



An
Bord
Pleanála

Inspector's Report

ABP-317932-23

Development	Construct new dwelling house and domestic shed, install WWTS, and temporary placement of mobile home.
Location	Cashelgay, Coolboy, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	23/50688
Applicant(s)	John & Denise Coyle
Type of Application	Permission
Planning Authority Decision	Grant, subject to 17 conditions
Type of Appeal	Third Party -v- Decision
Appellant(s)	Paul Gallagher
Observer(s)	None
Date of Site Inspection	20 th October 2023
Inspector	Hugh D. Morrison

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The site is located off the N56 at a point 2.9km to the south south-east of Kilmacrenan and 6.7km to the north of Letterkenny town centre. This site lies to the south south-west of the junction formed by a recently straightened section of the N56 and a local road (L-5982), which passes the site, and off which the site is accessed via an existing farm gate. The site is set within gently undulating countryside which is farmed and forested. A cluster of three dwelling houses lie on either side of the local road to the west of the site.
- 1.2. The site itself is of rectangular shape and it extends over a small field with an area of 0.371 hectares. This site is the subject of gentle gradients that cause it to fall towards its easternmost corner. The site is enclosed along its roadside boundaries by timber post and rail fences, which are set back behind generous grass verges. The north-western boundary is with the L-5982, and the north-eastern boundary is with a road, which forms a cul-de-sac for local access and a through route for cyclists. The south-eastern boundary is enclosed by means of a mature hedgerow, and the south-western boundary is enclosed by means of a timber post and wire fence to a laneway, on the far side of which is the walled front garden to the nearest existing dwelling house.

2.0 Proposed Development

- 2.1. Under the proposal, a single storey, two-bed/four-person dwelling house with a floorspace of 158.9 sqm would be sited centrally within the site. This dwelling house would comprise two rectangular forms under double pitched roofs, which would be offset in relation to one another. A flat roofed connecting element would link these two forms, one of which would provide daytime accommodation and one of which would provide night time accommodation. This link would provide ancillary spaces and circulation space and its roof would extend forward to provide a car port. Finishes would include wet dash render and blue/black natural slates. Additionally, the front elevation of the link element would be finished in larch timber under a dark grey Trocal roof. (These finishes would also be evident in a projecting glazed door feature on the easternmost elevation of the dwelling house).

- 2.2. Under the proposal, a freestanding garage with a floorspace of 41.4 sqm would be sited towards the westernmost corner of the site. A new site entrance would be sited immediately to the west of the existing site entrance, which would be closed. Hedgerows would be planted alongside existing fences, with the roadside fences being removed in time. A WWTS and raised soil polishing filter would be sited towards the easternmost corner of the site.
- 2.3. During the construction phase, a mobile home would be sited in the southernmost corner of the site.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, permission was granted, subject to 17 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information was requested with respect to the following matters:

- Applicants to elucidate their local housing need,
- Proposed garage to be set back within the site, and
- Sightlines at the proposed access/egress point to be addressed.

The PA was satisfied with the applicants' subsequent further information.

3.2.2. Other Technical Reports

- Donegal County Council

National Roads Office: Advises that no national road projects would be affected.

3.3. Prescribed Bodies

- TII: Expresses the view that the proposal would be at variance with official policy, as it would adversely affect the operation and safety of the national road network, including a junction on this network.

3.4. Third Party Observations

See grounds of appeal.

4.0 Planning History

Site

- None

Adjacent sites

- To the north: 99/763: Dormer type dwelling house and septic tank: Permitted.
- To the west: 00/7799: Dormer type dwelling house, garage, and septic tank: Permitted.

5.0 Policy Context

5.1. National Planning

National Planning Framework - NPO 19

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

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

- *In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.*

Sustainable Rural Housing Guidelines

5.2. Development Plan

Under the Donegal County Development Plan 2018 – 2024 (CDP), the site is shown as lying within an area of high scenic amenity. (Map 7.1.1). The site is also shown as lying within a stronger rural area wherein the following Policy RH-P-3 is applicable to proposed rural housing:

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 bona fides requirements of that permission. New holiday home development will not be permitted in these areas.*

Policies RH-P-1 & 2 are set out below:

It is a policy of the Council that the following requirements apply to all proposals for rural housing:

- 1. Proposals for individual dwellings shall be subject to the application of Best Practice in relation to the siting, location and design of rural housing as set out in Appendix 4 and shall comply with Policy RH-P-2;*
- 2. Proposals for individual dwellings shall be sited and designed in a manner that enables the development to assimilate into the receiving landscape and that is sensitive to the integrity and character of rural areas as identified in Chapter 7 and Map 7.1.1 of this Plan. Proposals for individual dwellings shall also be located in such a manner so as not to adversely impact on Natura 2000 sites or other designated habitats of conservation importance, prospects or views including views covered by Policy NH-P-17.;*
- 3. Any proposed dwelling, either by itself or cumulatively with other existing and/or approved development, shall not negatively impact on protected areas defined by the North-Western International River Basin District Plan;*
- 4. Site access/egress shall be configured in a manner that does not constitute a hazard to road users or significantly scar the landscape, and shall have regard to Policy T-P-15;*
- 5. Any proposal for a new rural dwelling which does not connect to a public sewer or drain shall provide for the safe and efficient disposal of effluent and surface waters in a manner that does not pose a risk to public health and accords with Environmental Protection Agency codes of practice;*
- 6. Proposals for individual dwellings shall be subject to the flood risk management policies of this Plan.;*
- 7. In the event of a grant of permission the Council will attach an Occupancy condition which may require the completion of a legal agreement under S47 of the Planning and Development Act 2000 (as amended).*

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. In considering the acceptability of a proposal the Council will be guided by the following considerations:-

- 1. A proposed dwelling shall avoid the creation or expansion of a suburban pattern of development in the rural area;*
- 2. A proposed dwelling shall not create or add to ribbon development (see definitions);*
- 3. A proposed dwelling shall not result in a development which by its positioning, siting or location would be detrimental to the amenity of the area or of other rural dwellers or would constitute haphazard development;*
- 4. A proposed dwelling will be unacceptable where it is prominent in the landscape; and shall have regard to Policy T-P-15;*
- 5. A proposed new dwelling will be unacceptable where it fails to blend with the landform, existing trees or vegetation, buildings, slopes or other natural features which can help its integration. Proposals for development involving extensive or significant excavation or infilling will not normally be favourably considered nor will proposals that result in the removal of trees or wooded areas beyond that necessary to accommodate the development. The extent of excavation that may be considered will depend upon the circumstances of the case, including the extent to which the development of the proposed site, including necessary site works, will blend in unobtrusively with its immediate and wider surroundings...*

5.3. Natural Heritage Designations

- Leannan River SAC (002176)

5.4. EIA Screening

See Appendices 1 and 2 attached to this report.

6.0 The Appeal

6.1. Grounds of Appeal

- The site is low-lying and so surface water run-off from adjoining slopes drains to it. Rushes grow on this site, denoting wet conditions, and its ground conditions comprise peat, which has poor percolation characteristics. Accordingly, concern is expressed that overspill from the proposed percolation area could pollute local watercourses and, by extension, the River Leannan SAC.

The applicants' site characterisation exercise predicted percolation values in excess of 75 min/25 mm. Subsequent tests yielded no results, as holes remained waterlogged. The relevant EPA Code of Practice states that, where percolation values are 120 min/25 mm or more, the site is unsuitable. In this case, it can be assumed that these values would apply, and so the site is unsuitable for a WWTS and percolation area.

- The proposed dwelling house and garage would be sited closer to the centre line of the adjacent L-5982-1 than the minimum 25m.
- The proposed access point to the site would be sited close to a road junction and existing domestic entrances and so its usage would be hazardous.
- The proposal would establish an adverse precedent for further development in an area wherein development has reached its maximum.
- The applicants presently reside in Glen, Carrigart, and they are understood to be originally from Northern Ireland. Accordingly, they are neither local to the area nor have they resided therein for 7 years.
- The proposal would also entail the siting of a mobile home on the site. No details are provided as to how this home would be serviced, prompting public health concerns. Its presence would devalue neighbouring residential properties.
- Attention is drawn to Folio DL9435 for the site. Restrictive covenants attached to this Folio forbid the placing/constructing of buildings upon the site or the commercial planting of forestry upon it.

- Attention is also drawn to the advice of the TII.

6.2. Applicants Response

The applicants have responded to the above grounds of appeal as follows:

- Wet ground conditions: Attention is drawn to the proposed raised soil polishing filter, which would utilise imported soils. If the Board deems it to be necessary, then this filter could be augmented by means of a sand polishing filter, which would increase treatment of wastewater pollutants still further.

The PA concludes that there is no hydrological link between the site and the Leanne River SAC, while the appellant contends otherwise: The applicants draw attention to the absence of evidence to support the appellant's contention.

- The adequacy of the set back between the proposed dwelling house and the adjacent road: The case planner states that the requisite setback of 15m would be achieved, and, under further information, the proposed garage was re-sited to ensure that it would achieve this set back distance, too.
- Proximity of the proposed site entrance to existing site entrances: The case planner recognised that, given the low vehicular speeds on the local road in question, the sightlines at the proposed site entrance and the separation distances between this entrance and existing ones would be satisfactory.
- Rural housing policy: Under Policy RH-P-3 of the CDP, the proposal is based on the applicant's (Denise Coyle) exceptional health circumstances. A letter from her GP outlines these circumstances, which the PA accepted for the purpose of the said Policy.
- Proposed mobile home would be unsuitable: This mobile home would be connected to the public water mains and to the proposed WWTS. It would be placed on the site for the duration of the construction phase in order to afford security.
- Legal matters: While these matters are not for the Board to settle, the applicants have been advised by the landowner that the site is not the subject of the restrictions cited by the appellant.

6.3. **Planning Authority Response**

The PA has considered the appellant's grounds of appeal. It concludes that these grounds have been addressed by the case planner, and so it has no further comments to make.

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 **Assessment**

7.1. I have reviewed the proposal in the light of the National Planning Framework (NPF), the Sustainable Rural Housing (SRH) Guidelines, 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) Legalities,
- (ii) Rural housing policy,
- (iii) Visual and residential amenity,
- (iv) Access,
- (v) Water, and
- (vi) Appropriate Assessment.

(i) Legalities

7.2. The appellant draws attention to restrictive covenants that apply to the site, and which forbid the placing/constructing of buildings upon it. The applicants respond by stating that they have received reassurances from the landowner in this respect.

7.3. Any restrictive covenants on the site are a civil law matter, which lies beyond the ambit of the Board to adjudicate upon. In this respect, Section 34(13) of the Planning

and Development Act makes clear that the receipt of planning permission does not override other legal requirements that applicants may need to meet before development can proceed.

- 7.4. I conclude that there are no legal impediments to the Board assessing/determining the current application/appeal in the normal manner.

(ii) Rural housing policy

- 7.5. Under the CDP, the site is shown as lying within a stronger rural area, and so Policy RH-P-3 is of relevance.
- 7.6. The applicants have completed a supplementary rural housing application, within which they explain that the impetus for the proposal is Denise Coyle's health and mobility circumstances, which are such that their existing split-level, one-and-half-storey dwelling house is no longer suitable, i.e., they need a single storey dwelling house. Their original application was accompanied by a letter of support from a councillor, who outlined the above situation and added that the subject site would be "in reasonable proximity to essential health services." Under further information, the applicant's submitted a letter of explanation/support from their GP and a copy of Denise Coyle's parking permit for people with disabilities.
- 7.7. The completed supplementary rural housing application confirms that the applicants have resided at their current address in Glen, near Carrigart, Co. Donegal for c. 15 years, the proposed dwelling house would be their primary, principal, and permanent residence, and they have not been granted planning permission for a dwelling house on another site.
- 7.8. At the appeal stage, the applicants clarified that their proposal is based exclusively on the third criterion of Policy RH-P-3, which states "Persons who, for exceptional health circumstances, can demonstrate a genuine need to reside in a particular rural location." Following receipt of further information, the PA accepted that the applicants fulfilled this criterion and so their proposal would accord with its rural housing policy.
- 7.9. Under Section 4.3 of the SRH Guidelines entitled "Assessing housing circumstances", PAs are advised to "recognise that exceptional health circumstances – supported by relevant documentation from a registered medical practitioner and a

disability organisation – may require a person to live in a particular environment or close to family support.” In the present case, the applicants have outlined how Denise Coyle’s health and mobility circumstances have rendered their present split-level dwelling house in Glen unsuitable. They have also referenced the relative proximity of the subject site to Letterkenny, which would ease journeys to Letterkenny for hospital appointments.

7.10. The distance between Glen and Letterkenny is 18.9km and the distance between the subject site and Letterkenny is 6.7km. Accordingly, the distance between the applicants’ existing dwelling house and their proposed one and Letterkenny would reduce appreciably. That said the distances in question are short, and so I find it difficult to see why the applicants need to reside at the particular location selected, i.e., the relative advantage appears marginal. They have not indicated that in terms of the SRH Guidelines advice, the subject site affords a particular environment or closeness to family that would be of importance with respect to their health and mobility circumstances. Thus, while I can understand the need to relocate, the relative advantage of the subject site for accessing Letterkenny over their existing place of residence appears marginal, and, in the absence of any environmental or familial factors, I do not consider that they have made the case for the particular location selected in terms of their need.

7.11. Under Policy RH-P-3, where applicants already reside in a rural area, their housing need is met, unless their exceptional health circumstances indicate otherwise. In the current case, the applicants reside in a rural area, but they have not established that their exceptional health circumstances would justify the particular location that they have selected.

7.12. I conclude that the applicants have not demonstrated that their exceptional health circumstances would warrant the development of the subject site to provide the proposed dwelling house.

(iii) Visual and residential amenity

7.13. Under the proposal, a single storey, two-bed/four-person dwelling house with a floorspace of 158.9 sqm would be sited centrally within the site. This dwelling house would comprise two rectangular forms under double pitched roofs, which would be offset in relation to one another. A flat roofed connecting element would link these

two forms, one of which would provide daytime accommodation and one of which would provide night time accommodation. This link would provide ancillary spaces and circulation space and its roof would extend forward to provide a car port. Finishes would include wet dash render and blue/black natural slates. Additionally, the front elevation of the link element would be finished in larch timber under a dark grey Trocal roof. (These finishes would also be evident in a projecting glazed door feature on the easternmost elevation of the dwelling house).

- 7.14. Under Appendix 4 of the CDP, advice is given on the location, siting, and design of rural dwelling houses. The proposed dwelling house, with its combination of traditional and modern forms and materials, would reflect this advice, and it would result in an aesthetically pleasing composition.
- 7.15. The appellant critiques the principle of permitting a further dwelling house within the existing cluster of three dwelling houses, and he expresses concern over the establishment of an adverse precedent for further development.
- 7.16. During my site visit, I observed that the existing dwelling houses nearby are in elevated positions in relation to the site, and on either side of the local road. Two of these dwelling houses are on the same side of this road as the site, and so the proposed addition of a further dwelling house would not amount to ribbon development. This dwelling house would be sited at a lower level than the existing ones, and its single storey form would ensure that it maintains a modest presence. Separation distances and existing and proposed means of enclosure would, likewise, ensure that residential amenity is safeguarded. While other sites nearby could conceivably be the subject of proposals for dwelling houses in the future, these would be capable of being assessed on their own merits, and so I do not consider that the current proposal would establish any binding precedent.
- 7.17. The appellant critiques the siting of the proposed dwelling house on the grounds that it would not exhibit a set back distance of 25m from the adjacent road. Under Section 2.11 of the CDP, this distance is cited with respect to regional roads. However, the relevant distance for local roads, such as the one in question, i.e., the L-5982, is 15m. As revised under further information, the siting of both the proposed dwelling house and its accompanying garage would exhibit this set back distance.

- 7.18. The appellant critiques the proposed mobile home on the grounds of uncertainty over its servicing arrangements, and how its presence may lead to the devaluation of nearby property. The applicants have confirmed that the mobile home would be connected to the public water mains and the proposed WWTS and soil polishing filter. They have also stated that it would afford security to the site during the construction phase.
- 7.19. I consider that, provided the said servicing arrangements are in place from the outset of the mobile home's use by the applicants, and provided its duration on site is only for the construction period, it would be acceptable. If the Board is minded to grant, then these matters should be conditioned.
- 7.20. I conclude that the proposal would be compatible with the visual and residential amenities of the area, and thus property values would be unaffected.

(iv) Access

- 7.21. Under the proposal, a new site entrance would be sited immediately to the west of the existing site entrance, which would be closed. This site entrance would be situated in an offset position in relation to a cul-de-sac on the northern side of the local road, which, like the one that bounds the site to the east, was formed in conjunction with the straightening of the N56 further to the east. Site entrances to the existing dwelling houses to the west lie at points further along the local road.
- 7.22. The appellant expresses concern that the proposed site entrance would be too close to existing junctions and site entrances. He cites the TII's concern over the impact upon the junction between the N56 and the L-5982. The applicant has responded to this concern by drawing attention to the findings of its Traffic Survey Report, which illustrate that traffic speeds are low along the stretch of the local road that passes the site. Accordingly, the proposed sightlines at the proposed site entrance would be adequate, i.e., $x = 3\text{m}$ and $y = 50$. The case planner raised no objection to the siting of the proposed site entrance or its accompanying sightlines.
- 7.23. During my site visit, I observed that the site is served by an existing agricultural gateway off the local road. I also observed that the two cul-de-sacs afford local access to vehicles and through routes for cyclists, and so they are lightly trafficked. The junctions between these cul-de-sacs and the proposed site entrance are separated out and the junction between the N56 and the L-5982 lies c. 75m to the

north-east. Given this layout and the traffic levels in question, I do not consider that the proposed site entrance would be hazardous or detrimental to road safety.

7.24. I conclude that the proposed site entrance would be satisfactory.

(v) Water

7.25. Under the proposal, the site would be connected to the public water mains under the L-5982. Uisce Eireann was consulted, but no advice was received. The PA's Condition No. 10 requires that potable water be from the public water mains.

7.26. Under the OPW's Flood Maps, the site is not shown as being the subject of any identified flood risk. Under the proposal, sealed surfaces would be the subject of an on-site surface water drainage system, which would discharge to the field drain along the southern boundary of the site, and onwards into the roadside drain.

7.27. Under the proposal, a WWTS would be installed and a soil polishing filter. In this respect, the applicant has submitted a Site Suitability Assessment Report, which I will draw upon in my own assessment of the site.

- The aquifer is poor and of extreme vulnerability. The groundwater protection response is R2₁. Appendix E of the EPA's CoP DWWTs states that this response is "Acceptable subject to normal good practice."
- Local groundwater is assumed to flow in an easterly direction.
- The trial hole was dug to a depth of 1.8m. Top-soil consists of peat. The sub-soil consists of boulder clay, and the water table occurs at a depth of 0.6m. Bedrock was not encountered, but it is stated as being at a depth greater than 2.1m.
- The "T" (sub-surface/depth of 800mm) tests were abandoned as the test holes were already waterlogged. The site assessor predicted percolation values in excess of 75 min/25mm. The appellant draws attention to the EPA's CoP DWWTs, which states that percolation values of 120 min/25 mm or more render a site unsuitable. Only the site assessor proceeded to test imported soil, which had a percolation value of 11.39 min/25mm.
- "P" (surface/depth of 300mm) tests were not undertaken.

- 7.28. The site assessor recommends that a secondary or tertiary WWTS be installed along with a raised soil polishing filter composed of imported soil to a depth that would ensure a minimum of 0.9m between the invert level of the percolation trenches and the water table. Existing peat underneath the footprint of the soil polishing filter is to be removed before soil is imported. A 1.2m deep gravel filled land drain is to be formed up gradient and down gradient from this soil polishing filter in order to help control the level of the water table underneath it. At the appeal stage, the applicants propose to add a sand polishing filter to the soil polishing one to increase the treatment of wastewater pollutants still further.
- 7.29. Under Appendix C of the applicants' Site Suitability Assessment, sections of the originally proposed soil polishing filter are shown. This soil polishing filter is depicted as being wholly above the existing ground level, and it would be underlaid with imported soil to a depth of 0.3m above the existing ground level and to a depth of at least 0.6m below ground level, i.e., the recorded depth of the water table. Consequently, the requisite clearance depth of 0.9m is shown as being achievable.
- 7.30. Under Section 6.5 of the EPA's CoP DWWTS, states that "If the percolation value is greater than 120, the site is unsuitable for a DWWTS discharging to ground." The appellant cites this figure. The applicants site assessor has not established if the existing boulder clay sub-soil would be within this threshold. Instead, he proposes to remove the peat layer and import soil with a percolation value of 3 – 20. His cross-sectional depictions of the originally proposed soil polishing filter and imported soil show the above cited clearance depth of 0.9m. Beyond this depth, the existing boulder clay appears to be retained *in-situ*.
- 7.31. At the appeal stage, the applicants flag the possibility of respecifying a sand polishing filter. Under Section 8.1.2 of the EPA's CoP DWWTS, sand polishing filters are described as incorporating soil polishing filters, too. The applicants have not submitted any details of how this alternative proposal would be designed for the site.
- 7.32. I note that the site assessment exercise was undertaken on 18th May 2023, and that the site assessor acknowledges that winter water table levels may be higher again than that recorded at a depth of 0.6m. Nevertheless, his proposal works to this depth. I note, too, the proximity of a land drain along the southern boundary of the site, which is barely 10m from the site of the proposed soil polishing filter, and down

gradient from it. The first of these factors poses a risk of ponding, and the second poses a risk of pollutants reaching the land drain. Given these factors and the absence of comprehensive details as to how any higher specification for the proposed polishing filter would be designed for the challenging site conditions, I consider that it would be premature to grant permission for the proposed WWTS and polishing filter.

- 7.33. I conclude that, given the wet conditions presented by the site, the applicants have not demonstrated that wastewater would be capable of being satisfactorily handled on the site.

(vi) Appropriate Assessment

- 7.34. The site does not lie in or beside a European site. The Leanne River SAC passes 1.9 km to the north-west of the site. The appellant states that there is a hydrological link between the site and Glashagh River and onwards to the Leanne River SAC. The applicant states that the appellant has submitted no evidence to support his claim.
- 7.35. Neither the EPA water maps or the Ordnance Survey 1: 50,000 map shows any water courses between the site and the Glashagh River. During my site visit, which occurred during wet weather, I observed a roadside drain along the eastern boundary of the site, which is subject to a descending gradient to the south-east. Water in this drain may eventually enter the Glashagh River. However, I am unable to confirm that this is so, and, if it is, the dilution factor would be such that any subsequent discharge into the Leanne River SAC would raise no Appropriate Assessment issues.
- 7.36. Having regard to the nature, scale and location of the proposed development, the nature of the receiving environment, and proximity to the nearest European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

That permission be refused.

9.0 Reasons and Considerations

1. Having regard to Section 4.3 of the Sustainable Rural Housing Guidelines and Policy RH-P-3 of the Donegal County Development Plan 2018 – 2024, it is considered that the applicants have failed to demonstrate that their exceptional health circumstances amount to a genuine need to reside in the particular rural location of the site, which they have selected. In these circumstances, the proposed dwelling house would not comply with the advice set out in Section 4.3 of the Guidelines or the provisions of Policy RH-P-3 of the County Development Plan. Consequently, this dwelling house would contravene relevant national and local rural housing policy, and, as such, it would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the wet site conditions, the applicants have failed to demonstrate that their proposed wastewater treatment system and soil/sand polishing filter would avoid the pollution of ground and surface waters, and so be compatible with public health and the safeguarding of water quality. In these circumstances, it would be premature to grant permission for the proposed wastewater treatment system and soil/sand polishing filter.

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 February 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317932-23		
Proposed Development Summary	Construction of a new dwelling house and domestic garage, installation of a wastewater treatment system and temporary permission for placement of a mobile home.		
Development Address	Cashelgay, Coolboy, 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	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) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	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 of Schedule 5 – threshold 500 dwelling units	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	<input checked="" type="checkbox"/>	Preliminary Examination required
Yes	<input type="checkbox"/>	Screening Determination required

Inspector: _____ **Date:** _____

Appendix 2: EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-317932-23	
Proposed Development Summary	Construction of a new dwelling house and domestic garage, installation of a wastewater treatment system and temporary permission for placement of a mobile home.	
Development Address	Cashelgay, Coolboy, Letterkenny, Co. Donegal	
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.		
	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? 	<p>Single rural house with on-site wastewater treatment plant</p> <p>No significant waste, emissions or pollutants would ensue</p>	<p>No</p> <p>No</p>
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 	<p>Single rural house with on-site wastewater treatment plant</p> <p>No significant waste, emissions or pollutants would ensue in combination with any other permitted projects</p>	<p>No</p> <p>No</p>

<p>having regard to other existing and/or permitted projects?</p>		
<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 Leanne River SAC, no other ecologically sensitive sites in the surrounding area – this SAC is addressed under Stage 1 Screening for Appropriate Assessment</p> <p>Apart from Leanne River SAC, no other ecologically sensitive sites in the surrounding area – this SAC is addressed under Stage 1 Screening for 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: