



An
Bord
Pleanála

Inspector's Report

ABP-317128-23

Development	Erection of a dwelling house with a domestic garage and wastewater treatment system.
Location	Drumenan, Newmills, Letterkenny PO, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2252087
Applicant(s)	Gerard Friel
Type of Application	Full.
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Desmond Mc Daid
Observer(s)	None
Date of Site Inspection	29 th of September 2023
Inspector	Karen Hamilton

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1.0 Site Location and Description

- 1.1. The site (0.427ha) comprises of an agricultural field located along the south of the R250, which radiates to the west of Letterkenny, Co. Donegal. There is a significant amount of one-off rural dwellings in the vicinity of the site and along the R250 radiating out of Letterkenny.
- 1.2. The site is rectangular in shape with the northern boundary directly fronting onto the R250. There is a one-off dwelling directly east of the site and other one-off dwellings to the west, separated by an agricultural field.
- 1.3. The site rises gradually from the north to the south, away from the road (although dips slightly in the centre) and is covered in rushes throughout the site. A river runs along the west of the site and the boundary of the river is overgrown and forms part of the western boundary of the site.

2.0 Proposed Development

- 2.1. The proposed development would comprise of:
 - The construction of a dwelling and domestic garage,
 - Sewage treatment system and percolation area,
 - All other associated works.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 17 no. conditions of which the following are of note:

C2: The dwelling shall be relocated by 4m to the southwest along the ridge line of the proposed dwelling and the garage shall be relocated within the site by 5m to the southwest along the ridge line of the dwelling.

C3: Section 47 agreement.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission following the submission of further information as summarised below:

Further Information

- Folio information of the registered owner of the site and consent to make the planning application.
- Traffic Survey and site layout map illustrating 160m visibility splays with the relocation of the dwelling and garage 10.5m to the southwest of the site.
- Revised dwelling design plans and sections.

The report of the area planner noted the site within an area designated as a stronger rural area and whilst it was noted there were no forms of evidence submitted, in line with DCC practice and procedures, a letter from an Elected Member of Donegal County Council was deemed sufficient as evidence of local needs.

The area planner noted the previous Board refusal and considered that the site could efficiently dispose of effluent and there was no public health issue, the site was not within a flood risk area, there was sufficient site lines, and the dwelling was within an uninterrupted row of three dwellings and did not constitute ribbon development.

3.2.2. Other Technical Reports

None received.

3.3. Prescribed Bodies

None Received.

3.4. Third Party Observations

One third party submission was received from the appellant. The issues raised are like those in the grounds of appeal and refer to:

- Public notice
- Land Ownership

- Flood Risk
- Traffic Survey
- Submitted Drawings and House Design
- Ribbon Development
- Impact on Residential Amenity
- Ground conditions and unsuitability of the site for a wastewater treatment system.
- Previous Board refusal reasons.

4.0 Planning History

PL 05E.244854 (Reg Ref No 14/51424)

The planning authority's decision to grant permission for a dwelling was overturned by the Board. Permission was refused for 4 no. reasons as summarised below:

- Suitability of the subject site for a proprietary wastewater treatment plant.
- A traffic hazard.
- Housing need.
- Visual impact

ABP 303159-18 (Reg Ref 1851266)

The planning authority's decision to grant permission for a dwelling was overturned by the Board again for four reasons as summarised below:

- Flood risk concerns and the unsuitability of the site to accommodate a wastewater treatment plant.
- Traffic issues.
- Housing need.
- Exacerbation of undesirable ribbon development

ABP 309747-21 (Reg Ref 205023)

Permission granted for the construction of an agricultural dry storage shed and all other associated works.

5.0 Policy Context

5.1. Project Ireland 2040, National Planning Framework (NPF)

NPO19 seeks to

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

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

5.2. EPA Code of Practice for Domestic Wastewater Treatment Systems 2021

5.3. Donegal County Development Plan 2018-2024

5.3.1. Siting of Rural Dwellings

- Policy RH-P-1: The dwelling shall be sited in compliance with guidance in Appendix 4, shall assimilate into the received landscape and any sensitive landscape (Map 7.1.1), not adversely impact a Natura 2000 site, not impact the policies of the river basin district, shall provide efficient storage of effluent and surface water, be subject to the flood risk guidance and be subject to compliance with a S47 legal agreement.
- Policy RH-P-2: It is a policy of the Council to consider proposals for a new rural dwelling which meets a demonstrated need (see Policies RH-P-3–RH-P-6) provided the development is of an appropriate quality design, integrates successfully into the landscape, and does not cause a detrimental change to,

or further erode the rural character of the area. Other considerations also include the need to prevent suburban expansion, avoid ribbon development, location within the site, blending into the landscape and not being obtrusive or prominent in the landscape.

5.3.2. Rural Housing

Objective RH-O-3 seek to ensure that new residential development in rural areas provides for genuine rural need.

The site is located in an area designated as a Stronger Rural Area;

Policy RH-P-3: Stronger Rural Areas

It is a policy of the Council to consider proposals from prospective applicants in need of housing within an area defined as Stronger Rural Area, provided they demonstrate that they can comply with all other relevant policies of this Plan, including RH-P-1 and RH-P-2, where the applicant can demonstrate that they comply with one or more of the following:

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

This policy shall not apply where an individual has already had the benefit of a permission for a dwelling on another site, unless exceptional circumstances can be demonstrated. An exceptional circumstance would include, but would not be limited to, situations where the applicant has sold a previously permitted, constructed and occupied dwelling, to an individual who fulfils the bonafides requirements of that permission. New holiday home development will not be permitted in these areas.

5.3.3. High Scenic Amenity

The site is located in an area designated as “high scenic amenity”

Map 7.1.1

Policy NH-P-7: states that within areas of high scenic amenity and moderate scenic amenity and subject to other objectives and policies in this plan, it is the policy of the Council to facilitate development of a nature, location and scale that allows the development to integrate within and reflect the character and amenity designation of the landscape

5.4. Natural Heritage Designations

- 5.4.1. The site is located c. 3.6km to the south of Leannan River SAC and c. 5km from the Meentygrannagh Bog SAC.

5.5. EIA Screening

The proposed development is of a class under Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, namely Class 20. Infrastructure projects, (b)(i) construction of more than 500 dwelling units. However, as the proposed development comprises a single dwellinghouse, it is significantly subthreshold the 500-unit limit provided under this part or other part related to agriculture/ equine activity.

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

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by a resident adjoining the site. The issues raised are summarised below:

6.1.1. Previous History

- The Board have undertaken two assessments for one-off rural houses on the site and the Inspectors and Board have refused both proposals.
- The same reasons were stated in both decisions, namely, public health, traffic hazard and ribbon development.
- It is considered the same issues arise in this application.

6.1.2. Public Health and Wastewater Treatment/ Disposal.

- The site is not suitable for the safe disposal of effluent.
- There has been unapproved site development works.
- The site assessment does not represent the true and existing site soil characteristics.
- The Local Authority Planning Officer has not considered the EPA classification as being both Sensitive and Very High Risk.
- There is an impervious nature to the underlying soils.
- The water table is high although the site assessment reports no water table encountered at 1.9m
- There is a fast-flowing stream along the west of the site “Crossogs Burn” which has a hydrological link to the nearby River Swilly and ultimately the SAC.
- There is already a high concentration of wastewater treatment systems in the immediate area.

6.1.3. Access and Traffic Safety

- The R250 has been designated a Strategic Road in the current development plan.
- Section 5.1 and Policy Objective T-O-6 highlight the importance of this road as a strategic route with Letterkenny to the east.
- It is already a heavily trafficked route where there is an 80km/hr speed limit.
- There is proliferation of residential entrances along the road.

- The proposal would endanger public safety by reason of a traffic hazard.
- Third party consent has not been submitted, necessary to achieve the 160m vision lines.
- Due to the vertical alignment of the regional road, there is a hollowing the road which gives a “blind spot” that compromises the sight distance.

6.1.4. Planning Policy & Ribbon Development

- Policy RH-P-2 restricts the expansion of the suburban area and ribbon development.
- The proposal would lead to ribbon development and exacerbate an emerging suburban pattern of development.

6.1.5. Flooding

- The site is in an area identified on the flood risk mapping by OPW 2011.
- The site has been designated by the EPA as both sensitive and at a very high risk in relation to pollution.

6.1.6. Right of Way

- Because of the imposition of Condition, no 2 the appellant right of way will be blocked.

6.1.7. Conclusion

- The applicant is not the owner of the site and has alternative family lands to build a home on.

6.1.8. Appendix

1. Extract from the development plan with regard the strategic nature of the R250
2. Photos of the road and site entrance
3. Extract from the development plan with regard the siting of rural dwellings.
4. Photo of flooding on the site
5. Chief Executives Order of the decision with Condition No 2 highlighted.
6. Miscellaneous photos

7. Development Plan Map of the Strategic Road Network
8. Land Registry Map and Ribbon Development.

6.2. Applicant Response

An agent, on behalf of the applicant, has submitted a response to the grounds of appeal as summarised below:

6.2.1. Introduction

- The appellant has appealed the previous applications.
- The issues previously raised by the Bard have been dealt with in this application.
- The appellant lives beside the site and does not want anyone to live here.

6.2.2. Principle of development

- The size of the dwelling is modest and uses an existing agricultural entrance.
- The proposed dwelling will be c.12.5m from the boundary of the appellants house and a separation distance of 19.1m from the dwelling.
- The dwelling will be 6.2m high and no overbearing on the existing house.

6.2.3. Issues raised in the appellants submission.

- There will be limited vehicle movements from the permitted dwelling.
- The farm entrance into the site has been widened and set back and allows vehicles to safely pull off the R250.
- The continuous white line which is currently in place runs along the front of many houses and the crossing of this line is discouraged but not illegal.
- The applicant will liaise with the Roads Section if the application is permitted.
- The executive roads engineer has advised they have no objection to the proposal and to refer to a previous report on the site.
- The appellant refers to R250 as a strategic regional road in the development plan. This designation was changed through a variation of the development plan.

- Since the first application was refused by the Board the council have granted permission for at least 10 applications (reference planning registrations).

6.2.4. Flooding

- A Flood Risk Assessment has been prepared for the application and it is considered there is an extremely low likelihood of flooding and there is no further recorded flood events.

6.2.5. Ribbon Development

- The site is an infill and ribbon should not be an issue.

6.2.6. Design & Residential Amenity

- The dwelling has been designed so that proposal is unobtrusive.
- There will be no overlooking.

6.2.7. Available Alternative Sites for development

- The applicant wants to build a house on this site as he is currently renting and from the area.
- The proposed site is convenient to his family home.
- Every effort has been made to show that the applicant has a housing need and qualifies to live at this location.

6.3. **Planning Authority Response**

No response was received with the statutory timescales.

7.0 **Assessment**

7.1. The main issues of the appeal can be dealt with under the following headings:

- Principle of Rural Housing Need
- Ribbon Development
- Location along the R250
- Flood Risk

- Water and Wastewater.
- Siting and Design of the Dwelling
- Appropriate Assessment.

7.2. Principle of Rural Housing

7.2.1. The proposed development is for a one-off dwelling in an area designated 'Stronger Rural Area'. Policy RH-P-3 of the development plan permits housing to prospective applicants in need of housing within an area defined as Stronger Rural Area, provided they demonstrate that they can comply with all other relevant policies of this plan. Housing in these areas will be facilitated for three categories of applicants as follows;

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

7.2.2. The application was accompanied by a Supplementary Housing Application Form which stated that the applicant was a resident in Drumenan, Newmills for over 7 years and is currently renting accommodation. Section 4.0 of the form state that the applicant can qualify for a house in a "stronger rural area" as they have primary employment in a rural area and can demonstrate a genuine need to live in the locality of the employment base. The applicant has submitted a letter from the landowner giving permission to apply for planning permission, a letter from the local councillor confirming compliance with policies RH-P-1, RH-P-2 and RH-P-3. No further information has been submitted with either the planning application or the applicant's response to the appeal as evidence of compliance with Policy RH-P-3.

- 7.2.3. The report of the area planner references the location of the site within a Stronger Rural Area and the need to comply with Policy RH-P-3. The report also notes that in accordance with DCC practice and procedures the PA is satisfied a letter from an Elected Member supporting the applicant rural housing need supports the applicant's rural housing need. The applicant's response to the grounds of appeal states that the applicant is engaged in farming activities in the vicinity of the site and reiterates that every effort was made to show the applicant housing need to live at this location.
- 7.2.4. As stated above the qualifying criteria for a one-off house at this location is based on three categories, primary employment in a rural-based activity, vital link to the community for a substantial period (7 years) etc and/or for exceptional health reasons. The applicant has submitted no documentary evidence clearly indicating compliance with any of the criteria in Policy RH-P-3. The issues of compliance with the local needs policy issue have been raised by the Board in previous applications for one-off dwellings on the site (PL 05E.244854 & ABP 303159-18) and the Board refused permission having regard to the applicant's failure to provide documentation to demonstrate that they were within the scope of the specific housing need.
- 7.2.5. Policy RH-P-3 of the development plan clearly states that an applicant for a dwelling in a Stronger Rural Area must demonstrate how they can comply with the criteria. Aside from the PA assertion that a letter from an Elected Member is suffice, I do not consider there is any evidence in the supporting documentation to demonstrate the applicant can comply with any of the criteria. In this regard I consider the applicant can not comply with Policy RH-P-3 of the development plan and the proposal should be refused for this reason.

7.3. Ribbon Development

- 7.3.1. The site is located along the south of the R250. There are two houses to the east of the site and three to the west. The grounds of appeal consider the proposal is ribbon development and another dwelling would create a form of suburban development.
- 7.3.2. Policy RH-P-2 of the development restricts proposal which would lead to ribbon development. Ribbon development is defined as 5 houses on any one side of 250m road frontage. The guidance allows for ribbon not to be considered where it could be

considered as infill. The applicant's response to the grounds of appeal considers the proposal can be defined as infill.

- 7.3.3. One of the reasons for refusal under ABP303159-18 related to ribbon development and non-compliance with Policy RH-P-2 of the development plan. I note the site is located between 5 dwellings where there is a gap before connecting with other one-off rural dwellings. Whilst I note there is a proliferation of one-off dwellings in the vicinity, I do not consider the site can be defined as infill and the additional house will ultimately leads to 5 houses in a row, therefore I consider the proposed development will create ribbon development.
- 7.3.4. Having regard to the location of the site to the east of two dwellings and the west of three dwellings along the same side, 250m, of the R250, the proposal will create ribbon development and be contrary to Policy RH-P-2 of the development plan.

7.4. Location along the R250

- 7.4.1. The grounds of appeal are concerned the access onto the R250 will lead to a traffic hazard and obstruct other road users. The functioning of the R250 as a Strategic Road has been raised by the appellant. The applicant's response notes the nature and character of the existing agricultural entrance and the limited movements required for the proposed development. The response also notes the significant number of new entrances permitted along the R250 since the first application was refused by the Board on this site.
- 7.4.2. Section 5.1.1 of the development plan includes the R250 as part of the Strategic Road network. The PA requested further information request required the submission of a site layout plan illustrating sightlines of 185m in accordance with the standards set out in Figure 2 and Table 3 of Appendix 3 of Part B of the development plan (as varied).
- 7.4.3. The applicant's response to the FI request includes a traffic survey to state the average traffic speeds along the road was c. 75km/hr, with the 85th percentile average value of 74.3km/hr and that vision lines of 160m could be provided in each direction. The grounds of appeal do not consider the applicant has control over these sight lines.

- 7.4.4. I note Table 3 relates to vision lines on no-national roads outside 60km/hr speed limit and between 160m- 215m sightlines required for access onto roads with speeds of between 85 km/hr and 100km/hr. I note a previous Board decision for an agricultural shed (ABP 309747-21) included a condition requiring permanent vision splays of 160m in each direction although upon site inspection it was noted that mature trees and hedging to the west of the site, along the boundary of the stream, impeded vision to the west, preventing adequate visible of traffic travelling from the west, towards Letterkenny. The R250 was particularly busy at 9.00am on a Friday morning and there was a constant flow of traffic in both directions.
- 7.4.5. Whilst the applicants state they can achieve a 160m visibly spay in both directions that site layout plan submitted with the FI request does not adequately illustrate this. In the first instance the applicants 2.5m (x) setback is not taken from the edge of the road as stated in Part B: Appendix 3, Section 2.10 of the development plan and the drawing does not correspond with the edge of the road on at site inspection where the edge of the road adjoins the site. This aside, whilst the grounds of appeal states that the applicant's do not have control over the visibility splays, the site layout and location maps include this mature hedging within the site boundary.
- 7.4.6. The location of the dip of the road was noted upon site inspection and having regard to the relatively straight design of this section of the R250, and the inclusion of the trees and hedging the applicant's control, I do not consider it would lead to any traffic hazard.
- 7.4.7. Therefore, having regard to the Boards previous decision on ABP 309747-21, whereas the visibility splays of 160m were considered acceptable, the design and layout of the entrance and the applicants traffic survey, I do not consider the proposal should be refused on any traffic safety issues.

7.5. Flood Risk

- 7.5.1. The grounds of appeal consider the site is located on an area which has been identified as a flood risk in the OPW maps (2011). Having regard to this designation and location of the site beside the fast-flowing stream along the west of the site "Crossogs Burn" the appellant considers the proposal will cause water pollution.

- 7.5.2. The two previous Board decisions relating to a one-off dwelling (PL05E.244854 and ABP 303159-18) included flood risk as a reason for refusal. The latter referenced the Flood Risk Assessment Mapping of the OPW (2011). The most recent Flood Maps¹ does not include the site within any designated flood zone. The previous grant of permission by the Board for the agricultural shed (ABP 309747-21) noted the updated flood maps and the nature of the shed, which did not include a wastewater treatment system and did not consider there were any concerns in relation to flooding. I have addressed the appellants issues with regard suitability of ground conditions below.
- 7.5.3. Therefore, having regard to the information provide in the most recent flood maps, I do not consider the proposal is located within an area designated as being prone to flooding.

7.6. **Water and Wastewater**

- 7.6.1. The proposed development includes a secondary wastewater treatment system and polishing filter designed for 6 persons. The applicant proposes to connect to the mains water supply.
- 7.6.2. A site characterisation form accompanied the application which states that the soil type is gleys with rock subcrop or outcrop for the subsoil. The aquifer category is *poor*, and the vulnerability is *Extreme*. The groundwater protection response is “R2¹”. i.e., the soils are acceptable subject to normal good working practice.
- 7.6.3. The trail hole assessment submitted by the applicant encountered bedrock a depth of 1.9m. The site characterisation form notes that the water table was encountered at 1.6m and notes this as a potential site restriction. The submitted site characterisation records a T-test value of 31.0 min/25mm. Table 6.4 of the EPA Code of Practice 2021 considers this value acceptable.
- 7.6.4. The grounds of appeal were accompanied by photographs illustrating ponding on the site. It is considered that the impervious soils cannot accommodate the wastewater treatment, the water table has not been adequately recorded on the site characterisation form and the proposal will lead to pollution.

¹ www.floodinfo.ie

- 7.6.5. The pervious Board refusal (ABP 303159-18) referred to the initial water table recorded (PL 05E.244854) and the applicant's assertion that site works have reduced the water table from 1.2m to 1.7m. The Board raised concerns with regard the ground conditions (i.e., reeds and ponding on the site) and the location beside the stream.
- 7.6.6. Upon site inspection I noted a significant amount of ponding along the front of the site between areas of rocky outcrop and on the areas which have been filled with hard core, adjoining the R250. This was also noted in the Inspector Report on the previous application and the Boards decision for refusal reflected the Inspectors concerns with regard the grounds conditions, location beside a stream and the high concentration of dwellings in the vicinity. The indicative flood risk was also referenced, although the Board will note the site is no longer within the OPW flood maps. This aside, I have serious concerns with regard the inclusion of a wastewater treatment system for a dwelling on this site.
- 7.6.7. Section 5.3 and 5.4 of the EPA CoP 2021 refers to the use of desk top guidance and visual assessment for informing the site suitability for discharge to ground, in addition to trial hole assessments. The guidance on Appendix 4 of the development plan: Building a house in Rural Donegal- A location Siting and Design Guide: requires all sewage facilities to be in accordance with the EPA CoP Guidelines. Policy RH-P-1 of the development plan requires compliance with this guidance.
- 7.6.8. The site conditions, density around the site and sensitivity of the site provide early indicators of suitability. I consider the previous Boards concerns have not been overcome. The ponding on the site and presence of reeds would suggest poor percolation levels within the site which haven't been reflected in the site characterisation form. In addition, I note Section 3.1 of the site characterisation form does not record any surface water ponding.
- 7.6.9. Having regard to the site conditions, guidance in the EPA CoP 2021 (which are embedded into policy and guidance of the development plan) and location adjacent to existing dwellings and a substantial watercourse, I do not condition the applicant has adequately demonstrated they can service the site for wastewater and the proposal should be refused for this reason.

7.7. Siting and Design of the Dwelling

- 7.7.1. Following a further information request the applicant submitted a dormer dwelling. Condition No 2 of the permitted development required the relocation of the dwelling 4m to the southwest along the ridgeline of the proposed dwelling and the garage is a similar position. The grounds of appeal consider this condition will lead the new dwelling having a greater impact on their residential amenity and impact their right of way.
- 7.7.2. I note that condition No. 2 requires the relocation of the dwelling away from the applicants dwelling. I note the location of the dwelling submitted with the FI is at the highest point of the site. The required location (condition no 2) would be lower and less visible from the surrounding area. I do not consider the inclusion of Condition No.2 would impact the residential amenity of any dwellings in the vicinity of the site. No information has been submitted to indicate that the location of the dwelling, as required under condition no.2 , would impact any right of way through or beside the site.

7.8. Appropriate Assessment

- 7.8.1. The site is located 3.7km to the south of Leannan River SAC (Site Code: 002176) and 5.6km to the northeast of the Meentygranagh Bog SAC (Site Code: 000173). A small stream runs along the western boundary of the site, and this discharges water to the River Swilly to the north. The River Swilly forms part of a separate catchment area which discharges into the Lough Swilly SPA (Site Code: 004075) and the Lough Swilly SAC (Site Code: 002287) to the west of Letterkenny. As the crow flies this SAC is approximately 11.3 kilometres to the east of the subject site. However, hydrologically the SAC is c.16 kilometres from the subject site.
- 7.8.2. There is no hydrological or other connection between the subject site and the River Leannan SAC to the north or the Meentygranagh Bog SAC to the south-west. With regard to the Lough Swilly SAC to the east the site, it is designated for a number of habitats listed in Annex I of the EU Habitats Directive (including estuaries, lagoons, Atlantic salt meadows, Molina meadows, old oakwoods) and also for the otter. A wide number of species of conservation interest are associated with the SPA.

- 7.8.3. Having regard to the separation distance between the appeal site and the Natura 2000 sites, there is no potential for direct impacts on the designated sites. The only potential for indirect effects that could arise would be from the proposed wastewater treatment system. The stream located on the western boundary of the site flows into the River Swilly to the north, which itself flows into Lough Swilly SAC/SPA. The potential exists on the site for ponding to occur which could result in wastewater being discharged into the adjacent stream.
- 7.8.4. Having regard to the separation distance between the site and the diluting effects of the adjoining stream and the River Swilly, I do not consider that the proposed development either alone, or, in combination with other plans or projects, would not be likely to have significant effects on a European site, in view of the sites' conservation objectives and that, therefore, a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is not required.

8.0 Recommendation

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

9.0 Reasons and Considerations

1. Having regard to the location of the subject site within a 'Stronger Rural Area' in close proximity to Letterkenny, where housing is restricted to persons demonstrating local need in accordance with Policy RH-P-3 as set out in the Donegal County Development Plan 2018-2024, the Board is not satisfied, on the basis of the documentation available on file, that the applicant has adequately demonstrated that they come within the scope of the specific housing need criteria set out in the development plan for a house in this location. In the absence of an identified locally based need for a house at this rural location, it is considered that the proposed development would contribute to the excessive pattern of encroachment of random rural development in the area, and would militate against the preservation of the rural environment and

the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the policies and objectives of the development plan and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development would constitute undesirable ribbon development and would exacerbate an emerging suburban pattern of development in this rural area contrary to the provisions of Policy RH-P-2 of the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Having regard to the soil conditions and high-water table, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and or disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.

Karen Hamilton
Senior Planning Inspector

02nd of October 2023