



An
Bord
Pleanála

Inspector's Report ABP-315319-22

Development	Single storey in style dwelling house with effluent treatment plant and associated percolation system together with a domestic garage.
Location	Carrowhugh, Greencastle, Lifford PO, Co. Donegal.
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2251601
Applicant(s)	Aoife & Christopher Hegarty
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	John Cavanagh
Observer(s)	None
Date of Site Inspection	22 nd July 2023
Inspector	Stephen Ward

1.0 Site Location and Description

- 1.1. The site is located approximately 2km northeast of the rural village of Greencastle, in the eastern part of the Inishowen Peninsula. It is within an unserviced rural area and is at an elevated position which overlooks the coastline (approximately 1km to the south). The levels in the area generally rise from south to north. The site is located north of the local road running between Merville and Stroove.
- 1.2. The site has a stated site area of 0.287ha and is of an irregular shape which narrows to a point at its southern end. It is undeveloped at present and rises significantly from south to north. To the east of the site is a narrow cul-de-sac lane which serves a small cluster of dwellings. To the west of the site is one of the applicants' parents' house and associated outbuildings. The lands to the immediate north and south of the site are undeveloped. However, there is a high concentration of one-off dwellings in the surrounding area.

2.0 Proposed Development

- 2.1. In summary, permission is sought for the construction of the following:
 - Single storey dwelling with a floor area of 175m² and a height of 6.1m.
 - Single storey garage with a floor area of 41m² and height of c. 5 metres.
 - Creation of new entrance and access road off the existing road to the east.
 - Installation of a packaged wastewater treatment system and polishing filter

3.0 Planning Authority Decision

3.1. Decision

By order dated 17th November 2022, Donegal County Council (DCC) issued notification of the decision to grant permission, subject to conditions. The decision to grant permission contains the following notable conditions (in summary):

Condition 2 – Occupancy condition restricting residence to the applicant or (as otherwise agreed) persons in the same category of housing need in accordance with a Section 47 Agreement.

Condition 3 – Requires the provision of sightlines off the existing road to the east and prohibits the creation of a vehicular throughway via the overall landholding to the existing local road to the west.

Condition 4 – Requires the setback of the roadside boundary for a distance of 20m either side of the proposed entrance.

Condition 13 – Requires hedgerow planting along the site boundaries.

Conditions 15 - Outlines conditions relating to the installation of the wastewater treatment system.

Condition 16 – Requires a Development Contribution (€1,714.53) in accordance with the DCC Section 48 Scheme.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The DCC Planner's Report can be summarised as follows:

- In response to third-party submissions, it is stated that:
 - The applicants have already attempted to gain access from the local road to the southwest. The proposed option would provide the best vehicular access/exit.
 - The planting of new native hedgerow would address any damage to wildlife as a result of hedgerow removal.
 - The adjoining laneway may be partly in private ownership, but it is a public road (L-14717-0) with a public right of way.
 - The development does not include agricultural use or any associated agricultural vehicles on the adjoining lane.
 - The entrance would create a layby on the adjoining lane which is only approximately 150 metres long.
 - The availability of an alternative access through family land does not prohibit the right of access to the site from other public roads.

- The site is located within an 'Area Under Strong Urban Influence'. The planning authority is satisfied that the principle of the proposed development is acceptable based on rural housing need and the *bona fide* details submitted with the application.
- The design of the proposed dwelling and garage is considered to be acceptable having regard to CDP design policy and guidance.
- The proposal would not impact on the residential amenity of neighbouring properties and sufficient private amenity space will be retained for the proposed development.
- The proposed sightlines from the entrance (50m to the north and 45m to the south) are acceptable having regard to the nature and width of the adjoining road. No through road shall be created by the development.
- The 'Site Suitability Assessment' confirms a T-Test result of 23.35 which satisfactorily indicates that subsoil is suitable to treat and dispose wastewater subject to conditions.
- Although storm water collection and disposal proposals are unclear, there is adequate capacity to address this matter subject to agreement by condition.
- It can be excluded beyond reasonable scientific doubt that the proposal would not be likely to have any significant effect on Natura 2000 sites.
- The report recommends to grant permission and this forms the basis of the DCC decision.

3.2.2. Other Technical Reports

None.

3.3. **Prescribed Bodies**

None.

3.4. Third Party Observations

Three third-party submissions were received as part of the application process. The submissions raise common issues which can be summarised collectively as follows:

- The laneway will not be able to cope with construction traffic or an additional working farm.
- There are concerns about existing surface water flows and associated flooding along the laneway and adjoining properties. There are concerns that the proposed development will exacerbate this situation.
- The laneway is in private ownership and has not been maintained/repared by the Council. The Council cannot grant access through the laneway and the observers do not agree to any use of the laneway for the development.
- There appears to be alternative means of access available via the family property and the Carrowhugh Road.
- Traffic movements are already difficult on the laneway and additional traffic would compromise health and safety.
- The removal of hedgerow will impact on wildlife and damage the lane surface.

4.0 Planning History

There would not appear to be any recent completed applications on the site.

5.0 Policy Context

5.1. National Planning Framework (NPF)

The NPF is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. In planning for the development of the countryside, it acknowledges that there is a continuing need for housing provision for people to live and work in the countryside, but also highlights the need to differentiate between types of rural areas and housing needs.

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

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

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

In supporting sustainable housing development patterns in rural areas, the guidelines outline that planning authorities should identify the needs of rural communities in the development plan process and manage pressure for overspill development in the rural areas closest to the main cities and towns.

Development plans should identify the location and extent of rural area types set out in section 5.3.2 of the NSS (superseded by the NPF), including rural areas under strong urban influence; stronger rural areas; structurally weaker rural areas; and areas with clustered settlement patterns. Having identified the rural area types, planning authorities should then tailor policies that respond to the different housing requirements of urban / rural communities and the characteristics of rural areas.

Chapter 4 of the Guidelines deals with development management and provides guidance aimed at ensuring that all the necessary information and documentation is assembled to facilitate an efficient and thorough consideration of applications.

5.3. County Donegal Development Plan 2018-2024

Rural Housing Policy

5.3.1. Section 6.3.1 of the Plan outlines that an assessment has identified rural area types which are classified in accordance with the Sustainable Rural Housing Guidelines. Map 6.2.1. outlines that the subject site is within an 'Area Under Strong Urban Influence', within which it is necessary to manage the extent of development while facilitating those with genuine "rural generated housing need".

5.3.2. Relevant objectives and policies can be summarised as follows:

RH-O-2: Support a balanced approach to rural areas which retain vibrancy.

RH-O-3: Ensure new development provides for rural generated need.

RH-O-5: Promote rural housing that does not detract from the landscape.

RH-P-1: All proposals for rural housing shall be subject to the consideration of requirements relating to location, siting and design and the impact on landscape and views; the protection of Natura 2000 sites and other habitats; water quality; traffic conditions; disposal of surface water and wastewater; flood risk management; and the occupancy of the dwelling.

RH-P-2: Consider proposals that meet a demonstrated need (see RH-P-5) provided the development integrates successfully into the landscape and does not further erode rural character. The Council will be guided by the considerations that a new dwelling shall:

1. Avoid creation / expansion of a suburban pattern of development.
2. Not create or add to ribbon development.
3. Not be detrimental to the amenity of the area or other rural dwellers or constitute haphazard development.
4. Not be prominent on the landscape and shall have regard to Policy T-P-15.
5. Shall not fail to blend with natural features and or involve excessive excavation or infilling.

RH-P-5: It is a policy of the Council to consider proposals for new one-off rural housing within Areas Under Strong Urban Influence from prospective applicants that have demonstrated a genuine need for a new dwelling house and who can provide

evidence that they, or their parents or grandparents, have resided at some time within the area under strong urban influence in the vicinity of the application site for a period of at least 7 years. The foregoing is subject to compliance with other relevant policies of this plan, including RHP-1 and RH-P-2. New holiday home development will not be permitted in these areas.

RH-P-9: Requires that all new rural dwellings are designed in accordance with the principles set out in Appendix 4 of the Plan ‘Building a House in Rural Donegal – A Location, Siting and Design Guide’.

Landscape

- 5.3.3. In terms of landscape character, the county has been categorised into three layers of landscape value (Especially High Scenic Amenity’, ‘High Scenic Amenity’ and ‘Moderate Scenic Amenity’), which are illustrated on Map 7.1.1 of the Plan. The subject site is within an area classified as ‘High Scenic Amenity’, which are described as landscapes of significant aesthetic, cultural, heritage and environmental quality that are unique to their locality and are a fundamental element of the landscape and identity of County Donegal. These areas have the capacity to absorb sensitively located development of scale, design and use that will enable assimilation into the receiving landscape and which does not detract from the quality of the landscape, subject to compliance with all other objectives and policies of the plan.
- 5.3.4. Within areas of ‘High Scenic Amenity’, Policy NH-P-7 seeks 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.
- 5.3.5. The Scenic Amenity Designations include several views to be preserved over the adjoining coastline etc. However, none of the identified view directions pass directly through/over the application site.

Other provisions

- 5.3.6. In relation to wastewater disposal, Policy WES-P-11 outlines that single dwellings in un-sewered areas shall comply with the Code of Practice for Waste Water Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10) published by the Environmental Protection Agency.

- 5.3.7. Part B: Appendix 3 of the CDP outlines Development Guidelines and Technical Standards, including those relating to access, traffic, and drainage.

5.4. Natural Heritage Designations

The nearest Natura 2000 site is the North Inishowen Coast SAC, which is located c. 2.3km northeast of the application site.

5.5. EIA Screening

Having regard to its limited scale and the nature of the proposed development involving just one dwelling, together with the absence of connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

An appeal against the decision of DCC to grant permission was submitted on behalf of John Cavanagh & John McGrath, both of Carrowhugh, Greencastle. However, the appeal did not include an acknowledgement of a submission to the planning authority on behalf of John McGrath and, accordingly, the appeal has been recorded under the name of John Cavanagh only.

The appeal refers to the previous submissions made to DCC and refers to enclosed copies of both. Again however, only the submission by John Cavanagh has been included and this has been covered in section 3.4 of this report.

The following points are raised in the appeal:

- The proposed entrance/exit is solely from lands owned by Mr Cavanagh and Mr McGrath. No permission exists for access to same.
- Condition no. 3(a) requires visibility splays over 3rd party lands and permission for same will not be granted.

- Condition 4 requires the removal of 40 metres of mature banking and hedging and this will not be granted.
- The existing entrance onto the L1471-3 road is substandard and not capable of traffic increase.
- Land Registry and folio details are included for Mr Cavanagh's and Mr McGrath's ownership, and it is requested that no permission exists to use the roadway or remove hedging. It is stated that no other rights of way are registered for either folio.
- Photographs are included to demonstrate the width of the roadway and access onto the L1471-3 road.

6.2. **Applicant Response**

The applicants' response to the appeal can be summarised as follows:

- The roadway in question (LT-147-17) is a county road and is maintained by DCC. A letter from DCC confirming same is included.
- The 3rd party lands affected by conditions 3 and 4 of the DCC decision are owned by the applicant's mother. Written consent from the landowner has been included with the response.
- The Junction of the LT-14717 road with the L1471-3 road is a county junction in charge of DCC. The applicants will comply with the conditions of permission to improve access and visibility on the road.
- The appellant(s) do not reside locally, and they own commercial properties for rent which have used the same junction without issue over the years. The applicants contend that the appellant(s) seek to maintain exclusive use of the road for their own commercial ventures while preventing locally resident individuals from establishing permanent residence.
- The Board is requested to uphold the DCC decision to grant permission for this young couple to permanently reside in the area that they were brought up in over the years.

6.3. Planning Authority Response

The response of the planning authority can be summarised as follows:

- The cul-de-sac road is a public road (L-14717-0)
- The junction of the L-14717-0 with the L-14717-3 is a public junction.
- The applicants are seeking to build a family home in very close proximity to a home currently owned and occupied by the parents of one of the applicants.
- The planning authority is satisfied to rely on the planner's report and recommendation and requests that the Board upholds its decision.

6.4. Observations

None.

7.0 Assessment

7.1. Having regard to the documentation submitted in connection with the application and the appeal, and having inspected the site, I consider that the main issues for assessment are as follows:

- Rural housing need
- Visual Amenity
- Residential Amenity
- Access and Traffic
- Wastewater treatment and drainage

7.2. Rural housing need – 'New Issue'

7.2.1. In accordance with the Development Plan, the site is located within an 'Area Under Strong Urban Influence', within which it is necessary to manage the extent of development while facilitating those with genuine "rural generated housing need". Policy RH-P-5 of the Plan outlines that this is restricted to '*applicants that have demonstrated a genuine need for a new dwelling house and who can provide evidence that they, or their parents or grandparents, have resided at some time*

within the area under strong urban influence in the vicinity of the application site for a period of at least 7 years'. NPO-19 of the National Planning Framework (NPF) also outlines that such proposals should be accommodated 'based on the core consideration of demonstrable economic or social need to live in a rural area'.

- 7.2.2. According to the details available on file, the applicants were living in rented accommodation for a period of 24 months at the time of the application. It has been confirmed that the proposed dwelling is intended as a primary, principal, and permanent residence, and that the applicants have never been granted planning permission for the construction of a dwelling on another site.
- 7.2.3. It has been confirmed that the applicants' parents reside beside the site. From the maps, plans and other particulars submitted with the application and appeal, it is apparent that the site would be annexed from the overall family landholding which includes the applicant's parents' home to the immediate west of the appeal site.
- 7.2.4. The application is accompanied by a letter of support from an elected member of Donegal County Council. The letter confirms that the Councillor knows the applicant (Christopher Hegarty) and his family personally and that the dwelling is intended to be the applicant's permanent place of residence. It also contends that the application fulfils the requirement of RHP4 (*sic*) of the County Development Plan as the applicant has lived for more than 7 years at Carrowhugh. The Board should note that there is no specific reference to 'RHP4' in the Development Plan. This may be a typographical error in relation to Policy RH-P-4. However, it should also be noted that policy 'RH-P-4' relates to 'Structurally Weak Rural Areas' which is not relevant to the appeal site.
- 7.2.5. Based on the information submitted, it would appear that the applicants may have a genuine housing need based on their stated circumstances of living in rented accommodation. However, I note that this has not been demonstrated through any supporting evidence. And apart from the supporting statement from the elected member of DCC, no evidence has been submitted to demonstrate that the applicants, their parents, or grandparents have resided in the vicinity of the site for at least 7 years. I note that point 8 on the 'Schedule of Application' refers to a letter from the applicant accompanying the 'Supplementary Rural Housing form'. However, no such letter is included on the file.

7.2.6. The Development Plan does not provide detail on the nature or extent of evidence that is required to demonstrate genuine housing need or the 7-year residency in compliance with policy RH-P-5. I note that the planning authority is in the practice of requiring completion of a 'Supplementary Rural Housing Application Form' (as included with this application) which refers to forms of 'supporting documentary evidence' to support the application, including a 'Bona Fide Letter From Elected Member of Donegal County Council'. However, I consider that this is an administrative procedure rather than any kind of adopted policy approach that is supported in the Development Plan. In this case, the planner's report effectively accepts compliance with policy RH-P-5 based on the 'submitted bona fide letter' in accordance with 'DCC practice and procedures'. The planner's report also confirms that no other forms of evidence have been submitted to confirm the applicant's rural housing need.

7.2.7. At national level, I note that NPO 19 of the NPF facilitates such single housing in rural areas under urban influence subject to *inter alia* demonstrable economic or social need to live in a rural area. Chapter 4 of the Sustainable Rural Housing Guidelines (2005) outlines further guidance in relation to the information to be submitted with planning applications. For applications in areas under significant urban influence, it states that applicants should outline how their proposal is consistent with the rural settlement approach in the development plan and should supply supporting information where appropriate.

7.2.8. Having regard to the information submitted with the application, the relevant Development Plan policy, and the relevant national policy and guidelines, I do not consider that the application includes demonstrable evidence of an economic or social need for housing at this location. This is the case having regard to:

- The inadequate evidence to support the applicant's stated housing circumstances (i.e. rented accommodation), which does not demonstrate a genuine need for a new dwelling house in accordance with Development Plan policy RH-P-5. I consider that this should be a fundamental requirement of any such application in an area under strong urban influence.
- The inadequate evidence to demonstrate that the applicants, their parents, or grandparents, have resided at some time within the area under strong urban influence in the vicinity of the application site for a period of at least 7 years in

accordance with Development Plan policy RH-P-5. I consider this to be essential to establish long-standing links to the area.

- The inadequate evidence of a demonstrable economic or social need to live in this rural area under strong urban influence in accordance with National Planning Framework NPO 19.
- The inadequate evidence to support this application in a rural area under strong urban influence in accordance with section 4.1 of the Sustainable Rural Housing Guidelines (2005).

7.2.9. In conclusion, I would accept that the application provides some indications of housing need and links to the area. However, in the absence of demonstrable evidence of compliance with local/national policy, I do not consider that the Board can confirm compliance with policy RH-P-5 of the Development Plan or NPO 19 of the NPF, and accordingly, I consider that the proposed development should be refused. The Board should note that this matter was considered by the planning authority but that it is a **‘new issue’** in the context of the appeal. Therefore, the Board may wish to seek the views of the parties by means of a ‘section 137 notice’.

7.2.10. Development Plan Policy RH-P-5 also requires compliance with policies RH-P-1 and RH-P-2. These matters will be addressed in the following sections of my report.

7.3. Visual Amenity

7.3.1. I acknowledge that the site is located within an area of ‘High Scenic Amenity’. The Development Plan indicates that such areas have the capacity to absorb sensitively located development of scale, design and use that will enable assimilation into the receiving landscape. The site is elevated over a wide surrounding area including the coastline to the south. However, it is located within a cluster of other dwellings to the east, west, and south. There is also a dense belt of mature coniferous planting to the south of the site which provides screening from the main adjoining road (Merville to Stroove).

7.3.2. The scale and massing of the proposed dwelling is largely broken down through its division into two identifiable forms, i.e. the ‘bedroom block’ to the rear and the ‘living block’ to the front. The forms are relatively simple and consistent with the principles

of traditional rural housing design. The fenestration patterns are acceptable, and the proposed finishes are in keeping with existing and traditional development.

- 7.3.3. Notwithstanding the 'high scenic amenity' value of the area and the existing concentration of development, I consider that there is capacity to absorb a dwelling on this site. Development on the site would be largely screened from the surrounding area by existing houses and planting, and I am satisfied that it would integrate with the existing cluster of dwellings. The proposed design is not excessive in scale or height and its design would be acceptable having regard to the established character of development. Accordingly, I would have no objections in relation to visual amenity.

7.4. Residential Amenity

- 7.4.1. The proposed development would be setback a significant distance from any of the surrounding dwellings. It would be single storey only and does not incorporate significant glazing in close proximity to site boundaries. Having regard to the significant separation distances from surrounding properties, together with the limited scale of the proposed development, I do not consider that there would be any significant impacts on the amenities of surrounding dwellings by reason of overlooking, overshadowing, or overbearing impacts. Accordingly, I have no objections in this regard.

7.5 Access and Traffic

- 7.5.1. In the first instance, the appeal contends that the existing road to the east of the site is in private ownership and that the applicant does not have consent for its use or for the creation of setbacks/sightlines from the proposed entrance. In response to this, I note that the planning authority has confirmed that this is a public road and I acknowledge its position as the road authority for the county. Furthermore, the applicants contend that their mother is the overall landowner and has provided consent for the required setbacks and sightlines.
- 7.5.2. In terms of access and the carrying out of the required works, I am satisfied that the applicants have provided sufficient evidence of their legal interest for the purposes of the planning application and decision. In any case, this would be a matter to be resolved between the relevant parties, having regard to the provisions of s.34(13) of

the Planning and Development Act 2000, as amended, which outlines that a person shall not be entitled solely by reason of a permission under this section to carry out any development.

7.5.3. The appeal raises other concerns in relation to the capacity of the road and the adjoining junction to safely accommodate the proposed development. It is proposed to provide sightlines from the new entrance of c. 45 metres to the south and c. 50 metres to the north. It is not proposed to alter the existing junction of the L-14717-0 and the L-1471-3 roads, and I note that the planning authority states that this is a junction of two public roads. I would accept that the L-14717-0 road is of limited width and capacity which serves a small number of properties. However, I consider that the proposed new entrance would provide setbacks which would increase its width and capacity. I would also accept that sightlines at the junction are limited, particularly when looking west along the L-1471-3 road. However, having regard to the limited scale of the development involving just one additional house, I do not consider that the additional traffic would significantly exacerbate the existing situation.

7.5.4. Having inspected the site and considered the extent of existing and proposed development along the L-14717-0 road, I do not consider that the proposed development would contribute to excessive traffic volumes or hazards in any unacceptable way. I have also examined the vertical and horizontal alignment of the adjoining roads and existing road conditions. Ultimately, I am satisfied that the proposal is of a limited scale which would not significantly interfere with the safety and convenience of traffic at this location, and I do not consider that a refusal of permission would be warranted on these grounds.

7.5.5. In relation to the other access and traffic-related issues raised in the appeal, I would state the following:

- I note the potential availability of alternative access via the family lands to the west of the site. However, I consider that the current proposal should be assessed on its merits, and I have no significant concerns in this regard.

- There are no indications that the proposed development would create a throughway to the adjoining lands to the west. I would have no objection to a condition prohibiting same in the event of a grant of permission.
- There is no indication of agricultural use associated with the proposed development or any associated traffic movements.
- Construction-related traffic is an inevitable element of any development, including that which is accessed by rural roads. This would result in only limited and temporary impacts which would be acceptable in this case.
- I acknowledge that the proposed entrance would involve the removal of the existing roadside boundary. I do not consider that this would have any significant or unacceptable impacts for wildlife, and I am satisfied that any impacts could be satisfactorily mitigated through additional replacement planting as a condition of any permission.

7.6. Wastewater treatment and drainage

Wastewater

- 7.6.1. It is proposed to install a packaged wastewater treatment system and polishing filter. The application is accompanied by a Site Suitability Assessment Report in accordance with the EPA Code of Practice for Domestic Wastewater Treatment Systems (2021).
- 7.6.2. The Site Assessment identifies that the Aquifer Category is 'Poor' (PI) and the groundwater vulnerability is 'High'. The trial hole depth of 1.7 metres did not encounter the water table but soft shale rock was encountered at the bottom of the hole (c.1.5m). The soil conditions include a mixture of sandy soil/gravel and stoney clay. The subsoils were noted as being very dry with likely very good percolation qualities. As per Table E1 of the Code of Practice (CoP), the Groundwater Protection Response Matrix (R1) indicates that wastewater treatment is acceptable subject to normal good practice.
- 7.6.3. The application has carried out a subsurface percolation T-Test as well as a P-Test in accordance with the CoP. I am satisfied that test conditions and results are consistent with the site conditions observed on my site inspection. The results

indicate a 'T' value of 23.35, while the P-test result was 19.80. The Site Assessment concludes that the T-test results indicate suitability for a septic tank or a secondary wastewater treatment system discharging to groundwater, while the P-test results indicate suitability for a treatment system with polishing filter. I note that this is consistent with the interpretation of the percolation values as outlined in Table 6.4 of the CoP.

7.6.4. The Site Assessment recommends the installation of a packaged secondary treatment system with a PE of 6 and a polishing filter of 22m². I am satisfied that the proposed wastewater treatment system would comply with the minimum separation distances as outlined in Table 6.2 of the CoP. Furthermore, I am satisfied that the proposal complies with the recommendations for secondary packaged wastewater treatment systems and tertiary treatment systems as outlined in sections 9 and 10 of the CoP.

7.6.5. I note that the planning authority has not raised any objection to the wastewater proposals subject to conditions. Having regard to the foregoing, I would have no objection to the proposed wastewater treatment proposals or any associated impacts on public health and/or the environment.

Surface water

7.6.6. The appeal also raised concerns about surface water drainage and associated flooding. It must be highlighted that the concerns relate to an existing problem which clearly pre-dates the proposed development. I have reviewed OPW flood mapping (floodinfo.ie, accessed 23rd July 2023) and there are no records of past or predicted flood events in the vicinity of the site.

7.6.7. Notwithstanding the above, the key consideration in this appeal is that the proposed development should not exacerbate surface water run-off or any associated flooding of adjoining lands or roads. The application form indicates that surface water would be disposed to an existing watercourse and the site layout map annotates that surface water would be 'collected in gullies and discharged to existing land drains in 110 dia. pipe as shown'. However, the site layout plan does not illustrate details of these proposals. Consistent with the planning authority approach, I consider that this

is a standard issue which can be satisfactorily resolved subject to the agreement of proposals as a condition of any permission.

8.0 Appropriate Assessment

Having regard to the nature and limited scale of the works, the separation distance between the appeal site and the nearest European Site, the lack of significant hydrological connectivity and the assimilative capacity of intervening waterbodies, it is considered that the proposed development, individually, or in combination with other plans or projects, would not be likely to give rise to significant effects on any European Sites in view of the sites' conservation objectives, and Appropriate Assessment including the submission of Natura Impact Statement is not, therefore, required.

9.0 Recommendation

Having regard to the foregoing, it is recommended that permission should be refused for the reasons and considerations set out hereunder.

10.0 Reasons and Considerations

1. The site is located within an area under strong urban influence as identified in the County Donegal Development Plan 2018-2024, wherein the plan highlights the need to manage the extent of development whilst facilitating those with genuine "rural generated housing need" in accordance with the provisions of policy RH-P-5 of the Development Plan. This is consistent with National Policy Objective 19 of the National Planning Framework which, for rural areas under urban influence, seeks to 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, having regard to the viability of smaller towns and villages. It is considered that the application has not demonstrated sufficient evidence of compliance with the housing need criteria

as set out in policy RH-P-5 of the Development Plan or National Policy Objective 19 of the National Planning Framework. Thus, the proposed development would contribute to the encroachment of rural development in this area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Stephen Ward
Senior Planning Inspector

30th July 2023