



An
Bord
Pleanála

Inspector's Report ABP-319592-24

Development	Erection of a dwelling house with installation of waste water treatment system including all other associated site development works.
Location	Aghalatty, Carrigart, Letterkenny, Co. Donegal.
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2351586
Applicant(s)	Joel Harvey Knipe
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party V Grant
Appellant(s)	Neil Duffy
Observer(s)	None
Date of Site Inspection	10 th July 2024
Inspector	Ronan O'Connor

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1.0 Site Location and Description

- 1.1.1. The subject site comprises a stated area of 0.43ha, in the townland of Aghalatty. The site is locally elevated with a gradient that rises away from the local road. Mature vegetation exists along the site boundaries and there is vegetation cover over much of the site. Access to the site is off the adjoining local county road, L-5342-1.

2.0 Proposed Development

- 2.1. Erection of a dwelling house with installation of waste water treatment system including all other associated site development works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Grant permission (decision date 28th March 2024).

3.2. Planning Authority Reports

3.2.1. Planning Reports

The first Planner's report (dated 28th November 2023).

- Planning Authority is satisfied that the principle of development is acceptable based on the submitted bona fide letter/housing need demonstrated.
- Clear host area has experienced development pressures.
- Subject site is read as cluster.
- Dwelling will be screen from view due to vegetation.
- A low-rise design would be most favourable on this site.
- PA have concerns in relation to over-development of the site.
- Revised plans required indicating single storey dwelling/smaller footprint/provide fenestration with a vertical emphasis.
- No impact on residential amenity.

- Provides for adequate private amenity space.
- Sufficient vision lines can be achieved.
- Revised WWTP plans required/distance of 10m between percolation area and ditch cannot be achieved.

Further Information was requested on 7th December 2023 in relation to the following issues:

1. Revised plans – single storey dwelling/smaller footprint
2. Revised WWTP layout showing sufficient separation from roadside drain/ditch

3.2.2. Further information was received pm 12th March 2024.

3.2.3. The second Planner's report is summarised below:

- Notes that the overall width of the dwelling has been reduced/allows the dwelling to integrate comfortably within the site.
- Acknowledged that the dwelling is still larger than that of the dwellings in the existing cluster
- Considered acceptable having regard to the existing mature vegetation and trees at this location
- Revised plans show the roadside drain will be piped.
- Recommendation was to grant permission

3.2.4. Other Technical Reports

- Environmental Health Officer – Recommended conditions in relation to the proposed WWTP
- Area Roads Engineer – Applicant to install 225mm drainage pipes and 3 no. gullies along the frontage of the site to prevent surface water entering the site and onto the local road.

3.2.5. Conditions

- Condition No 4 relates to the provision of a roadside boundary.
- Condition No. 11 relates to planting of boundaries.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. 1 no. third – party observation was received at application stage. The issues are summarised in the Planner's report (dated 28th November 2023). I would note that the issues raised are similar to those raised in the grounds of appeal.

4.0 Planning History

0750818 Grant permission for construction of new dwelling and installation of treatment system [decision date 16th May 2008]

0650201 Refuse permission [decision date 9th June 2006] for erection of a new dwelling and install treatment system for 2 no. reasons:

1. The proposed development is located within Landscape Category 2 as designated in the County Development Plan 2000 (as varied) whereby it is the policy of the Council as set out in Section 2.5.5 that individual holiday homes shall only be permitted if the site is located within an existing cluster or consists of the refurbishment of a derelict/rundown building. The proposed development does not satisfy the said strategic development control policies relating to new houses in the rural area as set out in the County Development Plan 2000 (as varied) and therefore to permit the proposed development would materially contravene the aforementioned provisions of the County Development Plan 2000 (as varied) and would thereby be contrary to the proper planning and sustainable development of the area.
2. The proposed development would be prejudicial to public health because the poor percolating qualities of the subsoil are such that the site is not suitable to accommodate a sewage treatment system as it cannot guarantee the safe and satisfactory treatment and disposal of waste water associated with the proposed development. Accordingly to permit the proposed development would be contrary to the proper planning and sustainable development of the area.

0550544 -Refuse permission [decision date 3rd February 2006] for erection of a new dwelling and septic tank for 3 no. reasons:

1. The Planning Authority is not satisfied based on the information received that the proposed applicant complies with the provisions of the County Development Plan 2000 (as varied), Section 2.5.5, Rural Housing Policy in that he has already obtained permission for a single permanent dwelling for his own use at Gortnabrade, Ref. No. 04/7999. Therefore the proposed development would contravene the provisions of the aforementioned policy and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development would be prejudicial to public health because the applicant has failed to demonstrate that the foul effluent can be adequately and safely disposed of to the standards required by the Council. Applicant has also failed to achieve minimum separation distances in accordance with the standards required by the Council. Accordingly, to permit the proposed development would be contrary to the proper planning and sustainable development of the area.
3. The proposed development would endanger public safety by reason of traffic hazard, obstruction of road users or otherwise, due to the existing inadequate vision lines at the location of the proposed entrance. Accordingly, to permit the proposed development would endanger public safety by reason of traffic hazard, obstruction of road users or otherwise and would be contrary to the proper planning and sustainable development of the area.

007181 Grant permission [decision date 27th July 2000] for erection of 1 no. house and septic tank

995102 Refuse permission¹ for erection of 1 no. house with septic tank [decision date 10th February 2002].

¹ Reason(s) for refusal not available on website.

5.0 Policy Context

5.1. Development Plan

The operative Development Plan is the County Donegal Development Plan 2024-2030.

The site falls within an 'Area Under Holiday Home Pressures' with reference to Map 6.3.1 Rural Area Types of the Donegal County Development Plan 2024-2030.

Policy RH-O-2 is of relevance:

To consider proposals for new one-off rural housing within 'Areas Under Strong Holiday Home Influence' from prospective applicants that can provide evidence of a demonstrable economic or social need (see 'Definitions') to live in these areas including, for example, the provision of evidence that they, or their parents or grandparents, have resided at some time within the area under strong holiday home influence in the vicinity of the application site for a period of at least 7 years. The foregoing is subject to compliance with other relevant policies of this plan, including Policies RH-P-9. This policy shall not apply where an individual has already had the benefit of a permission for a dwelling on another site, unless exceptional circumstances can be demonstrated. An exceptional circumstance would include, but would not be limited to, situations where the applicant has sold a previously permitted, constructed and occupied dwelling, to an individual who fulfils the bonafides requirements of that permission. New holiday homes will not be permitted in these areas

Policy RH-P-9

a. Proposals for individual dwellings (including refurbishment, replacement and/or extension projects) shall be sited and designed in a manner that is sensitive to the integrity and character of rural areas as identified in Map11.1: 'Scenic Amenity' of this Plan, and that enables the development to be assimilated into the receiving landscape. Proposals shall be subject to the application of best practice in relation to the siting, location and design of rural housing as set out in Donegal County Council's 'Rural Housing Location, Siting and Design Guide'. In applying these principles, the Council will be guided by the following considerations:-

i. A proposed dwelling shall avoid the creation or expansion of a suburban pattern of development in the rural area;

ii. A proposed dwelling shall not create or add to ribbon development (see definitions);

iii. 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;

iv. A proposed dwelling will be unacceptable where it is prominent in the landscape;

v. 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.

b. Proposals for individual dwellings shall also be assessed against the following criteria:

- i. the need to avoid any adverse impact on Natura 2000 sites or other designated habitats of conservation importance, prospects or views including views covered by Policy L-P-8;*
- ii. the need to avoid any negative impacts on protected areas defined by the River Basin District plan in place at the time;*
- iii. the site access/egress being configured in a manner that does not constitute a hazard to road users or significantly scar the landscape;*
- iv. iv. 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;*
- v. v. Compliance with the flood risk management policies of this Plan;*

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).

Chapter 6 'Housing' defines economic or social need as:

Economic Need - Persons working full-time or part-time in rural areas including; Full-time farming, forestry, or marine related occupations; Part time occupations where the predominant occupation is farming/natural resource related; Persons whose work is intrinsically linked to rural areas such as teachers in rural schools.

Social Need - Persons who are Intrinsic part of the Rural Community including: Farmers, their sons, and daughters and or any persons taking over the ownership and running of farms; People who have lived most of their lives in rural areas; Returning emigrants who lived for substantial parts of their lives in rural areas

Policy WW-P-6 Facilitate development in urban or rural settings for single dwellings or other developments to be maintained in single ownership with a projected PE <10 in unsewered areas proposing the provision of effluent treatment by means of an independent wastewater treatment system where such systems:

- a. Demonstrate compliance with the EPA's Code of Practice for Domestic Waste Water Treatment Systems (PE. ≤10) (EPA 2021) or any subsequent or updated code of practice.
- b. Would not result in an over concentration or over proliferation of such systems in an area which cumulatively would be detrimental to public health or water quality.
- c. Otherwise comply with Policy WW-P-2.

Chapter 16 Technical Standards including in relation to visibility splays and surface water and roadside drainage.

5.2. Natural Heritage Designations

- 5.2.1. The nearest designated site are as follows:

- Sheephaven SAC (Site Code 001190)/ Sheephaven pNHA (Site Code 001190) – Located c1.5km km to the north-west of the site (at the closest point).
- Mulroy Bay SAC (Side Code 002159) – Located c1.6km to the north-east of the site (at the closest point).

5.3. EIA Screening

- 5.3.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

5.4. Appropriate Assessment

- 5.4.1. Having regard to the minor nature and scale of the proposed development, the site location outside of any protected site, the nature of the receiving environment and the proximity of the lands in question to the nearest European Site (Sheephaven SAC – Located c1.5km to the north-west of the site at the closest point), it is my opinion that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. 1 no. third-party appeal was received on 24th April 2024 from Neil Duffy, Aghalatty, Carrigart, Co. Donegal. The grounds of appeal are summarised as follows:
- Applicant did not demonstrate genuine rural housing need.
 - Disagree with statement in the application/applicant was not born or reared in Aghalatty/did not attend primary or secondary school in the area and does not have any intrinsic link to the area.
 - Applicant lives and works in Northern Ireland/as does his immediate family.

- Family own a dwelling 100m from the site/has been used as a holiday home/rented out on a long term basis for many years.
- No Supplementary Rural Housing Application form submitted with the application
- Believes this will be a holiday home.
- Policy RH-P-4 clearly states new holiday home developments will not be permitted in these areas.
- Will further erode rural scenic characteristics of Aghalatty/will add to ribbon type development.
- Area is well over capacity in terms of holiday homes/many remain empty for large periods of the year.
- During peak periods surrounding infrastructure is unable to cope.
- Currently numerous houses for sale in the area.
- Elevated nature of the site/design not in keeping with the rural characteristics of the area.
- Will require significant earth works/fill.
- Does not comply with RH-P-1, RH-P-2, or RH-P- 9.
- Removal of vegetation/existing vegetation is too low to provide screening.
- Lack of detail in relation to levels/steep drop off not shown.
- Scale of the house is excessive/will be an obtrusive feature.
- Revised plan only reduced the scale from 239 sq. m. to 235 sq. m.
- Excessively wide gable/not in line with Appendix 4 Part B of the County Development Plan.
- Revised drawings do not show fenestration with a vertical emphasis as requested at FI stage.
- Site boundaries are not accurate/right of way to appellant's lands have not been shown/foul sewer crosses the right of way.
- Visibility to the right on existing the site is very poor.

- Significant earthworks required to even achieve the reduced sight lines of 2.4m X 50m.
- No detail of how storm water from the access road will be catered for.
- Road can be very busy/site is beside and in close proximity to 2 junctions/previous applications on this site have been refused on the basis of road safety.
- Potential run off from percolation area located 5m from the road/open drain runs along the edge of the road/remains potential for seepage from the WWTS to enter the drain via the road side gullies/a 225mm pipe is insufficient to replace this open drain.
- Discrepancy in relation to depth to bedrock/from photo it appears to be 1.1m.
- No open drain as shown on the site/storm water will then be directly to appellant's land/negative impact on the usability of appellant's lands especially over the winter months.

6.2. Applicant Response

6.2.1. A first party response to the appeal was received on 21st May 2024. This is summarised as follows:

- Local representative has verified that the applicant complies with the policies of the Development Plan.
- Has long established and deep-rooted links to the local area.
- Applicant is intending to use this house as his permanent and full-time residence.
- Is happy to sign a section 47 agreement.
- Lands are registered to the applicant's father and mother.
- Right of way will be maintained in an unobstructed manner.
- Gullies will be inserted to ensure storm water from the entrance roadway will be collected and sent to the roadside drain.
- Aco-channel will be inserted at site entrance as required by condition.

- Site lines of 50m will be achieved/will require some works on applicant's family lands/will see an improvement for all road users
- House is not situated on a hilltop.
- Road will not be too steep/will be a manageable incline.
- There is an existing access road used by the appellant to access his lands/will remain intact with improvements/will be no need for cutting and filling to form a roadway.
- Will not result in ribbon development as defined in the Donegal CDP.
- Overall ridge height is 4.873m which is a very low ridge height in comparison to surrounding houses.
- Will not dominate the rural landscape/will be barely visible when passing along the road.
- WWTS will be in compliance with the EPA Code of Practice/will be maintained/will not cause any issues or pollution to surrounding lands, drains or watercourses.

6.3. Planning Authority Response

- 6.3.1. A response from the PA was received on 17th May 2024. It is stated that all matters raised in the appeal have been addressed in the Planner's reports.

6.4. Observations

- 6.4.1. None.

7.0 Assessment

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

- Rural Housing Policy
- Waste-Water/Surface Water
- Design
- Transport Issues

7.2. Rural Housing Policy

- 7.2.1. The site falls within an 'Area Under Holiday Home Pressures' with reference to Map 6.3.1 Rural Area Types of the Donegal County Development Plan 2024-2030. Policy RH-O-2 is of relevance here (see Section 5.1 above for full text of same) and this policy requires *inter alia* applicants to provide evidence of an economic or social need (which is defined in Chapter 6 of the Development Plan) including the provision of evidence that they, or their parents or grandparents, have resided at some time within the area under strong holiday home influence in the vicinity of the application site for a period of at least 7 years, and is subject to compliance with Policy RH-P-9.
- 7.2.2. Policy RH-P-9 relates to impact on the landscape, design, ribbon development, impact on amenity, site characteristics and impact on the environment, including the safe disposal of effluent and surface waters.
- 7.2.3. In terms of demonstrating economic or social need, the Supplementary Rural Housing Application Form included with the application sets out that the proposed dwelling will be a primary, principal and permanent residence for the applicant. It is set out therein that the applicant has been living in the area for the past 7+ years, at the family home and is need of a permanent house in Aghalatty, at the proposed site. Supporting documentary evidence includes a letter of *bone fides* from an Elected Member of Donegal County Council. The letter from Cllr. John O'Donnell states that *inter alia* the applicant has long established links with the Carrigart area as he was born and reared in the family home at Aghlatty which is less than 100m from the subject site.
- 7.2.4. The third-party appellant disagrees with the contention the applicant grew up in the area and states that the applicant has not demonstrated genuine rural housing need. It is stated the applicant did not attend primary or secondary school in the area and does not have any intrinsic link to the area. It is further stated that the applicant lives and works in Northern Ireland.

- 7.2.5. In response, the applicant has stated that a local representative has verified that the applicant complies with the policies of the Development Plan. It is further set out that the applicant has long established and deep-rooted links to the local area. It is stated that the applicant is intending to use this house as his permanent and full-time residence noting that the lands are registered to the applicant's father and mother.
- 7.2.6. Having regard to the provisions of the current Development Plan, and in particular the provisions of Policy RH-O-2, and having regard to the totality of the information as submitted with the application, I am not of the view that the applicant has demonstrated a social or economic need to live in this rural area, having regard to the definitions as set out above. The applicant has not demonstrated that he satisfies the economic need criteria as defined in the Development Plan. In terms of the social need criteria, the letter of *bone fides* has stated that the applicant has lived in the area for the last 7 years, and that he grew up in the family home which is located less than 100 m from the subject site. However, there is no other evidence to support same (which could include evidence of employment, evidence of school attended etc). The total number of years he has lived in the area, and the location of the family home is not indicated definitively. In relation to the other criteria required to demonstrate social need, there is no definitive evidence supplied to demonstrate that the applicant has lived most of his life in a rural area, nor is it stated that he is a returning emigrant. In conclusion, I am not satisfied that the applicant has demonstrated an economic and social need for a dwelling house, and therefore does not satisfy the criteria as set out in Policy RH-O-2.
- 7.2.7. However, I would draw the Board's attention to the fact that under the provisions of the previous Development Plan (County Donegal Development Plan 2018-2024), the site was located in a Structurally Weak Area (it is now sited in an 'Area Under Holiday Home Pressures'), and the provisions of Policy RH-P-4 applied, where applicants with a rural or urban generated need were considered for housing, and there did not appear to be a overt requirement to demonstrate economic or social need. As such, the Board may be of the view that the requirement to demonstrate an economic or social need, as per Policy RH-O-2 of the current Development Plan, may be a New Issue in the context of this appeal.

7.3. Wastewater/Surface Water

- 7.3.1. The third-party appellant has stated that there is potential for run off from percolation area which is located 5m from the open drain that runs along the edge of the road. It further stated that there is discrepancy in relation to depth to bedrock. In relation to surface water/storm water disposal, it is stated that there is no open drain as shown on the site layout plan and that storm water will then be directed onto appellant's land with a negative impact on the usability of same. It is further stated that there is no detail of how storm water from the access road will be catered for.
- 7.3.2. In response, the first-party applicant has stated that WWTS will be in compliance with the EPA Code of Practice and will not cause any issues or pollution to surrounding lands, drains or watercourses.
- 7.3.3. The PA appear to be satisfied that the proposed system is appropriate for the site, with the Environmental Health Officer's report setting out recommended conditions (report dated 21st March 2024).
- 7.3.4. In relation to the documentation provided with the application, I note that the Site Characterisation Assessment Report submitted with the application identifies the category of aquifer as 'Poor Aquifer', with a vulnerability classification of 'extreme'. Table E1 (Response Matrix for DWWTSs) of the EPA Code for Practice Domestic Wastewater Treatment Systems² identifies an 'R2¹' response category i.e. *'acceptable subject to normal good practice. Where domestic water supplies are located nearby, particular attention should be given to the depth of subsoil over bedrock such that the minimum depths required in Chapter 6 are met and the likelihood of microbial pollution is minimised'*.
- 7.3.5. The Site Characterisation Assessment Report notes that that potential targets at risk are groundwater and surface water. It is stated that the site is relatively shallow (between 1:5 and 1:20), and that there are 14 houses within 250m from the proposed house. Groundwater flow was estimated to be in a north-western direction. It is set out that the ground conditions and vegetation present would suggest moderate percolation, with no specific site restrictions apparent. The report indicates that a trial hole, with a depth of 1.1m, recorded loose, black topsoil to a depth of

² Code of Practice: Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) (Environmental Protection Agency, March 2021).

0.2m, with yellow/orange/light brown silt/gravel, sandy/silt and gravel/silt/rocks to a depth of 1.1m where bedrock was encountered. The report notes that the layer of topsoil appears to be free draining and the presence of gravels indicate good aeration and therefore moderate percolation. In relation to the percolation characteristics of the soil, a sub-surface percolation test result of 24.19min/25mm (previously known as a 'T' Test) was returned. This is within the range as set out in the EPA Code of Practice (which requires a percolation value of at least 3, but not greater than 50 (for a septic tank) or 90 to 120 (for varying types of secondary treatment systems). The stated slope of the proposed infiltration/treatment area is 1:18. The report concludes that the site is suitable for the installation of a secondary or tertiary treatment system, discharging to ground water. The recommended treatment system is a Secondary Treatment System and soil polishing filter, and discharging to ground, with a slightly raised soil polishing filter.

- 7.3.6. I would have some concerns in relation to the details as contained with the Site Characterisation Assessment Report. There is inconsistency in relation to the depth to bedrock, with the depth to bedrock being reported both at 1.1m below ground level, and at 1.9m below ground level. There are no cross-sections provided that detail the proposed WWTS and this is of some concern given the sloping nature of the site, and given the inconsistency in relation to soil depth levels. In relation to the percolation area, the invert level of the bed gravel is stated as 0.55m. If the depth to bedrock is 1.1m as reported, the soil depth beneath the gravel bed would then be 0.55m which is below the minimum 0.9m soil depth required for a R2¹ response category (as per Table 8.2 of the EPA COP). If the soil depth to bedrock was 1.9m, the soil depth beneath the gravel bed would be 1.35m, which is sufficient. However, there is inconsistency in relation to the depth of soil, and there is a lack of supporting documentation i.e. cross-sections to verify the conditions on the site.
- 7.3.7. I would also note that the site plan indicates that there is a water supply on site, although the location of same is not identified on the site plan and as such it is not possible to determine if the minimum distance to this well has been achieved, as per Table 6.2 of the EPA COP.
- 7.3.8. In relation to those other specific issues raised within the appeal, I would note that there is an open land drain indicated on the site layout plan, running alongside the road, which is set back 5m the proposed percolation area. I note that this distance is

below that set out in Table 6.2 of the EPA COP, which sets out a minimum distance of 10m from such drains. It is proposed to culvert or pipe this drain. However, the extent of drain to be culverted is not made clear, and the impact of culverting this drain on surface water drainage (run-off from the site, the access road and from the local road, for example) is unknown. In relation to storm water from the site, storm water from the site is proposed to drain to an existing open drain to the north-east. The appellant has stated that there is no open drain here and this would mean that storm water would be directed directly onto his lands. In relation to same, I would note that there is a lack of detail in relation to these discharge arrangements. There is no open drain indicated on the site layout plans (whereas the open drain to the west is indicated). I would concur that there would be an adverse impact on the appellant's lands should surface water run directly from the site onto this adjacent site. I would also note that the discharge point would appear to be upgradient of the site.

- 7.3.9. No details of surface water drainage proposals for the access road are set out. I would note that such details are generally required so as ensure surface water drainage does not infiltrate the area of the proposed polishing filter, and to ensure adequate surface water drainage proposals are in place. However, the applicant has stated that gullies are proposed for the access road, which may be sufficient. However, as noted above there is a lack of detail in relation to the proposed piping of the existing open drain, and how the surface water run off from the road would discharge to same.

7.4. Design and Site Characteristics/Ribbon Development

- 7.4.1. The third-party appellant states that the proposal will lead to ribbon development. Furthermore, the elevated nature of the site is noted and it is stated that the proposal will require significant earthworks and fill. It is stated that the scale of the house is excessive.
- 7.4.2. In response, the applicant has stated the house is not situated on a hilltop and will not result in ribbon development as defined in the Donegal CDP. It is stated that the overall ridge height is 4.873m which is a very low ridge height in comparison to surrounding houses and will be barely visible when passing along the road.

- 7.4.3. The plans as submitted as part of the response to Further Information illustrate a single storey dwelling with a maximum ridge height of 4.873m. The finished floor level of the dwelling is 60.3m OD. The existing site rises from west to east from approximately 55m OD to 62m OD, and it is heavily planted as existing. It would appear that the works would necessitate significant groundworks. No site sections have been submitted to indicate the proposed extent of same. Notwithstanding, the applicants has indicated that the existing screen planting will be retained on the site. I am of the view that this planting would serve to limit views towards the proposed dwelling house, noting the single storey nature of same. However, I do have concerns in relation to the lack of detail in relation to the amount of cut and fill that would be required to accommodate the dwelling. Should the Board be minded to refuse the application as per the considerations above, and the recommended reasons for refusal below, the applicant should be advised that any future application should address the issue of the sloping nature of the site and provide additional detail of the level of cut and fill needed to accommodate a dwelling on the site.
- 7.4.4. In relation to the issue of 'ribbon development' I am not of the view that the proposed dwelling would create or add to same, given the definition of same as set out in the Development Plan (5 houses on any one side of 250m frontage). This would not be the case with the proposed dwelling on site.

7.5. Transport Issues/Road Safety

- 7.5.1. The third-party appellant has stated that the visibility to the right on exiting the site is very poor. It is stated that significant earthworks are required to even achieve the reduced sight lines of 2.4m X 50m. It is stated that the road can be very busy and that the site is beside and in close proximity to 2 junctions. It is noted that previous applications on this site have been refused on the basis of road safety.
- 7.5.2. In response, the applicant has stated that site lines of 50m will be achieved which will require some works on applicant's family lands.
- 7.5.3. The application includes a Traffic Survey which sets out that the average speed of traffic was less than 42 km/hr. The Site Layout Plan indicates 50m sightlines in either direction. This is in compliance with Table 16.5 of the County Donegal Development Plan 2024-2030. The achievement of these sightlines does not appear to be reliant upon third-party lands. While I acknowledge the existing visibility from the access is

poor at present, the removal of vegetation on the site will improve this situation and as such I am satisfied that the visibility from the site will be sufficient.

8.0 Recommendation

Having regard to the foregoing assessment it is considered that the proposed development should be **Refused** for the following reasons and considerations.

9.0 Reasons and Considerations

1. The site falls within an 'Area Under Holiday Home Pressures', with reference to Map 6.3.1 'Rural Area Types' of the Donegal County Development Plan 2024-2030 and, as such, the provisions of Policy RH-O-2 apply in this instance. In relation to same, the Board is of the view that the applicant has not adequately demonstrated an economic or social need for a dwelling house at this location and the development as proposed is therefore contrary to said policy.
2. Having regard to inconsistencies in the Site Characterisation Assessment Form, and the lack of supporting detail accompanying same, and having regard to the lack of detail in relation to proposals for surface water drainage on the site, including proposals to culvert or pipe the existing land drain to the west of the site, the Board cannot be satisfied that the site is suitable for the wastewater treatment system as proposed, and cannot be satisfied that the proposal will not lead to surface water flooding in the immediate area. As such, the proposal is contrary to Policy WW-P-6 of Donegal Development Plan 2024-2030 and is contrary to Technical Standards as relates to Surface Water and Roadside Drainage as set out in Chapter 16 of said plan, and is contrary to guidance as set out in the Code of Practice: Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) (Environmental Protection Agency, March 2021).

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.

Rónán O'Connor
Senior Planning Inspector

31st October 2024

Appendix 1 - Form 1 - EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	319592-24		
Proposed Development Summary	Erection of a dwelling house with installation of waste water treatment system including all other associated site development works.		
Development Address	Aghalatty, Carrigart, Letterkenny, Co. Donegal.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	
Yes	X	Class (10)(b) of Schedule 5 Part 2 Construction of more than 500 dwelling units; Urban development which would involve an area greater than 2 ha in	1 dwelling house on a site of 0.43 Ha. The applicable site Proceed to Q.4

		the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.	area threshold is 20ha.	
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4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____

Appendix 2 - Form 2 - EIA Preliminary Examination

An Bord Pleanála Case Reference	319592-24	
Proposed Development Summary	Erection of a dwelling house with installation of waste water treatment system including all other associated site development works.	
Development Address	Aghalatty, Carrigart, 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 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>The proposed development is for a dwelling house. There are existing dwelling houses in proximity to the site. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature.</p> <p>The development would not result in the production of any significant waste, emissions or pollutants.</p>	<p>No</p> <p>No</p>
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?	<p>The proposed dwelling is a single storey dwelling house. The development would generally be consistent with the scale of surrounding developments and would not be exceptional in scale in the context of the existing environment.</p>	<p>No</p>

Are there significant cumulative considerations having regard to other existing and/or permitted projects?	There would be no significant cumulative considerations with regards to existing and permitted projects/developments.	No
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The development would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area. It is noted that the site is not designated for the protection of the landscape or natural heritage and is not within an Architectural Conservation Area.</p>	<p>No</p> <p>No</p>
<p align="center">Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: _____

Date: _____