



An
Bord
Pleanála

Inspector's Report

ABP-319724-24

Development	Construction of a dwelling with on site waste water treatment plant and all associated site works.
Location	Carrowtrasna, Greencastle, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2351477
Applicant	George Meenan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Catherine and Declan McNicholl
Observer(s)	None.
Date of Site Inspection	17 th October 2024
Inspector	Matthew O'Connor

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1.0 Site Location and Description

- 1.1. The appeal site has an area of 1.14ha and is located in the coastal townland of Carrowtrasna some 4.5km to the northeast of Greencastle village on the eastern side of the Inishowen Peninsula in Co. Donegal. The appeal site comprises an undeveloped field situated on the northern side of the L-6571-1 (Local Road).
- 1.2. The subject site is rectangular in shape and elongated with the lands roughly level at the public road and slopes uphill from southeast to northwest. The topography of the surrounding area is lightly undulating. The roadside boundary comprises a mixed hedge with a small drain/stream running alongside the road. The remaining boundaries to the north (rear), east and west (side) also contain mixed hedgerow and there is a watercourse/stream running within the western boundary. There are residential dwellings situated to the immediate east and west of the appeal site.
- 1.3. The surrounding locality is characterised by its coastal setting and there are a considerable number one-off rural dwellings in individual and linear settings of varying styles and designs. There are no Protected Structures or National Monuments within or immediately adjoining the appeal site. The site is not located within a Flood Zone.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Construction of a dwelling and domestic garage
 - Installation of Wastewater Treatment System
 - Provision of new vehicular entrance

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Grant permission for the subject development, subject to 14 no. conditions. I note the following conditions of particular relevance:
 - Condition 2: Occupancy condition for 7 (seven) years.
 - Condition 3: Provision of 90 metres of sightlines in both directions.
 - Conditions 4,6,7: Surface water collection, treatment and disposal.
 - Condition 12: Wastewater Treatment.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The first Planner's Report had regard to the submitted documentation, locational context of the site, planning history in vicinity, policy framework of the Development Plan and inter departmental/referral reports.
- In terms of assessment, the Planning Authority noted the proposed development is in an Area Under Strong Urban Influence and that a supporting letter was submitted by an Elected Member of Donegal County Council.
- Concerns raised in respect of design and siting of the dwelling. It was noted that a substantially revised design would be required in order to render a dwelling at this location acceptable.
- No concerns raised in relation to residential amenity.
- Submitted drawings do not show available/proposed vision lines onto the public road at the proposed vehicular entrance onto the public road.
- The Planning Authority noted proposed wastewater treatment as acceptable.
- Details in relation to surface and storm drainage required.
- No issues raised with respect to AA or EIA.

Further Information was sought in relation to 5 no. items:

- Revised dwelling design.
- Provision of sightlines of 160 metres from vehicular entrance.
- Details of piping/culverting of stream along roadside boundary.
- Details of surface water attenuation.
- Revised storm/drainage details relating to proposed wastewater treatment system.

The second Planner's Report provides an analysis of the applicant's Further Information response and forms the basis for the grant of permission with conditions. The Planning Authority considered that the revised dwelling design (with a reduced floor area of 365.37sq.m and attached garage of 82.36sq.m) was acceptable; the traffic survey indicated that reduced sightlines could be applied; proposed piping of

the stream along the roadside boundary was acceptable; details of a new attenuation basin was deemed sufficient to manage/control surface water; and, details of storm sewerage and associated drainage would be in accordance with the EPA's Code of Practice.

3.2.2. Other Technical Reports

- Area Roads Engineer - No response received.
- Local Water Services - No response received.
- Environmental Health Officer (Loughs Agency) – No objection, in principle

3.3. **Prescribed Bodies**

- Uisce Eireann - No response received.

3.4. **Third Party Observations**

3.4.1. One third party observation was received by the Planning Authority. The following issues raised are broadly summarised as follows:

- Size and design of proposed house is out of keeping with other dwellings.
- Siting of dwelling and lack of dimensions/levels on drawings.
- Dwelling would have adverse implications of value of neighbouring properties.
- Impacts on residential amenity such as overlooking, loss of natural light, impacts of privacy.
- Dimensions of ground coverage not detailed on the plans which appear greater than neighbouring properties.
- Finished floor level of existing properties not detailed for comparison purposes.
- Proposed finished floor level is above boundary hedge level. Neighbouring driveway would be overlooked.
- Concerns in relation to water run-off and insufficient drainage which may cause risk of flooding to the surrounding area.
- Queries increased risk of foul waste overflow.
- Proposed sightlines have not been demonstrated and additional entrance details are required.

4.0 **Planning History**

- None.

5.0 Policy Context

5.1. Development Plan

5.1.1. The application was assessed by Donegal County Council in accordance with the policies and objectives of the County Donegal Development Plan 2018-2024. The County Donegal Development Plan 2024-2030 was adopted by Donegal County Council on the 16th of May 2024 and came into effect on the 26th of June 2024 – with the exception of parts of the Plan affected by a Draft Ministerial Direction. I have assessed the proposal under the provisions of the operative Development Plan, namely the County Donegal Development Plan 2024-2030.

5.1.2. The appeal site is located in a rural area of County Donegal which is not within a designated/zoned settlement. According to Map 6.3.1: Rural Area Types of the Development Plan, the appeal site is located in an 'Area Under Strong Urban Influence'.

5.1.3. Chapter 6 of the Development Plan relates to 'Housing' and contains policies and objectives in respect of residential development. Section 6.3 of the Development Plan contains commentary on Rural Housing and the following objectives are considered relevant to the subject proposal:

RH-O-1 To ensure that new residential development in rural areas provides for genuine rural need.

RH-O-2 To protect rural 'Areas Under Strong Urban Influence', rural 'Areas Under Strong Holiday Home Influence', and rural areas immediately outside towns from intensive levels of unsustainable urban/suburban residential development.

RH-O-4 To ensure that rural housing is located, designed and constructed in a manner that does not detract from the character or quality of the receiving landscape having particular regard to Map 11.1: 'Scenic Amenities' of this Plan.

The appeal site is located in an 'Area Under Strong Urban Influence' where the following policy is relevant:

RH-P-1 To consider proposals for new one-off rural housing within 'Areas Under Strong Urban 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 urban 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 Policy 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.

With respect to Location, Siting and Design and Other Detailed Planning Considerations, the following policy is relevant:

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 Map 11.1: '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. 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. Compliance with the flood risk management policies of this Plan;*

(c) 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).

5.1.4. As detailed in Map 11.1: 'Scenic Amenity' of the Development Plan, the appeal site is situated in an 'Area of High Scenic Amenity'. According to the definition contained in Chapter 11: 'Natural, Built, and Archaeological Heritage' of the Development Plan, these are *'landscapes of significant aesthetic, cultural, heritage and environmental quality that are unique to their locality and form a fundamental element of the landscape and identity of County Donegal. These areas have the capacity to absorb sensitively located development of scale, design and use that will enable assimilation into the receiving landscape and which does not detract from the quality of the landscape, subject to compliance with all other objectives and policies of the plan'*.

5.1.5. The following objective and policy are relevant:

L-O-1 To protect, manage and conserve the character, quality and value of the Donegal landscape.

L-P-2 To protect areas identified as 'High Scenic Amenity' and 'Moderate Scenic Amenity' on Map 11.1 'Scenic Amenity'. Within these areas, only development of a nature, location and scale that integrates with, and reflects the character and amenity of the landscape may be considered, subject to compliance with other relevant policies of the Plan.

5.1.6. Chapter 8 of the Development Plan relates to 'Infrastructure' and contains policies and objectives in respect of residential development.

WW-O-3 To facilitate the provision of an adequate, reliable and clean supply of drinking water in accordance with relevant standards, including the protection of drinking water sources, and the provision of new/upgraded water collection, treatment, and distribution infrastructure.

WW-P-2 Ensure that new developments: a. do not have an adverse impact on surface and ground water quality, drinking water supplies, Bathing Waters and aquatic ecology (including Water dependent qualifying interests within Natura 2000 sites); and b. do not hinder the achievement of, and are not contrary to: i. The objectives of the EU Water Framework Directive. ii. EU Habitats and Bird Directives. iii. The associated Programme of Measures in the River Basin Management Plan 2022-2027 including any associated Water Protection or Restoration Programmes. iv. Drinking Water Safety

Plan. v. The Guidelines on the Protection of Fisheries During Construction Works In and Adjacent To Waters (IFI, 2016).

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*

5.1.7. Chapter 16 of the Development Plan relates to 'Technical Standards' and contains specifications for dwellings such as surface water and roadside drainage, entrances and visibility. The following relevant policy:

TS-P-1 To require compliance with the following technical standards, where applicable, in addition to all other relevant policy provisions of this Plan and relevant Governmental guidance and standards.

5.2. Other Relevant Guidance

Rural Housing – Location Siting and Design Guide

'Building a House in Rural Donegal - A Location, Siting and Design Guide' is a guide to provide assistance to persons involved in the planning and development process of designing a house in the countryside. The document is specific to the character of Donegal and provides guidance on visual impacts and design elements.

EPA Code of Practice – Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), 2021

This document sets out a methodology for site assessment and selection and maintenance of Domestic Waste Water Treatment Systems including guidance on appropriate percolation values for different types of systems, setback distance and sizing of percolation areas.

5.3. Natural Heritage Designations

5.3.1. The appeal site is not located within or immediately adjoining any designated Natura 2000 sites, with the nearest designated site being the North Inishowen Coast Special Area of Conservation (Site Code: 002012) which is located approximately 1.2km to the northeast of the site and is also indicated as the North Inishowen Coast proposed Natural Heritage Area.

5.4. EIA Screening

5.4.1. Having regard to the nature and scale of the development, which is for a one-off dwelling in a rural area, it is not considered that it falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended), and as such preliminary examination or an Environmental Impact Assessment is not required. See Form 1 and Form 2 attached as appendices to this report.

6.0 The Appeal

6.1. Grounds of Appeal

The Third Party appeal has been received in relation to the Planning Authority's decision to grant permission from the property to the immediate east of the appeal site. The grounds of appeal include many of the matters raised in the Appellant's original planning submission to the Planning Authority. The grounds of appeal can be summarised as follows:

- The house design, as revised at Further Information stage, does not improve the scale and massing of the dwelling which is not in line with the Rural House Design Guide.
- The design is poor in terms of scale, massing proportion and composition.
- Site levels have not been adequately detailed and the layout will not reduce visual impacts on the landscape.
- Windows from the proposed dwelling will have potential views over the neighbouring dwelling to the west and will cause overlooking to appellants property.
- Public Health concern regarding the lack of details on surface water and attenuation which adjoin a watercourse and is proximate to Lough Foyle.

- Public Health concern with the proposed wastewater treatment system as the associated plant is proximate to boundaries/open drains.
- The development cannot comply with Condition 12(b) in respect of wastewater treatment to serve 5 persons given the floor area of the dwelling and potential for rooms to be converted to bedrooms at a later stage.
- There has been a lack of input from professional statutory bodies in relation to drainage and the proposed entrance/sightlines.
- The relaxation of vision lines from the requested 160 metres to 90 metres is not sufficient and there is no clarity on whether the 'X' distance is 2 metres or 2.4 metres.
- The vision lines provided with Traffic Report do not correlate with revised Planning drawings.
- It is questionable as to the accuracy of the vision lines and whether vision lines pass over third party lands.
- There is a lack of information on the roadside boundary treatment and it is unclear why such detail was not requested as it forms part of the Design Guide.
- There is a validation issue in respect of the lack of overall dimensions submitted.
- Whilst Bona Fide letter from a Councillor has been provided, the appellant has no knowledge of applicant. The applicant's bona fides must be looked as the site is in an 'Area under Strong Urban Influence' and a 'High Scenic Amenity' area.

6.2. Applicant Response

- No valid response received.

6.3. Planning Authority Response

- A response has been received from the Planning Authority which confirms its decision.

6.4. Observations

- There are no observations.

7.0 Assessment

Having examined the application details, the appeal and all other documentation on file, the reports of the Planning Authority, having conducted an inspection of the site, and having reviewed relevant planning policies and guidance, I am satisfied that the main issues to be considered are those raised by the Third Party in their grounds of appeal. I am satisfied that no other substantive issues arise. This appeal can be addressed under the following relevant headings:

- Principle of Development (Compliance with the Rural Housing Strategy)
- Siting & Design
- Impact on Residential & Visual Amenity
- Wastewater Treatment
- Surface Water Drainage
- Access & Sightlines
- Validity of Application
- Appropriate Assessment (Screening)

7.1. Principle of Development (Compliance with the Rural Housing Strategy)

7.1.1. The grounds of appeal raise the applicant's genuine rural housing need in compliance with the rural housing strategy of the County Donegal Development Plan 2024-2030. The appellant claims to have no knowledge of the applicant and that their bona fides is based on letter from an Elected Member of Donegal County Council.

7.1.2. The appeal site is located approximately some 4.5km to the northeast of Greencastle village, in an area identified in Map 6.3.1: Rural Area Types of the Development Plan as an 'Area Under Strong Urban Influence'. RH-P-1 is applicable and informs that rural housing is permissible in this area where applicants can provide evidence of a demonstrable economic or social need to live in the area (e.g. provision of evidence that they, or their parents or grandparents, have resided at some time within the vicinity of the application site for a period of at least 7 years). It is also required that developments comply with other relevant policies of this plan including Policy RH-P-9 (Location, Siting and Design and Other Detailed Planning Considerations).

7.1.3. In considering what constitutes an 'Economic' or 'Social' need, the Development Plan includes the following definitions:

'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.*

7.1.4. In terms of supporting documentary evidence, the applicant has relied solely on a Bona Fide Letter from an Elected Member of Donegal County Council. I note this letter was provided by an Elected Member, dated 8th September 2022, who indicated that the applicant is known to the Councillor and that the applicant's father resided in the townland of Carrowhugh (adjoining townland) for a period exceeding 7 years and therefore complies with Policies RH-P-1, RH-P-2 and RH-P-5 of the County Donegal Development Plan 2018-2024. On this particular matter, I note that the application was assessed by the Planning Authority under the County Donegal Development Plan 2018-2024 which has since been superseded by the County Donegal Development Plan 2024-2030. I note that policy RH-P-5 of the previous Development Plan stated that consideration would be given to proposals for new one-off rural housing in areas under strong urban influence from prospective applicants that have demonstrated a genuine need for a new dwelling house and who can provide evidence that they, or their parents or grandparents, have resided at some time within the area under strong urban influence in the vicinity of the application site for a period of at least 7 years. It

is my consideration that although the wording of Policy RH-P-5 of the former County Donegal Development Plan 2018-2024 and Policy RH-P-1 of the current County Donegal Development Plan 2024-2030 differs; I consider that the fundamental requirement of the applicant to provide evidential/documentary evidence of a genuine housing need remains pertinent.

7.1.5. In considering the information submitted with the application and matters raised in the appeal, I am not satisfied that the applicant has submitted sufficient evidence with the application to demonstrate compliance with Policy RH-P-1 of the Development Plan. I am of the view that the applicant has failed to provide any information or evidence to substantiate either a genuine 'Economic' or 'Social' need to live in the area to support the subject application. I consider that the applicant has failed to adequately demonstrate, through provision of evidential documentation, that they or their family have resided in the vicinity of the application site for a period of at least 7 years. It is my view that such information is essential to establish long-standing links/ties to the subject area.

7.1.6. I am not satisfied that a Supporting Letter from an Elected Member of Donegal County Council constitutes an adequate basis to assess the proposed development against the relevant Development Plan policies. While such a letter may have been deemed acceptable to the Planning Authority through their own internal policy and procedure, it is not an adopted policy context enshrined in the Development Plan. The area surrounding the appeal site displays pressures for rural housing and is adequately defined as an Area Under Strong Urban Influence. It is my view that the development of further one-off housing without adequate justification would only serve to undermine this rural area.

7.1.7. In conclusion, I consider that the applicant has failed to demonstrate a functional connection to this rural area and has not provided any demonstrable 'Economic' or 'Social' need to live in the rural area in compliance with policy RH-P-1 of the County Donegal Development Plan 2024-2030. Permission should therefore be refused on this basis.

7.2. Siting & Design

7.2.1. The appellants raise concern in respect of the siting, design, proportions and floor levels of the proposed dwelling. The subject dwelling was revised on foot of a Further

Information request to 365.37sq.m and contains 3 no. bedrooms. The house-type is a 'T' shape, 1.5 storey dwelling with a garage (82.36sq.m) connected to the rear by way of a car port. The dwelling has a ridge height indicated at 7.8 metres. The primary block has a front elevation measuring 20.6 metres in length and has a main block depth of 10.5 metres which extends to a total depth of 26 metres when including the attached garage.

- 7.2.3. The proposed dwelling is located on an elevated section of the site with a 90 – 105 metre setback from the public road. The siting of the proposed dwelling is centred in a gap between the existing dwellings to the northeast and southwest respectively. The proposed dwelling is generally southeast facing to address the public road. The FFL is indicated as 17.00m which is the above road level of 9.44m and reflects the undulating nature of the surround terrain.
- 7.2.4. In considering the subject development for a rural house, I note that Policy RH-P-9 of the Development Plan is relevant. This policy informs that dwellings shall be designed in a manner that is sensitive to the integrity and character of rural areas and that the development assimilates into the receiving landscape through best practice regarding siting, location and design of rural housing. The key criterion seeks to avoid the creation/expansion of a suburban pattern of development; shall not be detrimental to the amenity of the area or of other rural dwellers or constitute haphazard development; and shall not be prominent in the landscape. Furthermore, proposals for rural dwellings must apply best practice in accordance with the Donegal County Council's Rural Housing Location, Siting, and Design Guide.
- 7.2.5. I have concerns regarding the proposed design of the dwelling. The Rural Housing Location, Siting, and Design Guide encourages innovative designs which are well-informed, site specific, contemporary in nature and of their time. I consider that the floor area of a 1.5 storey 3-bed dwelling is over-scaled at 365.37sq.m (excluding the 80.36sq.m of the attached garage). In my view, the design of the dwellings has not controlled the scale, bulk and massing through its deep/elongated plan and the design contains a non-symmetrical roof/gable. I consider that the proposed dwelling does not provide a modern take on a traditional Donegal house reads as being somewhat over-elaborate. In addition, I consider that the front elevation is dominated by 3 no. overtly wide windows which is inappropriate in the design context of a 1.5 storey dwelling and inconsistent with the Rural Housing Location, Siting, and Design Guide which advises

that windows should be given a vertical emphasis and complement the window to wall ratio.

7.2.6. The Design Guide states that garages should be subordinate and sited to complement the main dwelling. Whilst I accept the proposed garage is confined to the rear of the dwelling, this garage remains attached to the dwelling thus extending the plan depth to 26 metres which is considered to be excessive in the context of a 1.5 storey dwelling. The garage also maintains the same ridge height as the dwelling and therefore cannot be considered as being subordinate to the main dwelling. It is my view that there is a concentration of dormers/rooflights on the proposed dwelling which reflects a poorly considered design approach and diverges from the recommendation in the Design Guide to potentially justify a two-storey dwelling over a 1.5 storey house.

7.2.7. Having regard to the above, I consider that the proposed development would not be a positive addition to the rural environment. It is my view that the design of the dwelling would be at variance with the design considerations set out under Policy RH-P-9 of the Development Plan. Whilst I note that there are established dwellings on the neighbouring sites to the east and west of the appeal site, it is my opinion that approving a dwelling of the scale and design proposed would constitute a haphazard form of development which would result in the further erosion of the rural character and would not avoid the expansion of a suburban pattern of development. Therefore, I recommend that planning permission be refused.

7.3. Impact on Residential and Visual Amenity

7.3.1. The appellants consider that the development will result in intrusive overlooking of their property and will impinge on the privacy of the house to the west of the proposed dwelling on account of the proposed windows and rooflights.

7.3.2. I acknowledge the grounds raised by the appellants regarding the lack of clarity between the proposal and the existing neighbouring dwellings. From a review of the appeal file, I note that the finished floor level (FFL) of the proposed dwelling is 17.00m. The subject site rises from the southeast to northwest from approximately 9.44m at the public road to 21.5m to the north (rear) extent of the site. The proposed dwelling is sited beyond the crest of a raised section of the land and I note that the existing dwellings on the neighbouring plots are also situated along the line of this crest which has informed the location of the dwelling on the appeal site. The submitted drawings

have not provided a section drawing which would assist in determining the extent of siteworks or cut/fill required for the dwelling. However, the topographical data indicates that the levels in the area of dwelling range between 16.4m and 17.2m which would indicate that the dwelling would be consistent with the prevailing land levels. Furthermore, from my observations, I am of the view that the finishing levels of the proposed dwelling would align with the neighbouring dwellings on account of the staggered siting and associated separation distances.

7.3.3. Having regard to the siting of the proposed dwelling relative to both neighbouring properties to the east and west of the appeal site, I am satisfied that there is sufficient separation from the corner of the existing dwelling (approximately 30 metres) which is located to the south-west and set forward of the proposed dwelling. I am also satisfied that there is sufficient separation between the appellants' dwelling to the north-east (approximately 36 metres) and which is also set back from the rear building line of the proposed dwelling. The proposed dwelling includes windows at the first floor level on the side profiles to serve 2 no. bedrooms and an en-suite bathroom, however, having regard to the aforementioned separation distances from surrounding properties together with the staggered/diagonal building line, I do not consider that there would be direct overlooking from these windows. I am satisfied that the proposed development would not result in any loss of light, privacy, views or injury to the residential amenity of the neighbouring properties by reason of overlooking, overshadowing, or overbearing impacts.

7.3.4. With respect to visual amenity, I note that the appeal site is situated in an 'Area of High Scenic Amenity' as detailed in Map 11.1: 'Scenic Amenity' of the Development Plan. where development will be facilitated subject to being appropriate in nature and scale so as to integrate and reflect the character and amenity designation of the landscape.

7.3.5. The site of the proposed development is on a slightly elevated slope above the public road where the land falls toward the coast to the east. I note that the lands further to the north of the site rise further which forms a backdrop to the local area and limits the potential for exposure on the landscape. Therefore, notwithstanding the 'high scenic amenity' value of the area and concerns which I have raised with the scale and massing of the proposed dwelling, I consider that there is capacity to absorb a dwelling on this particular site in a visual amenity context as I am satisfied that a dwelling on

these lands would be read in the context of the two existing residences and would not detract from the character or quality of the receiving landscape.

7.4. Wastewater Treatment

7.4.1. The proposed development includes the provision of a tertiary treatment system and infiltration/treatment area to serve the dwelling. The appellants claim that the proposed system does not meet the separation distances from drains on the site and that the proposed system cannot serve dwelling population given the size of the floor area and potential for rooms to be converted to bedrooms in the future.

7.4.2. In considering the proposal, Policy WW-P-6 of the Development Plan is relevant as it seeks to facilitate single dwellings in rural settings served by independent wastewater treatment systems where compliance with the EPA's Code of Practice for Domestic Waste water Treatment Systems (PE <10) (EPA 2021) is demonstrated; and, where development would not result in an over concentration/ proliferation of systems which cumulatively would be detrimental to public health or water quality. Furthermore, part (b)(iv) of Policy RH-P-9 of the Development Plan is relevant and requires proposals to demonstrate the safe and efficient disposal of effluent in accordance with the above-mentioned EPA's Code of Practice.

7.4.3. I have reviewed the submitted Site Suitability Assessment Report which indicates the aquifer category as being Poor (PI) and having an 'Extreme' groundwater vulnerability classification. The Groundwater Protection Response Category is identified as 'R2 1' which is detailed in Table E1 (Response Matrix for DWWTSs) of the EPA Code of Practice Domestic Wastewater Treatment Systems as being 'acceptable subject to normal good practice'. The Code of Practice includes the advisory that 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 Section 6 of the Code of Practice are met and the likelihood of microbial pollution is minimised.

7.4.4. The Site Suitability Assessment Report notes that the depth of the trial hole was 2.1 metres and that the water table was encountered at 0.95 metres with the bedrock level encountered at 1.5 metres deep. The soil/sub-soil is classified as silt/clay which is crumb/compact between 0.1m - 0.3m and blocky/stiff 0.4m – 1.0m. Gravelly sandy silt which is indicated as uncompact is indicated between 1.0m – 1.5m. In respect of the percolation characteristics of the soil, the sub-surface test result is indicated at

64.94min/25mm. The comments on the results claim that the site is not suitable for a septic tank system but would be suitable for a secondary wastewater treatment system and polishing filter discharging to the ground. The proposed discharge route is to the ground water via a Rotating Biological Contractor (RBC) secondary wastewater treatment system and a Reed Bed filtration system and offset tertiary infiltration layer.

7.4.5. In respect of the appellants' grounds of appeal in terms of the 5 PE capacity/loading, I note that the proposed system is designed to reflect the proposed 3-bedrooms. Moreover, any tertiary system requires a minimum of 5 PE as per the EPA'S Code of Practice. To this end, I have no reason to query this capacity in light of the proposed occupancy for the dwelling.

7.4.6. I acknowledge the grounds raised by the appellant in respect of the separation distances of the proposed system from the open drain on eastern boundary. According to Table 6.2: 'Minimum separation distances from the entire DWWTS' of the EPA's Code of Practice, the DWWTS – periphery of tank/plant and infiltration/treatment area (m) percolation trenches should be 10 metres from an 'Open drain or drainage ditch'. The guidance states that separation distances are set as a minimum requirement and that distances should be increased beyond those stated in Table 6.2 to the extent possible. From my review of the submitted documentation, I note that the proposed piping to serve the percolation/infiltration area does not exceed the minimum separation distances from the eastern (side) boundary containing an open drain. As such, I am not satisfied that the proposed treatment system complies with the requirements of the EPA's Code of Practice for Domestic Waste Water Treatment Systems (PE <10) (EPA 2021).

7.4.7. Further to the above and notwithstanding the presented percolation results, I consider it prudent that an appropriate wastewater treatment system is proposed for the subject site. During my site inspection, I noted the lands to be somewhat wet underfoot and I identified extensive on-site vegetation (rushes) which are indicative of wet ground conditions and poorly drained soil(s). My surface observations are consistent with the appeal file details regarding the presence of the water table at 1 metre from the surface. The proposed wastewater treatment system relies heavily on a complex engineered system along with site improvement works which include removal of existing soils/subsoils, loosening of underlying subsoils to assist percolation, and provision of a 'constructed wetland' (Reed Bed). I note that guidance in the Code of

Practice informs that site improvement works are technically difficult to carry out and, in many instances, will 'still not be sufficient to enable the site to be used for a system incorporating discharge to ground'. Therefore, given the site complexities and potential groundwater quality impacts; the proposed development must comply fully with all provisions of the EPA's Code of Practice in order to be reasonably considered.

7.4.8. In conclusion, I am not satisfied that the wastewater treatment system, as proposed, is appropriate to effectively deal with wastewater arising from proposed development. I consider that the system would result in the inefficient treatment of wastewater with potential consequential impacts for contamination of groundwater in the area which would be at a variance with the County Donegal Development Plan 2024-2030, namely Policy RH-P-9(b)(iv) and Policy WW-P-6. I am of the view that the proposed development would be prejudicial to public health and planning permission should therefore be refused.

7.5. Surface Water Drainage

7.5.1. The appellant raises concerns in respect of public health and is of the consideration that the response to the Further Information request regarding detail/information on 1:100-year storm events has not been addressed.

7.5.2. The initial assessment of the Planning Authority indicated that further information was required to assess the piping/culverting of the roadside frontage of the site along with capacity specifications. The Planning Authority also sought details on surface water drainage/attenuation on the site at pre-development levels in a 1:100-year storm event. The applicant's response to Items No. 3 and No. 4 of the Further Information Request provided details for the placement of 750mm diameter pipe to the stream along the site frontage and the installation of an attenuation system on a revised Site Layout Plan. These arrangements were deemed appropriate by the Planning Authority to manage the control of surface water.

7.5.3. In assessing surface water drainage, I acknowledge the grounds of the appellants that the applicant's response to the Request for Further Information has not implicitly indicated how the proposed surface water arrangements address a 1:100-year storm event. The attenuation tank is located in the southwestern corner of the site and is illustrated as being 10 metres by 20 metres with a basin depth of 1 metre. There is an inlet pipe, an overflow pipe and a drain pipe from the basin to the watercourse. I

consider that the applicant has failed to demonstrate the quantification data (such as run-off rates, rainfall levels, ground water interception capacity, climate change modelling and site development calculation) which would support the rationale for the sizing and specification for this attenuation system. As such, I am unable to make a throughout assessment of the proposed attenuation to determine if it would be appropriate for this particular site or the capability of surface water run-off from the lands to effectively discharge.

7.5.4. The Site Layout Plan illustrates the proposed surface water drain layout. The proposed system will collect surface water arising from the proposed development and connect to the new on-site attenuation system. I further note that the Site Suitability Assessment Report also indicated a perimeter drain around the proposed infiltration system which is to discharge to the on-site surface water network. I consider that there is a lack of detail for the proposed discharge arrangements and how they would appropriately collect surface water on the appeal site.

7.5.5. I note the open drain/stream along the roadside boundary of the appeal site is to be culverted/piped. However, the impacts of culverting this drain/stream on surface water drainage arising from the site and the public road has not been provided and is therefore unknown. As such, I am unable to determine if the proposal is contrary to technical standards in respect of Surface Water and Roadside Drainage as pertained in Chapter 16 of the Development Plan.

7.5.6. In conclusion, it is my view that the fundamental consideration for drainage from a proposed development is that surface water run-off of adjoining lands or roads should not be exacerbated. I consider that the applicant has failed to adequately detail/demonstrate that surface water can be collected and discharged without adverse impacts on the surrounding lands or road network. Notwithstanding, I do not consider that this issue should form a reason for refusal. Should the Board be minded to grant permission, it is my consideration that the management of surface water drainage for a single dwelling on this site could be treated as a standard issue and agreed with the Local Authority by way of condition.

7.6. Access & Sightlines

7.6.1. The appellants raise concern with the determination of the Planning Authority to reduce sightlines from the required 160 metres in both directions to 90 metres. It is claimed

by the appellants that the vision lines on the submitted planning drawings do not correlate with the Traffic Survey Report and that there is a lack of roadside boundary treatment.

- 7.6.2. In considering the proposal, I note that Chapter 16 of the Development Plan relates to Technical Standards and Policy TS-P-1 requires *'compliance with the following technical standards, where applicable, in addition to all other relevant policy provisions of this Plan and relevant Governmental guidance and standards'*. In respect of vision lines, I note that the Development Plan provides for deviations from the vision lines/stopping sight distance requirements to be considered once entrances can be designed and constructed in accordance with the DMRB/DMURS as appropriate.
- 7.6.3. The applicant provided a Traffic Speed Survey, on foot of a request for Further Information, which contains records of speed limits and a traffic count along the L-6571-1. The survey claims an 85th percentile design speed of 60 kph and that the minimum sightlines provided should be 90 metres with a 2.4 metre setback. An appendix submitted with the survey also demonstrates the provision of sightlines. I note that the Planning Authority were satisfied with the proposed entrance and sightlines and conditioned same as part of the grant of permission.
- 7.6.4. During my inspection of the site, I considered the road alignment along this section of the L-6571-1. I observed the road to be relatively straight and having a limited width along with a level gradient eastwards and sloping uphill westwards. I am of the view that the road is lightly trafficked and provides access to a limited number of dwellings and agricultural lands. Whilst I consider that the data of the submitted Traffic Survey Report to be somewhat limited with 10 cars recorded over a 2.5 hour survey time; based on my site observations, the data appropriately reflects the traffic speeds/movements associated with the road.
- 7.6.5. I acknowledge the grounds raised by the appellant regarding the lack of detailing of the boundary treatments on the submitted planning drawings and the correlation. That said, I am of the view that a refusal of planning permission would not be warranted on this particular basis as I consider that the proposed vehicular entrance can provide adequate lines of vision and setbacks by way of removing the existing roadside hedge boundary. Additionally, I do not consider that the achievement of the 90 metre sightlines is not reliant upon third-party lands.

7.6.6. In conclusion, having regard to the limited scale of the development which relates to a single dwelling, I do not consider that there will be significant additional traffic which may exacerbate the existing situation on this road. I consider that unobstructed sightlines, at a reduced distance of 90 metres, can be achieved in both directions and would not interfere with adjoining lands or endanger public safety by reason of traffic hazard.

7.7. Validity of Application

7.7.1. The appellants have raised the matter of the applications validity in respect of the house dimensions on the submitted planning particulars. I have reviewed the planning drawings on the appeal file and note that various dimensions have been illustrated. I have no concerns with the level of detail provided on the application drawings which in my view are acceptable.

8.0 Appropriate Assessment (Screening)

8.1. I have considered the subject development, which comprises the construction of a new one-off dwelling in light of the requirements S177U of the Planning and Development Act 2000 (as amended).

8.2. The subject development is located in a rural area approximately 1.2km from the North Inishowen Coast Special Area of Conservation (Site Code: 002012). The subject development comprises a single dwelling and has no hydrological or other connection directly to any European site.

8.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any European site. The reason for this conclusion is as follows:

- The scale and nature of the development;
- The distance to the nearest European site and the lack of connections; and,
- Taking into account the screening determination of the Planning Authority.

8.4. I conclude on the basis of objective information, that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore a

retrospective Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

9.0 Recommendation

- 9.1. I recommend that permission be REFUSED for the reasons and considerations set out hereunder.

10.0 Reasons and Considerations

1. Having regard to the location of the site in an 'Area Under Strong Urban Influence' and provisions of Policy RH-P-1 County Donegal Development Plan 2024-2030, and, the documentation on file submitted as part of the application and appeal; the Board considers that, in the absence of a demonstrated housing need at this location, the proposed development would result in a haphazard and unsustainable form of development, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to the proposed dwelling design and the location of the site in an 'Area Under Strong Urban Influence', the Board considers that the proposed development would not accord with the provisions of the Rural Housing Location, Siting, and Design Guide and would therefore be at a variance with Policy RH-P-9 of the County Donegal Development Plan 2024 - 2030 which seeks that proposals for individual dwellings be designed in a manner that is sensitive to the integrity and character of rural areas and avoids expansion of a suburban pattern of development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The Board is not satisfied, having regard to the layout/separation distances of the recommended wastewater treatment system, that effluent arising from the subject development can be satisfactorily treated and disposed of on the site in accordance with the EPA's Code of Practice for Domestic Waste water Treatment Systems (PE <10) (EPA 2021). It is considered that the proposed development would be at a variance with Policy RH-P-9(b)(iv) and Policy WW-P-6 of the County Donegal

Development Plan 2024-2030 and would therefore be prejudicial to public health and 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.

Matthew O Connor
Planning Inspector

5th December 2024

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála	ABP-319724-24		
Case Reference			
Proposed Development Summary	Construction of a dwelling with on site waste water treatment plant and all associated site works.		
Development Address	Carrowtrasna, Greencastle, 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)?			
Yes			Proceed to Q3.
No	X		No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X	Class 10, (b), (i) (threshold is 500 dwelling units)	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X		Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319724-24
Proposed Development Summary	Construction of a dwelling with on-site waste water treatment plant and all associated site works.
Development Address	Carrowtrasna, Greencastle, Co. Donegal
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
Characteristics of proposed development.	Examination
(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The proposal comprises a single development of 1 no. house in a rural area.</p> <p>The size of the house would not be described as exceptional in the context of the existing environment.</p> <p>The proposal will not give rise to the production of significant waste, emissions or pollutants. By virtue of its development type, it does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p>
Location of the Development	Examination
(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The proposed development is situated in a rural area on undeveloped lands. The proposed development is removed from sensitive natural habitats, centres of population and sites of historic/cultural/archaeological importance.
Types and characteristics of potential impacts	Examination
(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and	Having regard to the limited nature and scale of the proposed development (i.e. a single one-off dwelling), its location removed from sensitive habitats/features,

complexity, duration, cumulative effects and opportunities for mitigation).		the likely limited magnitude and spatial extent of effects, and the absence of in combination effects; there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes

Inspector:

Date:

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)