime natural landscapes of the highest quality that are synonymous with the identity of County Donegal. These areas have an extremely limited capacity to assimilate additional development. The coastal strip of land on which the site is located is afforded the highest designation contained in the development plan in visual amenity terms. However, I noted from my site inspection that the dwelling is to be situated on lands which are not prominent in visual terms and the dwellinghouse will not be readily discernible from vantage points along public roads in the vicinity, particularly from vantage points to the south and south-east in the central area of the village of Naran. The settlement of Naran comprises on the whole of an amalgamation of individual dwellings located on separate plots along the road network within the village.
- 11.3.2. There is no designated settlement boundary for the village of Naran within the current development plan. However, I will consider that the subject site is located within the confines of the existing built-up area and for this reason the proposal would for all intents and purposes constitute an infill development which viewed in the context of the existing settlement layout. While both contiguous sites to the subject site are undeveloped, there is a large number of dwellings in the immediate vicinity. The appellant's dwelling is located c.40 metres to the west of the site and there is an existing dwelling c.35 metres to the south-east of the site. There are at

least a dozen houses within a 100 metre radius of the subject site. In this regard I do not consider that the construction of a proposed dwellinghouse on the subject site would give rise to an adverse visual impact when viewed in the context of surrounding development.

11.3.3. The proposed development in my view would assimilate appropriately into the existing environment and would result in the consolidation of development within the confines of the existing settlement in the area. The dwellinghouse will not be prominent or indeed discernible from many public vantage points along the local road network to the south-east and south-east of the subject site. The dwelling will be visible from the approach road (L-2413-1) to the west of the site from Portnoo. However, having inspected viewpoints from this area and having regard to the presence of dwellings in the immediate area and dwellings further west along the local private road which ends in a cul-de-sac, it is my view that the dwellinghouse will not appear prominent or incongruous from views along this road. The Board will be aware that the L-2413-1 to the west of the subject site does not incorporate any listed scenic views. Furthermore, the dwelling is relatively modest in height with the two-storey element of the structure rising to approximately 7.7 metres in height. Many of the houses including the appellant's house in the immediate vicinity are two storeys in size and it is my considered opinion that the proposal will not look inappropriate or prominent in the context of dwellings in the vicinity.

11.3.4. On the basis of the above therefore, and having particular regard to the site's location within the confines of the existing settlement of the village of Naran, the site's location on low lands adjacent to the coast and the presence of dwellings of a similar size and scale in the immediate vicinity, it is considered that the proposed development would be acceptable in visual amenity terms notwithstanding its location in an area designated as being of Especially High Scenic Amenity.

#### **11.4. Traffic and Road Safety Issues**

11.4.1. The subject site is located approximately 45 metres from the convergence of a number of roads and the private laneway to the west of the village. The main road, the L2413-1 runs eastwards from the adjoining settlement of Portnoo. At the junction in the vicinity of the site, it turns in southerly direction to serve the various houses to the south of the village the road also branches off at this junction to form the L-7533-

1, a narrower road which runs eastwards through the northern part of the settlement towards a large car parking area fronting onto the shoreline. This roadway incorporates a significant downward slope towards the car park. To the north of this roadway is the private laneway which is approximately 150 metres in length and currently serves four dwellings along its alignment. Both the private lane and the L7533-1 to the immediate south-east are very narrow roads incapable of accommodating two cars travelling in opposite directions along part of its alignment.

- 11.4.2. Having inspected the site and the configuration of the roads in the vicinity of the junction I would express a number of concerns in respect of restricted sightlines.
- 11.4.3. It is my considered opinion that sightlines are restricted on at a number of locations along the road network serving the site. Firstly, it is my view that sightlines are restricted in a westerly direction at the proposed access to the dwellinghouse. Please see photographs attached. There is a significant copse of scrubland located what appears to be on the appellant's land immediately adjacent to the western boundary of the site which restricts sightlines along the private road in a westward direction. I do not consider that a car egressing from the subject site would be able to view traffic entering the private road in a westerly direction and this in itself constitutes a traffic hazard.
- 11.4.4. I would also have concerns that at a point 2.4 metres back from the metalled carriageway associated with the L2413-1, that a driver exiting the private road would not be in a position to see westward bound traffic along the L-7533-1 to the south-east. Furthermore, any traffic leaving the private road would be required to protrude beyond the end of the private road in order to check for oncoming traffic along the L-7533-1 and then would further be required to move forward onto the main road (the L-2413-1) in order to obtain adequate views of oncoming traffic along the main road from both a north-westerly and southerly direction. Please see photographs attached taken from drivers seat.
- 11.4.5. It is my considered opinion that sightlines of 70 metres are not attainable at a point 2.4 metres back along the private road and that the sightlines would not comply with the technical requirements set out in Table 3 of Appendix 3 of the Development Guidelines and Technical Standards of the Donegal County Development Plan 2018

– 2024 without the significant removal of vegetation and embankments and stone walls at the junction of the private road and the public road network in the vicinity.

- 11.4.6. In relation to views westwards along the L-2413-1 from the private lane, I would have lesser concerns in this regard sightlines from the private road. The wall and hedgerow are low enough to enable the driver exiting the laneway to view on-coming eastbound traffic along the L-2413-1 from the driver's seat. Please see photos attached.
- 11.4.7. Finally, in relation to this matter the Board should note that the planning report refers to two previous applications (Reg. Ref. 03/3345 and Reg. Ref. 99/987) where planning permission was refused for dwellinghouses on the subject site for reasons relating to traffic safety. Reference is also made in Section 7.2 of the planner's report to planning history relating to adjacent sites where development was also refused on the grounds of traffic safety. I therefore consider that there is a history and precedent decisions which are relevant where planning permission was refused on traffic safety grounds.
- 11.4.8. On the basis of the above therefore I would recommend that the Board overturn the decision of the Planning Authority and refuse planning permission for the proposed development on the basis of restricted sightlines and its implications for traffic safety.

## 12.0 **Appropriate Assessment**

- 12.1. The subject site is located on lands between the west of Ardara/Maas Road SAC. At its closest point to the north the SAC runs along the shoreline approximately 75 metres away. To the south and south-west the same Natura 2000 site is located approximately 200 to 220 metres away.
- 12.2. The west of Ardara/Maas Road SAC (Site Code: 000197) is an extensive area ostensibly covering the coastline of West Donegal to the immediate north of Ardara. The qualifying interests associated with the SAC are as follows:
- *Estuaries [1130]*
  - *Mudflats and sandflats not covered by seawater at low tide [1140]*
  - *Large shallow inlets and bays [1160]*

- *Annual vegetation of drift lines* [1210]
- *Atlantic salt meadows (Glauco-Puccinellietalia maritimae)* [1330]
- *Mediterranean salt meadows (Juncetalia maritimi)* [1410]
- *Embryonic shifting dunes* [2110]
- *Shifting dunes along the shoreline with Ammophila arenaria (white dunes)* [2120]
- *Fixed coastal dunes with herbaceous vegetation (grey dunes)* [2130]
- *Decalcified fixed dunes with Empetrum nigrum* [2140]
- *Atlantic decalcified fixed dunes (Calluno-Ulicetea)* [2150]
- *Dunes with Salix repens ssp. argentea (Salicion arenariae)* [2170]
- *Humid dune slacks* [2190]
- *Machairs (\* in Ireland)* [21A0]
- *Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae)* [3110]
- *Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea* [3130]
- *Northern Atlantic wet heaths with Erica tetralix* [4010]
- *European dry heaths* [4030]
- *Alpine and Boreal heaths* [4060]
- *Juniperus communis formations on heaths or calcareous grasslands* [5130]
- *Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (\* important orchid sites)* [6210]
- *Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)* [6410]
- *Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis)* [6510]
- *Blanket bogs (\* if active bog)* [7130]
- *Depressions on peat substrates of the Rhynchosporion* [7150]

- *Alkaline fens* [7230]
- *Vertigo geyeri* (Geyer's Whorl Snail) [1013]
- *Margaritifera margaritifera* (Freshwater Pearl Mussel) [1029]
- *Euphydryas aurinia* (Marsh Fritillary) [1065]
- *Salmo salar* (Salmon) [1106]
- *Lutra lutra* (Otter) [1355]
- *Phoca vitulina* (Harbour Seal) [1365]
- *Petalophyllum ralfsii* (Petalwort) [1395]
- *Najas flexilis* (Slender Naiad) [1833]

12.3. There are a large number of habitats associated with the SAC many of which are not located along the coastal area within the vicinity of the site. It is considered that the proposed development is sufficiently well removed from the area of SAC designation to ensure that the proposed development will not impinge upon, directly affect or fragment the habitats for which the SAC is located.

12.4. In terms of species which could potentially be affected by virtue of using habitats close to the proposed development, these species include the Harbour Seal and the otter. These species frequent the coastal area to the immediate north of the subject site and could potentially be impacted upon should a water pollution event occur on the subject site either during the construction or operational phases. The North Atlantic Coast would have significant dilution properties to ensure that any pollution episode which could occur during the construction phase by way of surface water pollution run-off or during the operational stage as a result of a proprietary wastewater treatment plant malfunction would be relatively modest in nature. The assimilative capacity and dilution properties associated with the North Atlantic Ocean would be such so as to ensure that any pollution that did arise from the proposed development would not adversely affect the quality of the coastal habitat which the species which are qualifying interests frequent. Having regard to the modest scale of the proposed development and the fact that a wastewater treatment system will be installed and operated in accordance with current EPA standards it is not considered

that the proposed development will in any way affect the coastal waters associated with the SAC and therefore would not pose a threat to the species which use the coastal area. Therefore, having regard to the qualifying interests which are present in the immediate vicinity of the site, together with the dilution and dispersion which would occur in the coastal area should a pollution episode occur during either the construction or operational phase, and to the specific ecological characteristics of the qualifying habitats and species associated with the immediate area, I fully agree with the conclusions reached by the Planning Authority that any adverse impact can be excluded on the basis of objective scientific information and that the proposed development will not have a significant effect on the Natura 2000 site.

- 12.5. Therefore, the proposed development has been considered in light of the requirements of Section 177U of the Planning and Development Act 2000, (as amended). Having carried out screening for appropriate assessment, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 000197 or any other European site, in view of the site's conservation objectives and an appropriate assessment, and a submission of an NIS is therefore not required.

### **13.0 Conclusions and Recommendation**

Arising from my assessment above I consider that the decision of Donegal County Council in this instance should be overturned, and planning permission should be refused on the basis that there are restricted sightlines in a westerly direction at the proposed access and there are restricted sightlines at the end of the private road and the L-7533-1 in a south-easterly direction.

## 14.0 Reasons and Considerations

1. It is considered that the proposed development would endanger public safety by reason of a traffic hazard because of the additional traffic turning movements the development would generate on a substandard private road where sightlines are restricted in a westerly direction. Furthermore, it is considered that the additional turning movements which the development would generate at the junction between the private road serving the development and the public road L-7533-1 would also endanger public safety by reason of a traffic hazard as sightlines along the L-7533-1 are restricted in a south-easterly direction.

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Paul Caprani,  
Senior Planning Inspector.

5<sup>th</sup> July, 2021.