



An
Bord
Pleanála

Inspector's Report

ABP-309914-21

Development	Construction of a dwelling house and detached garage.
Location	Ummerawirrinan, Teelin, Donegal Po, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2051818
Applicants	Brendan Byrne and Catherine Gallinagh
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Frank Hegarty
Observer(s)	None
Date of Site Inspection	29 th July 2021
Inspector	Máire Daly

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.25 ha and is located in the scenic coastal townland of Ummeerawirrinan, to the west of Teelin Bay in western Donegal. The Slieve League Cliffs are located c.4.5km to the northwest of the site. The settlement of Carrick is located approximately 3km to the northwest of the subject site. The site overlooks Teelin Bay on three sides, north, south and east.
- 1.2. The subject site slopes down gradient in an eastern direction toward the bay/inlet, with a level difference of approx.9 metres, with the lands to the west gradually rising into a more elevated coastal landscape towards the Sliabh League Cliffs. The site is exposed, with no vegetation screening and has a combination of wooden fencing (along the northern boundary) and post and wire fencing (along the western boundary) enclosing the site.
- 1.3. The L-1085-1 local road runs along the western boundary of the site and continues for approximately 1.2km terminating in a cul de sac at Teelin Pier. To the direct west of the subject site an open tarmacked surface area is located which is known locally as the 'community site'. This site was to be used as an informal coach/bus parking area for tourist buses visiting the area, Wild Atlantic Way and the Sliabh League cliffs, however given the restricted nature of the site for coach turning it has not been utilised. To the immediate east of the site a storey and a half dwelling house is located which is occupied by the applicant's brother. The applicant's father's bungalow is located to the west, at the other side of the local road. An existing bungalow is located c.40m north of the dwelling. The site forms part of a larger agricultural field, with an open drain along the lower half of its southern boundary which flows southwards towards the estuary.

2.0 Proposed Development

- 2.1. The proposed development would comprise the following:
 - Construction of a four-bedroom detached split level dwelling house with a stated gross floor area (GFA) of 221sq.m and ridge height of c.8.5 metres from lower level and c.5.9 metres from upper (roadside) level;

- Flat roof detached domestic garage with stated floor area of 41.4sq.m and roof height c.4.2 metres.
- Installation of a packaged wastewater treatment system and polishing filter;
- Vehicular access onto a local road;
- Connection to public mains water supply;
- All associated groundworks and landscaping.

2.2. In addition to the standard planning application documentation and drawings, the application was accompanied by a letter of consent from the landowner (applicant's father), a Traffic and Transport Statement, a supplementary housing application form, a site suitability assessment report addressing on-site disposal of effluent and a letter of support from an elected member of Donegal County Council (Cllr. Niamh Kennedy) referring to the applicant's compliance with the criteria set down in policy RH-P-4 Structurally Weak Rural Areas.

2.3. An Ecological Report (dated February 2021) was received in response to a further information request issued by the planning authority.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority issued a notification of a decision to grant permission for the proposed development, subject to 15 conditions, including the following:

- Condition No.2 – occupancy clause;
- Condition No.3 – provision of visibility splays of 70m at the entrance.
- Condition No.4 – Removal of roadside boundary.
- Condition No.10 – Finished floor level at ground level of the dwelling house shall not exceed 20.2m (as detailed in submitted plans).
- Condition No.16 – Wastewater treatment system.
- Condition No.17 – Development Contribution.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The first report of the Planning Officer (January 2021) noted the following:

- The principle of the dwelling is acceptable (Board should note that the planning officer mistakenly referred to the dwelling site being in a Stronger Rural Area – site is in fact located in a Structurally Weak Rural Area).
- Concern regarding level of housing development in the area and the emergent development pattern along the road serving the site which is characteristic of ribbon development. Following assessment, the planning officer determined that the proposal would not constitute ribbon development as described in the ‘Sustainable Rural Housing Guidelines for Planning Authorities’ as the proposal would form a small cluster with a number of houses or other buildings with adjoining curtilages.
- The subject site has the capacity to absorb development within the area having regard to the sloping nature of the site.
- Landscaping proposed is considered acceptable.
- The subject site is located along a road with a 60km/hr speed limit, vision lines of 70m in each direction at the entrance are proposed which is considered acceptable.
- No concerns raised in relation to wastewater treatment, surface water drainage or water supply.

Further information requested:

- Lack of information regarding hydrological links for storm water and possible impacts on nearby Natura 2000 sites – West Donegal Coast SPA (Site Code: 004150) and Slieve League SAC (Site Code 000189). Further Information was requested in the form of an Ecological Assessment to further inform the planning authority’s screening assessment.

3.2.3. On receipt of further information (March 2021) the planning officer’s second report noted the following:

- Following an examination of the ecological report received the planning authority carried out a screening exercise. The screening determination concluded that the proposed development individually or in combination with other plans/projects has not had or will not have a significant effect on European Sites specifically the West Donegal Coast SPA.
- A recommendation that permission be granted was subsequently issued by the planning authority.

3.2.4. Other Technical Reports

- Response received from Roads and Transport Section of Donegal County Council (DCC) dated 17th December 2020 – no objection subject to conditions.

3.3. Prescribed Bodies

- Irish Water - no response received.

3.4. Third Party Observations

3.4.1. 3 no. third party submissions were received on the application, the main concerns raised were as follows:

- Obstruction of views and impact on tourism.
- The proposal is ribbon development.
- Scale and nature of development is out of character with adjoining residential dwellings.
- Overshadowing of nearby dwelling houses.
- The location of site would have a negative impact on the community site (used for coach/bus parking) which is located opposite the proposed site entrance. This may impact on its potential to be used for tourism and recreation in the future.
- Traffic safety.

4.0 Planning History

4.1. Subject Site: No recent planning history.

4.2. Adjoining site to east:

- Planning Authority Reg. Ref. 0620195 – Permission granted in May 2006 for dwelling house with septic tank, percolation area and associated site works.

5.0 Policy Context

5.1. National Policy and Guidance

National Planning Framework – Project Ireland 2040

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:

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

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

Sustainable Rural Housing Guidelines for Planning Authorities, 2005

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

under strong urban influence, stronger rural areas, structurally weak areas, or made up of clustered settlement patterns. The Guidelines outline how rural-generated housing need to reside in these areas should be defined in the Development Plan and examples of categories of persons that may be used to define same.

- 5.1.3. The appeal site is located in a 'structurally-weak rural area', as set out under Section 5.2 below. Appendix 3 to the Guidelines outlines that the key Development Plan objective in relation to structurally-weak rural areas should be '*to accommodate any demand for permanent residential development as it arises subject to good practice in matters such as design, location and the protection of important landscapes and any environmentally sensitive areas.*'

EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10 (2021))

- 5.1.4. This code of practice provides guidance on the design, operation and maintenance of on-site wastewater treatment systems for single houses (PE \leq 10).

5.2. Development Plan

- 5.2.1. The policies and objectives of the Donegal County Development Plan 2018-2024 are relevant. The site is located in a rural area outside of any designated settlement boundary.
- 5.2.2. Map 6.2.1 of the Plan identifies the appeal site area as being within a 'structurally-weak rural area'. Policy RH-P-4 of the Plan specifically outlines that applications for rural housing in structurally-weak rural areas need to comply with Policies RH-P-1 and RH-P-2 of the Plan, which provide guidance for rural housing, with particular attention to design, integration of proposals into the landscape and the environment, development parameters, suburbanisation and the erosion of the rural character of an area. Policy RH-P-2 also states that a proposed dwelling shall not create or add to ribbon development.
- 5.2.3. Objective RH-O-5 of the Plan aims to promote the siting and design of rural housing with particular regard to the Landscape Classifications illustrated on Map 7.1.1 of the Plan. The subject site is situated in an area of high-scenic amenity (HSA), which are considered to have capacity to absorb sensitively-located development. 'Building a House in Rural Donegal: A Location Siting and Design Guide' forms Appendix 4 to

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

- 5.2.4. Definitions – page 123 – Ribbon Development – states that the Planning Authority shall take a balanced and reasonable view of the interpretation of the criteria listed within the definition taking account of local circumstances, the context of the site, including the planning history of the area and development pressures.
- 5.2.5. Policy WES-P-11 of the Plan requires applications for single dwellings in un-sewered areas to include a site suitability assessment for disposal of wastewater on-site and details of the proposed wastewater treatment system, in compliance with the EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses.
- 5.2.6. Policy T-P-15: requires all development proposals comply with the Development and Technical Standards set out in Appendix 3 to promote road safety.
- 5.2.7. Policy NH-P-1: states that 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.
- 5.2.8. Policy NH-P-7: states that within areas of 'High Scenic Amenity' (HSA) and 'Moderate Scenic Amenity' (MSA) 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.
- 5.2.9. Policy NH-P-9: states that 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.
- 5.2.10. Policy NH-P-13: states that 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'.

5.3. Natural Heritage Designations

The subject site is located c.715m northeast of the Slieve League SAC (Site Code:000189) and c.755m northeast of the West Donegal Coast SPA (Site Code:004150).

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the proposed development, comprising 1 no. residential dwelling, detached garage and associated works, 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 against the decision of the planning authority was submitted by Frank Hegarty. A copy of the original letter of objection has been submitted and photographs of the proposed site showing the public view as it currently exists. The issues raised in the appeal are similar to those submitted to the planning authority at application stage and can be summarised as follows:

- The proposed planting of trees along the northern and eastern boundary of the site and the location of the proposed development would entirely block the public view of Teelin bay from the north at various points along the public road and from neighbouring properties.
- No other property located in Teelin Bay has trees enveloping their property. The proposed trees could potentially be storm hazards in the future.
- The proposed development would be detrimental to tourism in the area.

- The proposed development would impact on the possible future development of the community site which is located to the immediate west of the proposed site entrance.
- The proximity of the site to the brow of the road may cause a traffic flow hazard in the area.
- The images submitted by the architect as part at planning application are out of date.
- The design proposed is out of character with properties in the area – wood cladding, long thin shaped windows, spiral staircase.
- The traffic survey was conducted during the Level 5 Covid 19 restrictions when traffic levels were seriously reduced and should not be relied upon.
- The 70m vision lines are questionable.
- The proposed large glass window on the gable end of the vaulted sitting room would cause privacy issues for existing surrounding houses – overlooking.
- The proposed development is contrary to the provisions of the County Development Plan (CDP) and would contribute to ribbon development on the 250 metres of road frontage it pertains to.
- Locally it is said that no other houses were to be constructed on this side of the road (coastal side) in this area.
- Vitally important that this natural unspoilt vista is protected.
- Alternative less contentious sites are available to the applicant within the family landholding which may be more suitable.

6.2. Applicant Response

6.2.1. A response to the third-party appeal was received from the applicant on 5th May 2021. This can be summarised as follows:

Siting and Design Concerns:

- The dwelling house design and siting have been carefully considered and the proposal seeks to preserve the views enjoyed by locals.

- The view from the local road towards the site and beyond is not a designated view as set out under Policy NH-P-13 and Map 7.1.1 of the CDP.
- The house is sited within the applicant's family lands within a small cluster of houses and is in line with the existing dwelling house constructed by the applicant's brother.

Housing Need and Applicant's Roots:

- The site is located in an area designated as structurally weak under Policy RHP4 of the CDP.
- Taking into account the Sustainable Rural Housing Guidelines 2005 and the National Planning Framework (NPF) it is considered that the proposal is appropriate and that the proposed design and supplementary information presented represents a strong and well thought out approach which directly relates to the objectives set out in the NPF.
- Additional information in the form of certificates of Holy Communion and Confirmation have been submitted which demonstrate the applicant's connection and roots in the area.
- The applicant's elderly father is no longer capable of undertaking the heavy daily tasks of farming and the applicant therefore requires a home nearby in order to fulfil this need and help his father.

6.2.2. Applicants highlight that a previous unsolicited response to the original 3rd party observations was submitted to the Council on the original submission. This response made the following points:

- The local road onto which the site entrance is located is not on the Wild Atlantic Way.
- The location of the site is not the only place in Teelin where Teelin Bay can be viewed from and there is circa. a 1km stretch from the site to the pier to the south which provides ample viewing opportunities, although it should be noted that there are no designated laybys along this road.
- The site falls within an existing development cluster and represents an infill house and is not ribbon development.

- The proposed development will have no impact on the future potential for development at the community site.
- Property A's house (Bungalow located to the immediate north of the site) has a finished floor level of 18.66m, the contours between the subject site and the applicant's brothers house to the east range from 17m to 13m, therefore Property A's house is significantly higher than the existing ground level on site and c.1m high deciduous hedge will not affect these views.
- Amended landscape proposals could be considered if considered necessary.
- The proposed split level design was carefully designed to fit into the sloping terrain, minimise excavation and preserve views.
- Overlooking of adjoining properties is not an issue.
- There are no alternative less contentious sites available to the applicant.
- Property B (dwelling house located to the northwest of the proposed site on other (western) side of local road) is 55m to the north of the proposed site and at a higher elevation than the proposed house and will not be impacted by overshadowing.
- The applicant wishes to build close to his elderly father and help him with the farm. His wife (applicant) works in Donegal Town as a nurse and living in Teelin would be beneficial for her work. The applicants currently live in a housing estate in Letterkenny.

6.3. Planning Authority Response

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

- The view referred to by the 3rd party appellant is not a designated view as set out in Policy NH-P-13 and Map 7.1.1 of the CDP.
- The application was assessed under rural housing policy RH-P-4 – the site is within a structurally weak area.

- A letter has been received from a local councillor confirming the applicant's links to the area.
- It is considered that the proposal is compliant with the Sustainable Rural Housing Guidelines 2005 which underpins the CDP policy and Policy RH-P-4.
- The design approach is considered acceptable and landscape proposals have been amended during the course of the application to take note of initial concerns raised by third parties.
- An ecological opinion has been submitted which concludes that the proposal will not impact on Natura 2000 sites.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, following an inspection of the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Rural Housing Policy
- Ribbon Development
- Siting, Design and Visual Impacts
- Wastewater Treatment
- Access and Traffic Safety
- Appropriate Assessment

7.2. **Rural Housing Policy**

7.2.1. Map 6.2.1 of the Donegal County Development Plan 2018-2024 (the operative CDP) identifies the appeal site as being within a 'structurally-weak rural area'. 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, in particular policies RH-P-1 and RH-P-2.

7.2.2. While not specifically required in an area classified as 'structurally weak', the applicant (Brendan Byrne) does appear to meet many of the criteria set out in relation to rural housing need. The appellant has outlined within their response to the grounds of appeal their connections to the local area and provided documentary evidence of same (Confirmation and Communion certificates). The applicant states that he wished to return to the area to assist his father in running the family farm, I note however that no details of same farm have been submitted with the application or the landholding relating to same. His father's house (bungalow) is denoted on the submitted site layout plan and is located c.35m to the southwest of the site at the other side of the local road. It is clear from the documentation submitted with the application that the proposal is intended for a primary principle and permanent residence for the applicants. I would therefore conclude that the principle of developing a dwelling house in this designated structurally weak area is acceptable in my opinion.

7.2.3. Appendix 3 of the Rural Housing Guidelines 2005 outlines that the key Development Plan objective in relation to structurally-weak rural areas should be 'to accommodate any demand for permanent residential development as it arises subject to good practice in matters such as design, location and the protection of important landscapes and any environmentally sensitive areas.' These additional considerations are examined in detail in the sections that follow. In addition, Policy RH-P-4 which refers to compliance with Policies RH-P-1 and RH-P-2 are also examined.

7.3. Ribbon Development

7.3.1. Policy RH-P-1 of the operative development plan states that '*Proposals for individual dwellings 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*'. Policy RH-P-2 of the plan then provides for the following considerations stating '*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 (see definitions).

7.3.2. The applicants in their original submission to the planning authority and in their response to the third-party appeal state that their proposal does not constitute ribbon development and instead should be considered an 'infill' site within an existing established development cluster. The area planner in her report highlights that the emergent development pattern along the road serving the site is characteristic of ribbon development, however following a review of the proposal and consideration of the definition of ribbon development as set out on page 123 of the operative CDP she considers that the proposed development would be acceptable as same would *'form a small cluster with a number of houses or other buildings with adjoining curtilages'*. The area planner also states that the proposal does not constitute ribbon development as described in the Sustainable Rural Housing Guidelines for Planning Authorities, 2005.

7.3.3. Appendix 4 of the 2005 Guidelines states that, *'whether a given proposal will exacerbate such ribbon development or could be considered will depend on:*

- *The type of rural area and circumstances of the applicant,*
- *The degree to which the proposal might be considered infill development, and*
- *The degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development'*.

7.3.4. Appendix 4 requires planning authorities to arrive at a balanced and reasonable view in the interpretation of the above criteria. The above considerations are also reflected within the definition of ribbon development as provided for on page 123 of the operative CDP.

7.3.5. When considering the criteria listed in Appendix 4 (outlined above) I note the following: As outlined under Section 7.2 above, the site is located within a structurally weak area and while there is no requirement to submit evidence of a rural housing need for this area the applicant has provided some limited information which would suggest that they have a need to live locally. In the case of the current proposal, I would not consider that it constitutes infill development, given that it will, due to its

location, extend the existing ribbon development along the western side of the local road, beyond that even of the applicant's brother's dwelling house to the immediate west. The proposed development would constitute the 8th detached dwelling house facing directly onto the western side of the local road within a distance of 250m and taking into account the existing backland development of dwelling houses already prevalent in the area it would if constructed constitute the 13th dwelling house within a distance of 250m.

- 7.3.6. On site visit I noted that the local road is under significant pressure from one-off housing. I noted at least 15 dwelling houses accessing this local road from both sides within the immediate vicinity of the site (250m stretch of road). Appendix 4 of the 2005 Rural Housing Guidelines provides an example of ribbon development where 5 or more houses exist on any one side of a given 250 metres of road frontage. In the case of the current proposal at least 12 houses exist along the eastern side of this local road. A large number of these also comprise backland development, with several dwellings constructed to the rear of existing houses which face onto the local road. It was noted that all accesses for these dwellings are onto same local road (L-1085-1). While I note that in this case the constructed dwelling houses may have begun as a natural expansion of the existing village type nuclei that exists in Teelin, which is comprised of a local pub and national school, I also note that this area is not included as a designated settlement in the operative CDP and therefore any proposals for individual houses in this area should be considered under the relevant rural housing policy and indeed should be assessed as to whether they would contribute to or exacerbate ribbon development.
- 7.3.7. The proposed site is located at the southern extremity of the current line of individual houses. The applicant's brother's dwelling house, which is located to the immediate east of the subject site, would if the site were to be developed, then constitute a backland location, with the current proposed dwelling extending c.15 metres to the south beyond that of the southern elevation of the applicant's brother's house, thus in essence extending the visual effect of this ribbon development. The operative CDP presents guidance on the location of new developments in rural areas under Section 6.3.3 and states '*On occasions it may not be the impact of the new dwelling by itself which affects the rural character, rather it is when assessed cumulatively with other existing and approved buildings in the vicinity that it could be detrimental*

to the rural character of that area. This may be by creating or extending a suburban pattern of development or creating or extending unacceptable ribbon development'.

In the case of the current proposal, I would consider that the addition of this dwelling house and the exacerbation of ribbon development would cumulatively, with the other development in the area, contribute to the erosion of the rural character of the area.

- 7.3.8. Therefore, notwithstanding the location of the site in a structurally weak rural area, I consider that the proposed development would consolidate and contribute to the build-up of ribbon development in this rural area and would therefore be contrary to the Sustainable Rural Housing Guidelines. The proposed development should therefore be refused.

7.4. Siting, Design and Visual Impacts

- 7.4.1. The site is located between the road and coastal shoreline and at a point from where there are sea views across the Teelin Bay in three directions (northeast, south and southeast). The subject site is located within an area designated as having High Scenic Amenity within the operative CDP where Policy NH-P-7 is applicable, which states that 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.
- 7.4.2. The site is in a low-lying sloping open coastal setting where the terrain features low level vegetation, with existing dwelling houses located on the subject site's eastern, northern and south western sides. In fact, the lands in the immediate vicinity to the north have been subject to a considerable level of housing development both in the recent past and historically, as has been already discussed under Section 7.3 above. While there are houses on the landward side, the coastal side of the road to the south of the immediate vicinity of the site is in a relatively unspoilt setting comprised of agricultural coastal lands – although there is some limited development further along the road (c.300m) towards Teelin Pier.
- 7.4.3. I acknowledge the appellant's concerns regarding the impact that the proposed development may have on views of the bay and the amenities of surrounding properties. Having visited the site and taken account of the separation distances between the proposed development and the surrounding existing dwellings (c.40m to

the north, c.45m to the east and c.70m to the northwest) I would not consider that there would be any significant impacts on the residential amenities of these properties as a result of overshadowing, overlooking or overbearance. The proposed ground level of the dwelling is to be located c. 3.0 metres below road level and the split-level design of the dwelling seeks to integrate the structure into the landscape and the existing slope of the site. The proposed ridge height of the dwelling's gable facing front elevation is c.5.9m, which given the fall of the land to the east and the lower elevation in comparison to road level as indicated above, I would not consider that views of the coast or bay area from the road would be significantly impacted. I note that according to the site layout the applicant proposes to plant semi-mature deciduous trees along the northern and eastern boundaries to assist with the site's integration into the landscape as well as provide screening and privacy. The applicants note the appellant's concerns in relation to same and state that they are willing to make amendments to same landscaping plans to address any issues. I have no issue with the current landscaping proposals, however if the Board do consider that amendments are required this could be addressed by way of condition should the Board be minded to grant permission.

- 7.4.4. I note that there are no protected views or prospects as illustrated under Map 7.1.1 and referenced under Policy NG-P-13 specifically applicable to the site. The closest relevant view in fact concerns the view from the higher ground to the west looking east across the bay further south of the site. Taking account of Policy NH-P-17, I would consider that in some ways the integrity of the views in the area have to some degree already been impacted by the existing development along this coastline. Given the location of the subject site with a backdrop of existing development, and also the fact that an existing dwelling (applicant's brother's house) is located already to the east, between the subject site and the sea, I would not consider that the addition of this dwelling house would result in any adverse impacts on either the views from the public road to the sea or the visual amenities of the landscape in general. Therefore, having regard to the backdrop to the immediate rear (north) of the site and the design of the dwelling house, which includes varying flat roof/ridge heights and a split-level design which works with the slope on the site, I consider that the proposal would not be described as visually obtrusive to the extent as to warrant a reason for refusal from a siting, design or visual impact aspect.

7.5. Wastewater Treatment

- 7.5.1. The applicant's Site Characterisation Form identifies that the subject site is located in an area with a poor-quality underlying aquifer, where the groundwater vulnerability is extreme. The existing land use is described as agricultural with the vegetation predominantly comprising grassland with some minor rush outcrops, which reflects my on-site observation. Groundwater protection response of R21 indicates likely suitability. Groundwater flow direction is stated to be in an eastern direction and there is no evidence of surface water ponding and no springs or wells were encountered on site visit, however minor rush outcrops would indicate that possible surface water ponding may occur during wet weather.
- 7.5.2. A large land drain is located along the outside of the southern boundary of the site, which runs in an eastern direction discharging to the foreshore below. An existing open sheough is located along the inner side of the front (western) boundary of the site and another existing open sheough is location near the proposed percolation area. Full upgrade of drainage on site is proposed as part of the development and new land drains are proposed up gradient of the proposed dwelling/percolation field to enhance site drainage but also to protect the proposed treatment system from surface water runoff from higher ground. Existing open land drains which serve the site are to be piped and backfilled with clean graded stone.
- 7.5.3. The trial hole depth recorded was 2.2m, with the soil characterised as gravelly clay/silt underlaid by sticky grey daub at the base of the hole. The water table was met at 1.45m. The presence of some gravelly materials and fragments approx. 0.8m BGL was observed which should enhance and therefore provide reasonable percolation qualities. The applicants have carried out a 'T' Test and it is noted that pre-soaking of the holes was carried out. A modified method was used and a T test result of 57.60 was recorded, which given the adequate area available would indicate that it is suitable for the development of a secondary treatment system with discharge to groundwater. A P test was also carried out on site and the results of the modified method use were indicated as 50.57. As such, the EPA Code of Practice confirms that the site is suitable for the development a packaged wastewater treatment system and polishing filter and same is proposed for the site with a minimum of 72m of percolation pipework required. I am satisfied that the required minimum separation distances, as set out in Table 6.2 of the CoP have been met.

7.5.4. Given the orientation and slope of the site, it is recommended that provision should be made for discharge of surface water beyond the percolation area, as already discussed above. Based on the information contained on file, together with my detailed site inspection with regard to the drainage characteristics of the site, I am satisfied that the site is suitable to accommodate an on-site wastewater treatment system such as that proposed.

7.6. Access and Traffic Safety

7.6.1. The subject site is to be accessed via a new entrance off the L-1085-1 local road on the site's western boundary. The local road fronting the site is minor in nature c. 4m in width and appears to predominantly serve local traffic, although seasonal and tourist traffic would also be expected given the road provides access to Teelin pier to the south. I note that no objection to the proposal was raised by the area engineer regarding the access. The proposed entrance to the site is located within a 60km/ph speed limit and a speed survey has been submitted stating that an average speed of 45.82km was recorded. This overall average has taken into account the 85th percentile. Vision lines of 70m in both directions (north and south) have been denoted on the submitted site layout plan and having visited the site I am satisfied that these can be achieved and are acceptable.

7.6.2. Concerns were raised by the third-party appellant regarding the impact that the development may have on the future viability of developing the 'community site' which is located to the subject site's direct west, at the other side of the public road. Having visited the site, I would not consider this a significant concern, adequate sightlines are available from the proposed entrance and as a domestic dwelling is proposed, the number of vehicular movements entering and exiting the site would not be excessive. The proposed entrance is therefore considered satisfactory for a one-off house in this context and I do not consider the proposed entrance and associated traffic movements would create a traffic hazard or endanger public safety.

7.7. Appropriate Assessment - Screening

Compliance with Article 6(3) of the Habitats Directive

7.7.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Background on the Application

- 7.7.2. Given the proximity of the subject site to several Natura 2000 sites, the planning authority considered that an ecological opinion was required to further inform their screening exercise and in particular specifically address the hydrological link between the subject site and Special Conservation Areas (SAC) and Special Protection Areas (SPA) in the vicinity.
- 7.7.3. An Ecological Report was submitted by Greentrack Environmental Consultants on behalf of the applicants in response to the FI on 01st March 2021. This report contains an assessment of any likely significant impacts caused by the proposal on relevant Natura 2000 sites, both individually and in combination with other plans and projects. The planning authority having reviewed the information received carried out a screening assessment and determined that the proposed development individually or in combination with other plans/projects *“has not had or will not have a significant effect on European sites specifically the West Donegal Coast SPA (site Code 004150) refers”*.
- 7.7.4. The applicant’s Ecological Report which contains a information which would pertain to a Stage 1 AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. The applicants report concluded that *“having established the assessment criteria, the impacts associated with the proposed development and associated works on these Natura 2000 sites, the proposed development has been assessed against all the qualifying interests. This screening matrix has established that the proposed project will not have any significant negative effect on the qualifying interests of the Slieve League SAC site Code 000189 and the West Donegal Coast SPA Site Code 004150’*.
- 7.7.5. Having reviewed the documents and submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

Screening for Appropriate Assessment - Test of likely significant effects

- 7.7.6. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated as SACs and SPAs to assess whether it may give rise to significant effects on any European Site.

Brief description of development

- 7.7.7. The applicant provides a description of the project on page 5 of the submitted report and elsewhere on pages 15 and 16. In summary, the development comprises:

- A split-level dwelling house
- Detached domestic garage
- Wastewater treatment system and drainage works
- Associated site works including entrance and excavation and fill to incorporate dwelling into slope of site and planting of semi deciduous trees along northern and eastern site boundaries.

- 7.7.8. The development site is described on page 14 of the Ecological Report. It is described as comprising predominantly improved agricultural grassland (Fossitt Code:GA1) with drainage ditches (FW4) located along the site's northern and western boundaries, with another field drain travelling east midway down the eastern side of the site. A stone wall boundary (BL1) is noted along the western part of the site.

- 7.7.9. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

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

Submissions and Observations

7.7.10. No submissions have been received from prescribed bodies or third parties relevant to this assessment.

European Sites

7.7.11. The development site is not located in or immediately adjacent to a European site. The closest European site is the Slieve League SAC (Site Code: 000189), within 0.72 Km of the proposed development. A summary of European Sites that occur within 15 km/within a possible zone of influence of the proposed development is presented in Table 7.1 overleaf. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

Table 7.1 - Summary Table of European Sites within a possible zone of influence of the proposed development.				
European Site (code)	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)	Connections (source, pathway receptor)	Considered further in screening Y/N
Slieve League SAC (000189)	Reefs [1170] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] Blanket bogs (* if active bog) [7130] Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110]	c. 0.72km Southwest	No direct connection. Indirect hydrological connection via surface water drain to Teelin Bay which adjoins Donegal bay and this SAC.	Y

	Calcareous rocky slopes with chasmophytic vegetation [8210] Siliceous rocky slopes with chasmophytic vegetation [8220]			
West Donegal Coast SPA (004150)	Fulmar (<i>Fulmarus glacialis</i>) [A009] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Shag (<i>Phalacrocorax aristotelis</i>) [A018] Peregrine (<i>Falco peregrinus</i>) [A103] Herring Gull (<i>Larus argentatus</i>) [A184] Kittiwake (<i>Rissa tridactyla</i>) [A188] Razorbill (<i>Alca torda</i>) [A200] Chough (<i>Pyrrhocorax pyrrhocorax</i>) [A346]	c. 0.76km Southwest	No direct connection. Indirect hydrological connection via surface water drain to Teelin Bay which adjoins Donegal bay and this SPA.	Y
Innishduff SPA (004115)	Shag (<i>Phalacrocorax aristotelis</i>) [A018]	c. 7km Southeast	No direct avenues of connectivity	N (due to separation distance and lack of connectivity)
St. Johns Point SAC (000191)	Large shallow inlets and bays [1160] Reefs [1170] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] Alkaline fens [7230] Limestone pavements [8240] Submerged or partially submerged sea caves [8330]	c. 11km Southeast	No direct avenues of connectivity	N (due to separation distance and lack of connectivity)

	Euphydryas aurinia (Marsh Fritillary) [1065]			
Rathlin O' Birne Island SPA (004120)	Barnacle Goose (Branta leucopsis) [A045]	c. 12km Northwest	No direct avenues of connectivity	N (due to separation distance and lack of connectivity)
Slieve Tooley/Toromore Island/Loughros Beg Bay SAC (000190)	<p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Decalcified fixed dunes with Empetrum nigrum [2140]</p> <p>Atlantic decalcified fixed dunes (Calluno-Ulicetea) [2150]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Halichoerus grypus (Grey Seal) [1364]</p>	c. 10km North	No direct avenues of connectivity	N (due to separation distance and lack of connectivity)

Identification of likely effects

7.7.12. There is an indirect hydrological link from the subject site to the Slieve League SAC (000189) and the West Donegal Coast SPA (004150) via surface water runoff from the site via a drainage channel along the southern boundary and in the order of 6m from the proposed effluent treatment system percolation area. All site runoff will be directed into the existing sheough to the east of the site which flows into Teelin Bay a

distance of c. 50m further to the east. The sheough along the roadside to the west of the site is also planned to be piped with a 300 millimeter concrete pipe. The drain from this location will flow for a distance of 105 meters before joining Teelin Bay.

- 7.7.13. The main elements of the proposal which may give rise to impacts on the European sites listed above include those as a result of construction activity and operational activity. These are summarised overleaf as follows:

Construction and Operational Phase

- 7.7.14. During the construction phase there is potential for surface water runoff from site works to temporarily discharge via land drains to Teelin Bay (50m to the East). During the operational phase run off from the site will be discharged via same drains. The discharge point to the Bay is hydrologically 1.3km from the nearest SAC boundary and 1.1km from the SPA. However, the hydrological connection to both aforementioned sites is indirect and weak. The only qualifying interest within the SAC which has the potential to be impacted from potentially polluted surface water is the Reef habitat [1170]. However, given the separation distance involved it is not expected that the water quality pertinent to the European sites will be negatively affected by any contaminants such as silt from site clearance and other construction activities, given that if such an event were to occur dilution and settling out over such a distance would ensure no significant impact. Therefore, the construction phase will not result in any significant environmental impacts that could affect European Sites within the wider catchment/marine area.

- 7.7.15. In relation to bird species connected with the West Donegal Coast SPA (004150), there is no direct avenue of connectivity to the SPA from the subject site. Due to the nature of the proposal, distance and lack of connectivity there are no significant negative impacts foreseen for SCIs connected with the site as a result of this proposal. Therefore, the construction phase will not result in significant environmental impacts that could affect this European Site. Impacts on water quality would also not be considered to be significant as outlined above.

In-combination impacts

- 7.7.16. There are no recent planning applications for the surrounding area that share a direct link with the subject site.

7.7.17. Marine fishing and shellfish harvesting in the area was noted, this causes reductions of species/prey populations and disturbance of species unphysical loss and disturbance of sea floor habitats. However, it is not considered that the proposed developed would have any in-combination impacts with same.

7.7.18. A summary of the outcomes of the screening process is provided in the screening matrix Table 7.2 overleaf.

Table 7.2 - Summary Screening Matrix				
European Site	Distance to proposed development/ Source, pathway receptor	Possible effect alone	In combination effects	Screening conclusions:
Slieve League SAC (000189)	0.72km Southwest	No possibility of effects due to lack of connection to the habitats for which this site is designated, distance from site to qualifying interests and dilution factor of Donegal Bay.	No effect	Screened out for need for AA
West Donegal Coast SPA (004150)	0.76km Southwest	No possibility of direct effects on SCIs due to the distance from and lack of connections to site. No possibility of indirect impacts on water quality given the distances involved and the dilution factor of Donegal Bay.	No effect	Screened out for need for AA

Mitigation measures

7.7.19. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

Screening Determination

Finding of no likely significant effect

7.7.20. The proposed development was 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 the Slieve League SAC (000189), the West Donegal Coast SPA (004150) or any other European site, in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required. This determination is based on the following: Distance of the proposed development from European sites, dilution factor and lack of meaningful ecological connections to those sites.

8.0 Recommendation

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

9.0 Reasons and Considerations

1. The proposed development when taken in conjunction with existing and permitted development in the vicinity of the site would consolidate and contribute to the build-up and coalescence of ribbon development in this coastal rural area. This would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities. The proposed development would, therefore, be contrary to the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in April 2005 and to the proper planning and sustainable development of the area.

Máire Daly

Planning Inspector

21st September 2021