



An
Bord
Pleanála

Inspector's Report

ABP-318751-23

Development	Construction of a dwelling house with proprietary wastewater treatment system including all associated site works.
Location	Corr, Lettermacaward, Co. Donegal.
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	23/51013
Applicant(s)	Aoife Gallagher
Type of Application	Permission
Planning Authority Decision	Grant, subject to 15 conditions
Type of Appeal	Third Party -v- Decision
Appellant(s)	An Taisce
Observer(s)	Patrick O'Donnell
Date of Site Inspection	20 th March 2024
Inspector	Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located 1.58 km to the west of the Gweebarra Bridge on the N56. This site lies on south facing slopes in Lettermacaward, which overlook the estuary of the Gweebarra River. It is accessed off the L-1763-1, which runs on an east/west axis along these slopes. One-off dwelling houses are sited at intervals along this local road.
- 1.2. The site itself is of regular shape, and it extends over an area of 0.53 hectares. This site maintains a roadside frontage of 62m. Along this frontage the road rises at a gentle gradient from 36.66m ASL in the west to 39.49m ASL in the east. Through its southern and central portions, the site rises at moderate gradients northwards, and, through its northern portion, it rises at gentler gradients eastwards. The site is generally overgrown with pockets of thick gorse in places. It is presently accessed by means of a farm gate towards its south-eastern corner.
- 1.3. The site's southern roadside boundary is denoted by an agricultural fence and a hedgerow. To the west, this site adjoins an existing residential property. Its western boundary with this property is denoted by an agricultural fence and a row of conifers. Elsewhere, the site's boundaries are unmarked on the ground. Beyond the northern boundary lies a ringfort – Cashel, which is identified on the Sites and Monuments Record as DG065-007.

2.0 Proposed Development

- 2.1. Under the proposal, a single storey, three-bed/six-person dwelling house with a floorspace of 230.17 sqm would be constructed in the northern portion of the site on an embankment, which would be extended by means of cut and fill to provide a level surface. This dwelling house would be composed of two main rectangular elements under double pitched roofs. These forms would be connected by a flat roofed entrance hall element. They would provide predominantly night-time accommodation in the eastern element and daytime accommodation in the western element. Corner window features would be specified for the principal south facing elevations.
- 2.2. The proposed dwelling house would be accessed by means of the existing access point to the site from the adjoining local road. This access point would be formally

laid out as a domestic entranceway, and it would serve a driveway that would meander through the site to the dwelling house.

- 2.3. The proposed dwelling house would be served by means of a connection to the public water main and by a proprietary wastewater treatment system and a percolation area, which would be sited towards the south-western corner of the site. Surface water run-off from the dwelling house is to an open drain.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted, subject to 15 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The following further information was requested:

- Revised house design entailing a reduction of 5.5m in the depth of the south-western block, and
- Re-siting of proposed dwelling house 30m to the south.

Subsequently, the applicant did not respond to the request. Instead, a further site inspection was carried out at the request of the sponsoring councillor, and the view was taken that the further information was not needed.

3.2.2. Other Technical Reports

None

3.3. Prescribed Bodies

DoHLGH: Attention is drawn to the proximity of the recorded monument DG065-007, and so a pre-development archaeological testing condition is requested.

3.4. Third Party Observations

None

4.0 Planning History

04/2416: Single storey dwelling house with convertible attic and septic tank and percolation area: Permitted.

5.0 Policy Context

5.1. Development Plan

Under the Donegal County Development Plan 2018 – 2024, the site lies within a structurally weak rural area, which is of high scenic amenity. Under the Historic Environment Viewer, a ringfort – Cashel is identified to the north of the site, i.e., DG065-007 on the Sites and Monuments Record. The following policies are of relevance:

RH-P-4

It is a policy of the Council to consider proposals for new one-off housing within structurally weak rural areas from any prospective applicants with a need for a dwelling house (urban or rural generated need), provided they demonstrate that they can comply with all other relevant policies of this Plan, including RH-P-1 and RH-P-2. New holiday home development will not be permitted in these areas.

RH-P-1

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).*

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. 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 (as elaborated below under the heading of “Guidance on the Location of New Development in Rural Areas”).

RH-P-9

It is a policy of the Council to seek the highest standards of siting and architectural design for all new dwellings constructed within rural areas and the Council will require that all new rural dwellings are designed in accordance with the principles set out in Appendix 4 of the County Development Plan, entitled ‘Building a House in Rural Donegal – A Location, Siting and Design Guide’.

NH-P-7

Within areas of 'High Scenic Amenity' (HSC) and 'Moderate Scenic Amenity' (MSC) as identified on Map 7.1.1: 'Scenic Amenity', and subject to the other objectives and policies of 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.

AH-P-3

It is the policy of the Council to protect the character, settings of and views from National Monuments and Recorded Monuments and to manage development which would be considered to (visually or physically) intrude upon or inhibit the enjoyment of the amenities of these sites.

5.2. Natural Heritage Designations

West of Ardara/Maas Road SAC & pNHA (000197)

5.3. EIA Screening

See appendices.

6.0 The Appeal

6.1. Grounds of Appeal

- The appellant, An Taisce, expresses the view that it should have been consulted on the application, due to the site's proximity to a recorded monument, and its location in an area of high scenic amenity.
- The recorded monument is a fine example of a Cashel, which may be associated with satellite features in the surrounding area. It occupies a prominent position in the local landscape. This monument is of "high status", and so the surrounding area needs to be properly assessed.
- The case planner overlooked the archaeological heritage provisions of the Development Plan in her assessment.
- The completed application form fails to acknowledge the site's proximity to the recorded monument.
- The DoHLGH's advice fails to consider the need to identify the nature and extent of the recorded monument and the impact of the proposal upon its setting.
- The chronology of the application is recounted. The senior executive planner's memo is critiqued insofar as the 85m clearance distance between the proposal and the recorded monument is not justified, and it may not be accurate.
- The PA's permission disregards its own further information request, and it fails to attach the DoHLGH's requested condition.
- The proposal would contravene Policy AH-P-3 of the Development Plan.
- The proposal would sever the relationship between the recorded monument and the surrounding landscape, including the public road, and it would be visually intrusive. The residential development of the site, in principle, would be inappropriate.

6.2. Applicant Response

None

6.3. Planning Authority Response

The PA considers that the grounds of appeal were addressed at the application stage, including the recorded monument. In this respect, the proposal would not encroach upon the buffer zone for this recorded monument.

The PA accepts that it should have attached the DoHLGH's requested condition, and it requests that, if the Board is minded to grant, this condition be attached.

6.4. Observations

- The observer outlines the importance of the recorded monument.
- The site lies within the zone of notification for the recorded monument and the northernmost portion of the proposed dwelling house would encroach into it. This zone neither defines the extent of a recorded monument nor a buffer zone for it. Instead, it simply identifies an area within which it may be located.
- The cited distance of 85m between the recorded monument and the proposal is a serious over estimate: its stone walls would at most be 35m away, and probably half that distance to the old collapsed wall. The description of this recorded monument on the Historic Environment Viewer refers to the inner stone wall and an outer stone wall (now collapsed).
- The presence of the recorded monument was given insufficient attention in the PA's assessment of the application, and the DoHLGH's requested condition was omitted from its permission. Relevant advice of the OPR on assessing the recorded monument and the proposal was not followed.
- The proposal would most certainly lead to a serious loss of visual amenity of a monument which occupies a prominent position in the landscape.
- The view is expressed that the landowner has alternative potential sites nearby that would not compromise the integrity of the recorded monument, the preservation of which should be paramount.

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 (CDP), relevant planning history, 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 housing policy,
- (ii) Archaeology,
- (iii) Landscape and visual impacts,
- (iv) Access,
- (v) Water, and
- (vi) Appropriate Assessment.

(i) Rural housing policy

- 7.2. National Planning Objective 19 of the NPF makes a distinction between rural areas which are and which are not under urban influence. Within the latter rural areas, the provision of single housing in the countryside is to be facilitated based on siting and design criteria in CDPs and having regard to the viability of smaller towns and rural settlements.
- 7.3. The site lies within a structurally weak rural area. Under RH-P-4 of the CDP, proposals for one-off dwelling houses can be considered from applicants who need a dwelling regardless of whether that need is an urban or rural generated one.
- 7.4. The applicant completed a supplementary rural housing application form in which she states that her proposed dwelling would be her primary principal and permanent residence, and she has not been granted planning permission previously for a dwelling on another site. The application is accompanied by a letter from a local councillor, which advises that the applicant is known to him, she was born and

attended school within the locality of the site, and she presently resides therein with her family. Confidence is expressed that she is a candidate for a rural dwelling house, under Policy RH-P-4 of the CDP, and that the proposed dwelling house would comply with Policies RH-P-1 & 2 of the CDP.

- 7.5. The PA accepted the *bona-fides* of the above letter, and it granted permission, subject to conditions.
- 7.6. I, therefore, consider that, in view of the site's location within a rural area which is not under urban influence and which is structurally weak, the proposal would come within the ambit of NPO 19 of the NPF and R-HP-4 of the CDP. Based on the submitted information from the applicant, I consider that she has a *prima facie* rural housing need, and so I conclude that her proposal would comply with the County's rural housing policy.

(ii) Archaeology

- 7.7. Under the Historic Environment Viewer, a ringfort – Cashel is identified to the north of the site as Sites and Monuments Record DG065-007. This Viewer highlights a zone of archaeological interest around the site with a radius of 60m. This zone overlaps with the most northerly reaches of the site and the northernmost portion of the proposed dwelling house. It prompted the PA to consult the DoHLGH, which requested that a pre-development archaeological testing condition be attached to any permission. Both the appellant and the observer draw attention to the omission of such a condition from the PA's subsequent permission. The PA accepts its oversight in this respect and requests that, if the Board is minded to grant, then the requisite archaeological condition be attached.
- 7.8. Under Policy AH-P-3 of the CDP, the PA undertakes "to protect the character, settings of and views from National Monuments and Recorded Monuments and to manage development which would be considered to (visually or physically) intrude upon or inhibit the enjoyment of the amenities of these sites." The appellant cites this Policy, and it contends that the proposal would contravene it. In this respect, the appellant and the observer draw attention to the applicant and the PA's failure to undertake any assessment of the proposal in the light of its proximity to the ringfort, which comprises inner and outer walls, as the following description outlines:

Internal diam. c. 18m. A modern subcircular stone-walled enclosure has been built on the line of the internal wall of this double-walled Cashel. The original outer and inner facings of the inner wall are evident in some places and suggests an original wall width of 1.8m to 2.2m. This incorporated suitable stretches of rock outcrop. From 8m to 15m down the slope of the knoll on which the site is located is an outer wall also much collapsed. It would appear to have been 1m to 1.3m in width originally and also incorporated an appropriate stretch of rock outcrop. The site is located on a limestone knoll surrounded by rocky pasture land to the N and E of the Gweebarra river.

- 7.9. The Ordnance Survey 1: 50,000 Map of the area records that the ringfort lies at a height of 59m ASL. The proposed dwelling house would have a finished floor level of 47m ASL, and it would be laid out over an existing embankment, which would be reworked from its existing heights of between 46.5m and 48.5m ASL. Given the considerable earthworks that would ensue, that these works would overlap with the above cited zone of archaeological interest, and that an outer wall is already known about, the importance of the requested condition is self-evident from an archaeological perspective.
- 7.10. Beyond what may be in the ground, the dwelling house itself, the cut and fill earthworks associated with its construction, and the accompanying lengthy driveway would all combine to affect the setting of the ringfort. During my site visit, I observed that it would be sited on what “reads” as the shoulder of the hillside, beyond which the above cited knoll forms a head upon which the ringfort is situated. At present, the ringfort occupies an uncontested commanding position over the surrounding area, which explains the selection of its location. Dwelling houses in this area are consistently sited at lower levels in proximity to the local road network. Indeed, the previously permitted dwelling house (04/2416) on the site would have followed this pattern. However, the currently proposed dwelling house would be sited at an appreciably higher level, and so it would encroach on the immediate setting of the ringfort on the knoll. This dwelling house would be a competitive presence within this setting, and so it would detract from the ringfort’s imposing isolation and obscure the legibility of why it was built on the knoll.
- 7.11. The PA’s further information request sought the resiting of the proposed dwelling house in line with the pattern of existing dwelling houses cited above. Regrettably, the PA effectively withdrew this request, and so no resiting is before the Board.

7.12. I conclude that the proposal, if granted, should be the subject of a pre-development archaeological testing condition. I conclude, too, that the proposed siting of the dwelling house would detract from the setting of the ringfort, and so it would contravene Policy AH-P-3 of the CDP.

(iii) Landscape and visual impacts

7.13. Under the CDP, the site is deemed to be within an area of high scenic amenity. Under the County's Landscape Character Assessment (LCA), this site is located within the Rosses Knock & Lochan, Islands & Coast LCA 28 An Gaeltacht, and it lies within the Landscape Character Type (LCT) – Agricultural Coastal. This LCT is described as a low rocky coastal edge, which extends to the sea in parts, and which is interspersed with soft sandy beaches and large tidal estuaries to the south of Lettermacaward extending into Gweebarra Bay.

7.14. Policies RH-P-1 & 2 of the CDP address the assessments of landscape and visual impacts. Under Item 2 of the former Policy the following requirement is stated, "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..." Under Items 4 & 5 of the latter Policy the following requirements are stated, "A proposed dwelling will be unacceptable where it is prominent in the landscape..." and "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...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."

7.15. The above cited Policies are accompanied by "Guidance on the Location of New Developments in Rural Areas", which provides the following advice of relevance to the current proposal:

The determination of whether a new rural dwelling integrates into the landscape is not a test of invisibility; rather it requires an assessment of the extent to which the development of the proposed site, including necessary site works, will blend in with its immediate and

wider surroundings. The assessment of integration will be judged from the landscape classification; critical views as seen along stretches of the public road network; public rights of way or other areas of general public access and assembly, e.g., a car park, beach or park. Where a suitable site is identified from such critical viewpoints, it shall be necessary to ensure the proposed dwelling blends into its immediate surroundings and is of a high standard of design. New dwellings should be sited to take advantage of the opportunities afforded by any existing mature planting, hills, slopes or other natural features to assist with integration. Proposed housing that would read as skyline development or occupy a top of slope/ridge location or otherwise be a prominent feature in the landscape will be unacceptable. Similarly, a new dwelling that relies on significant earth works, such as cutting into slopes, filling to create a level "platform" for development or mounding to achieve integration, will all be unacceptable.

- 7.16. As described under the second heading of my assessment, the proposed dwelling house would be sited on the most elevated portion of the site on a platform that would result from considerable cut and fill earthworks (cf. drawing no. 5A). Consequently, its finished ground floor level would be higher than the ridgeline of the neighbouring dwelling house on the adjoining site to the west. The siting of this existing dwelling house would be comparable with other dwelling houses along the northern side of the local road, which serves the site, and so the proposed dwelling house would depart from the established pattern of siting dwelling houses at lower levels, which are adjacent to the local road.
- 7.17. During my site visit, I observed that the siting of the proposed dwelling house would cause it to be highly visible within short range views from both local roads to the south of the site, i.e., the L-1763-1 and the L-6383-1. These roads merge to the south-west of the site and continue around the coastline to serve a beach and public car park further to the west of the site. That portion of the local road beside the beach and car park affords easterly mid-range views within which the proposed dwelling house would appear on the skyline beside the knoll bearing the ringfort – Cashel. It would thus be conspicuous and both intrusive and obtrusive alongside this distinctive landscape feature.
- 7.18. During my site visit, I observed that the proposed dwelling house would be visible within long range views from the public viewing point on the N56 to the south of the estuary to the Gweebarra River. Within these views it would be seen against the

backdrop of higher slopes to the north and in the context of other one-off dwelling houses.

- 7.19. The dwelling house itself would be of single storey form, and it would provide three-bed/six-person accommodation over a floorspace of 230.17 sqm. This dwelling house would be composed of two main rectangular elements under double pitched roofs. These forms would be connected by a flat roofed entrance hall element. The principal elevation would face south, and it would comprise two front gabled elements. The two outward orientated side elevations would face to the east and west. The former elevation is unduly elongated and of utilitarian design, and the latter elevation is the one that would be visible from the above cited public viewing points to the west. The case planner originally sought under further information for the overall footprint of the dwelling house to be reduced to overcome the critique of the eastern side elevation. Regrettably, the PA did not pursue this approach, and so no revised dwelling house is before the Board.
- 7.20. The dwelling house would be served by a driveway that would meander up through the site from the proposed entranceway in its south-eastern corner. The construction of this driveway would add to the quantum of development on the site and the overall visual intrusion and obtrusion that would result from the size and design of the dwelling house in its elevated position.
- 7.21. I conclude that the proposal would have negative landscape and visual impacts, which would cause it to contravene Policies RH-P-1 & 2 of the CDP and to be seriously injurious to the visual amenities of the area.

(iv) Access

- 7.22. Under the proposal, the existing access point to the site from the adjoining local road (L-1763-1) would be reworked from a farm gate to a formally laid out domestic entranceway. As it passes the site, this local road rises at a gentle gradient towards the east, and it is of relatively straight horizontal alignment. The applicant undertook a traffic survey of vehicular speeds on the local road to the east and to the west of the existing access point to the site. This survey was undertaken between 09.18 and 10.41 on Saturday 3rd June 2023. It recorded average speeds of 43.08 kmph and 42.14 kmph. Under Table 3 of Appendix 3 to Part B of the CDP, these speeds prompt recommended sightlines with y dimensions of 70m and an x dimension of

2.4m. Under the proposal, the domestic entranceway would be served by such sightlines.

7.23. On site access arrangements would entail the construction of a driveway from the new domestic entranceway in the south-eastern corner of the site to the proposed dwelling house in the north-western corner. The level of the former would be 38.7m ASL and the level of the latter would be 47m ASL. The intervening terrain would vary considerably in gradient, i.e., it would not be consistently steep over its entire length of c. 67m. Ordinarily, driveway gradients should have a maximum gradient of 10% beyond any dwell area adjoining the public road. Given the existing topography of the site, it is not self-evident that the proposed driveway would be capable of being provided at an acceptable gradient and/or without considerable earthworks to the site. I, therefore, consider that a detailed design would be of importance to demonstrate how the construction of any driveway could be achieved to satisfactory gradients. Such design would also allow for a fuller assessment of the landscape and visual impacts of such a driveway.

7.24. I conclude that the proposed arrangements for access onto/egress off the site would be satisfactory. I also conclude that the proposed on-site access arrangements would need to be elucidated further to demonstrate that they would be satisfactory from an operational perspective.

(v) Water

7.25. Under the proposal, water would be supplied by means of a new connection to 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. On the submitted site layout plan, a surface water drain is shown as running from the new platform, upon which the proposed dwelling house would be sited, to the existing roadside ditch. This plan does not show how the driveway itself would be drained. Presumably, it, too, could be drained to this ditch.

7.27. The proposed dwelling house would be served by means of a septic tank system and a percolation area, which would be sited towards the south-western corner of the site. The applicant has submitted a Site Suitably Assessment Report which informed the proposed WWTS and percolation area. I will draw upon this Report 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 a south-westerly direction.
- The trial hole was dug to a depth of 1.65m in early June 2023. Between ground level and a depth of 0.25m sandy silt/clay was encountered, and between 0.25m and 1.65m sandy gravel with occasional cobbles and boulders was encountered. The water table was not reported as being detected.

7.28. The "T" (sub-surface depth of 800mm) tests yielded a result of 15.45 min/25mm. "P" tests were not undertaken. This "T" test result indicates that the site would be suitable for a septic tank system and a percolation area.

7.29. The continuous site section (drawing no. 5A) shows the siting of the proposed percolation area in conjunction with the gradient of the site. Under Section 6.2 of the EPA's DWWTs Code of Practice, a maximum gradient of 1 in 8 is cited for WWTs, including percolation areas. The continuous site section shows that the siting of the proposed percolation area would be borderline in this respect. It also shows the siting as occurring towards the bottom of an extensive slope, and so the risk posed by surface water run-off to the percolation area would need to be addressed. Accordingly, the applicant needs to demonstrate by means of a detailed design how the Code of Practice standard would be met, and how any percolation area would be protected from surface water run-off from the adjoining slope.

7.30. I conclude that the applicant needs to provide detailed plans of the proposed percolation area to enable its suitability to be more fully assessed.

(vi) Appropriate Assessment

7.31. The site is not in or beside any European site. The nearest such site lies c. 235m to the south of this site, where the estuary of the Gweebarra River is designated as part of the West of Ardara/Maas Road SAC. The proposal would entail the construction of a dwelling house on the site, which would be served by a septic tank and percolation area. I am not aware of any hydrological or other link between the site of this

proposal and this SAC, and so a source/pathway/receptor route between them appears to be absent. Consequently, no appropriate assessment issues would arise.

- 7.32. Having regard to the nature, scale, and location of the proposal, the nature of the receiving environment, and the proximity to the nearest European Site, it is concluded that no appropriate assessment issues arise as the proposal 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 Policy AH-P-3 of the County Donegal Development Plan 2018 – 2024, it is considered that the siting of the proposed dwelling house on the most elevated portion of the site would encroach upon the isolated setting of the ringfort – Cashel on a knoll further to the north. The presence of this dwelling house would compete with this ringfort – Cashel, which is a recorded monument (ref. no. DG065-007), and so it would detract from its setting and obscure its legibility. The proposed dwelling house would thus contravene Policy AH-P-3 of the Development Plan, and, as such, it would be contrary to the proper planning and sustainable development of the area.
2. Having regard to Policies RH-P-1 & 2 of the County Donegal Development Plan 2018 – 2024, it is considered that the proposed dwelling house, which would have an extensive footprint, and which would be sited on a new platform on the most elevated portion of the site with an accompanying lengthy driveway, would result in an unduly prominent form of development, which would be out of sympathy with its host landscape, and which would appear on the skyline within short and medium range views from public vantage points. Consequently, the proposal would be both visually intrusive and obtrusive and so seriously injurious to the visual amenities of the area. It would contravene Policies RH-P-1 & 2 of the Development Plan and it would be contrary to the proper planning and sustainable development of the area.

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

Hugh D. Morrison
Planning Inspector

11th April 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318751-23		
Proposed Development Summary	Construction of a dwelling house with proprietary wastewater treatment system including all associated site works.		
Development Address	Corr, Lettermacaward, 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) and 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	Conclusion
			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-318751-23	
Proposed Development Summary	Construction of a dwelling house with proprietary wastewater treatment system including all associated site works.	
Development Address	Corr, Lettermacaward, 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? 	No
	<ul style="list-style-type: none"> • Will the development result in the production of any significant waste, emissions or pollutants? 	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? 	No
	<ul style="list-style-type: none"> • Are there significant cumulative considerations 	No

<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 West of Ardara/Maas Road SAC, no other ecologically sensitive sites in the vicinity – this SAC is addressed under Appropriate Assessment</p> <p>Apart from West of Ardara/Maas Road SAC 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: _____