



An
Bord
Pleanála

Inspector's Report ABP-316160-23

Development	90 residential units and Creche.
Location	Glencar Irish and Glencar Scotch, Letterkenny, Co. Donegal.
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	22/51204
Applicant	PJ McDermott
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party vs. Grant
Appellants	The Old Glencar Rd, Solomon's Grove, and Upper Fernhill Residents Associations
Observers	None
Date of Site Inspection	10 th May 2024
Inspector	Stephen Ward

Contents

1.0 Introduction.....	3
2.0 Site Location and Description	3
3.0 Proposed Development	3
4.0 Planning Authority Decision.....	5
5.0 Planning History.....	12
6.0 Policy Context.....	13
7.0 The Appeal	22
8.0 Assessment.....	29
9.0 Appropriate Assessment Screening.....	54
10.0 Recommendation	55
11.0 Recommended Draft Board Order	55
Appendix 1 – AA Screening.....	59
Appendix 2 – EIA Pre-Screening.....	66
Appendix 3 – EIA Preliminary Examination.....	68

1.0 Introduction

- 1.1. This case involves a third-party appeal against the Donegal County Council (DCC) decision to grant permission. The proposed development would be 'Phase 1' of a larger proposal including a 10-year LRD proposal (i.e., Phase 2) for the construction of 188 no. residential units on the northern portion of the overall site. DCC made a decision to grant Phase 2, which is also the subject of current third-party and first-party appeals (ABP Ref. 319283-24). While the 'red line' site boundary in this case includes Phase 2, and the two applications are clearly linked, I confirm that this case requires a determination on the Phase 1 portion only. However, I am reporting on both cases concurrently and I would advise that both reports should be read in conjunction.

2.0 Site Location and Description

- 2.1. The application states that the overall site (i.e. Phases 1 & 2) has an area of 15.7 hectares (ha). It states that the Phase 1 site (as amended in further information response) has a gross area of 5.4ha. The site is located within an elevated area on the northwest suburban environs of Letterkenny, approximately 1.5km walking distance from the town centre. This area is mainly characterised by low-density suburban housing and some small-scale commercial/community services.
- 2.2. The site (Phases 1 & 2) is mainly a 'backland' site surrounded by existing residential development to the east, west, and south. The adjoining land to the north is mainly undeveloped. Narrow portions of both sites (Phase 1 & 2) extend to the adjoining public road to the west (variously referred to as 'The Grange', 'Old Glencar Road', or 'Glencar Irish / Glencar Scotch Road'). This road is served by footpaths and public lighting linking with the town centre.
- 2.3. Most of the site boundary consists of hedgerows and treelines. The predominant habitat on site is 'Wet Neutral Grassland', while there are also areas of scrub and conifer woodland. The levels within Phase 1 rise from south to north, from c. 113mOD at the southern corner to c. 132mOD at the northern site corner.

3.0 Proposed Development

3.1. The application (as amended by the F.I. Response) is for the construction of a creche and 93 no. residential units comprising 65 no. houses and 28 No. apartments. The residential units can be broken down as follows:

- House Type 1/1A – 4 Bed Semi-Detached (9 no. units)
3 Bed Semi-Detached (9 no. units)
- House Type 2 – 3 Bed Semi-Detached (10 no. units)
- House Type 3 – 2 Bed Semi-Detached (16 no. units)
- House Type 4 – 2 Bed Terraced Block (12 no. units)
- House Type 5/5A – 2 Bed Bungalow (9 no. units)
- House Type 6 – 2 Bed Apartments (20 no. units)
- House Type 7 – 1 Bed Apartment (8 no. units)

Housing Mix Table

House Size	Houses	Apartments	Total (%)
1-bed		8	8 (9%)
2-bed	37	20	57 (61%)
3-bed	19		19 (20%)
4-bed	9		9 (10%)
Total	65	28	93 (100%)

3.2. The other elements of the development can be summarised as follows:

- Construction of 2-storey creche (1087m²).
- All associated siteworks to include new vehicular entrance, landscaped open spaces and planted boundary buffers, connection to public services to include associated storm attenuation and re-routing of existing watermains.

3.3. In addition to the standard plans and particulars, the application is accompanied by the following documents and reports:

- Supporting Planning Statement
- Architectural Design Statement and Masterplan
- Construction and Traffic Management Plan
- Traffic & Transport Statement
- Archaeological Desk-Based Assessment
- Drainage Summary Report
- Screening Report for Appropriate Assessment
- Part V proposals.

3.4. The above information was updated and supplemented by the information submitted with the further information response.

4.0 Planning Authority Decision

4.1. Decision

By order dated 9th March 2023, the planning authority made a decision to grant permission subject to 34 no. conditions, which are generally standard in nature. However, the notable conditions can be summarised as follows:

Condition 2 – Requires the omission of (a) house nos. 9A, 50A, and 51A, and (b) the surface water attenuation tank and associated pipework intended to service Phase 2.

Condition 32 – Section 48 Development Contribution Scheme payment of €170,819.10.

Condition 33 – Section 48 (2)(c) Special Development Contribution payment of €450,000 in respect of part completion of Northern Strategic Link Road (Windyhall Road) which will facilitate the development.

4.2. Planning Authority Reports

4.2.1. Further Information

The Planning Authority's initial assessment of the application resulted in a request for further information. The issues raised can be summarised as follows:

1. Submit documentary evidence of ownership/control of the site.
2. Submit revised site layout plan to include:
 - (a) Exclusion of area of encroachment onto third party lands and relocation of creche facility to a more central location adjacent to phase 2 development.
 - (b) 2 no. linkages, vehicular, pedestrian and cycle between phase 1 and 2.
 - (c) Revised open areas and landscaping to make use of existing mature vegetation on site.
 - (d) Provision of vehicular, pedestrian and cycle linkage from the subject site to undeveloped lands to the southeast.
 - (e) Cycle routes throughout the site incorporated within a 3m footpath.
 - (f) Hard landscaping throughout the site with provision for permeable paving and altering road/driveway finished to enhance a sense of 'place'.
 - (g) Relocation of public open space to a more central location within the site.
 - (h) Parking provision compliant with Table 6 Appendix 3 of County Donegal Development Plan 2018 – 2024 (as varied).

The Planning Authority considers that the parking provision is excessive.

3. (a) Applicant to submit a design statement for the revised proposal demonstrating how the proposed layout has been arrived at having regard to the principles outlined in national Guidelines.
 - (b) Applicant to submit a revised site layout plan and accompanying elevations, sections to provide increased visual interest and a higher standard of architectural design.
4. Submit details of revised play area which demonstrates compliance with the National Play Policy.
5. Submit further details of footpaths to demonstrate full compliance with Design Manual for Urban Roads and Streets (DMURS).
6. Provide revised drainage design details to indicate:
 - (a) Revised location of storm water attenuation system following revision of location of public open space.

(b) Sectional details of the flow release valve to the attenuation system and sections along all drainage routes from the valve to all higher locations. Demonstrate that in a flood situation surface water cannot back up and escape at SW manholes.

(c) Petrol interceptor at a location prior to discharge to mains.

7. (a) Submit Road Safety Audit Stage 1 & 2 reports.

(b) Submit revised site layout plan detailing all recommendations.

Consider the requirement for combined road and cycle paths throughout, the appropriateness of the proposed raised platforms and access arrangements for the relocated creche.

8. Submit revised Traffic and Transport Statement which considers the capacity and layout of the Dr. McGinley junction.

Applicant is advised that the Planning Authority has concerns regarding the capacity of this junction to cater for an increase in traffic movements of the scale proposed by the subject development.

4.2.2. Planning Reports

The DCC assessment is outlined in three planning reports (i.e. report prior to F.I. Request and two subsequent reports on the F.I. Response). The main aspects of the reports can be cumulatively summarised under the following headings.

Principle

- The initial report noted that the site was zoned 'Primary Residential', 'Education/Opportunity', and 'Established Development' under the Urban Settlement Framework for Letterkenny in the CDDP 2018-2024 (as varied).
- Residential development is proposed on a large portion of the site, as well as a creche/educational use on a smaller portion of the site. The principle of residential and creche use is acceptable.
- Questions regarding ownership/control of the site were addressed in the further information process.
- Third-party submissions regarding the ongoing preparation of the Letterkenny Plan and Local Transport Plan (LPLTP) are noted, under which the site was

proposed as 'Strategic Residential Reserve' in the Draft Plan. However, the CDDP 2018-2024 remains as the operative Plan and the proposal would not be premature pending the adoption of the LPLTP.

Siting & Layout, Scale, Density, & Mix

- The original report assessed the proposal in accordance with the criteria contained in the Urban Design Manual (2009). It outlined concerns in relation to:

Context – Does not relate positively to surroundings and inadequate linkages.

Connectivity – Inadequate permeability, legibility, lack of focal point and identity.

Density does not adequately respond to policy and mature trees not retained.

Inclusivity – Creche should be centrally located and inadequate cycle links.

Variety – Mix of house types acceptable subject to more variety in Phase 2.

Efficiency – Density of 25dph is inappropriate but may be acceptable subject to the overall area achieving required densities (c. 40 dph).

Distinctiveness – Repetitive layout and mix of houses with contribution to place making.

Layout – Open space not appropriately overlooked and inadequate cycle and landscaping proposals.

Public Realm – Requires redesign having regard to the above concerns.
- The proposed houses and apartments provide satisfactory space standards, including private open space.
- These concerns were outlined in the F.I. Request and subsequent reports considered that the response was acceptable subject to conditions.
- In response to third-party concerns, it was considered that the relocated creche would be of a suitable location and design and would not be overbearing in relation to existing residences.
- It is considered that three units should be omitted (as per condition no. 2 (a)) in order to ensure that the permitted number of houses (90) is consistent with the public notices.

Open Space

- The initial report raised concerns about the design of open space and play areas, matters which were subsequently raised in the F.I. Request.
- The F.I. Response was considered acceptable in this regard.

Residential Amenity

- Considering the separation distances from existing properties, major concerns arise in relation to any significant loss of privacy or overlooking (*sic*).
- Within the scheme itself, an adequate separation distance range is proposed between residential units.

Access & Traffic Safety

- The initial report acknowledged third-party concerns about the capacity of the local road network. It also highlighted plans to upgrade The Grange road and Dr McGinley Junctions, as well as to provide the Northern Strategic Relief Corridor. It concluded that further assessment was required in relation to impacts on the Dr McGinley Junction, as well as a Road Safety Audit.
- The initial report also raised concerns about excessive car-parking and car-dependency relating to the proposed terraced houses and apartments.
- Following the F.I. Response, it was deemed that the technical matters were satisfactorily addressed by the Road Safety Audit and future road improvements to be carried out by DCC. However, the proposal was deemed acceptable only in the context of the delivery of the Northern Strategic Link Road.

Public Health & Flooding

- The application proposes to connect to public water and wastewater services. Confirmation of feasibility from Uisce Eireann has been submitted with the application and is considered acceptable.
- Further information was required in relation to the location and levels of the attenuation system and the inclusion of a petrol interceptor. The F.I. Response proposal to include an attenuation tank for Phase 2 was deemed inappropriate and omitted by condition.

- No flooding concerns or designations relate to the site.

Appropriate Assessment (AA)

- Having regard to the applicant's AA Screening Report, combined with the urban nature of the site and proposals to connect to foul and storm sewers, the report refers to an attached AA Screening Report which concludes that Appropriate Assessment Stage 2 (NIS) is not required.

Environmental Impact Assessment (EIA)

- The development is sub-threshold and is not likely to have significant effects on the environment. The need for EIA can, therefore, be excluded at preliminary examination stage.
- However, it is considered that the development of the remainder of the site will trigger the need for an EIAR.

Social Housing

- Communication to date has indicated that the proposal is likely to comprise a turnkey development. However, the application as submitted remains a private proposal.
- A Part V agreement has been signed with DCC and a condition should be attached to any permission.

Contributions

- A special development charge is applicable to assist in the delivery of the Northern Strategic Link. In this regard, it is noted that the DCC Roads section request a charge of €10,000 per unit. However, following discussions it has been agreed that a charge of €5000 per dwelling ($€5,000 \times 90 = €450,000$) would provide for a reasonable contribution in the context of the housing market, the contribution expected from other landholders, stakeholders and funding sources.

Conclusion

The final planner's report concludes that the proposal complies with the thrust of local, regional, and national policy, and that it will be facilitated by and contribute to the delivery of the Northern Strategic Link road. It recommends a grant of permission, and this forms the basis of the DCC decision.

4.2.3. Other Technical Reports

Road Design: A report (18th January 2023) after the further information response requests further information in relation to:

- Details of footpaths (cycleways if appropriate) in compliance with DMURS.
- Provide a self-regulating street design in accordance with DMURS.
- Traffic Impact Assessment of the Dr. McGinley junction.
- Consider and incorporate all elements raised in the RSA Stage 1&2 report.
- A Road Safety Audit Stage 3 should be carried out if permission granted.
- Cycle parking to be provided in accordance with the CDP.
- Provide auto track analysis for turning heads & junctions.
- Provide drainage design in accordance with TII DN-DNG-03066.
- Provide details of hydro-brake chamber on the outlet of the proposed attenuation location.
- Applicant to ensure petrol interceptor is located prior to discharge location.
- Provide details of public lighting.

Roads: Recommends a special development charge of €10,000 per dwelling towards the Northern Network Project. After further discussions, it was agreed that a charge of €5,000 per dwelling should apply.

Building Control: All works to be carried out in accordance with applicable legislation.

Fire Office: No objections subject to conditions.

Taking in Charge: No objections subject to conditions.

4.3. Prescribed Bodies

Uisce Eireann: Indicates that further information is required regarding water and wastewater infrastructure. It outlines that connections will be subject to capacity, design requirements, and agreements.

4.4. **Third Party Observations**

The planning authority received submissions from Brian & Eileen McDaid of Old Glencar Road, and from 'The Old Glencar, Solomon's Grove and Fernhill Residents'. The submissions were updated in response to the further information submitted. The submissions generally raise common issues and the submissions from the appellant are covered in the grounds of appeal (see section 7.1 of this report). Any additional issues raised by Brian & Eileen McDaid can be summarised as follows:

- Concerns are raised about the accuracy of their rear site boundary and proposals for a buffer zone on their land which do not afford the same privacy as other properties.
- The development will link 6 different major housing developments in the area.
- Development in the area should be accessed off the roundabout on the 'High Road' above the Hospital.
- The site naturally holds water but releases it at a very slow rate, thereby preventing flooding.
- Swallows traditionally nest in buildings in the area. This hillside should be developed as a natural amenity with a low impact park to cater for residents and swallows.
- The proposed houses to the rear will be a lot higher than is suggested.

5.0 **Planning History**

- 5.1. **P.A. Reg. Ref: 08/80150 (ABP Ref. PL66.231894):** In May 2010, the Board decided to grant permission for the construction of 418 residential units and creche on the overall site (i.e. Phase 1 and 2). The Letterkenny Town Council decision to grant permission was the subject of third-party appeals.

An application for extension of duration was refused in 2020 (Ref. 20/50607) as the appropriate period in respect of the parent planning permission expired on 31/05/2015.

P.A. Reg. Ref. 23/50689 (ABP Ref. 319283-24): By order dated 22nd February 2024, the planning authority made a decision to grant permission for a 10-year LRD comprising the construction of phase 2 of a housing development consisting of 160 no. houses and 28 no. apartment blocks all associated site development works, infrastructure and services. That decision is the subject of a current First-Party appeal, as well as a Third-Party appeal by ‘The Old Glencar, Solomon’s Grove and Upper Fernhill Residents Associations’.

6.0 Policy Context

6.1. National Policy

6.1.1. Having considered the nature of the proposal, the receiving environment, and the documentation on file, including the reports and submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), Department of Housing, Local Government and Heritage.
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) (i.e. ‘the Apartments Guidelines’).
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities (May 2021).
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).

6.1.2. 'Housing for All - a New Housing Plan for Ireland (September 2021)' is the government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- To purchase or rent at an affordable price
- Built to a high standard in the right place
- Offering a high quality of life.

6.1.3. 'Project Ireland 2040 – The National Planning Framework (NPF)' is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 2 (b) – The regional role of Letterkenny in the North-West and the Letterkenny-Derry cross-border networks will be identified and supported in the relevant Regional Spatial and Economic Strategy.
- NPO 3 (c) aims to deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.
- NPO 4 promotes attractive, well-designed liveable communities.
- NPO 5 - Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity.
- NPO 6 aims to regenerate towns and villages of all types and scale as environmental assets.
- NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.
- NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking.

- NPO 27 seeks to integrate alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility.
- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.
- NPO 35 seeks to increase densities through a range of measures including site-based regeneration and increased building heights.

6.1.4. The Climate Action Plan 2023 implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

6.2. **NWRA Regional Spatial and Economic Strategy (RSES) 2020-2032**

6.2.1. The RSES includes a Letterkenny Regional Growth Centre Strategic Plan which provides a framework for growth and investment to build its function as the primary urban centre in Donegal, as well as its part of a Cross Border Network - the North West Metropolitan City Region. Relevant objectives can be summarised as follows:

RPO 3.7.20 - To grow Letterkenny to a Regional Centre to a minimum of 27,300 residents by 2040.

RPO 3.7.22 - To ensure that at least 40% of all newly developed lands are within the existing built-up urban area of Letterkenny.

RPO 3.7.23 - To provide an additional 3,000 - 4,000 residential units.

RPO 3.7.27 – Outlines a default density rate of 35 dph outside the town centre.

RPO 3.7.29 - To consolidate existing neighbourhoods (including Glencar Scotch, Glencar Irish).

6.3. **County Donegal Development Plan 2018-2024**

6.3.1. Although the Draft Development Plan 2024-2030 process is nearing completion (CE Report on Material Amendments being prepared at the time of writing), the CDDP

2018-2024 is currently the operative Development Plan for the area. The Plan originally included 'Letterkenny-Specific Policy Content', including a dedicated section (Chapter 12) outlining specific objectives and zoning maps. However, following the adoption of the Letterkenny Plan and Local Transport Plan 2023-2029 (see section 7.4 below) the 'Letterkenny-Specific Policy Content' was deleted from the CDDP through Variation No. 3 (made on 29th January 2024).

Core Strategy

- 6.3.2. The settlement structure is made up of 3 component parts that are described as 'layers'. Layer 1 consists of Letterkenny alone. Table 2A.6 (Core Strategy Table) outlines a population allocation for Letterkenny (to 2024) of 4,190, resulting in a housing requirement for 1,552 units and 116.4ha housing land. Relevant objectives include the following:

CS-O-4: To support the growth of Letterkenny and its metropolitan area and to make appropriate provision for approximately 4,200 additional persons by 2024.

CS-O-12: To require growth of towns in a sequential manner.

CS-O-13: To promote the integration of land use and transportation so as to encourage modal shift and the development of sustainable transport policies.

Housing

- 6.3.3. Section 6.2 of the Plan deals with 'Urban Housing' and aims to achieve quality housing to adequately accommodate future growth in a manner that provides for the sequential and sustainable development and regeneration of towns and integration of communities together with the appropriate level of infrastructure and service provision. Relevant provisions can be summarised as follows:

UB-O-1: To distribute the projected need for housing in line with the Core Strategy.

UB-O-4: Promotes quality urban design in new residential development that integrates with existing urban development in a manner to provide for positive places and spaces to contribute to overall social cohesion and quality of life.

UB-P-7: Development proposals for new residential developments shall demonstrate that the design process, layout, specification, finish of the proposed development meets the guidelines set out in key Government publications/ Guidelines.

UB-P-8: Requires that all new residential developments shall be laid out and orientated in order to make use of the landscape characteristics.

UB-P-9: Direct pedestrian and cycle linkages shall be provided within proposals for new residential developments so as to interconnect with central amenity areas, adjoining neighbourhood developments and neighbourhood facilities.

UB-P-10: Demonstrate that a housing density appropriate to its context is achieved and provides for a sustainable pattern of development whilst ensuring the highest quality residential environment. Lower density ranges may be required having regard to the density and spatial pattern of development on lands that abut the site. In addition, housing densities will be considered in the light of all other relevant objectives and policies of this Plan, including the Core Strategy.

UB-P-11: Provide a mixture of house types and sizes.

UB-P-13 (a): Developments on greenfield sites shall, in general, include a minimum of 15% of the overall site area reserved as public amenity area.

Development Guidelines and Technical Standards

- 6.3.4. Part B (Appendix 3) aims to ensure the orderly and sustainable development of the County through the setting out of objectives and standards for the management of development. This includes guidelines/standards for 'general development', 'transport', and 'parking'.

6.4. Letterkenny Plan and Local Transport Plan (LPLTP) 2023-2029

- 6.4.1. The LPLTP was formally made on 13th November 2023 and came into effect from 3rd January 2024. Part A comprises 'Land Use Planning Policies' while Part B outlines the 'Local Transport Plan'.

Part A – Land Use Planning Policies

- 6.4.2. Chapter 5 outlines the 'Development Strategy and Consolidation' for a 'Compact Letterkenny' based around the key spatial components of the central business district. It highlights significant remaining development capacity within and on the fringes of the core area.
- 6.4.3. Chapter 6 deals with 'Strategic Infrastructure Deficits', including the provision of community facilities in the 'Glencar and Environs' area.

6.4.4. Chapter 7 outlines the Land Use Zoning Objectives. The appeal site is zoned 'Primarily Residential', the objective for which is to 'To reserve land primarily for residential development'. A footnote on this objective states that 'Alternative uses may be considered in accordance with the land-use zoning matrix set out in Table 7.2'. 'Residential' uses are 'Acceptable in Principle' as per the zoning matrix, while childcare uses are 'open for consideration'.

6.4.5. Chapter 10 'Housing' identifies a shortfall of c. 1000 housing completions during the 2016-2022 period and outlines the need for 2300 residential units over the Plan period. It highlights the need for 'additional provision of housing lands' to facilitate a wide range of housing opportunities. Relevant provisions can be summarised as follows:

LK-H-O-1: To ensure that an appropriate quantum and mix of housing types, tenures, densities and sizes is provided in suitable locations.

LK-H-O-2: To secure the provision of all necessary infrastructure commensurate with the needs of new residential development.

LK-H-P-2: To determine appropriate residential densities having regard to all relevant departmental guidelines, the provisions of Circular Letter: NRUP 02/2021, the specific nature of the development proposed and the site location and context.

LK-H-P-8: To prioritise and facilitate walking, cycling, and public transport and provide connections to existing facilities and public transport nodes.

6.4.6. Section 10.6 outlines 'Site Specific Housing Policies'. The appeal site is part of a larger 'primarily residential' zone identified as PR6 (24.46ha). The site-specific policies for PR6 are outlined in Policy LK-H-P-9e and can be summarised as follows:

- (i) Provide multiple points of vehicular access to the subject lands; via Dr. McGinley Road (L-2164-1), the Grange Road (L-1174-1) and/or the Northern Network Project.
- (ii) Realign/reconfigure Dr. McGinley Road (L-2164-1) to the satisfaction of the planning authority, in order to provide adequate capacity for additional traffic at this location.
- (iii) Reserve approximately 1 hectare of the site for the provision of a playing pitch and associated facilities. The location of the lands shall, inter alia, be

such that it would be easily accessible and would benefit from passive supervision from adjacent development.

6.4.7. Section 10.8 deals with ‘Developments in Glencar and the Wider Vicinity’. It recognises its dense population and potential to become a thriving, edge of centre neighbourhood. However, it highlights the need to not exacerbate significant traffic congestion at peak times and plans to ease traffic congestion via active travel measures and roads-based initiatives such as the key proposal for a Northern Relief Road. For these reasons, the Council will require the payment of a financial contribution in respect of developments in the Glencar area and wider vicinity that will stand to benefit from the delivery of the Northern Relief Road, thereby ensuring that the necessary road infrastructure is delivered to support additional development on the northern side of the town.

6.4.8. Chapter 14 (s.14.2) highlights that Glencar is lacking in terms of certain community and recreational facilities. Action GC-A-1 is to explore all options and potential funding and delivery mechanisms, (including but not limited to the use of planning conditions and development contributions) to secure the provision of appropriate community facilities for the Glencar area commensurate with levels of new residential development, to include:

- i. Re-imagining of Ballyboe Park, including a children’s play-park;
- ii. Provision of a football pitch and associated ancillary area sufficient to meet local league standards;
- iii. Provision of a community building that would accommodate changing rooms for the football pitch and space for community/youth gatherings/events;
- iv. (a) Development of a detailed Active Travel (walking and cycling) action plan for the broader Glencar/Long Lane area, with e.g. links down to schools on College Road also incorporated;

(b) Development of the relevant section of the key active travel link from Glencar to Long Lane to Windyhall.

Part B – Local Transport Plan

- 6.4.9. This plan acknowledges how national and regional planning policy strongly advocates compact growth to facilitate and promote liveable compact towns where most destinations and services can be readily accessed, preferably by way of sustainable and or active travel infrastructure. To align with policy, the resulting strategy is set out under five specific networks – walking/pedestrian; cycle; public transport; town centre; and Strategic Roads.
- 6.4.10. The Walking Strategy acknowledges that the Glencar area contains little by way of walking (or cycling) infrastructure and the car-dominated nature of work journeys (82%). It aims for key 'northwest area connections improvements' along The Grange (NW1) and through the application sites Phase 1 & 2 (NW3). Improvements for the wider area are also proposed through the Northern Network Project (SM8) and Circular Road (IC2).
- 6.4.11. The Cycling Strategy is based largely on the potential cycling network for Letterkenny identified in the NTA's 'CycleConnects' document. This includes secondary routes along The Grange and within the application site (Phases 1 and 2), as well as primary routes along Glencar Road and Circular Road. An Interurban route is identified along Windhall Road to the north of the site.
- 6.4.12. The Public Transport Strategy refers to an emerging preferred bus service route along The Grange (to the west) and the Northern Network Project (to the north).
- 6.4.13. The Strategic Roads Strategy supports the Northern Network Project and includes an indicative route on the Land Use Zoning Map. The horizon for the development of the Northern Network Project is anticipated in the short to medium term in tandem with anticipated private development in the area.
- 6.5. **Environmental Impact Assessment Screening**
- 6.5.1. The proposed development involves the construction of 93 no. residential units, a creche, and all associated site works and services. The site has a stated gross area of 5.4 hectares. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended, provides that an Environmental Impact Assessment (EIA) is required for projects that involve:

i) Construction of more than 500 dwelling units

iv) Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

6.5.2. The proposal (93 no. dwelling units) does not exceed 500 units and would not be a class of development described at 10(b)(i). It is an urban development project within the built-up area but not within a 'business district'. Therefore, the gross site area (5.4ha) would not exceed the 10ha threshold outlined in sub-section (iv) above.

6.5.3. However, regarding sub-threshold development, Class 15, Part 2, Schedule 5 of the Regulations provides that EIA will be required for *'Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7'*.

6.5.4. Under Article 109 (2) of the Regulations, where an appeal relating to a planning application for subthreshold development is not accompanied by an EIAR, the Board shall carry a preliminary examination of, at the least, the nature, size or location of the development. I refer the Board to Appendices 2 and 3 of this report which outline a pre-screening and preliminary examination in respect of the requirement for EIA.

6.5.5. I have concluded that there is significant and realistic doubt in regard to the likelihood of significant effects on the environment arising from the proposed development. This is based on the absence of adequate information as set out in Schedule 7A of the Regulations (i.e. Information to be submitted by the applicant or developer for the purposes of screening sub-threshold development for EIA), as well as the potential for significant cumulative environmental effects in combination with the proposed Phase 2 development.

6.5.6. In such cases the Board may, in accordance with Article 109 (2)(b)(ii) of the Regulations, require the applicant to submit to the Board the information specified in Schedule 7A for the purposes of a screening determination. However, I am not recommending this approach having regard to the over-riding issues identified in my assessment (see section 8 of this report).

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. The DCC decision to grant permission has been appealed by The Old Glencar, Solomon's Grove and Upper Fernhill Residents Associations. The appeal states that there is no objection in principle to residential development but outlines major concerns about the scale of the development in an overdeveloped area lacking infrastructure (hospitals, schools, general services, roads/footpaths). It includes copies of their original submissions to DCC, and states that these form the basis of the appeal.
- 7.1.2. The grounds of appeal (including the submissions to DCC) can be summarised under the following headings:

Site elevation and visibility

- The elevated development will tower over the area and significantly break the skyline, which is an established feature and should be protected at all costs. Photographs of site views are included with the appeal.
- The steep gradient of the site is not suitable for the scale of development. It would be visually intrusive and incongruous with the existing pattern of development.
- It is not acceptable to develop one of the few remaining greenfield and woodland sites.

Residential Amenity

- Would lead to overlooking and a loss of privacy and amenity for a significant number of residences.
- The construction process will lead to unacceptable disruption, including traffic, dirt, dust, and noise.
- The Buffer Zone to the rear of Brian & Eileen McDaid's house is inadequate and does not afford the same privacy as others.

Crèche

- Will add to existing traffic congestion problems in the area and would contribute to the creation of a ring road around existing/proposed dwellings being surrounded with excessive traffic noise levels.
- The revised creche location is very prominent and the proposed building will be a huge imposition that will dwarf existing residences.
- Will lead to a loss of privacy and amenity for residents.

Traffic Congestion and Road Safety

- The Old Glencar Road currently caters for a high number of vehicle and other vulnerable road users and is lacking in footpath provision. The footpaths only serve one side of the road, are lacking in width, and there are no cycle lanes.
- The proposed development would add at least 200 car journeys per day and Phase 2 would greatly increase usage with another 200 dwellings (total of c. 580 cars). Together with the creche and commercial activity, there could be an additional 2000 vehicles per day using the Old Glencar Road, which cannot cater for existing traffic never mind the additional usage.
- It would be expected that turning/filter lanes would be provided on the entrance/exits on Old Glencar Road, but this has been ignored.
- Serious traffic congestion at the Dr McGinley Rd / Circular Rd junction at peak times, particularly school traffic, would be exacerbated and sight lines at the junction are limited and dangerous.
- The development would also exacerbate traffic congestion on routes to the Hospital and the Cathedral.
- There does not appear to be any visitor parking provision.
- The entrances to phases 1 and 2 are not appropriate in terms of road safety due to traffic movements and impaired sightlines. It is suggested that an entrance off the Windyhall Road (to the north) should be explored.
- Construction traffic will be excessive.

- The proposal appears to close access (with a Buffer Zone) to the existing dwelling and Naionra/Playschool along the proposed access road. It similarly appears to close access to another site to the rear of the Naionra.

Draft Letterkenny Plan 2023-2039

- The development would be premature pending the adoption of the Plan, which proposes to zone the site and Phase 2 as 'Strategic Residential Reserve' in recognition of an excess of zoned land.
- The planning authority recently refused two applications in the area (P.A. Reg. Refs 22/50608 and 22/51785) on the basis that they were deemed premature in view of the proposed rezoning. These decisions set a precedent and a consistent approach should be applied by DCC.

Ecology

- There is a wetland area at the entrance which is a natural breeding habitat for the Common Frog, which is listed as an internationally important species and is protected under the Habitats Directive (92/43/EEC) and the Irish Wildlife Act (1976, as amended). The area is also frequented by Cranes which feed on the frogs and spawn.
- The site contains a significant quantity of trees and wooded areas that are colonised by bats (protected species under National and EU legislation). The developer plans to remove all trees and the wooded area.
- The planning authority has seriously erred in not making provision for the protection of these species.

Density

- The scale of Phase 1 and 2 is grossly excessive for a mature residential area.
- The proposed green areas are inadequate for the scale of the development.

Water Services

- Current storm drains have inadequate capacity and overflow is often seen at the entrance to Fernhill. There is a serious risk that water will run-off to the back of existing properties between Entrance 1 and 2. These properties already

experience flooding in heavy rainfall and proposals to address this are questioned.

- The capacity of the existing wastewater network is questioned.
- The water pressure for domestic and fire purposes is questioned.
- The concerns outlined in the Irish Water submission have been ignored.

Procedural Issues

- It is questioned whether common areas would be 'taken in charge' by DCC.
- The developer has not engaged directly in consultation with residents.
- It is suggested that there are other interests in the ownership of the property which have not been made known.
- DCC were requested to extend the determination date of the application in order to give adequate time for public review.

7.2. Observations

None.

7.3. Prescribed Bodies

None.

7.4. Planning Authority Response

7.4.1. The submission outlines that all third-party submissions were considered and refers to the Planner's Reports. Additional comments can be summarised as follows:

- The majority of the site is zoned 'Primarily Residential' and the development is welcomed on lands that are appropriately zoned.
- The Draft LPLTP zoning is noted but the planning authority is conscious that it may change. The precedent cases referred to differ given that the existing and draft zonings are materially different, while the subject case is more a matter of timing and phasing.
- The development may result in the intensification of use of The Grange Road, but it must be considered in the context of objectives for the wider area. The Northern Strategic Transport Network will divert traffic from The Grange, which will then be

improved for multi-modal use. It was agreed that the proposed development should include a special development contribution towards the Northern Strategic Link.

- The creche location is most appropriate having regard to the need for easy and safe access along the main link road through the site.
- This is not a Natura 2000 site, and it is not envisaged that the development would impact on protected species.
- The Board is requested to uphold the DCC decision.

7.5 Applicant Response

7.5.1. The applicant's response can be summarised under the following headings:

Site elevation and visibility

- The applicant's concerns appear to address Phase 2 on higher lands. However, the Phase 2 development will sit at a similar elevation to existing development and should be addressed in the Phase 2 application.
- A photomontage is submitted which clearly demonstrates that the development will not tower over existing dwellings or break the skyline.
- Under the previous permission (including 3-storey development) the Board Inspector's report did not object on this basis.
- Bungalows are proposed to the rear of the Old Glencar Rd houses and will be separated by a planted buffer. There is no development proposed to the rear of Fernhill and Solomon's Grove is on the opposite side of the road at a significant distance.

Creche

- The relocated position of the creche would be centrally and easily accessible along the main link road for the Phase 1 and 2 developments.
- The previous permission included 5 houses at this location, so the principle of development has already been accepted.
- The creche is necessary to cater for planned residential development in the area and it is not practical to include several smaller facilities.

- The creche is close to all existing and proposed houses and will be easily accessible by foot and vehicle. The Traffic and Transport Study considered a 'worst case' scenario whereas a larger proportion of trips will be internal site trips rather than network trips.
- The suggestion that a roundabout will be created is misleading.
- The proposed access arrangements are consistent with that previously permitted.
- An independent Road Safety Audit Stage 1 & 2 was carried out and considered the creche access arrangements.

Road Safety

- A footpath runs the entire length of The Grange on the development side.
- The application has considered 'Geometric Design of Junctions' as published by TII (2017) and a traffic count for The Grange has been completed. The two-way flow of 1601 trips fall significantly short of the requirement for dedicated right-turning provisions (i.e. 5000 trips).

Draft Letterkenny Plan 2023-2029

- The current statutory plan is the County Development Plan 2018-2024, including zoning Map 12.1B for Letterkenny Town. The decision to grant permission was correct and the CDP would take precedence over any different zoning in the lower order LPLTP.
- The Draft LPLTP finalisation is ongoing, and the zoning status may be amended at the time of the Board's decision.

Traffic Congestion

- The claims about traffic congestion are not supported by evidence, including the video link included in the appeal.
- The Board is referred to the traffic counts submitted with the application and the views of DCC as factual information that the development will not lead to congestion.
- The required special development contribution towards the Northern Strategic Link Road will significantly benefit traffic in the area.

- The Traffic and Transport Statement demonstrates that there is ample capacity at the Dr McGinley Junction at busiest periods.
- The Road Safety Assessment addresses the issues identified in the RSA, are general improvements that fall outside the scope of this application.
- The planning authority has addressed road improvements through the condition requiring a special development contribution and through condition no. 3 requiring the implementation of the recommendations in the traffic issues assessment.
- The application demonstrates that the development will not adversely impact junction capacity or safety.
- The site is within the 50km/hr speed zone and DMURS has been considered.
- The Phase 1 and 2 developments (278 units) are substantially smaller than the previously permitted development (418 units).
- Improvements to the road network will benefit local residents but are dependent on new development such as this being carried out.

Ecology

- The area is not designated as a SAC for any protected species.
- The 'wetland' area is in fact a minor depression created by agricultural vehicles and by the area being heavily poached. The ponding of water is relatively recent, and the Common Frog has used the area for spawning in an opportunistic fashion. Under normal agricultural practice the area would likely be cleared during heavy rainfall and the frogs would congregate in a nearby location to breed. The Status of EU Protected Habitats and Species in Ireland 2019 report outlines that no significant threats to the frog have been identified and its overall status is considered to be favourable.
- The revised landscaping layout indicates trees to be retained and proposed buffer planting along the boundaries will provide foraging routes for any bats if they are present. As part of the preparation of an EIAR for Phase 2, bat surveys were carried out for the Phase 1 site. Minimal activity was recorded in the southeast part of the site where trees (with low roosting potential) will be retained.

Bat boxes will be erected, and trees will be removed at suitable times for bats. The proposed planting will increase the number of trees and enhance foraging routes for bats. A pre-construction bat survey will be carried out and any further mitigation measures will be implemented.

8.0 Assessment

8.1. Introduction

8.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- The principle of the development
- The quantum of development
- Design, layout, and visual impact
- Residential amenities and facilities
- Traffic and Transport
- Ecology
- Other matters
- Appropriate Assessment Screening (See section 9 of this report).

8.2. The principle of the development

Zoning

8.2.1. I note the third-party appeal concerns about the evolving zoning status of the site during the assessment of the application and the making of the decision. It has also been suggested that the site would be better used as a public park. However, the LPLTP 2023-2029 is now in effect and the 'Letterkenny-specific' content (including zoning provisions) has been deleted from the County Development Plan.

8.2.2. As previously outlined, the site is zoned as 'Primarily Residential', the objective for which is to 'To reserve land primarily for residential development'. The proposed

development involves a residential development and a creche, supported by ancillary amenities and infrastructure. 'Residential' uses are 'Acceptable in Principle' as per the zoning matrix of the LPLTP, while a 'creche/playschool' use is 'open for consideration'. Regarding, the proposed creche, I consider that it would be ancillary and complimentary to the existing and proposed residential uses in the area. Furthermore, it is noted that the LPLTP highlights a deficiency in community facilities in the Glencar area, and I consider that the proposed creche would make a positive contribution in this regard. Accordingly, I am satisfied that principle of residential development and the associated creche is acceptable in accordance with the zoning provisions for the site.

Tenure

- 8.2.3. I note that there are indications on file regarding a potential agreement with DCC to deliver the proposed development as a 'turnkey' social housing project. However, I am not aware of confirmation of any such arrangement, and I consider that the case should be assessed as a private development. This would be consistent with the DCC approach.

Specific Objectives (Policy LK-H-P-9e)

- 8.2.4. Part (i) of the policy requires multiple points of vehicular access to the subject lands. Both Phase 1 and Phase 2 proposals include separate entrances onto Old Glencar Road/The Grange. Otherwise, the applicant's landholding does not extend to Dr McGinley Rd (south) or the Northern Network Project. However, the Phase 1 and 2 proposals include roads that would facilitate access to the north and south via adjoining lands within the overall PR6 plot. Therefore, in principle, I am satisfied that the proposal addresses this requirement.
- 8.2.5. Part (ii) requires developers to realign/reconfigure Dr. McGinley Road in order to provide adequate capacity for additional traffic. As previously outlined, the applicant's land does not extend to this road and therefore could not facilitate any realignment/reconfiguration. It is assumed that this could happen as part of any redevelopment of the southern part of PR6 adjoining the road. Aside from the planning authority's concerns about the Dr McGinley Road Junction and the need for improvements as outlined in condition no. 3 of the DCC decision, I note that DCC did

not raise specific concerns about the need to realign/reconfigure the road at this stage.

- 8.2.6. Part (iii) requires the reservation of approximately 1 hectare of the larger plot (PR6) for the provision of a playing pitch and associated facilities. The applications (Phase 1 and 2) do not include a facility of this scale and description, but the Masterplan submitted with the F.I. Response (Phase 2 application) indicates that '*provision of a playing pitch and associated facilities*' could be accommodated on other lands at the southern end of PR6. However, there is no indication of any agreement for such provision.

Prematurity

- 8.2.7. I note the third-party concerns that the proposed development would be premature pending the finalisation of the LPLTP and the suggested precedent cases in this regard. However, the LPLTP has now been adopted and the questions of zoning and prematurity have been resolved as outlined earlier in this report.

Conclusion

- 8.2.8. Having regard to the foregoing, I am satisfied that the proposed development is acceptable in principle at this location. I acknowledge that Policy LK-H-P-9e relates to the larger PR6 plot that is outside the full control of the applicant, and that this raises challenges in relation to compliance with the requirements of same. And while a Masterplan agreed by all relevant landowners would bring greater certainty to the matter, I am satisfied that this should not render the current application to be premature.

8.3. The Quantum of Development

- 8.3.1. The third-party appeal raises concerns about the density of the development. It submits that the scale of phases 1 and 2 is grossly excessive for a mature residential area and would constitute overdevelopment of an area which is lacking in infrastructure.
- 8.3.2. On the other hand, the planning authority acknowledges that the proposed density (stated as 25dph) is inappropriately low in the context of regional and national policy/guidelines but considers that it may be acceptable subject to the overall area achieving required densities. The Planner's report had regard to the density

recommendations in the Sustainable Residential Development Guidelines (2009) and Circular NRUP 02/2021.

- 8.3.3. The applicant's Planning Report calculated density on the basis of a net site area of 3.83ha, resulting in a net density of 23.5 dph (subsequently increased to 24 dph with the increase to 93 units as per F.I. Response). The report compares this to the rate of 27 dph in the previous permission and 20 dph for Letterkenny as set out in the CDP. It acknowledges the density recommendations of the Sustainable Residential Development Guidelines (2009) for a density range of 35-50 dph in such locations but highlights that the flexibility of Circular NRUP 02/2021 does not preclude densities of the less than 30 dph. It contends that the site topography and the need for housing choice are key factors in the proposed density.
- 8.3.4. I have previously outlined the national policy context in the form of the NPF, a key element of which is a commitment towards 'compact growth' which focuses on a more efficient use of land and resources. NPO 35 is to increase residential density in settlements, through a range of measures including infill development schemes, area or site-based regeneration, and increased building heights. At Regional level, this is supported by the Letterkenny Regional Growth Centre Strategic Plan in the NWRA RSES. RPO 3.7.27 outlines a default density rate of 35 units per hectare outside Letterkenny town centre.
- 8.3.5. At local policy level, the CDDP 2018-2024 (Policy UB-P-10) outlines that proposals should demonstrate a housing density appropriate to its context which provides for a sustainable pattern of development whilst ensuring the highest quality residential environment. Lower density ranges may be required having regard to the density and spatial pattern of development on lands that abut the site. In addition, housing densities will be considered in the light of all other relevant objectives and policies of this Plan, including the Core Strategy. I note the applicant's reference to a density rate of 20 dph for Letterkenny in the CDP. However, I would highlight that the rate is referenced in the context of the Core Strategy and housing land calculations. It is not a policy or objective of the CDP, and the Core Strategy calculations would relate to 'gross' density as opposed to 'net' density. Accordingly, I do not consider that this rate is directly applicable in the assessment of the application as it is superseded by Policy UB-P-10 of the CDP.

- 8.3.6. More recently, the LPLTP 2023-2029 (Policy LK-H-P-2) aims to determine appropriate residential densities having regard to all relevant departmental guidelines, the provisions of Circular Letter: NRUP 02/2021, the specific nature of the development proposed and the site location and context.
- 8.3.7. Following on from Policy LK-H-P-2, I consider that the appropriate density should be determined having regard to the Compact Settlement Guidelines 2024 (which supersede the 2009 Guidelines and the related Circular NRUP 02/2021). I acknowledge that the Guidelines should be read in conjunction with other Section 28 guidelines. However, section 2.2 outlines that where there are differences between these Guidelines and Section 28 Guidelines issued prior to these guidelines, it is intended that the policies and objectives (including those relating to density) and specific planning policy requirements of these Guidelines will take precedence.
- 8.3.8. Section 3.3 of the Guidelines outlines recommendation for settlements, area types, and density ranges. Based on the criteria therein, I consider that the current case comes within the 'Regional Growth Centre - Suburban/Urban Extension' category. As per Table 3.4, it is a policy and objective of the Guidelines that residential densities in the range 35 dph to 50 dph (net) shall generally be applied at such locations, and that densities of up to 100 dph (net) shall be open for consideration at 'accessible' locations (as defined in Table 3.8).
- 8.3.9. The application has a stated net density of c.23.5-24dph. The net density is calculated on the basis of a reduced site size of 3.83ha which includes only those areas which will be developed for housing and directly associated uses based on Appendix A of the (now revoked) Sustainable Residential Development Guidelines (2009). This appears to exclude the landscaped buffer space to the rear of the houses; the creche site; and the remaining undeveloped lands at the southern end of the site.
- 8.3.10. Appendix B of the Compact Settlement Guidelines provides updated guidance on measuring residential density. In relation to the landscaped buffer zone, Table 1 of the Guidelines states that the net site area includes all areas of incidental open space and landscaping. Furthermore, I consider that these 'buffer' areas are undesirable and unnecessary in the scheme. They would create a 'no man's land' between existing and proposed properties which would create real potential for

management and maintenance difficulties. Accordingly, I consider that these areas should be removed from the scheme and should, in any case, be included in the net site area.

- 8.3.11. Table 1 of the Guidelines advises to exclude community facilities from the net site area and therefore I have no objection to the omission of the creche site. And while the 'remaining land' at the southern end of the site is undesirable and leaves the scheme layout unresolved, I would agree that the land should be excluded from the net site area as it is likely to be developed in the future.
- 8.3.12. Having regard to the foregoing, I consider that the planted buffer area (c.0.5ha) should be added to the 'housing' area (3.83ha), thereby resulting in a net site area of c. 4.33ha. This would result in a net density of 20.7 (based on the permitted 90 units) to 21.5 dph (based on the 93 units in the F.I. Response).
- 8.3.13. Policy and Objective 3.1 of the Guidelines is that the recommended residential density ranges set out in Section 3.3 are applied within statutory development plans and in the consideration of individual planning applications, and that these density ranges are refined further at a local level using the criteria set out in Section 3.4 where appropriate. It is clear that the application falls significantly short of applying the applicable range of 35-50dph in all scenarios, including: the applicant's methodology (23.5 - 24 dph); my calculation of the proposed scheme (21.5dph); and my calculation of the permitted scheme (20.7dph).
- 8.3.14. Section 3.4 of the Guidelines aims to refine density within the applicable ranges. And while this is somewhat irrelevant given that the current case falls significantly short of the applicable range, I propose to consider the 'refining density' steps in the interest of context and completeness.
- 8.3.15. 'Step 1' is the consideration of proximity and accessibility to services and public transport. It states that planning authorities should encourage densities at or above the mid-density range at the most central and accessible locations in each area, densities closer to the mid-range at intermediate locations and densities below the mid-density range at peripheral locations. Densities above the ranges are 'open for consideration' at accessible suburban and urban extension locations to the maximum set out in Section 3.3.

8.3.16. I note that the site is in close proximity of a bus stop along the Old Glencar Rd which is served by the No. 963 bus service. However, it does not offer high or reasonably frequent urban services and the site is therefore classified as 'peripheral' in this context. Therefore, I would accept that the Guidelines would not require densities at the higher end of the range at this location.

8.3.17. 'Step 2' is the consideration of character, amenity and the natural environment to ensure that the quantum and scale of development can integrate successfully into the receiving environment. The relevant criteria are discussed hereunder.

(a) Local Character – This is a suburban area which lacks any distinctive urban grain or architectural language. In terms of the scale and massing of surrounding development, I note that the site mainly adjoins a variety of smaller residential estates with a similarly low density (which I have estimated as c. 17dph). And while the applicant has referred to challenging topography within the site, I consider that the Phase 1 site does not generally include exceptionally steep slopes. Therefore, consistent with the Guidelines, I do not consider it necessary to replicate the scale and mass of existing buildings, and I am satisfied that the area has significant capacity to accommodate increased density through site responsive design.

(b) The area is not sensitive in terms of built or archaeological heritage. It is surrounded by existing development and the rising backdrop of higher lands to the north. In that context, I consider that the site has capacity to accommodate increased density as part of a larger 'infill' plot (i.e. PR6).

(c) The Planning Report submitted with the application considers the requirement for EIA. An AA Screening report also considers the potential impacts on protected habitats and species. These matters are considered further in sections 6.5 and 9 of this report. And while I have raised concerns in relation to EIA screening, including Biodiversity impacts, I do not consider that any potential habitat/species considerations would prevent the achievement of increased density on the site.

(d) It is acknowledged that the appeal site adjoins existing residential properties to the east and west. However, the proposed development does not include buildings of significant height/scale and the appeal site is large with ample

scope to achieve significant separation distances. Accordingly, as is discussed further in section 8.5 of this report, I do not consider that increased density would raise any fundamental concerns in relation to the amenities of residential properties in close proximity, including those relating to privacy, daylight and sunlight, and microclimate.

- (e) I note that the Uisce Éireann submission requested further information regarding water and wastewater infrastructure. However, I note the Uisce Éireann correspondence submitted with the application regarding the applicant's pre-connection enquiry for 300 housing units (i.e. Phases 1 and 2). This stated that connections were feasible without infrastructure upgrades. Furthermore, I note that the more recent Uisce Éireann submission on the Phase 2 LRD application did not raise any significant concerns. Accordingly, I do not consider that there is any fundamental impediment to increased density on the site as a result of water and/or wastewater services.

Conclusion

- 8.3.18. Having regard to the policy context as discussed, I consider that a density range of 35-50dph applies to this site in accordance with Policy and Objective 3.1 of the Compact Settlements Guidelines 2024, which is supported by Policy LK-H-P-2 of the LPLTP 2023-2029. However, I have calculated that the proposed/permitted density in all scenarios (i.e. 20-24 dph) falls significantly short of this range.
- 8.3.19. I acknowledge that the Compact Settlement Guidelines allows for flexibility in the determination of appropriate density, as does Policy UB-P-10 of the Development Plan, which has regard *inter alia* to the density and spatial pattern of development on lands that abut the site. However, the LPLTP highlights the land use and transportation problems associated with the type of low-density housing that currently exists in the area. And while I consider that a case could be made for maintaining such densities on smaller inconsequential 'infill' sites, it must be noted that the site and the adjoining site (i.e. phase 1 and 2) extend to c. 15.7ha and would effectively set the parameters for the future development of the overall PR6 residential zone. The PR6 zone extends to c. 24ha and is easily the largest and most significant of the 'PR' sites in the LPLTP, accounting for >25% of all land zoned 'Primarily Residential'. It should also be noted that the LPLTP (section 10.2) applies

a minimum density of 35dph to such sites in the calculation of housing land/supply. Again, this would represent a 'gross' density and the 'net' density rate would be expected to be higher.

8.3.20. Rather than replicating the recent pattern of low-density suburban housing, it is my view that the appeal site and adjoining lands (i.e. the entire PR6 plot) are of such a scale and significance that necessitates the definition of a new character with increased density in accordance with the provisions of the Compact Settlement Guidelines. The previous application (permitted under ABP Ref. 66.231894) was submitted in 2008, prior to the increased focus in recent planning policy on compact sustainable development, and it involved a gross density of 27dph over the cumulative phase 1 and 2 sites. This compares to a gross density of 18dph in the combined phase 1 and 2 as currently proposed.

8.3.21. Having regard to the foregoing, it is my view that the proposed density is unacceptably low and would not meet the local, regional, and national policy aims to achieve compact growth on this strategic residential landbank within a designated Regional Growth Centre. And while the planning authority had accepted the proposed density on the basis that higher densities may be achieved on the overall lands, it is clear that this has not materialised in the phase 2 application.

8.3.22. The Board will note that the issue of density was considered by the planning authority at assessment stage, and that the issue has been raised in the third-party appeal, albeit in the context of a contrary perception of overdevelopment / excessive density. The applicant has also had the opportunity to address density policy and I am satisfied that in this case the national policy position has not been significantly altered by the introduction of the Compact Settlement Guidelines (i.e. the 2009 Guidelines recommended a similar density range). Accordingly, I do not consider that this constitutes a 'new issue'. However, the Board may wish to seek the views of the parties on the matter.

8.4. Design, Layout and Visual Impact

8.4.1. Following the DCC initial assessment, a Further Information Request was issued which addressed concerns about the car-dominated nature of the design; a lack of connectivity and permeability; hard/soft landscaping and existing vegetation; as well as open space proposals. The planning authority subsequently considered that the

applicant's response satisfactorily addressed the concerns. And while the third-party appeal raises concerns about the impact of the development on the wider landscape, it does not raise issue with its detailed design and layout.

Design and Layout

- 8.4.2. In terms of quality urban design and placemaking, Policy and Objective 4.2 of the Compact Settlement Guidelines is that the key indicators set out in Section 4.4 are applied in the consideration of individual planning applications. These key indicators are discussed in the following paragraphs.

Sustainable and Efficient Movement

- 8.4.3. The Guidelines support the transition away from private car use and to support ease of movement for pedestrians, cyclists and public transport through the development of well-connected neighbourhoods and a distribution of activities to ensure that day-to-day services and amenities are accessible within walking distance of homes and workplaces.
- 8.4.4. The proposed network consists mainly of a circuitous route serving dwellings around the site perimeter, as well as cul-de-sacs in the central portion of the site. There are several long, straight stretches of wide and relatively uninterrupted road carriageway which facilitates a car-dominant development and is lacking in terms of legibility.
- 8.4.5. In terms of permeability, there are no proposals for pedestrian/cycle links to existing development to the east and proposals in this regard are also inadequate in the phase 2 application. The development proposes to provide a link through undeveloped lands to the adjoining lands to the south. However, the adjoining land is not within the applicant's control and there does not appear to be any agreement as to how those links would be achieved in the future.
- 8.4.6. It is noted that traffic calming measures are included within the proposed road design. However, these largely consist of 'hard' interventions such as ramps and differing surface finishes. The design is lacking in terms of a holistic design-led approach to a self-regulating street environment / network as recommended in DMURS.
- 8.4.7. The Guidelines outline that the quantum of car parking should be minimised in order to manage travel demand and to ensure that vehicular movement does not impede

active modes of travel or have undue prominence within the public realm. However, the proposed development generally provides the maximum allowable car parking standards of 2 spaces per house in accordance with SPPR3(iii) of the Guidelines, even including a large number of 2-bed units (House types 3, 4, and 5). It is acknowledged that this maximum standard is allowable, and that a reduced provision of 1.5 spaces is generally provided for apartments. However, I consider that there is excessive parking provision which is reflective of car-oriented development.

8.4.8. Policy and Objective 4.1 of the Guidelines also requires the implementation of the principles, approaches and standards set out in the Design Manual for Urban Roads and Streets (DMURS). It outlines four characteristics that represent the basic measures that should be established in order to create people friendly streets that facilitate more sustainable neighbourhoods. In this regard, I have already outlined my concerns about a lack of 'connectivity'. And in relation to 'enclosure' I consider that the proposed low-density suburban layout misses the opportunity to spatially define streets and create a more intimate and supervised environment. I acknowledge that the proposed houses would generally be oriented towards the road. However, significant and uniform setbacks are proposed to accommodate car parking, which create a monotonous streetscape which lacks 'active frontage'. It is my view that these factors combine to result in a substandard level of 'pedestrian activity/facilities' which lack in intimacy and interest.

8.4.9. In terms of the detailed design of the roads/streets, I note that a 6m 'corner radius' is commonly used throughout the development. This is a maximum standard for junctions between Arterial and/or Link streets. I consider that the internal roads within the development should generally be treated as 'local' roads and DMURS recommends a much lower maximum corner radius of 1-3m in such cases. Similarly, road carriageway widths are 6 metres throughout the development, while DMURS recommends that 'local' road widths should be 5-5.5m and a maximum of 4.8m where a shared surface is provided. There is little evidence of any meaningful attempt to introduce the 'homezone' concept and shared surfaces with pedestrian/cycle priority.

8.4.10. As previously outlined, an excessive quantity of parking is proposed. Furthermore, it is generally provided in an on-site arrangement to the front of houses/apartments,

resulting in an unattractive streetscape and wide streets which lack an appropriate sense of enclosure.

- 8.4.11. Having regard to the foregoing, I do not consider that the proposed development is in accordance with the principles, approaches and standards of DMURS as required under Policy and Objective 4.1 of the Compact Settlements Guidelines, or that it would promote sustainable and efficient movement in accordance with Policy and Objective 4.2.

Mix and Distribution of Uses

- 8.4.12. The Guidelines promote a move away from segregated land use areas that have reinforced unsustainable travel in favour of mixed-use neighbourhoods. In areas that are less central, the mix of uses should cater for local services and amenities focused on a hierarchy of local centres that support residential communities and with opportunities for suitable non-residential development throughout.
- 8.4.13. In this regard, I acknowledge that the site is zoned 'Primarily Residential'. However, other uses can be considered within this zone. The proposed development includes a creche facility designed to cater for the cumulative total of 278 no. dwellings in Phases 1 and 2. I consider that an increased mix of non-residential uses would be welcome in this case, particularly given that the LPLTP highlights a distinct lack of community facilities in the Glencar area. An increased range of uses would certainly add to the vitality and activity levels throughout the development, as well as reducing the need to travel to avail of other services in the wider area.
- 8.4.14. The Guidelines also require a focus on the delivery of innovative housing types that can facilitate compact growth and provide greater housing choice that responds to the needs of single people, families, older people and people with disabilities. I note that local planning policy does not specify a particular mix for apartments or other housing development. I acknowledge that the proposed development includes a high proportion of smaller units (70% 1 & 2-bed units). However, even the proposed apartment blocks have a similar appearance to the other houses and do not add variety to the appearance of the scheme.

Green and Blue Infrastructure

- 8.4.15. This is described as a strategically planned network of natural and semi-natural areas designed and managed to deliver a wide range of ecosystem services, while also enhancing biodiversity.
- 8.4.16. The site boundaries include a mixture of hedgerows and treelines. The predominant habitat on site is 'Wet Grassland', while there are also areas of scrub and conifer woodland. There are some mature deciduous trees in the southern portion of the site and several would be retained in accordance with the 'landscaping layout'. I would accept that the site features are of limited quality in terms of their ecological value and potential for incorporation as part of a wider green/blue network. The application proposes a large consolidated open space in the central and southern portion of the site. However, there is no evidence of inter-linkage with Phase 2 or the adjoining lands to the south as part of an integrated network of open space.
- 8.4.17. In relation to drainage, the proposed strategy mainly relies on underground attenuation. As part of the Phase 2 application, the applicant was requested to include nature-based solutions but responded by indicating that such above-ground solutions (including permeable surfacing) were not practical on account of the steep-sloping gradient on site. However, it is not clear that this would apply in Phase 1 given that the gradient is not as pronounced. The Guidelines acknowledge that nature-based solutions at ground level may not be possible in all cases and advises that alternative solutions such as green roofs and walls can be considered. However, the proposed development does not include such alternative options.

Public Open Space

- 8.4.18. The application (as per F.I. Response) outlines a public open space provision of 10,425m², which is stated to be 19.1% of the gross site area. This would comfortably exceed the 10-15% range required under Policy and Objective 5.1 of the Guidelines, as well as the minimum 15% requirement for greenfield sites under Policy UB-P-13(a) of the County Development Plan. Indeed, I would accept that a lower minimum requirement of 10% could be applied to this 'large infill site' in accordance with Policy UB-P-13(b).
- 8.4.19. I have previously outlined concerns about the lack of a co-ordinated and inter-linked open space strategy within the site. Furthermore, there are no linkages to

surrounding lands, including the adjoining Phase 2 lands. The open space area bounds onto 'remaining' or undeveloped lands to the south of the site and this would not be appropriate given that there would be a lack of overlooking and enclosure. Overall, I consider that the open space is lacking quality and connectivity as part of an overall integrated strategy.

Responsive Built Form

8.4.20. As previously outlined, I do not consider that there is an established pattern/form of development in this area that would warrant any kind of consistent design response. The site is part of a large strategic residential landbank that should define a new pattern and character of development.

8.4.21. However, it is my view that the proposed development fails to achieve this. It largely replicates rather than enhances the recent pattern of suburban housing and would not form a legible and coherent urban structure with landmark buildings and features at key nodes and focal points. There is no clear structure to the layout and the proposed building setbacks fail to provide well-defined edges to streets and public spaces to ensure that the public realm is well-overlooked with active frontages. And given the generally consistent appearance within the range of house/apartment designs, I consider that the scheme is lacking in terms of architectural innovation and variation.

Conclusion

8.4.22. Having regard to the foregoing, I do not consider that the design and layout of the proposed development implements the principles, approaches and standards set out in DMURS (as required under Policy and Objective 4.1 of the Compact Settlement Guidelines), or that it responds positively to the key indicators set out in Section 4.4 of the Guidelines (as required under Policy and Objective 4.2). Accordingly, I do not consider that the development would make an acceptable contribution in terms of quality urban design and placemaking.

8.4.23. The Board will note that issues regarding design and layout were considered by the planning authority at assessment stage, and that the applicant attempted to address the issues in the original application and the further information response. And while I have referenced the principles and indicators cited in the recently introduced Compact Settlement Guidelines, I would highlight that these largely reiterate pre-

existing principles outlined in DMURS and the Urban Design Manual accompanying the Sustainable Residential Development Guidelines (2009). Accordingly, I do not consider that this constitutes a 'new issue'. However, the Board may wish to seek the views of the parties on the matter.

Landscape and Visual Impact

8.4.24. Notwithstanding my concerns about the detailed design and layout of the development, the third-party appeal highlights concerns about the visual impact of the development in the wider landscape on the basis of the elevated and prominent nature of the site.

8.4.25. However, as pointed out by the applicant, I would concur that the appeal concerns relate mainly to the higher (Phase 2) lands to the north of the Phase 1 site. The Phase 1 site is relatively low in comparison and would benefit from the visual enclosure provided by the rising land to the north. Furthermore, the surrounding areas to the east and west have already been developed and the site effectively constitutes an infill portion of the built-up area. The proposed development is not of an exceptional height and scale. Therefore, I am satisfied that the proposed development would successfully assimilate with surrounding development and topography and would not seriously detract from the character or amenities of the area.

8.5. Residential Amenities and Facilities

8.5.1. This section considers the impacts of the proposed development on the residential amenities of existing properties, as well as the standard of residential amenity and facilities for the prospective occupants of the proposed development.

Impacts on existing properties

8.5.2. I note that the third-party submission/appeal raises concerns about a range of impacts on the residential amenity of existing properties.

8.5.3. With regard to privacy and overlooking, I note that a row of semi-detached single-storey properties is proposed along the western site boundary to the rear of existing dwellings along Old Glencar Road. The rear of the proposed dwellings would be setback c.12m from the site boundary in the majority of cases, with the shortest setbacks being c. 8-9m for nos. 7-8. I note that concerns were raised regarding

ownership at the interface with nos. 7-8 and a third-party submission (McDaid) raised concerns about inadequate separation at this point. However, the 'back-to-back' distance from existing properties would be >25m in all cases, and significantly more for nos. 7-8 (c.40m).

8.5.4. At the eastern side of the site the proposed dwellings back onto Fairgreen Hill/Park. The rear of the proposed dwellings maintains a minimum of 15m from the site boundary. The 'back-to-back' distance from existing properties would be >22m in all cases.

8.5.5. SPPR 1 of the Compact Settlements Guidelines deals with separation distances between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. It states that development plans shall not include minimum separation distances that exceed 16 metres and that planning applications shall maintain a separation distance of at least 16 metres. Distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme.

8.5.6. Having reviewed the proposed separation distances and site circumstances at the interface between existing and proposed dwellings, I am satisfied that adequate separation distances would be achieved in accordance with SPPR1 and that there would be no unacceptable overlooking or privacy impacts on existing properties.

8.5.7. Concerns have also been raised about the design, scale, and location of the proposed creche and its effects on surrounding properties in terms of privacy and overbearing impacts. In this regard, I note that the proposed creche of significant scale but that it is c. 35m from the nearest house to the west and c. 60m from the nearest house to the south. Furthermore, the proposed building would be enclosed by rising ground and significant woodlands to the rear (north), which would help to limit the scale and visual prominence of the building. Accordingly, I do not consider that the proposed creche would result in any unacceptable impacts on existing residential amenity.

8.5.8. Section 5.3.7 of the Guidelines outlines that a detailed technical assessment in relation to daylight performance is not necessary in all cases. It should be clear from the assessment of architectural drawings (including sections) in the case of low-rise

housing with good separation from existing and proposed buildings that undue impact would not arise. Given the low-rise nature of the proposed housing and the separation distances between existing and proposed properties, I am satisfied that a detailed technical assessment is not required in this case.

- 8.5.9. In terms of construction-related impacts, I note that the third-party appeal raises serious concerns regarding the potential disturbance and nuisance effects. I would acknowledge that all construction projects involve a level of disturbance and that this is an inevitable feature of urban development. However, I am satisfied that the associated impacts can be satisfactorily managed through the agreement and implementation of construction management plans.

Standards for the proposed dwellings / apartments

- 8.5.10. The planning authority has considered the sizes and dimensions for the proposed houses, apartments and associated private amenity spaces. It has concluded that the proposals are acceptable in accordance with the standards outlined in the County Development Plan, 'Quality Housing for Sustainable Communities, Best Practice Guidelines', and the Apartments Guidelines. Accordingly, I do not propose to revisit these matters entirely.

- 8.5.11. However, I would highlight a concern in relation to private amenity space provision for the proposed apartments. The apartments are arranged in blocks of 4 units comprising 2 ground floor and 2 first floor apartments. It is proposed to provide 4 separate ground level rear gardens to serve the apartments. However, none of the apartments include balconies and the proposed gardens would not be directly accessible from any apartments, even including the ground level units. I do not consider that this satisfactorily addresses the requirements of the Apartments Guidelines and I consider that it would result in a substandard and unacceptable level of residential amenity for the prospective occupants of the apartments.

- 8.5.12. The Board will note that the apartment design and compliance with the Apartments Guidelines was considered by the planning authority at assessment stage. The applicant has also addressed the Guidelines and requirements for private amenity space in the 'Planning Report'. Accordingly, I do not consider that this constitutes a 'new issue'. However, the Board may wish to seek the views of the parties on the matter.

Other facilities

- 8.5.13. Objective HS-O-7 of the County Development Plan includes the achievement of standards set out in the Childcare Guidelines issued by the Department of Environment, Heritage and Local Government. These Guidelines outline that an average of one childcare facility for every 75 dwellings would be appropriate, with a minimum of 20 childcare places. The proposed development includes a childcare facility which has been designed to also cater for Phase 2.
- 8.5.14. Based on the Childcare Facilities Guidelines, the pro rata requirement for the proposed development would be 24 spaces, while the phase 2 development would have a requirement of 50 spaces, giving a total requirement of 74 spaces. The proposed crèche has a capacity of 160 child spaces and is to be provided at the northern side of the access road to the Phase 2 LRD site. It is proposed that it will cater for both phases of development as well as the wider community due to its significant scale. Accordingly, I am satisfied in principle with regard to childcare provision.
- 8.5.15. However, as previously outlined in this report, I consider that the proposed development would benefit from a broader range of ancillary community facilities, particularly given the identified lack of such facilities in the Glencar area.

8.6. Traffic & Transport

- 8.6.1. The main traffic/transport issue in this appeal case effectively concerns the capacity of the existing road network to cater for the additional traffic generated by the proposed development.
- 8.6.2. The application was accompanied by a Traffic and Transport Statement which considered the impact of the proposed development (90 houses) and the expected 200 houses in phase 2 (total of 290 houses). To accurately assess the traffic impact the TRICS database (Trip Rate Information Computer System) was consulted. A Multi modal assessment was also used to enable an accurate estimate of not just car-based trips.
- 8.6.3. To accurately assess existing vehicle trip movements a 2-way traffic count was conducted at The Grange on Tuesday 30th November 2021. From 0700-1900 there were 757 northbound trips and 740 southbound trips, a 2-way flow of 1497 vehicles

which was considered a very low 2- way 12-hour flow. In terms of vehicular trips, it was calculated that the impact of the proposal will be greater than 10% as the traffic flow on The Grange is currently very low. However, on the wider network it was predicted that there will be a low impact as vehicular trips from this much smaller housing proposal will quickly dissipate on the Glencar Road/Circular Road and surrounding arterial road network.

- 8.6.4. In response to the concerns raised by the planning authority in the F.I. Request, the applicant submitted an assessment of impacts on the Dr. McGinley Junction as a result of the proposed development (93 dwellings and creche). It is based on a traffic count carried out on 30th November 2021 and updated trip generation rates were applied in accordance with TRICS. National Road Traffic Forecast growth forecasts were used to predict traffic for 2024 (opening year), 2029, and 2039.
- 8.6.5. The industry standard PICADY software was used to model the Dr McGinley priority junction. Junction capacity is deemed to be reached when the ratio of flow to capacity (RFC) is 0.85 or above. Beyond this threshold queues and delays are more likely to occur. The 2024 (opening year) and 2039 (+15 years) assessment scenarios have been modelled for the AM and PM peak periods.
- 8.6.6. For the AM Peak, the modelling demonstrates that the busiest traffic stream would be in 2039 'with' the proposed development in operation. However, this stream ('B-C') would still have an RFC of only 0.41, well below the 0.85 threshold of operational capacity. For the PM Peak period, the busiest traffic stream would again be in 2039 'with' the proposed development. However, this stream ('C-AB') would still have an RFC of only 0.47, well below the 0.85 threshold of operational capacity. The assessment outlines that through traffic remains uninhibited during the AM and PM peak assessment periods, and that any occasional delays are due to slower traffic progression on the Glencar Road rather than capacity issues at The Grange junction.
- 8.6.7. When read in conjunction with the Phase 2 appeal case (ABP Ref. 319283), the Board will note that the planning authority requested an updated cumulative assessment of Phases 1 and 2 traffic on the Dr McGinley junction. Again however, this updated assessment demonstrated that the cumulative impact of both phases can be satisfactorily accommodated at the junction.

- 8.6.8. I acknowledge the outstanding third-party concerns about existing and predicted traffic congestion. However, I would note that there was no evidence of traffic congestion on The Grange or at the Dr McGinley Junction at the time of my site visit (from c. 08:20 to 09:15 on Friday 10th May 2024), which generally coincided with the AM Peak. I noted that traffic volumes were quite low along The Grange and I did not witness any significant queuing at the Dr McGinley junction.
- 8.6.9. Ultimately, I would highlight that the site has been zoned as part of the finalisation of a land use and transportation plan for Letterkenny (i.e. the LPLTP 2023-2029). And while I have outlined concerns about the car-oriented design of the proposed development and I acknowledge the traffic concerns highlighted by local residents, I do not consider that a refusal of permission would be warranted on grounds of traffic congestion. The appeal site forms part of a much larger established residential community to the north and west of the town centre, and the applicant's traffic assessments have reasonably demonstrated that the additional traffic would not have any unacceptable impacts on the main junction in the area. Furthermore, the application must be viewed in the context of plans to improve road traffic circulation and increased active travel measures as outlined in the LPLTP, as well as prevailing regional/national policy regarding land use and transportation policy, which will combine to significantly improve traffic conditions in the area. Therefore, I am satisfied that, in principle, residential development of the scale proposed on the overall site (Phase 1 and 2) would be acceptable in terms of traffic and transportation effects.
- 8.6.10. In addition to traffic congestion concerns, the appeal also raises concerns about traffic safety. In this regard, the application has included a Road Safety Audit of the Dr McGinley junction which outlines a range of improvement recommendations for the junction and adjoining roads. The planning authority has accepted the technical issues and that these would be addressed by DCC as part of future road improvements.
- 8.6.11. The application has also included a Road Safety Audit (Stage 1 and 2) of the proposed development and the recommendations of same have been incorporated into the revised layout as submitted in the F.I. Request. The RSA addresses concerns about the junction radii at the entrances off Old Glencar Road, as well as available sightlines at this location (one of the concerns raised in the appeal).

Sightlines of 45m are shown in accordance with DMURS standards. And having inspected the site I am satisfied that these proposals would not be obstructed by the vertical or horizontal alignment of the adjoining road. The site is well within the 50km/hr speed limit zone, and I am satisfied that the additional turning movements would not interfere with the safety or free flow of traffic along the Old Glencar Road.

- 8.6.12. Regarding the appeal concerns about the existing condition and capacity of the Old Glencar Road, I note that it is served by continuous footpaths on the development side of the road. And while these footpaths vary in terms of width and capacity, I do not consider that this would warrant a refusal of permission in this case. I would also accept the applicant's assessment regarding the low level of existing and predicted traffic which would not warrant the provision of a right-turning lane.
- 8.6.13. Concerns have also been raised about creche traffic and the proposed layout creating a 'roundabout' around the existing dwellings on Old Glencar Road, including associated traffic noise concerns. However, I would concur that the creche is likely to serve local residents and that a large proportion of attendees would walk to/from the creche, thereby reducing traffic levels. I am also satisfied that the surrounding road is significantly distanced from the existing dwellings to prevent any adverse traffic impacts, including noise.
- 8.6.14. Similar to other construction activities, I would acknowledge that additional construction traffic is an inevitable feature of such urban development. However, the application includes a 'Construction & Traffic Management Plan', and I am satisfied that the details of same could be satisfactorily addressed and agreed through a condition of any grant of permission.
- 8.6.15. Having regard to the foregoing, and notwithstanding my concerns about the car-oriented nature of the development and its failure to satisfactorily implement the principles of DMURS, I do not consider that a refusal of permission on grounds of traffic congestion or traffic safety would be warranted in this case.

8.7. Ecology

- 8.7.1. The ecological concerns raised in the third-party appeal and submissions are considered in this section.

Common Frog

- 8.7.2. Concerns have been raised about the impact of the development on a perceived 'wetland area' at the site entrance, which is stated to be a natural breeding habitat for the Common Frog. On inspection of the site, I noted the area at an agricultural gate at the end of the existing access lane to the site. It is effectively a small, waterlogged area rather than a 'wetland', but tadpoles were observed in the ponded areas as would be expected at the time of year of my inspection (10th of May).
- 8.7.3. I acknowledge that Common frogs (*Rana temporaria*) are protected under the Irish Wildlife Act (as amended) and Annex V of the EU Habitats Directive. And while I acknowledge that this is a relatively small habitat and that mitigation measures could be employed to satisfactorily address any impacts, I note that no Ecological Impact Assessment or associated mitigation measures have been included as part of the application.

Bats

- 8.7.4. The appeal raises concerns about potential impacts on bats as a result of the removal of trees. In response, the applicant outlines that some trees will be retained and that the additional planting proposed will improve foraging routes for bats. It also refers to the recording of minimal bat activity on the Phase 1 site as part of the preparation of an EIAR for the Phase 2 application. It confirms that bat boxes will be erected; that trees will be removed at suitable times; and that a pre-construction bat survey will be carried out and any further mitigation measures will be implemented.
- 8.7.5. Having reviewed the EIAR for the Phase 2 application, I note that the bat survey recordings are limited to the Phase 2 site and do not appear to have covered the Phase 1 site. However, I would also note that the findings and mitigation measures included in the EIAR were acceptable and similar conditions are likely to apply on the Phase 1 site.

Swallows

- 8.7.6. A third-party submission to DCC raised concerns about the impact on the development on nesting swallows. Although the subject application does not include a bird-survey, the EIAR for Phases 2 notes that the Barn Swallow species has been recorded in the area (Hectad C11). The EIAR Bird Surveys did not record any swallows, although it is noted that they were carried out over November 2022 - March 2023 when swallows are unlikely to be present. And similar to the bat survey, it is not clear that the bird surveys extended to include the Phase 1 site.

Badgers

- 8.7.7. Although not specifically raised in the context of the appeal, I did note the presence of a badger sett in a central part of the Phase 1 site during my inspection. I note that the application does not include a survey or assessment of badgers and that the EIAR assessment for Phase 2 appears to be limited to the Phase 2 site only.

Conclusion

- 8.7.8. Having regard to the foregoing, I consider that a number of omissions have been highlighted in respect of ecological survey, assessment, and mitigation. However, I would accept that, similar to the Phase 2 site, the site is of limited ecological significance and any impacts would be likely to be capable of mitigation if suitable measures were detailed. Accordingly, I do not consider that refusal of permission would be warranted on this basis alone.

8.8. Other Matters

Surface Water & Flooding

- 8.8.1. Concerns have been raised about the existing drainage characteristics of the site and that the proposed development may generate increased surface water run-off resulting in flooding of adjoining lands and properties.
- 8.8.2. The application includes a storm drainage network and associated attenuation system. It has been designed based on a 1 in 100-year storm event and will limit discharge rates to the pre-existing greenfield rate for the site. The accumulated run-off will be limited by the use of hydro-brakes (flow control valve) on the pipeline system prior to entering the public storm sewer system located in the adjacent public

road. The run-off calculations have included a climate change factor of 1.4 and an urban creep factor of 1.1 to adequately provide for future needs.

- 8.8.3. In response to the DCC F.I. Request, the application confirms that a 'freeboard' provision of 0.7m has been provided between the overflow level of the hydro-brake chamber (MHS 23) of 118.30m and the lowest gully grating level upstream of the hydro-brake chamber of 117.0m, ensuring that during the 100 year design rain event no storm water will back up through gullies onto the estate road network.
- 8.8.4. Consistent with the planning authority view, I am satisfied that the proposed system has been designed to ensure that run-off is maintained at existing greenfield rates. I also note that the planning authority has not raised any objections regarding the capacity of the existing surface water drainage network. However, as previously outlined in this report, it would be preferable if the proposed design included nature-based solutions and/or permeable surfaces in accordance with the Compact Settlement Guidelines.
- 8.8.5. Having examined the flood maps (floodinfo.ie) for the area, I consider the application site and surrounding area to be at low risk of pluvial, fluvial, or coastal flooding events. The nearest recorded historical flooding to the site is at Letterkenny University Hospital approximately 2 km southeast of the site and at Glencar approximately 1 km southeast of the site. Accordingly, taken in conjunction with the suitability of surface water management proposals, I am satisfied that there would be no significant flood risk to the proposed development or adjoining properties.

Ownership

- 8.8.6. Concerns about the inclusion of lands to the rear of the McDaid property appear to have been addressed in the application process. The site boundary appears to have been amended to exclude the McDaid property and the 'landscaping layout' does not include any planting within this area.
- 8.8.7. Otherwise, I note suggestions that there are other ownership interests in the site which have not been disclosed in the process, and that the proposed development (buffer zones) would prevent access to adjoining properties.
- 8.8.8. In terms of legal interest in the site, I am satisfied that the applicant has provided sufficient evidence of legal interest for the purposes of the planning application and decision. Any further consents that may have to be obtained, including any

alterations to existing rights of way to other properties etc., are essentially a subsequent matter and are outside the scope of the planning appeal. As outlined in Section 5.13 of the Development Management Guidelines for Planning Authorities (DoEHLG, 2007), the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land. These are matters 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 grant of permission to carry out any development.

Procedural Matters

- 8.8.9. Concerns have been raised about a lack of public consultation and an inadequate timeframe for consideration of the application. Consistent with the planning authority approach, I would acknowledge that the public consultation and decision timeframes are covered by legislation and the planning authority was satisfied that the application complied with legislative requirements. Furthermore, I would note that the appeal process has afforded all parties the opportunity for further consideration and the making of further observations.

Taking In Charge

- 8.8.10. Queries have been raised about procedures for the management and maintenance of common areas within the development when completed. This is a standard procedure associated with the completion of such developments. And while I have raised concerns about the management and maintenance of the planted buffer zones around the site perimeter, I am satisfied that the matter could be appropriately addressed by condition in the event of a grant of permission.

8.9. Planning Assessment Conclusion

- 8.9.1. Having regard to the foregoing assessment, I conclude that the residential development of the site and the associated impacts, including traffic, would be acceptable in accordance with the proper planning and sustainable development of the area. However, I have highlighted significant concerns regarding the low-density nature of the proposal, as well as its detailed design and layout. And while the Board may wish to seek the views of the parties on these matters, it is my view that the

issues are of such fundamental and significant importance that they could only be resolved through a new application.

9.0 Appropriate Assessment Screening

9.1. An AA Screening exercise has been completed. See Appendix 1 of this report for further details.

9.2. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

9.3. This conclusion is based on:

- Objective information presented in the applicant's Screening Report;
- The limited zone of influence of potential impacts;
- Standard construction and operational surface water pollution controls that would be employed regardless of proximity to a European site and the effectiveness of same;
- The available capacity of the Letterkenny Wastewater Treatment Plant to facilitate future development in compliance with the provisions of the Water Framework Directive;
- Distance from European Sites;
- The limited potential for pathways to any European site; and
- The nature and extent of predicted impacts, which would not affect the conservation objectives of any European Sites.

9.4. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

10.0 Recommendation

Having regard to the foregoing assessments, I recommend that permission should be **refused** for the proposed development for the reasons and considerations set out in the following Draft Order.

11.0 Recommended Draft Board Order

Planning and Development Acts 2000 to 2022

Planning Authority: Donegal County Council

Planning Register Reference Number: 22/51204

Appeal by The Old Glencar Road, Solomon's Grove and Upper Fernhill Residents Associations, c/o Jim and Theresa Kelly, Old Glencar Road, Letterkenny, Co.

Donegal, against the decision made on the 9th day of March 2023, by Donegal County Council to grant permission for the proposed development.

Proposed Development:

Construction of (a) phase 1 of housing development consisting of 82 no. dwellings and 2 no. apartment blocks consisting of 8 no. apartments (90 no. residential units in total) (b) proposed creche and associated site works (2) all associated site works to include new vehicular entrance, landscaped open spaces and planted boundary buffers, connection to public services to include associated storm attenuation and re-routing of existing water mains.

Decision

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

Reasons and Considerations

1. Having regard to the designation of Letterkenny as a Regional Growth Centre in the Project Ireland 2040 National Planning Framework issued by the Government of Ireland; Regional Policy Objective 3.7.27 of the Letterkenny Regional Growth Centre Strategic Plan as contained within the Northern and Western Regional Assembly Regional Spatial and Economic Strategy 2020-2032; and to Policy and Objective 3.1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January 2024, which is supported by Policy LK-H-P-2 of the Letterkenny Plan and Local Transport Plan 2023-2029; it is considered that the proposed development would constitute an insufficient and unacceptable level of density at this location. The proposed density would constitute an inefficient use of zoned lands which would fail to contribute towards compact sustainable development as envisioned in local, regional, and national planning policy, and would result in a substandard layout which lacks enclosure and opportunities to spatially define streets and spaces to create a quality urban environment. The proposed development would be contrary to Policy UB-P-10 of the County Donegal Development Plan 2018-2024 and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the design and layout of the proposed development, including:

- a lack of legibility and permeability;
- road design and parking proposals which are car-dominated, lacking in a design-led approach to a self-regulating pedestrian priority environment, and do not appropriately implement the principles, approaches and standards set out in the Design Manual for Urban Roads and Streets, 2013 (including updates);
- the lack of a high-quality integrated open space network; and
- substandard proposals for private open space to serve the proposed apartments,

it is considered that the proposed development would fail to comply with the design guidance and Key Indicators of Quality Design and Placemaking as required under Policy and Objectives 4.1 and 4.2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January 2024, and would fail to appropriately respond to Objective UB-O-4 and Policy UB-P-7 of the County Donegal Development Plan 2018-2024. The proposed development would provide a substandard form of development for future occupiers in terms of residential amenity, would give rise to a poor standard of development, and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the nature, size, and location of the development; its inclusion within a class of development specified in Part 2, Schedule 5, of the Planning and Development Regulations 2001 (as amended); the absence of adequate information for the purposes of screening sub-threshold development for the requirement for Environmental Impact Assessment in accordance with Schedule 7A of the Planning and Development Regulations 2001 (as amended); together with the potential for significant cumulative environmental effects in combination with the proposed Phase 2 development on the adjoining site to the north (An Bord Pleanála Reference Number 319283-24); it is considered that there is significant and realistic doubt in regard to the likelihood of significant effects on the environment arising from the proposed development. The proposed development would, therefore, give rise to potential significant effects on the environment and would 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
16th May 2024

Appendix 1

AA Screening Determination

Screening for Appropriate Assessment Screening Determination

1. Description of the project

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The subject site is located within an elevated area on the northwest suburban environs of Letterkenny. It is c. 2.5km from the nearest Natura 2000 site (Lough Swilly SAC). It is c. 3km from Lough Swilly SPA. Both sites are on lower ground to the southeast of the appeal site.

The proposed development comprises the construction of 93 no. residential units, a creche, and all associated siteworks and services. It is proposed to connect to the existing Uisce Eireann water and wastewater services, as well as the public storm sewer system in the adjacent public road. The site is elevated and generally slopes down from north to south. There are a number of drainage pathways flowing to the south from the site, the main pathway being along the eastern site boundary.

No submissions have been received specifically in relation to Natura 2000 sites. The DCC Planner's Report refers to an accompanying AA Screening Report and concludes that Appropriate Assessment Stage 2 (NIS) is not required.

2. Potential impact mechanisms from the project

The site is not within or adjoining any Natura 2000 sites and I do not consider that there is potential for any direct impacts such as habitat loss, direct emissions, or species mortality/disturbance. Furthermore, the site does not contain any suitable ex-situ habitats for the SCIs of the surrounding SPAs.

There is an indirect pathway in respect of surface water drainage from the site entering a series of stormwater sewers/drains, and open and culverted urban drains throughout Letterkenny and then entering the River Swilly at two possible locations, and then entering the Swilly Estuary further downstream. There are potential impacts at construction stage relating to construction-related pollutions, as well as operational impacts in terms of the quantity and quality of surface water discharge.

There is also an indirect pathway in respect of operational wastewater emissions to the public network followed by discharge from Letterkenny WWTP to Lough Swilly.

Having regard to the nature of the site and its distance and lack of connectivity with Natura 2000 sites, I do not consider that there would be any other potential impact mechanisms.

3. European Sites at risk

Having regard to the potential impact mechanisms from the proposal, the European site(s) and qualifying features potentially at risk are outlined in the following table.

Table 1 European Sites at risk from impacts of the proposed project

Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
Surface / storm water drainage	Series of stormwater sewers/drains, and open and culverted urban drains throughout Letterkenny and then entering the River Swilly at	Lough Swilly SAC Lough Swilly SPA	<u>Lough Swilly SAC</u> Estuaries; Coastal lagoons; Atlantic salt meadows; Molinia meadows; Old Oak woodlands; Harbour Porpoise; Otter. <u>Lough Swilly SPA</u> Great Crested Grebe; Grey Heron; Whooper Swan; Greylag Goose; Shelduck; Wigeon; Teal; Mallard; Shoveler; Scaup; Goldeneye; Red-

	two possible locations, and then entering the Swilly Estuary further downstream.		breasted Merganser; Coot; Oystercatcher; Knot; Dunlin; Curlew; Redshank; Greenshank; Black-headed Gull; Common Gull; Sandwich Tern; Common Tern; Greenland White-fronted Goose; Wetland and Waterbirds.
Wastewater Discharge	Via the public network and discharge to Lough Swilly via the Letterkenny WWTP	As above	As above

Lough Swilly SAC is an estuarine site which extends from below Letterkenny to just north of Buncrana. Atlantic salt meadow marshes are well represented in the inner sheltered areas of the site, with good examples in the Ramelton area. Lakes which are lagoonal in character occur at Inch and Blanket Nook. Over 11 hectares of Molinia Meadows are reported to occur at Inch Level. Two woodlands (Rathmullen and Carradoan) occur adjacent to the north-western shore of Lough Swilly and are dominated by Sessile Oak and Downy Birch. The site also supports a population of Otter.

The majority of Lough Swilly SPA overlaps with the SAC area. The SPA is of special conservation interest for the species listed above and for holding an assemblage of over 20,000 wintering waterbirds.

4. Likely significant effects on the European site(s) 'alone'

Taking account of baseline conditions and the effects of ongoing operational plans and projects, the table below considers whether there is a likely significant effect 'alone'.

Table 2: Could the project undermine the conservation objectives ‘alone’			
European Site and qualifying feature	Conservation objective (summary)	Could the conservation objectives be undermined (Y/N)?	
		Surface / storm water drainage	Wastewater Discharge
Lough Swilly SAC			
Estuaries,	To maintain favourable conservation condition	No	No
Coastal Lagoons, Atlantic Salt Meadows, Otter, Old Oak woodlands,	To restore favourable conservation condition	No	No
Lough Swilly SPA			
Great Crested Grebe; Grey Heron; Whooper Swan; Greylag Goose; Shelduck; Wigeon; Teal; Mallard; Shoveler; Scaup; Goldeneye; Red-breasted Merganser; Coot; Oystercatcher; Knot; Dunlin; Curlew; Redshank; Greenshank; Black-headed Gull; Common Gull; Sandwich Tern; Common Tern; Greenland White-fronted Goose; Wetland and Waterbirds.	To maintain favourable conservation condition	No	No

Surface / Storm Water Drainage: The drainage channel originating at the southwest corner of the site provides a c.5.9km hydrological pathway to the SAC and c.7.3km to the SPA. The drainage channel originating at the southeast corner of the subject site provides a c.4.4km hydrological pathway to the SAC and c.5.8km to the SPA. The construction phase will be temporary, and the Construction and Traffic Management Plan includes standard construction management measures to for the storage and management of construction materials, excavated materials, and waste.

For the operational stage, the drainage network has been designed in accordance with SuDS principles to ensure that the quantity and quality of discharge will not adversely impact on the existing drainage system.

Due to the hydrological buffer from the Natura 2000 sites and construction/operational measures incorporated (which are not included to avoid or reduce harmful effects on European sites) I do not consider that the proposed development will give rise to hydrological impacts that could affect the Natura 2000 sites.

Wastewater Discharge: Foul water will be collected via a sewer network and connected to the existing public foul water drainage infrastructure in accordance with the Irish Water Code of Practice for Wastewater Infrastructure. This will ensure no negative effects arising from improper foul water management will occur. Wastewater will be treated at the Letterkenny WWTP prior to discharge to Lough Swilly. The proposed development would constitute only a negligible addition to the existing loading and, as previously outlined in my planning assessment, I am satisfied that there is capacity in the WWTP to accommodate the proposed development. I do not consider that the proposed development will give rise to hydrological impacts that could affect the Natura 2000 sites.

Conclusion

I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying features of Lough Swilly SAC or Lough Swilly SPA. Further AA screening in combination with other plans and projects is required.

5. Likely significant effects on the European site(s) ‘in-combination with other plans and projects’

I consider that the potential for in-combination effects is limited to the cumulative impact of Surface / Storm Water Drainage and Wastewater Discharge associated with other developments in the area. In particular, I note the Phase 2 proposal on the adjoining site to the north. The applicant’s AA Screening Report also identified other relevant projects in the area, the majority of which are minor in scale. I note the permitted development (P.A. ref: 18/51939) for 98 houses on a site c. 1km to the north, and that there was no direct connectivity with the appeal project that would result in cumulative effects. I also note that the Donegal County Development Plan 2018-2024 includes a range of policies and objectives to protect water quality and Natura 2000 sites, and that any approved projects would have to demonstrate compliance with same.

I acknowledge that other developments have a potential cumulative impact on the drainage and wastewater network. However, consistent with the current application, I am satisfied that they would have to demonstrate that there would be no significant residual effects on hydrology and Natura 2000 sites.

I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site(s). No further assessment is required for the project.

Overall Conclusion- Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:

- Objective information presented in the applicant's Screening Report;
- The limited zone of influence of potential impacts;
- Standard construction and operational surface water pollution controls that would be employed regardless of proximity to a European site and the effectiveness of same;
- The available capacity of the Letterkenny Wastewater Treatment Plant to facilitate future development in compliance with the provisions of the Water Framework Directive;
- Distance from European Sites;
- The limited potential for pathways to any European site; and
- The nature and extent of predicted impacts, which would not affect the conservation objectives of any European Sites.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

Appendix 2 - Form 1 EIA Pre-Screening

An Bord Pleanála Case Reference	ABP 316160-23		
Proposed Development Summary	Construction of 93 residential units, Creche, and all associated siteworks.		
Development Address	Glencar Irish and Glencar Scotch, Letterkenny, Co. Donegal.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	X	
	No		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
	Threshold	Comment (if relevant)	Conclusion
No			
Yes	X	Class 10(b)(i) – Construction of more than 500 dwelling units. Class 10(b)(iv) - Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.	Involves construction of 93 no. dwellings. Involves an area of 5.4ha in part of a built-up area.
			Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	x	Preliminary Examination required
Yes		

Inspector: _____ **Date:** _____

Appendix 3 - Form 2
EIA Preliminary Examination

An Bord Pleanála Case Reference	316160-23
Development Summary	Construction of 93 no. dwelling units, Creche, and all associated siteworks.
Examination	
	Yes / No / Uncertain
1. Is the size or nature of the proposed development exceptional in the context of the existing environment?	Yes – Taken in conjunction with the Phase 2 development on the adjoining site to the north, the proposed development would involve the construction of 281 no. dwellings, a creche, and all associated siteworks over a cumulative site area of 15.7 ha. The scale of the cumulative development site is exceptional, as is the potential duration of the construction period given that a 10-year permission is sought for the Phase 2 development.
2. Will the development result in the production of any significant waste, or result in significant emissions or pollutants?	<p>Yes – The application has not adequately detailed the extent of waste, emissions, and pollutants associated with the development.</p> <p>However, in terms of cumulative effects, the EIA carried out for the Phase 2 development has identified likely significant effects on the following factors:</p> <ul style="list-style-type: none"> • Population and Human Health: Potential negative effects associated with nuisance/disturbance during the construction phase (10 years proposed). • Biodiversity: Potential negative construction-related effects associated with disturbance to birds, bats, badgers and other wildlife; and potential impacts on water quality and the aquatic environment at construction and operational stage. • Water: Potential for negative effects including contamination effects on groundwater and surface water as a result of construction activities and the discharge of surface water at operational stage.

<p>3. Is the proposed development located on, in, adjoining or have the potential to impact on an ecologically sensitive site or location*?</p>	<p>Yes – As outlined in the AA Screening Report (Appendix 1), there are potential impacts due to a hydrological pathways between the site and European Sites (Lough Swilly SAC & Lough Swilly SPA) which largely overlap with Lough Swilly Including Big Isle, Blanket Nook & Inch Lake pNHA. However, the AA Screening Report concludes that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.</p>		
<p>4. Does the proposed development have the potential to affect other significant environmental sensitivities in the area?</p>	<p>Yes – As outlined in section 8.7 of this report, I consider that the potential ecological impacts and mitigation measures require further consideration.</p> <p>Furthermore, in terms of cumulative effects, the EIA carried out for the Phase 2 development has identified likely significant effects on Biodiversity associated with the loss of habitat during the construction phase.</p>		
<p>Comment</p> <p>Having regard to the above, I do not consider that the application adequately describes the aspects of the environment likely to be significantly affected by the proposed development, or the likely significant effects of the proposed development on the environment resulting from the expected residues and emissions and the production of waste, where relevant, and, the use of natural resources, in particular soil, land, water and biodiversity.</p> <p>Furthermore, I do not consider that the cumulative effects of the proposed development and the Phase 2 development have been adequately considered, particularly given the size and scale of Phase 2 which, as part of mandatory EIA, has identified significant effects on the environment.</p> <p>I acknowledge that the EIAR submitted with the Phase 2 development has considered the cumulative effects of the Phase 1 development. However, it is my view that this does not address the need for assessment of likely significant effects on the environment in the current appeal case. Accordingly, it is my opinion that there is significant and realistic doubt with regard to the likelihood of significant effects on the environment.</p>			
<p>Conclusion</p>			
<p>Based on a preliminary examination of the nature, size or location of the development, is there a real likelihood of significant effects on the environment **?</p>			
<p>There is no real likelihood of significant effects on the environment</p>	<p>EIAR not required</p>		
<p>There is significant and realistic doubt in regard to the likelihood of significant effects on the environment</p>	<p>Screening Determination required</p>	<p>Yes</p>	
	<p>Sch 7A information submitted?</p>		<p>No</p>

There is a real likelihood of significant effects on the environment	EIAR is required (Issue notification)	
--	--	--

Inspector _____ Date: _____

* Sensitive locations or features include SAC/ SPA, NHA/ pNHA, Designated Nature Reserves, and any other ecological site which is the objective of a CDP/ LAP (including draft plans)

** Having regard to likely direct, indirect and cumulative effects