



An
Bord
Pleanála

Inspector's Report

ABP-317286-23

Development

An extension and renovation of existing barn (former hedge school).
Provision of new vehicular access.
Provision of new effluent treatment system with percolation area.
All associated site works.

Location

Ballysaggart Td and Ballyederlan Td,
Dunkineely, Co. Donegal

Planning Authority

Donegal County Council

Planning Authority Reg. Ref.

22/52049

Applicant(s)

James & Catherine Osborne

Type of Application

Permission

Planning Authority Decision

Grant, subject to 15 conditions

Type of Appeal

Third Party -v- Decision

Appellant(s)

Colm & Maureen Hefferon and Others

Observer(s)

None

Date of Site Inspection

19th October 2023

Inspector

Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located roughly halfway down the peninsula leading to St. John's Point and on its north-western side. This site is accessed via the local road (L-1425), which runs down the peninsula from the N56 to the west of Dunkineeny. It lies within an area of farmland, which rises gently to the south and the south-west.
- 1.2. The site itself is of regular shape, and it extends over an area of 0.458 hectares. The boundaries of this site coincide with those of an existing field, which abuts the local road to the south and the foreshore to McSwyne's Bay to the north. A stream flows along the western boundary. These boundaries are enclosed by means of timber post and wire fencing and low-level walls.
- 1.3. The subject barn (56.9 sqm) lies in the south-western corner of the site. It is a freestanding building of rectangular form under a double pitched roof. Its principal elevation contains two vehicular size doors. This elevation faces the local road, and it is set back behind a forecourt that is continuous with the local road. The barn is presently in use for the storage of fodder and firewood.
- 1.4. The local road forms a "T" junction with a cul-de-sac immediately to the south-west of the site. A shed, a cottage, and the ruins of two buildings lie to the north and north-west of this junction, while to south-west lies a cottage and a boarded-up dwelling house. Further dwelling houses accompany the western side of the cul-de-sac as it extends south-eastwards.

2.0 Proposed Development

- 2.1. Under the proposal, the existing barn would be renovated and extended for re-use as a single dwelling affording two-bed/four-person accommodation. The extensions would entail the following:
 - Raising the eaves and ridge heights of the barn to enable a first floor to be inserted. As originally proposed, the majority of the rear elevation above the existing eaves line would have been the subject of a large continuous dormer type feature. As revised, this portion of the rear elevation would feature 3 no. rooflights that would lap over the proposed eaves line and a half dormer window, and

- A single storey rear extension, which would be built off the north-eastern half of the rear elevation, and which would project beyond the barn's eastern elevation.

The original eaves line would continue to be acknowledged by means of a concrete capping, and the additional wall height would be distinguished by means of a slate cladding. The single storey rear extension and the adjoining exposed portion of the barn's rear elevation would be finished in contemporary materials. As revised, the converted and extended barn would have a floorspace of 162.9 sqm.

- 2.2. The proposed dwelling would have an extensive open-plan format on its ground floor, which would extend through glazed doors onto a terrace enclosed between the external rear elevation of the barn and the single storey rear extension.
- 2.3. The proposed dwelling would be served by means of a new access point to the east of the existing barn. This access point would be set back from the roadside to allow for sightlines. It would be gated and accompanied by stone walls on either side. A drive-in with parking spaces and a turning area would be laid out in conjunction with the access point.
- 2.4. The proposed dwelling would be served by the public water mains. Surface water would discharge to the above cited stream, and waste water would be treated by means of a WWTS and percolation area, which would be sited towards the south-eastern corner of the site.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, permission was granted, subject to 15 conditions. Condition No. 3 is cited by the appellants, and it states the following:

The existing roadside boundary shall be removed along the entire road frontage of the site and new dark stained tanalised timber fence and boundary wall, back planted with a hedgerow of species native to the area, shall be located along a line at least 5m from the centre line of the public road...

Reason: To preserve the amenities of the area and in the interests of traffic safety.

Conditions Nos. 5 and 6 are also relevant to Condition No. 3: the former refers to roadside drainage, and the latter refers to the treatment of the extended roadside verge, i.e., it would be laid out as a hard surface level with the existing carriageway.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The case planner requested the following further information:

- Roadside boundary to be set back 5m from the centre line of the adjoining local road, and
- Omission of rear dormer, and its replacement with floor-to-ceiling windows, skylights or similar.

The applicants submitted plans showing the revised roadside boundary, and a smaller rear dormer, along with reduced glazing elsewhere. The PA accepted these plans.

3.2.2. Other Technical Reports

- Donegal County Council

Roads and Transportation: No objection, subject to 5m set back of the roadside boundary, and provision of drainage scheme along the site's frontage.

3.3. Prescribed Bodies

- An Taisce: Concern expressed that the proposal would impact upon existing development and the suitability of its location has not been justified.

3.4. Third Party Observations

See grounds of appeal.

4.0 Planning History

PP6646: Pre-planning consultation occurred on 16th September 2022.

5.0 Policy Context

5.1. Development Plan

Under the Donegal County Development Plan 2018 – 2024 (CDP), the site lies within a stronger rural area and an especially high scenic amenity area.

Policy RH-P-6: Refurbishment of existing dwellings/buildings

It is a policy of the Council to consider proposals for the refurbishment of derelict buildings (refer to definitions below) within rural areas, for use as either a permanent dwelling or as a holiday home, subject to (inter alia) the following criteria being satisfied:

- (i) The proposed development will provide for the retention of the majority of the existing building.*
- (ii) The proposed development would integrate effectively within the host rural environment, having regard to the landscape classification set out in Chapter 7 and Map 7.1.1 of this Plan, and would not be detrimental to the visual amenities of the area in question.*
- (iii) Wastewater from the building can be treated and disposed to current EPA standards,*
- (iv) There is no road safety impediment to the use of any existing access, and*
- (v) the proposal can demonstrate compliance with other relevant policies of this plan, including all relevant provisions of Policy RH-P-1 and RH-P-2.*
- (vi) Proposals for extensions in the case of refurbishment shall, in general, not exceed 50% of the size of the original building up to a maximum floor area of 90m². The design, size, height and finishes of the proposed refurbishment/extension must respect the architectural character of the original building type unless otherwise agreed with the Planning Authority and the finished building must otherwise be of a scale and form such that the development integrates effectively into the host landscape.*

Derelict building: In general this is defined as a building with most external walls intact. Where the external walls consist of low wallsteads within an area of High or Moderate Scenic Amenity, each case will be considered on its merits with regard to location and siting. However, proposals for the refurbishment of low wallsteads will not be given

favourable consideration within Areas of Especially High Scenic Amenity (refer to Map 7.1.1).

5.2. Natural Heritage Designations

- St. John's Point SAC (000191)

5.3. EIA Screening

Refer to Appendices 1 and 2 attached to this report.

6.0 The Appeal

6.1. Grounds of Appeal

Rural housing need

- Rural housing need does not arise where the proposal is to refurbish an existing building.

Environmental

- Photographic evidence of a waterlogged site with rush outcrops is submitted. Attention is drawn to the applicants' completed site characterisation form, which advises that land drains be installed up gradient to protect the proposed percolation area from surface water run-off. Accordingly, the risk posed by the WWTS and percolation area would affect both public health and the adjacent European site.

Visual

- The site occupies a conspicuous position within an area of especially high scenic amenity. Sensitive design is therefore an imperative.
- The reference to the barn lying within a cluster of buildings is contested, as it is accompanied only by a cottage and a vacant two-storey dwelling house. Under the proposal the barn would be refurbished and extended. Consequently, it would be out of scale with the buildings in its vicinity and it would exhibit an urban idiom.

- The existing unauthorised barn replaced a thatched cottage. While this barn is not attractive, under the proposal, it would not reflect the vernacular and so it would be inappropriate beside a heritage trail.
- The applicants cite Policy RH-P-6, which assumes that a vernacular building will be restored. However, in this case, the thatched cottage would not be reinstated. Rather the barn would be extended upwards and outwards. Its justification under Policy RH-P-6 would, therefore, not arise.

Appropriate Assessment

- The applicants' NIS reports a site visit undertaken during dry rather than wet weather conditions. Its subsequent advice and recommendations are, thus, open to question.
- The NIS recommends the use of a silt fence to intercept any water borne pollutants during the construction phase. Concern is expressed, that during the operational phase, effluent may reach the shoreline, and threaten the European site. Wildlife within this site includes grey seals and dolphins. The precautionary approach is therefore applicable.

Traffic

- Attention is drawn to the proposed western sightline, which would pass over lands not under the applicants' control, e.g., planted areas, and the front of a building. The site and adjoining sites to the west are on a curve in the local road, where forward visibility is impeded. There is also a junction between local roads adjacent to the south-western corner of the site. Given these factors, traffic generated by the proposal would pose a hazard.

6.2. Applicant Response

The applicants and their agent outline their approach and aspirations for the project. They respond to the appellants grounds of appeal as follows:

Rural housing need

- Under RH-P-6, rural housing need does not arise.

Environmental

- That the site is waterlogged is contested: the provenance of the appellants' photographs in this respect is questioned.
- Attention is drawn to the site characterisation exercise and its conclusions and recommendations, in particular the land drainage measures that would be undertaken to safeguard the proposed percolation area.

Visual

- Attention is drawn to the barn's location in the midst of a cluster of ten buildings.
- The design approach to the adaption and extension of the barn is outlined. The quest to combine complementary old and new elements is thereby elucidated.
- The proposed extension would not be visible to road users travelling east along the local road, and it would protrude modestly to road users travelling west.

Appropriate Assessment

- The NIS is cited insofar as the environmental consultant reports that the site was "very dry underfoot despite recent rain and there is no surface ponding water".
- Attention is drawn to the conclusion of the NIS.

Traffic

- The proposed set back of the roadside boundary of the site would improve road safety.
- The applicants' traffic survey illustrates that vehicular speeds are below 50 kmph and so the proposed sightlines would comply with the relevant CDP requirements.

6.3. Planning Authority Response

The PA responds as follows:

Rural housing need

- Rural housing need does not arise in this case.

Environmental

- The OPW does not formally identify the site as being at risk of flooding.
- The site characterisation exercise concludes that the proposed WWTS and percolation area would be capable of operating satisfactorily.

Visual

- As revised, the proposal would integrate well with the cluster of buildings that the barn lies beside.
- Views along the local road network in the vicinity of the site would accommodate the increase in height of the barn by 1m and its adaption and extension as proposed satisfactorily.

Appropriate Assessment

- The proposed mitigation measures would be appropriate in addressing any potential impact upon the European site.

Traffic

- The proposed set back of the roadside boundary would facilitate the provision of effectively a wider carriageway (cf. Conditions Nos. 5 & 6), in conjunction with the informal “pull-in” in front of the barn.

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 Assessment

7.1. I have reviewed the proposal in the light of the Donegal County Development Plan 2018 – 2024, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Rural settlement policy,
- (ii) Landscape and visual impacts,
- (iii) Traffic and access,
- (iv) Water, and
- (v) Appropriate assessment.

(i) Rural settlement policy

7.2. Under the CDP, the site lies within a stronger rural area. Normally, applicants need to establish that they have a local need for a new rural dwelling. However, in this case, the proposal is to essentially convert an existing barn into a dwelling. Such conversions fall under the remit of Policy RH-P-6, where the establishment of a local need does not arise. All parties to the current appeal acknowledge this to be so.

(ii) Landscape and visual impacts

7.3. The site is located on St. John's Peninsula. Under the Donegal Landscape Character Assessment (LCA), this Peninsula is shown as lying within the South Donegal Lowlands LCA 36. Under the CDP, its coastline, which includes the site, is deemed to be an area of especially high scenic amenity.

7.4. The applicants have outlined in the cover letter to their application the history of the subject barn on the site. The original building dates from 1890 and it was the Ballysaggart Hedge School. This school was of single storey form, and it had a thatched roof. In 1975, the walls were raised in height and the thatch was replaced with a metal sheeted roof. Its use as a barn appears to have begun at this point.

7.5. The barn is a freestanding building, which lies in a position adjacent to a "T" junction on the local road network. Clustered around this junction are several buildings, i.e., a shed, a cottage, and the ruins of two buildings on the nearside, and a cottage and a

boarded-up dwelling house on the far side. The cul-de-sac, which extends to the south-east, serves two new detached dwelling houses.

- 7.6. South-west bound road users of the L-1425 have clear views of the barn on their approach to the aforementioned cluster. North-east bound road users have views of the barn, which are largely obscured by other buildings in the cluster. North-west bound road users of the cul-de-sac have views of the barn in conjunction with the other buildings in the cluster and the two dwelling houses.
- 7.7. During my site visit, I observed the aforementioned views of the barn. Its traditional form and appearance complement the other buildings in its vicinity. The appellants favour the reinstatement of the former thatched cottage. However, I note its historic evolution into the barn that stands on the site today, and I consider that this building, which reflects the vernacular, too, provides an appropriate baseline for the proposal. I, therefore, do not consider that reversion to the former thatched cottage is needed to ensure that a sympathetic contribution to the built cluster is perpetuated by the site.
- 7.8. The applicants' cover letter draws attention to the intact state of the walls of the barn and the adequacy of its roof for its current use. They appear thereby to be alluding to the definition of "derelict buildings", which accompanies Policy RH-P-6. They proceed to summarise the concept for the proposed refurbishment and extension of the barn. Thus, they propose to expose the original stone walls, and augment them, so that they present consistently on the front and side elevations under a concrete cap. Emerging above these walls would be an upwards extension under a double pitched roof, which would be clad throughout in slate. The remaining rear extension would be reconfigured in glazed openings and modern materials to "tie-in" with the single storey rear extension. Under further information, the first-floor treatment of the rear elevation was reworked to achieve visually lighter features.
- 7.9. The appellants critique the proposal, on the basis that its extensions would cause it to be out of scale with the buildings in its vicinity and it would exhibit an urban idiom. The applicants and the PA have responded by stating that the increase in height would be capable of being accommodated visually within the context of the cluster, and the rear extension would only be visible as a discrete presence to south-western

bound road users. They also express the view that the old and new elements would complement one another.

- 7.10. During my site visit, I observed that the boarded-up dwelling house within the cluster is of two-storey rectangular form under a double pitched roof, and the two new detached dwelling houses are of one-and-a-half-storey form under double pitched roofs. Given this context, and given, too, the proposed modest increase in the height of the existing elongated barn, I do not consider that the resulting scale would be excessive. I concur with the assessment that publicly available views of the rear extension would be limited and discrete, i.e., it would present as ancillary to the main body of the resulting dwelling house, and, as revised, the rear elevation would be more nuanced when viewed from the sea than would have been so under the original proposal. I also concur with the view that the mix of old and new elements would be complementary. Thus, the essential form and appearance of the barn would continue to be evident, its upwards extension and new roof would be distinguishable as a sympathetic modern addition, and the rear extension would provide an appropriate contemporary contrast. No confusion between old and new elements would ensue, in keeping with current conservation practice.
- 7.11. Under Item (vi) of Policy RH-P-6, the scale of extensions is addressed. The existing barn has a floor area of 56.9 sqm. Under the proposal, this area would increase to 105.4 sqm, i.e., greater than the 50% cited in Item (vi) but well within the cap of 90 sqm. Under the proposal, too, a first floor would be introduced. However, this would not be wholly additional, i.e., part of the volume of the existing barn would contribute to it. I consider that, given the need to ensure a modern standard of accommodation, and given, too, the appropriate overall design concept of the proposal, as discussed above, an exception to the general stance of Item (vi) on extensions is justified. That said, I consider that it would be appropriate to remove by condition the normal domestic exempted development rights from the site, to ensure that the PA has the opportunity to control any future building in the interests of visual amenity. Likewise, the landscape layout of this site for domestic purposes should be conditioned for the same reason.
- 7.12. I conclude that the proposal, as revised and conditioned, would be compatible with the landscape context of the site and the visual amenities of the area.

(iii) Traffic and access

- 7.13. The L-1425 passes the site. This local road serves the length of St. John's Peninsula. The applicants undertook a traffic survey from 10.30am to 12 noon on Friday 4th November 2022. This survey was of vehicles passing along the L-1425 in front of the site. It established that the 85th percentile speed was 45.6 – 45.8 kmph. Consequently, the appropriate vision line is 70m, and so the applicants' proposed access point would be accompanied by sightlines with y distances of 70m (along with an x distance of 2.4m). As the site is bound by a slight concave horizontal alignment in the local road, the existing roadside boundary fence would need to be set back to achieve the requisite sightlines. Under further information, the applicants submitted an enlarged site layout plan, which shows this fence set back by 5m from the centreline of the single lane width carriageway. The strip of land outside the revised fence line would be laid out to be continuous with the carriageway and it would be hard surfaced. Thus, whereas the existing forecourt to the barn, which serves as an informal passing place, would be lost, ample additional scope for passing would be provided.
- 7.14. The appellants express concern that the western sightline would not be achievable in practice due to the obstruction of a roadside building. The submitted site layout shows one of the two ruined buildings on the nearside of the local road interrupting the extremity of this sightline. However, while on site I checked the distance between this building and the edge of the carriageway and discovered that it is set back by 0.96m. Consequently, the western sightline would clear the front of the building.
- 7.15. The appellants also express concern over the proximity of the proposed access point to the "T" junction between the L-1425 and a cul-de-sac. However, this access point would be sited further away from this junction than the existing forecourt, and it would be accompanied by improved sightlines, too. Traffic generated by the proposal would exceed that generated by the barn. Nevertheless, given the aforementioned improvements, road safety would not be prejudiced.
- 7.16. The proposed access point would be fitted with a sliding gate, and it would be accompanied by walls and, further to the east, a timber post and rail fence. This access point would serve a drive-in with 3 no. parking spaces and a turning area. A

pedestrian access point would be inserted within the western wall to serve the converted barn.

7.17. I conclude that the proposed access point would establish an improved access to the site, which would be capable of accommodating satisfactorily the uplift in vehicular movements to the site that would ensue.

(iv) Water

7.18. Under the proposal, the dwelling would be connected to the public water main under the adjacent local road.

7.19. Under the OPW's flood maps, the site is not shown as being the subject of any formally identified flood risk.

7.20. Surface water run-off from roofs and the drive-in would be collected and discharged to the stream along the western boundary of the site.

7.21. The applicant has submitted a completed site characterisation form, the main findings of which are summarised below:

- The aquifer is regionally important and of high vulnerability. The groundwater protection response is R1. Appendix E of the EPA's CoP Code of Practice entitled "Domestic Waste Water Treatment Systems" (DWWTS) states that this response is "Acceptable subject to normal good practice..."
- Local groundwater flows to the north.
- The trial hole was dug to a depth of 1.95m. The top-soil and the sub-soil consist of gravelly silt/clay. Groundwater and bedrock were encountered at depths of 1.55m and 1.90m, respectively.
- The modified "T" (sub-surface/depth of 800mm) test result was 52.09 min/25mm, and the modified "P" (sub-surface/depth of 400mm) test result was 48.70 min/25mm.

7.22. The assessor recommends a packaged tertiary waste water treatment unit, along with land drains up gradient from the percolation area, as part of a wider land drainage scheme for the site.

7.23. The appellants have submitted photos of water ponding on the site. The applicants have contested the provenance of these photos. As these photos are "close-up" in

nature, I am not able to confirm that they were taken on the site. That said I can confirm that on the day of my site visit, which was marked by heavy rain, the site was generally soft underfoot and I observed the presence of rushes in places.

- 7.24. The applicants' site survey indicates that the site falls gently from its south-eastern corner to its north-western one. The proposed percolation area would be sited towards the south-eastern corner. Provided the adjacent roadside verge is served by a surface water drain, the risk of run-off adversely affecting the percolation area would be relieved. Details of such a drain should be conditioned. Land drainage of the site itself would promote drier conditions and lead to a reduction in the level of groundwater. A scheme for the same should be conditioned.
- 7.25. The siting of the percolation area would need to be adjusted slightly to ensure that the requisite separation distances of 50m from the sea and 4m from the adjacent road can be achieved. This, too, should be conditioned.
- 7.26. I conclude that, subject to the provision of roadside drainage and land drainage, and subject, too, to some fine tuning in the siting of the percolation area, the proposal would raise no water issues.

(v) Appropriate assessment

Compliance with Article 6(3) of the EU Habitats Directive

- 7.27. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have had a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal would not adversely affect the integrity of the European site before planning consent can be given.

Screening the need for appropriate assessment

- 7.28. The applicants have submitted a screening report for appropriate assessment as part of its NIS: the combined document is entitled "Habitats Directive Appropriate Assessment Screening and Natura Impact Statement (Stage 2) in relation to

planning application for permission for extension and renovation of existing barn (former hedge school), provision of new vehicular access, provision of new effluent treatment system and all associated site works at Ballysaggart Townland and Ballyderlan Townland, Dunkineely, County Donegal”, and it is dated 27th September 2022.

- 7.29. The screening report was prepared in line with current best practice guidance and provides a description of the development and identifies European sites within a possible zone of influence of the development. This report concludes as follows:

Based on the location of the site and that the proposed development is not located within a Natura 2000 site (i.e. SAC or SPA) but that there is a proposal to discharge clean roof water to an open field drainage ditch/stream to the western boundary of the field in which the site is located, and that this ditch discharges to the sea within the St. John's Point SAC which is within the source-pathway-receptor model due to potential hydrological linkage, the Stage 1 screening assessment concludes that the only potential impact upon this SAC site is the possibility of discharge of run-off of surface waters containing silt during the construction phase of the proposed development.

Having ascertained during the AA screening that it is not possible to exclude, as a matter of scientific certainty that the proposed development will have an effect on any Natura 2000 site, individually or together with other plans and projects, the project should proceed to Stage 2 and a NIS should be prepared as a precautionary measure to inform and assist the competent authority in carrying out appropriate assessment.

- 7.30. Having reviewed the documents and submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

- 7.31. The applicants provide a description of the project as cited above in the title of the submitted combined screening report and NIS. They also provide a description of the site on Pages 10 & 11: “The existing site consists of an existing stone barn with a tin roof set within an agricultural field of c. 1.1 acres. The field is presently grazed by two donkeys and the sward is short and well managed as are the site boundaries

which have been maintained and restored...The only hydrological feature in the field...is a small field drainage ditch/stream which flows on the western site boundary in a south-east to north-west direction towards the sea. Existing drainage from the building is to the wet ditch”.

7.32. Taking account of the characteristics of the development in terms of its location and the scale of operations, the following issue is considered for examination in terms of implications for likely significant effects on European sites: “..the only potential pathway between the proposed development site and the SAC is the possibility of discharge of run-off of surface waters containing silt during the construction phase of the proposed development and reaching St. John’s Point SAC via the western boundary open drainage ditch/stream.”

7.33. The site is located immediately adjacent to a European site, i.e., St. John’s Point SAC (000191).

St. John’s Point SAC

7.34. The qualifying interests and conservation objectives, i.e., M – maintain their favourable conservation condition, or R – restore their favourable conservation condition, are listed below.

- *Large shallow inlets and bays [1160] – M*
- *Reefs [1170] – M*
- *Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] - ?*
- *Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] – R*
- *Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] – R*
- *Alkaline fens [7230] – M*
- *Limestone pavements [8240] – M*
- *Submerged or partially submerged sea caves [8330] – M*
- *Euphydryas aurinia (Marsh Fritillary) [1065] - ?*

During the construction phase, "...without mitigation measures it is uncertain whether the proposal will have a significant effect on a European site due to the proposal for clean surface water to be piped to the western open field ditch which discharges to the sea to the north of the site which is part of the marine part of the SAC – in particular reefs." During the construction phase, such water could become contaminated with silt. The qualifying interest, which could be affected by a deterioration in water quality, would therefore be reefs.

- 7.35. The appellants consider that water quality may be threatened during the operational phase, too. In this respect they draw attention to the proposed WWTS and percolation area. However, in the light of the applicants' site characterisation exercise, the recommendation that a tertiary WWTS be specified, and the siting of an accompanying percolation area the requisite distance from the foreshore, any significant effect upon water quality would be unlikely to arise. I concur, therefore, with the applicant's NIS, which screens out the proposed WWTS and percolation area.
- 7.36. In-combination effects from other development sites could potentially have arisen. The applicants have interrogated the planning register for information with respect to extant permissions for development within the vicinity of the site. Permissions for a variety of ancillary domestic developments were thereby identified. These would have been screened for AA by the PA.
- 7.37. No measures designed or intended to avoid or reduce any harmful effects of the project on a European site have been relied upon in this screening exercise.
- 7.38. The development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. Having carried out screening for appropriate assessment of the project, it has been concluded that the project either individually or in combination with other plans and projects could have had a significant effect on European site No. 000191, in view of its conservation objectives, and appropriate assessment is therefore required.

The NIS

- 7.39. The application included a NIS, which bears the same title as the document cited above. The NIS examines and assesses potential adverse effects of the proposed development on the following European site: St. John's Point SAC.

7.40. The NIS was prepared in line with current best practice guidance, and it concluded that "...the conservation objectives of the St. John's Point SAC will be met as the habitats and species will be maintained at a favourable conservation status. The NIS findings and conclusions remove all reasonable scientific doubt as to the effects that the works proposed may have on the Natura 2000 site."

7.41. Having reviewed the NIS, I am satisfied that the information allows for a complete assessment of any adverse effects of the development on the conservation of the following European site alone, or in combination with other plans and projects:

- St John's Point SAC (000191)

Appropriate assessment of implications of the proposed development on each European site

7.42. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European site using the best scientific knowledge in the field. All aspects of the project which could have resulted in significant effects are assessed, and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

7.43. The following site is subject to appropriate assessment:

- St. John's Point SAC (000191)

The qualifying interests and conservation objectives for this site are set out above under my screening exercise.

7.44. The main aspects of the proposed development that could adversely affect the conservation objectives of the European site is: "...the possibility of discharge of run-off of surface waters containing silt during the construction phase of the proposed development" via the western open field ditch which flows into the sea to the north of the site where there are reefs in the SAC.

7.45. The qualifying interest that could be affected by a deterioration in water quality would be as follows: reefs.

7.46. The applicant's NIS sets out a series of mitigation measures, which would address the above scenario, which could adversely affect the integrity of the identified European site. These mitigation measures are set out a "Method Statement of

Proposed Works incorporating Mitigation and Precautionary Measures to Mitigate against any Impact upon Surface Waters/Water Quality at St. John's Point SAC.”

They address the following matters:

- Site demolition works,
- Management of soil and excavations,
- Washing of truck wheels,
- Timeline for construction works,
- Concrete deliveries,
- Storage of materials on site, and
- Flood risk.

7.47. With the above cited mitigation measures in place, no residual impact is foreseen.

7.48. In-combination effects are considered by the NIS. The mitigation measures with respect to water quality are cited as satisfactorily addressing any in-combination effects with other development.

7.49. I am therefore able to ascertain with confidence that the project would not adversely affect the integrity of the St John's Point SAC.

7.50. The project has been considered in light of the assessment of the requirements of Sections 177U and 177V of the Planning and Development Act 2000, as amended.

7.51. Having carried out screening for appropriate assessment, it was concluded that it may have a significant effect on the St John's Point SAC (000191). Consequently, an appropriate assessment is required of the implications of the project on the qualifying features of this site in light of its conservation objectives.

7.52. Following an appropriate assessment, it has been ascertained that the development, individually or in combination with other plans or projects would not adversely affect the integrity of the European Site No. 000191, or any other European site, in view of the site's conservation objectives.

7.53. The conclusion is based on a complete assessment of all aspects of the project and there is no reasonable doubt as to the absence of adverse effects. This conclusion is based on:

- A full and detailed assessment of the project, including mitigation measures, in relation to the conservation objectives of European Site No. 000191.
- An assessment of in combination effects with other plans and projects.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of European Site No. 000191.

8.0 Recommendation

That permission be granted.

9.0 Reasons and Considerations

Having regard to the Donegal County Development Plan, and in particular Policy RH-P-6, it is considered that, subject to compliance with conditions, the proposal would comply with this Policy. It would, as revised, be compatible with the site's landscape context and the visual amenities of the area. It would be accessed satisfactorily, and no outstanding water or appropriate assessment issues would arise. The proposal would thus accord with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and subsequently amended by the plans and particulars received by the planning authority on 17th April 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>The proposed development shall be amended as follows:</p> <p>(a) Detailed plans of the exact siting of the percolation area proposed to accompany the waste water treatment system shall be prepared. Such siting shall reflect the separation distances cited in Table 6.2 of the EPA's Code of Practice for Domestic Waste Water Treatment Systems (March 2021).</p> <p>(b) Detailed plans of the roadside boundary treatment shall be prepared. These plans shall make explicit drainage arrangements, the provision of a sealed hard surface to accompany the carriageway, and the type and height of walls, fences, and gate proposed.</p> <p>(c) Detailed plans of a land drainage scheme for the site shall be prepared.</p> <p>(d) Detailed plans of the extent and layout of any proposed garden area. Revised drawings and specifications showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of public health, good water management, and visual amenity.</p>
3.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste. It shall also incorporate the mitigation measures set out the applicants' "Method Statement of Proposed Works incorporating Mitigation and Precautionary Measures to Mitigate against any Impact upon Surface Waters/Water Quality at St. John's Point SAC."</p> <p>Reason: In the interests of public safety, residential amenity, and the environment.</p>
4.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the</p>

	<p>site.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Uisce Eireann.</p> <p>Reason: In the interest of public health.</p>
6.	<p>(a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 21st day of December, 2022, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.</p> <p>(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.</p> <p>(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.</p> <p>(d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.</p> <p>(e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in</p>

	<p>the EPA document.</p> <p>Reason: In the interest of public health.</p>
7.	<p>Details of the materials, colours and textures of all the external finishes to the proposed extensions to the barn shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
8.	<p>Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwellinghouse without a prior grant of planning permission.</p> <p>Reason: In order to afford the planning authority the opportunity to control such development in the interest of visual amenity.</p>
9.	<p>Prior to the commencement of occupation of the dwelling house, the sightlines shown on the submitted site layout plan shall be established, and thereafter retained for the duration of the occupation of the dwelling house. These sightlines shall have x and y dimensions of 2.4m and 70m, and no item shall intrude within them above a 1.05m in height.</p> <p>Reason: In the interest of road safety.</p>
10.	<p>The developer shall pay to the planning authority a financial contribution of €3163 (three thousand one hundred and sixty-three euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p>

	<p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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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.

Hugh D. Morrison
Planning Inspector

22nd December 2023

Appendix 1 - EIA Pre-Screening

An Bord Pleanála	ABP-317286-23		
Case Reference			
Proposed Development	Conversion and extension of a barn to provide a single dwelling house.		
Summary			
Development Address	Ballysaggart and Ballyederlan Townlands, Dunkineely, County 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	No further action required	
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			EIA Mandatory EIAR required
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)
No		N/A	No EIAR or Preliminary Examination required
Yes		Class 10(b)(i) of Part 2	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	x	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Appendix 2: EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-317286-23	
Proposed Development Summary	Conversion and extension of a barn to provide a single dwelling house.	
Development Address	Ballysaggart and Ballyederlan Townlands, Dunkineely, County Donegal	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
Nature of the Development <ul style="list-style-type: none"> • Is the nature of the proposed development exceptional in the context of the existing environment? • Will the development result in the production of any significant waste, emissions or pollutants? 	Single rural house with on-site wastewater treatment plant	No
	No significant waste, emissions or pollutants would ensue	No
Size of the Development <ul style="list-style-type: none"> • Is the size of the proposed development exceptional in the context of the existing environment? • Are there significant cumulative considerations having regard to other existing and/or permitted projects? 	Single rural house with onsite wastewater treatment plant	No
	No significant waste, emissions or pollutants would ensue in combination with any other permitted projects	No

<p>Location of the Development</p> <ul style="list-style-type: none"> • Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location? • Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area? 	<p>Apart from St. John's Point SAC, no other ecologically sensitive sites in the vicinity – this SAC is addressed under Appropriate Assessment</p> <p>Apart from St. John's Point SAC, no other significant environmental sensitivities in the vicinity – this SAC is addressed under Appropriate Assessment</p>	<p>No</p> <p>No</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector: _____

Date: 22nd December 2023