



An
Coimisiún
Pleanála

Inspector's Report

ABP-320483-24

Development	Change of use of existing licensed premises to use as a childcare facility and associated site development works
Location	Cloughfin, Castlefinn, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2351266
Applicant	Tommy O'Neill
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Transportation Infrastructure Ireland
Observers	None
Date of Site Inspection	14 th January 2025
Inspector	Jim Egan

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	5
3.0 Planning Authority Decision	6
3.1. Decision	6
3.2. Planning Authority Reports	6
3.3. Prescribed Bodies	9
3.4. Third Party Observations	9
4.0 Planning History.....	10
4.1. Subject Site.....	10
5.0 Policy Context.....	10
5.1. Revised National Planning Framework, 2025	10
5.2. National Guidance	10
5.3. Northern and Western Regional Assembly - Regional Spatial and Economic Strategy (RSES) 2020	12
5.4. Donegal County Development Plan 2024 – 2030	12
5.5. Natural Heritage Designations	17
6.0 The Appeal	17
6.1. Grounds of Appeal	17
6.3. Planning Authority Response.....	21
7.0 Assessment.....	22
7.1. Principle of Development – New Issue	22
7.2. Traffic and Road Safety	25
7.3. Other Matters	34
8.0 EIA Screening.....	34

9.0 Appropriate Assessment Screening.....	35
10.0 Water Framework Directive	35
11.0 Recommendation	35
12.0 Reasons and Considerations.....	35
Appendix 1 - Form 1	37
Appendix 2	38
Appendix 3 – Water Framework Directive Screening	39

1.0 Site Location and Description

- 1.1. The subject site, with a stated area of 0.53ha, is located on the northern side of the N15 national primary road in Cloughfin, a rural townland located c. 2.8km east of Castlefinn and c. 6.5km southwest of Lifford, in east County Donegal.
- 1.2. The site is located on the inside of a wide bend on the N15, the alignment of which generally follows the flow of the River Finn to the south.
- 1.3. The site is located immediately west of a slightly staggered crossroads on the N15, comprising a local road running north / northwest towards Raphoe and a local road running south and east over the River Finn and, by association, over the boundary to County Tyrone (Northern Ireland), at which point it becomes the B85, where it runs through the town of Clady before continuing to the towns of Sion Mills and Strabane. Of particular relevance to this appeal is that the junction on the N15 is laid out with right turning lanes (in opposite directions) for both of these roads, noting that the turning lane and associated ghost island for the right turn towards Clady extend west along the frontage of the appeal site.
- 1.4. The Castlefinn to Lifford greenway is aligned along the northern side of the N15 and thus passes the front of the site. The greenway is part of the North-West Greenway Network Project.
- 1.5. The wider expanse of the N15 at this location is predominantly flanked by agricultural land, with the area within the immediate vicinity of the site characterised by a cluster of rural dwellings, more so on the northern side of the N15, continuing along the local road east of the site. There is a concrete supply business located on the southern side of the N15 approximately 85m west of the site.
- 1.6. The appeal site is 'L' shaped and comprises a relatively large single storey detached flat roofed building set back from the public road, with the area of the site to the front of the building hard surfaced and laid out for car parking. There are two access points to the site from the N15 with a one-way in and one-way out system. Land to the east of the car park is grassed and is contained within the application site boundary. Adjoining dwellings to the west have similar building lines. To rear of the building is an area of grassed land.

- 1.7. The site shares its western boundary with a residential property, the boundary with which comprises a low timber picket fence forward of the front building line and a c. 2m high chain link fence from that point to the rear boundary. To the road frontage with the car park, the boundary comprises a low painted, rendered and capped wall with piers and a row of low metal bollards to the frontage of the grassed area on the east side, returning along its frontage to the local road. A mature hedgerow forms the boundary with the dwelling to the east / northeast.

2.0 Proposed Development

- 2.1. Planning permission is sought for the change of use of a licenced premises to a childcare facility providing full day care services. The stated floor area of the building is 625.5sq.m.
- 2.2. The proposal includes demolition of a flat roof extension to the rear (c. 12.4sq.m), modifications to the internal layout of the premises, alterations to the window openings, reconfiguration of external pedestrian access ramps, signage and all associated works.
- 2.3. The submitted site layout plan shows that works would also include the laying out of the rear yard for 20 no. car parking spaces, along with the provision of cycle parking.
- 2.4. The submitted application form refers to 15 – 20 staff, while the floor plan indicates the following arrangement and capacity for childcare:

Room 1	Early childhood care and education	Max capacity of 22
Room 2	Early childhood care and education	Max capacity of 22
Room 3	After school	Max capacity of 22
Room 4	Toddler (aged 2-3)	Max capacity of 22
Room 5	Wobbler (aged 1-2)	Max capacity of 14
Baby Room		Unspecified capacity

- 2.5. The application includes a letter from the County Donegal Childcare Committee outlining support for further childcare facilities in the county.
- 2.6. Further information, submitted on the 26th June 2024, included a Stage 1 Road Safety Audit and amended site layout plan to take account of accepted recommendations made under same. The applicant also submitted letters from adjoining landowners

consenting to the maintenance of roadside boundaries for the purpose of achieving sightlines.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was granted subject to 12 no. conditions.

- Condition 2(a) requires implementation of all recommended and alternative measures outlined in the Stage 1 Road Safety Audit.
- Condition 2(b) requires the preparation of a Stage 2 Road Safety Audit prior to commencement of development.
- Condition 2(c) requires all recommendations of the Road Safety Audits to be implemented in full prior commencement of any other development on the site.
- Condition 5 restricts vehicles associated with the childcare facility from parting on the roadside.
- Condition 6 restricts hours of operation to between 0800 and 1800, Monday to Friday, and no operation at weekends or public holidays.
- Condition 9 relates to lighting.
- Condition 11 relates to the use of the existing wastewater treatment system on the site.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

There are two Planner's Reports on file, the first one dated 3rd October 2023, and the second, following the receipt of further information, dated 17th July 2024.

The following main points were made in the first Planner's Report:

- The site comprises an existing licenced premises.
- Application assessed under the Donegal County Development Plan 2018-2024, as varied.

- Proposal is acceptable in principle having regard to identified demand for childcare.
- The location of the proposed childcare facility is acceptable on the basis that the site is close to public transport, is nearby schools in Castlefinn to the west and Ballylast to the northeast and would aid in strengthening community life and creating employment.
- The design of the building, in terms of modifications proposed, is acceptable.
- The proposal would not cause a loss of amenity to neighbouring dwellings.
- The site has sufficient capacity to provide adequate private amenity space.
- The proposal will use existing access arrangements.
- Provision of 20 no. car spaces for staff meets the County Development Plan requirement, thus deemed acceptable.
- Provision of 32 no. car spaces for parents is above the 8 no. spaces required under the County Development Plan, thus deemed acceptable, allowing for future increase in the number of children attending the facility.
- Provision of cycle parking to be conditioned.
- On basis of insufficient detail provided with the application, it is recommended that a Traffic and Transport Assessment be requested by way of further information.
- On basis of the proposed change of use and construction of a greenway along the front of the site, it is recommended that a Road Safety Audit be requested by way of further information.
- No issues with regards Appropriate Assessment or Environmental Impact Assessment.
- Based on the nature of the proposed change of use, there are no development contributions chargeable.

Further Information was requested on the 12th October 2023 in relation to the following:

- Item 1 – Required to submit a Traffic and Transport Assessment
- Item 2 – Required to submit a Road Safety Audit

The second Planner's Report made the following points in respect of the further information received on the 26th June 2024:

- Item 1 – Notes that the applicant did not submit a Traffic and Transport Assessment on the basis that the proposed development would not generate in excess of 100 trips at peak hours, and that more people would access the facility via the new greenway. Planning authority deemed this acceptable.
- Item 2 – Submitted Road Safety Audit noted. It is the planning authority's and road department's view that the proposed development is acceptable where measures recommended in the Road Safety Audit are implemented in full.
- Recommended a grant of permission, subject to conditions.

3.2.2. ***Other Technical Reports***

Donegal National Roads Office (NRO): Report dated 11th September 2023 makes the following points:

- Proposal does not affect any national road schemes.
- Applicant should liaise with the Lifford Road Design Office in respect of the greenway scheme being progressed on the N15 between Lifford and Castlefinn.
- Any application that directly impacts any element of the national road must demonstrate that any change proposed is compliant with TII standards and its approval documented.

In response to further information received, a report dated 16th July 2024 noted that the application proposes changes to the national road and in that regard again advises that any application that directly impacts any element of the national road must demonstrate that any change proposed is compliant with TII standards and its approval documented.

Building Control Authority: Report dated 22nd September 2023 provided comments / recommendations in relation to standard building control matters.

Loughs Agency (Northern Ireland): Report dated 18th September 2023 raised no objection in principle subject to compliance with matters in relation to the protection of nearby watercourses.

Roads Section: Report dated 9th July 2024 raised no objection.

3.3. Prescribed Bodies

Uisce Eireann

A submission dated 5th September 2023 raised no objection.

Transportation Infrastructure Ireland (TII)

A submission dated 15th September 2023 can be summarised as follows:

- The proposal would create an adverse impact on the national road where the maximum speed limit applies and would be at variance with the national policy document *Spatial Planning and National Road Guidance for Planning Authorities, 2012* in relation to control of frontage development on national roads.
- Section 2.5 of *Spatial Planning and National Road Guidance for Planning Authorities, 2012* states that the policy of the planning authority will be to avoid the creation of additional access points from new development or the generation of increased traffic from existing accesses to national roads to which the speed limits greater than 60kmph apply. The proposal would result in the intensification of an existing direct access to a national road contrary to official policy.
- Insufficient data has been submitted with the application to demonstrate that the proposal will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site.

In response to further information received, a report dated 12th July 2024 advised that the TII's position remains as set out in its initial report dated 15th September 2023.

3.4. Third Party Observations

None

4.0 Planning History

4.1. Subject Site

P.A. Ref. 981062 – refers to a 1998 grant of permission for new entrances and signage at the River Club. Condition 1 on the permission restricted access to a single access with revised plans to be submitted for approval.

4.2. Surrounding Area

None considered to be relevant.

5.0 Policy Context

5.1. Revised National Planning Framework, 2025

National Strategic Outcome 2 relates to enhanced regional accessibility, under which it is an objective to maintain the strategic capacity and safety of the national roads network including planning for future capacity enhancements.

National Policy Objective 41 prioritises the alignment of targeted and planned population and employment growth with investment in social infrastructure including the provision of childcare facilities and new and refurbished schools on well-located sites within or close to existing built-up areas, that meet the diverse needs of local populations.

5.2. National Guidance

Spatial Planning and National Road- Section 28 Guidelines for Planning Authorities, (DoECLG 2012)

The guidelines set out planning policy considerations relating to development affecting national roads (including motorways, national primary and national secondary roads) outside the 50/60 km per hour speed limit zones. The guidelines state the following in respect of national roads:

- The primary purpose of the national road network is to provide strategic transport links between the main centres of population and employment,

including key international gateways such as the main ports and airports, and to provide access between all regions.

- The creation of new accesses to and intensification of existing accesses to national roads gives rise to the generation of additional turning movements that introduce additional safety risks to road users.
- For lands adjoining National Roads to which speed limits greater than 60 kmph apply, the policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 km per hour apply.
- A less restrictive approach may be adopted in the case of developments of national and regional strategic importance which by their nature are most appropriately located outside urban areas, and where the locations concerned have specific characteristics that make them particularly suitable for the developments proposed.

Traffic and Transport Assessment (TTA) Guidelines, 2014 (TII Publication)

The TTA Guidelines seek to promote best practice for the preparation of Traffic and Transport Assessments and define thresholds at which such assessments are recommended as part of a planning proposal. The guidelines also set out sub-threshold criteria for requesting a Traffic and Transport Assessment.

Childcare Facilities – Section 28 Guidelines for Planning Authorities, (DoEHLG 2001)

To promote childcare facilities in the following locations as a key element in the provision of sustainable communities:

- Residential areas
- Places of employment
- Educational establishments
- City and town centres, neighbourhood and district centres
- Convenient to public transport nodes

Universal Design Guidelines for Early Learning and Care Settings (Department of Children and Youth Affairs, 2019)

Section 1 relates to Site Location, Approach and Design, and sets out Universal Design Guidance, including:

- Where possible, choose a central location close to local services such as shops or doctors' surgeries and amenity spaces such as playgrounds or parks.
- Proximity to public transport networks will facilitate more sustainable travel patterns and provide easy access to families, staff and visiting health and social care professionals.
- Choose a site that places the setting at the heart of the community and maximises the potential for interaction and engagement with people and the local context.
- An ideal site will balance connectivity with the community with a calm and safe environment for young children.
- Ensure the location can facilitate safe drop-off and collection of children.

5.3. Northern and Western Regional Assembly - Regional Spatial and Economic Strategy (RSES) 2020

Regional Policy Objective RPO 6.5

The capacity and safety of the region's land transport networks will be managed and enhanced to ensure their optimal use, thus giving effect to National Strategic Outcome No.2 and maintaining the strategic capacity and safety of the national roads network including planning for future capacity enhancements.

Regional Policy Objective RPO 7.15

Encourage multi-agency approaches for delivering the health, social care, education and community services needed by growing, diverse or isolated communities.

5.4. Donegal County Development Plan 2024 – 2030

The Donegal County Development Plan 2024-2030 took effect on the 26th June 2024 except for those parts of the Plan which are subject to a Draft Ministerial Direction.

The Draft Ministerial Direction was issued on the 26th June 2024 and relates to zoning objectives within Buncrana and Ballybofey/Stranorlar; changes to a number of Settlement Framework boundaries, and of relevance to this appeal, to national road access policy (Policy T-P-12).

The site is located within the rural area with direct access off the N15 National Primary Road. The following are the relevant policies and objectives contained under Chapter 2 (Vision and Ambition), Chapter 8 (Infrastructure), Chapter 12 (Community Development) and Chapter 16 (Technical Standards) of the CDP:

Chapter 2 (Vision and Ambition)

Objective S-O-9 To maintain the strategic function, capacity and safety of the national roads network, and to ensure that the existing extensive transport networks, discrete sections of which have been enhanced are maintained to a high level to ensure quality levels of service, safety, accessibility and connectivity to transport users.

Chapter 8 (Infrastructure)

Objective T-O-10 To safeguard the carrying capacity and safety of:

- i. National Roads and associated junctions in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities (DECLG, 2012) and
- ii. The R238 Bridgend to Buncrana Regional Road.

Objective T-O-14 To provide for high quality connectivity within the County in line with the Core Strategy through the promotion of a quality Strategic Road Network as identified on Map 8.1.2.

Policy T-P-12¹ a. It is a policy of the Council not to permit developments requiring new accesses, or which would result in the adverse intensification of existing access points onto:

¹ Wording of Policy T-P-12 subject to Draft Ministerial Direction
(Note: part b and c of Policy T-P-12 not relevant to the appeal)

- i. National Roads where the speed limit is greater than 60 kph;
or
- ii. The section of the R238 Bridgend-Buncrana Regional Road where the speed limit is greater than 60 kph.

Notwithstanding the foregoing, in exceptional circumstances, developments of national and regional strategic importance where the locations concerned have specific characteristics that make them particularly suitable for the developments proposed may be considered, subject to such developments being provided for through the Local Area Plan or Development Plan making process, including in consultation with the TII.

Policy T-P-12²

It is a policy of the Council not to permit developments requiring new accesses, or which would result in the:

- i. Intensification of existing access points onto National Roads where the speed limit is greater than 60 kph; or
- ii. Adverse intensification of existing access points onto the section of the R238 Bridgend-Buncrana Regional Road where the speed limit is greater than 60 kph.

Notwithstanding the foregoing, in exceptional circumstances, developments of national and regional strategic importance where the locations concerned have specific characteristics that make them particularly suitable for the developments proposed may be considered, subject to such developments being provided for through the Local Area Plan or Development Plan making process, including in consultation with the TII.

Policy T-P-15A

It is a policy of the Council for developments affecting the national road network to require the provision of Traffic and Transport Assessments in accordance with the requirements of the 'TII Traffic & Transport Assessment Guidelines (2014)' (refer to

² Wording of Policy T-P-12 as per OPR's Proposed Direction for the consideration of the Minister

‘Requirement for Safety Audit’, Chapter 16, ‘Technical Standards’).

Chapter 12 (Community Development)

- Policy CC-P-1** Support the provision of new social and community infrastructure/service related developments (e.g. childcare, education, healthcare, sports/recreational facilities, playgrounds, community resource centres sheltered housing, residential care/nursing homes, large scale cultural facilities etc) where such proposals are consistent with the zoning objectives of the Plan, and otherwise in accordance with the following locational criteria:
- a. At locations within the defined boundaries of settlement framework/urban areas which are within safe walking distance (i.e. via an existing or proposed footpath) of local services and residential areas or are accessible by public transport and which would otherwise promote social inclusion.
 - b. At alternative locations within settlement framework/urban areas where it is demonstrated that there are no suitable sites available which meet the locational criteria in point a) above.
 - c. In rural locations in close proximity to existing rural infrastructure (e.g. rural schools, Community centres, sports facilities, churches etc) where it is demonstrated that; the development is intended to serve an exclusively rural need, the development is functionally dependent on a specific rural location, or where there are no sites available which meet the abovementioned locational criteria in points a) and b) above.
 - d. At other rural locations where it is demonstrated that; the development is intended to serve an exclusively rural need, the development is functionally dependent on a specific rural location, or where there are no sites available to meet the abovementioned locational criteria in points (a), (b) and (c) above.

Policy CC-P-2

Require that social, community cultural development proposals generally comply with the policies and technical standards of this plan and the following specific development management criteria:

- a. Are compatible with adjacent existing or approved land uses.
- b. Do not have a significant impact on adjacent residential amenities.
- c. Provide adequate effluent treatment in compliance with the wastewater treatment policies of this plan.
- d. Do not cause a traffic hazard and ensure the existing road network can safely handle any extra vehicular traffic generated by the proposed development.
- e. Provide adequate parking provision, access arrangements, manoeuvring and servicing areas in line with technical standards and policies of this plan. Specifically in relation to schools and similar education facilities, incorporate measures that de-prioritise set-down/drop-off arrangements.
- f. Prioritises, and provides for a high level of, pedestrian and cycling permeability and access.
- g. Do not create a noise nuisance and or cause significant environmental emissions.
- h. The location siting and design of the development is of a high quality, successfully integrates with the host environment including the landscape and/or built environment of the area and does not negatively impact on the visual and scenic amenities of the area.
- i. Provides appropriate boundary treatment and screening of storage areas from public view.
- j. Does not have a negative impact on the built or natural heritage of the area and complies with the built and natural policies of the plan.

- k. Complies with the flood risk management guidelines and the associated flood risk policies of this plan.
- l. Have suitable soil depth and water table (in the case of burial grounds/graveyards).

Chapter 16 (Technical Standards)

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.

5.5. Natural Heritage Designations

The site is not located within or adjacent to any designated sites. The closest European Site are as follows:

- River Finn SAC (Site Code: 002301), c. 150m south of the site.
- Lough Swilly SPA (Site Code: 004075), c. 18.5km northwest of the site.

The Feddyglass Woods pNHA (Site Code: 001129) is located c.9.4km north of the site whilst the River Foyle, Mongavlin to Carrigans pNHA (Site Code 002067) is located c. 14km northeast of the site.

6.0 The Appeal

6.1. Grounds of Appeal

Transportation Infrastructure Ireland (TII) has appealed against the decision of the planning authority to grant planning permission. TII is of the opinion that the proposal, due its nature, the character of the road and also its reliance on intensification of a direct access to a national road at a location where a 100kph speed limit applies, is at variance with the provisions of official policy and has the potential to compromise the safety and efficiency of the national road network. The appeal can be summarised as follows:

National and Regional Policy

The following policy is cited in the submission as being relevant to the current development:

- National Strategic Outcome 2 (NSO2) of the National Planning Framework seeks to maintain the strategic capacity and safety of the national roads network including planning for future capacity enhancements.
- The National Development Pla, 2021-2030, sets out the key sectoral policy of maintaining the national road network to a robust and safe standard.
- Section 2.5 of *Spatial Planning and National Road Guidance for Planning Authorities, 2012* states that the policy of the planning authority will be to avoid the creation of additional access points from new development or the generation of increased traffic from existing accesses to national roads to which the speed limits greater than 60kmph apply. This policy requirement is also reflected in the National Investment Framework for Transport in Ireland (NIFTI).
- It is a Regional Policy Objective (RPO 6.5) of the Northern and Western Regional Assembly Regional Spatial and Economic Strategy (RSES) 2020 that the capacity and safety of the region's land transport networks will be managed and enhanced to ensure their optimal use, thus giving effect to National Strategic Outcome 2.
- RSA: Our Journey Towards Vision Zero Ireland's Government Road Safety Strategy 2021-2030 indicates the emphasis needs to focus on all elements of the road traffic system to successfully improve road safety.

Local Planning Policy

The appeal refers to Objectives S-O-9, T-O-1, T-O-14 and Policy T-P-12 of the CDP 2024-2030, all of which relate to national roads. The appeal also refers to TS-P-1 which relates to the requirement to comply with other government guidance and standards. I note that the TII refers to the 2018-2024 CDP, however the policy and objective numbering are consistent with the current CDP, as such I am satisfied that the reference to the previous Plan was done in error.

Having regard to the above national, regional and local policy framework and guidance, the TII makes the following points:

- Given the nature and character of the proposal, the character of the N15 at this location, the car-based catchment of this proposal, and issues raised in the road safety audit, the decision made by the planning authority conflicts with the foregoing objectives of official policy.
- The provision of childcare accessing the N15 by means of an existing access to the national road, at the location concerned, will inevitably bring about additional vehicular movements associated with the use of a private childcare facility at very specific time periods which will result in intensification of access onto and off the N15.
- The proposal relies on an existing access arrangement which was permitted under different development circumstances and planning policy considerations as well as the issues raised in the Road Safety Audit.
- The further information submitted underestimates the trips associated with the proposed development.
- The trips generated by the proposed development would not be of the same nature as a public house and / or potential shop. Given the nature of the proposed use and numbers indicated as being car based, the distance from childcare catchment, physical distance from existing community facilities, TII expect many trips will coincide with daytime peak hours.
- Potential for significant number of trips arriving and departing from the site at very specific times, along with trips generated by other services to support the development, utilities and visitors. Applicant has not provided details on scheduling / staggering of events, mobility management or measures to control traffic and prevent cars parking on the road. Site is located at a considerable distance from existing community facilities and will attract families from an extensive catchment, and due to its location will encourage private car use rather than Greenway generated trips as indicated in the application.
- Given its nature and concentrated journeys at specific times to the high-speed national road location, the proposal would be contrary to the provisions of official policy. The intensification is further complicated by the issues of road safety which have not been addressed.

- The proposal would set an undesirable precedent for further similar development in the county and beyond.
- No exceptional reason has been put forward which would justify a departure from standard policy and road safety considerations in this instance. This is a significant issue having regard to the existing concentration of development accessing the N15 in the vicinity.
- The proposed development, in conjunction with other development accessing the N15 at this location, would endanger public safety by reason of traffic hazard due to the additional traffic, including turning movements.
- TII acknowledges the need to accommodate and sustain rural communities and the rural economy, noting that Section 2.6 of the *Spatial Planning and National Road Guidance for Planning Authorities, 2012* provide a mechanism whereby a less restrictive approach may be applied to the control of development accessing national primary roads, however such a mechanism was not provided for in the current CDP, nor discussed with the TII during the making of the Plan.

Roads Safety Considerations

The TII makes the following points in respect of road safety considerations:

- National roads account for less than 6% of the total length of public roads in the country and carry c. 45% of all traffic. There is a critical need to maintain the strategic function of national roads.
- Refers to RSA statistics on road deaths and that restricting direct access and intensification of use of direct access to the high-speed national road network contributes to a reduction in collisions and fatalities.
- From a road safety perspective, authorities must guard against a proliferation of roadside developments accessing national roads to which speed limits greater than 50-60kmph apply.
- TII has the responsibility under the Roads Act 1993 (as amended) to specify standards in relation to design, construction and maintenance works to national roads that must be complied with. Such standards are in the interest of ensuring

level of service and includes assessment and measures for the safety of all road users.

- TII is of the opinion that no exceptional reasons or evidence have been outlined by the planning authority to justify a significant departure from the official policy and road safety considerations, and notes the following:
 - The proposal is located at a high-speed location on the national primary road. Vigilance is required having regard to legacy situations. Concerns highlighted on the Road Safety Audit were rejected by the applicant's designers.
 - Notwithstanding Condition 2, the decision by the planning authority appears to have been made in the absence of input from the Council's road design section.
 - The implementation of Condition 2 might not be possible and could be considered ultra vires.
 - The proposed use is materially different from that of the previous public house use and will add to the discordant character of the area in terms of road safety.
 - The proposal is contrary to Donegal CDP Objective S-O-9 which seeks to maintain the strategic function, capacity and safety of the national roads network.

Protecting Public Investment

- The TII seeks to ensure that official national objectives are not undermined and that the anticipated benefits of the investment made in the national road network are not jeopardised.

6.2. Applicant Response

None received.

6.3. Planning Authority Response

A response received on the 28th August 2024 makes the following points:

- The planning authority wishes to rely on the content of the planner's reports prepared in respect of the application.
- The planning authority received confirmation stating that the proposal does not meet the threshold for a Traffic and Transport Assessment on the basis of staggered morning and afternoon sessions and that households would comprise of more than 1 child.
- By reason of the brownfield nature of the site, existing established business use in operation, car parking facilities in situ, provision of a one-way entry/ exit points and associated need for childcare facilities to serve the rural area it is respectfully requested that An Coimisiún uphold the planning authority's decision to grant permission.

7.0 Assessment

Having examined the application details and all other documentation on file, including appeal submissions, the reports of the local authority, having inspected the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal are as follows:

- Principle of Development
- Traffic and Road Safety
- Other Matters

The issues of EIA, Appropriate Assessment and Water Framework Directive screening also need to be addressed.

7.1. Principle of Development – New Issue

- 7.1.1. Whilst the substantive issue in the appeal relates to traffic and road safety, I consider that in terms of the location of the site in a rural area and accessed directly off the N15 National Primary Road, there is a close correlation between the principle of development in terms of the use of the site for a childcare facility and consideration of the traffic / road safety.

- 7.1.2. The planning authority assessed the application against the provisions of the Donegal CDP 2018-2024, as varied. The planning authority's notification of decision was dated 18th July 2024 whilst the Donegal CDP 2024-2030 came into effect on the 26th June 2024. For the purposes of clarity, my assessment is based on the relevant policies and objectives of the current CDP, 2024-2030.
- 7.1.3. As outlined under Section 5.3 above, a Draft Ministerial Direction was issued on the 26th June 2024, an element of which relates to the wording of CDP Policy T-P-12. At the time of writing this report a final ministerial direction has yet to issue. Notwithstanding, I consider there to be sufficient other CDP policy and national guidance to proceed with a recommendation / decision.
- 7.1.4. Policy CCG-P-9 of the previous CDP is referred to and outlined in the Planner's Report and reads as follows:
- CCG-P-9 It is the policy of the Council to facilitate and support, where the need is identified, the provision of childcare facilities in appropriate locations including towns and villages, areas adjacent to existing community facilities, areas of employment and close to public transport, in order to facilitate localised provision, accessibility and sustainable development.*
- 7.1.5. Policy CC-P-1 of the current CDP broadly aligns with the spirit of Policy CCG-P-9 of the previous CDP but is expanded to place a hierarchy or an order of priority in terms of the location of new community infrastructure including childcare facilities, as follows:
- a) Within urban areas which are within safe walking distance of local services and residential areas or are accessible by public transport.
 - b) Alternative urban areas where it is demonstrated that there are no suitable sites available which meet the locational criteria in point a).
 - c) In rural areas within close proximity to existing rural infrastructure (e.g. rural schools, community centres, sports facilities, churches etc) where it is demonstrated that the development is intended to serve an exclusively rural need, the development is functionally dependent on a specific rural location, or where there are no sites available which meet the abovementioned locational criteria in points a) and b) above.

- d) At other rural locations where it is demonstrated that the development is intended to serve an exclusively rural need, the development is functionally dependent on a specific rural location, or where there are no sites available to meet the abovementioned locational criteria in points (a), (b) and (c) above.

- 7.1.6. The planning authority considered the proposal, in terms of use and location, to be acceptable in principle having regard to demand for childcare and on the basis that the site is close to public transport, near schools in Castlefinn to the west and Ballylast to the northeast and would aid in strengthening community life and creating employment, consistent with Policy CCG-P-9 of the previous CDP, 2028-2024.
- 7.1.7. The site is located in a rural area. St. Columba's National School is c. 1.5km northeast on the N15 and St. Mary's National School is located in Castlefin village, c. 3km to the northwest. In my view, the distance to the schools must also be considered in the context of the rural location, N15 road with a 100 km per hour speed limit and the availability of public transport. The planning authority refers to the site location as being close to public transport. There is no frequent bus service serving the site. The local link bus route 288 connects Ballybofey to Derry. This route serves Castlefinn and Lifford with a stop on the Derry / east bound route located c. 150m further east of the site on the north side of the N15. It is unclear where the bus stop is located for the west bound route, however the TFI local link timetable states that there is a stop at the Riverclub / subject site. The route has one morning service from Ballybofey to Derry, with a scheduled stop near the site at 8.08am, with one return service in the evening, with a scheduled stop at the site at 5.38pm. In my view, such a relatively low frequency bus service is not sufficient to encourage public transport as a reasonable mode of transport for parents using the childcare facility.
- 7.1.8. As such, I consider that the site is not located in close proximity to any existing rural infrastructure including reasonably frequent public transport. The application does not provide any information to suggest that the facility is intended to serve an exclusively rural need or that it is functionally dependent on this specific rural location, nor does it examine alternative available sites within an urban area or alternative sites close to existing community facilities. A letter submitted with the application from the County Childcare Committee outlines a need for further childcare in the county but does not provide specific data for the area in which the site is located.

- 7.1.9. On the basis of the foregoing, by reason of the site location in a rural area and in the absence of supporting information, I consider that the proposal is contrary to Policy CC-P-1 of the current CDP.
- 7.1.10. As outlined above, the planning authority's decision was based on the policy framework under the previous CDP, including Policy CCG-P-9, a policy which did not require the same level of scrutiny as Policy CC-P-1 of the current CDP. As such, An Coimisiún may wish to seek the views of the relevant parties. However, having regard to the substantive reason for refusal set out below in relation to traffic and road safety, it may not be considered necessary to pursue the matter.

7.2. Traffic and Road Safety

- 7.2.1. In its appeal, TII considers that by virtue of the location of the site in a rural area, the nature of the proposal in terms of concentration of drop-offs and collections, and in the absence of information in respect of traffic management included staggered drop-offs, the proposed development would create an adverse impact on the national road where the maximum (100 kmph) speed limit applies and would be at variance with the national policy document *Spatial Planning and National Road Guidance for Planning Authorities, 2012* in relation to control of frontage development on national roads.
- 7.2.2. By association with the foregoing, the TII considers that the proposed development, in conjunction with other development accessing the N15 at this location, would endanger public safety by reason of traffic hazard due to the additional traffic, including turning movements. The TII also considers that no exceptional reason has been put forward which would justify a departure from standard policy and road safety considerations in this instance.
- 7.2.3. The National Planning Framework, First Revision, 2025 (National Strategic Outcome 2) and Regional Spatial and Economic Strategy (Regional Policy Objective RPO 6.5) seek to maintain the strategic capacity and safety of the national road network.
- 7.2.4. Objective T-O-10 seeks to safeguard the carrying capacity and safety of National Roads in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities (DECLG, 2012). Of relevance to this appeal is that the guidelines state that for lands adjoining National Roads to which speed limits greater than 60 kmph apply, the policy of the planning authority will be to avoid the generation of

increased traffic from existing accesses to national roads to which speed limits greater than 60 km per hour apply. Section 8.1.3 of the CDP states that *The N15 Ballybofey/Stranorlar to Lifford road, whilst not on the TEN-T network, is a National Primary Road and provides another vital element of the strategic road network in the east of the County.*

- 7.2.5. Whilst CDP Policy T-P-12 is subject of a draft ministerial direction (issued on the 26th June 2024), I note that the OPR's recommended final direction (dated 2nd September 2024) for the Minister's consideration broadly aligns with the spirit of the adopted policy in respect of existing access points to national primary roads, with the only difference being the use of the word 'adverse'. The local authority's version reads that it is a policy of the Council not to permit developments requiring new accesses, or which would result in the adverse intensification of existing access points onto National Roads where the speed limit is greater than 60 kph; while the OPR's recommended version reads that it is a policy of the Council not to permit developments requiring new accesses, or which would result in the intensification of existing access points onto National Roads where the speed limit is greater than 60 kph. The absence of the word 'adverse' under the OPR's recommended wording would have the effect of lowering the bar in terms of assessing intensification of use.
- 7.2.6. In terms of the locational consideration for childcare facilities, Section 12.2 of the CDP states that the Council will have regard to the *Childcare Facilities – Section 28 Guidelines for Planning Authorities, (DoEHLG 2001)* and the *Universal Design Guidelines for Early Learning Centres and Care Settings (2019)* in relation to the location, siting, and overall design of new childcare facilities. Both set of guidance seek to prioritise residential areas/new housing developments, employment centres, sites in the vicinity of schools, neighbourhood centres and public transport nodes, as locations for new childcare facilities. The 2019 Universal Design Guidelines also seek to ensure that the location of childcare developments facilitates safe drop-off and collection of children.
- 7.2.7. Furthermore, CDP Policy CC-P-2 requires that social and community development proposals generally comply with specific development management criteria including that the proposal does not cause a traffic hazard, that the existing road network can safely handle any extra vehicular traffic generated by the proposed development, and

that the proposal provides adequate parking provision, access arrangements, manoeuvring and servicing areas.

- 7.2.8. For developments affecting the national road network, CDP Policy T-P-15A requires a Traffic and Transport Assessment (TTA) to be submitted in accordance with the requirements of the TII Traffic & Transport Assessment Guidelines (2014). The guidelines set out advisory thresholds for requesting a TTA, including where a development generates over than 100 trips in / out combined in the peak hours for the proposed development. The guidelines also outline sub-threshold criteria including that the character and total number of trips in / out combined per day are such that as to cause concern; that the development may generate traffic at peak times in a heavily trafficked/ congested area; or that there are concerns over the development's potential effects on road safety. Chapter 16 of CDP outlines that in accordance with TII Publication GE-STY-01024; TIIHD19, road safety audits (RSA) are mandatory for all planning applications on National Roads.
- 7.2.9. By way of a further information request, the planning authority sought the submission of a TTA and RSA. The response from the applicant to the request for further information set out that a TTA was not triggered by reference to the TII Traffic & Transport Assessment Guidelines (2014), contending that the threshold of 100 trips in/out combined in the peak hours was not exceeded. Based on information provided by the applicant, the planning authority accepted the applicant's position that a Traffic and Transport Assessment was not required.
- 7.2.10. The proposal comprises a change of use of the site from licenced premises to a childcare facility. The site has direct access off the N15 National Primary Road. The maximum speed limit of 100 km per hour applies on the N15 at the location of the site. The N15 has no hard shoulders in the immediate vicinity of the site and a continuous white line commences c. 450m of the location of the site for traffic approaching from both directions. Furthermore, as outlined under Section 1.0 of this report, there are two right turning lanes (in opposite directions) for junctions adjacent to the site, noting that the turning lane and associated ghost island for the right turn towards Clady extend west along the frontage of the appeal site.

7.2.11. The application refers to 15-20 staff and the submitted site layout plan indicates a maximum childcare capacity of 102 no. children plus an unspecified capacity for a baby room, with the service breakdown as follows:

Room 1	Early childhood care and education (ECCE)	Max capacity of 22
Room 2	Early childhood care and education (ECCE)	Max capacity of 22
Room 3	After school	Max capacity of 22
Room 4	Toddler (aged 2-3)	Max capacity of 22
Room 5	Wobbler (aged 1-2)	Max capacity of 14
Baby Room		Unspecified capacity

7.2.12. Notwithstanding the quoted capacity, the application outlines that 32 no. parents will access the facility along with 15-20 staff, noting the proposal to construct new car staff parking spaces and a delivery area to the rear of the building. The figure of 32 no. parents is based on an assumption that families will have more than one child using the childcare facility and that friends / neighbours would carpool. The applicant also refers to staggering of start times for different age groups and service types. Furthermore, the applicant contends that the adjacent greenway will provide a mode of transport to the site, thus reducing the number of private car trips.

7.2.13. The TII's grounds of appeal refers to the rural location and associated car-based catchment, peak-time intensification of access to / from the N15, underestimated trip generation and lack of information provided on the proposal for staggered start times.

7.2.14. I share the concerns raised by the TII. The applicant's position with regards traffic and road safety is based on the assumption that car trips to the facility would be relatively limited due to a combination of reasons, namely that the catchment would comprise more than 1 child families where more than 1 child per family would be attending the facility, that parents / neighbours / friends would carpool to the childcare facility, that a proportion of children attending the facility would use the newly constructed greenway, and that scheduling at the facility would include staggered start times with morning and afternoon sessions.

7.2.15. In my view, the applicant has provided insufficient evidence with regards anticipated trip generation, particularly where reference is made to carpooling, use of the greenway in the context of a rural area and staggering arrangements. Referring to the submitted floor plans, the stated capacity is 102 no. children, with additional

unspecified baby room capacity, and 15-20 staff. The floor plans indicate that of the 102 no. child spaces, 22 no. would comprise after-school students, leaving a capacity for 80 no. children (plus an unspecified baby room capacity), attending during the morning peak times and potential for 102 no. (plus an unspecified baby room capacity) being collected at evening peak times, plus staff trips. In my view the proposal has the potential to generate peak hour trips far greater than the stated 32 no. drop-off trips and potentially in excess of the threshold for a TTA or indeed subthreshold criteria, indicative of significant traffic generation, with a level of traffic that has the potential to cause an adverse impact on the traffic and road safety on the N15 at this location. Notwithstanding trip generation, the proposal to construct additional car parking to the rear of the site, constitutes an intensification of the access to the site.

7.2.16. Notwithstanding the above with regards a TTA, the applicant did submit a Stage 1 Road Safety Audit (RSA) to the planning authority as part of a response to the request for further information. Appendix B of the RSA contains a copy of an email from the Road Safety Audit section of the TII, giving approval of the audit team which comprises two personnel from a firm of consulting engineers.

7.2.17. Under Section 3.2 of the RSA the audit team identifies 12 no. road safety problems associated with the proposed development. For each road safety problem, the audit team explains the hazard involved and recommends a measure to address the problem. Section 1.7 of the RSA states that *'All of the problems described in this report are considered by the Audit Team to require action in order to improve the safety of the scheme and minimise collision occurrence'*.

7.2.18. The applicant accepts all 12 road safety problems and accepts the audit team's recommended measures to address 10 of the 12 problems. Appendix C of the RSA contains the RSA feedback form. The form includes a column for the applicant to use to provide reasons for not accepting the audit team's recommended measures and to outline an alternative measure to address the problem. The two problems for which the applicant does not accept the recommended measures are detailed further below.

RSA ref. Ref. 3.2.1 - N15 / Access Intervisibility

7.2.19. The audit team note that the speed limit on the N15 at the location of the site is 100km per hour and that available visibility in both directions from the site exit along the N15 is restricted by the road alignment and vegetation on third party boundaries and

vehicles parked in the carriageway shoulder. The associated hazard identified is the risk of collision between a vehicle emerging from the site and an oncoming vehicle on the N15. The recommendation is to provide uninterrupted visibility splays appropriate for approaching traffic on the N15 at its Design Speed.

7.2.20. A cover letter submitted by the applicant with the further information / RSA, acknowledges that 215m in both directions is the recommended visibility splay for a 100km per hour road design speed for a national road. An amended site layout plan submitted with further information provides an annotated representation of the road safety problems identified in the RSA. The drawing shows that the visibility splay that can be achieved is 160m in both directions. This takes account of the newly constructed greenway and a revised boundary setback. The applicant also submitted letters from two adjoining landowners to the west, consenting to the achievement and maintenance of sightlines across their respective front boundaries.

7.2.21. Under the RSA feedback form the applicant outlines the reasons why the recommended measure is not accepted, summarised as follows.

- As a comparison, the applicant outlines that a change of use from 'public house' to 'shop' would be exempt from the requirement for planning permission under the planning and development regulations.
- The applicant argues that the proposed use will not increase traffic flow beyond the current established use as a public house.
- The applicant outlines that the proposed use would comprise a more controlled access given that there is specific drop off and collection times for children attending the facility which are staggered for specific age groups and the services provided, in addition there is quite suitable space for vehicles to enter and exit the site safely using the defined access points which avoids any increased risk of collision.

7.2.22. I refer to the last column of the RSA feedback form which shows that the RSA audit team did not accept the applicant's reasons for not accepting the recommended measure to address this particular road safety problem. This, in my view, is significant, indicating that an identified road safety problem has not been addressed.

- 7.2.23. With regards to the first bullet point above, the applicant refers to a change of use from public house to shop. The applicant is referring to Class 14(b) under Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).

The applicant's statement in this regard is partially correct however I would point out that pursuant to Article 6 of the same regulations, the various classes of exemptions listed under Schedule 2, Part 1 are subject to Article 9 of the regulations, which lists restrictions on the exemptions. Of relevance to this application is that Article 9 states that development to which Article 6 relates, including, for example, a change of use from public house to shop, shall not be exempted development if the carrying out of such development would endanger public safety by reason of traffic hazard or obstruction of road users, a consideration which would be most relevant in this case given the direct access to the N15 with a 100 km per hour speed limit.

- 7.2.24. With regards to the second bullet point above, I note that the TII considered that the proposed use is different in nature to the previous use as a licenced premises and that the previous use and access to same would have been permitted under different planning policy considerations. The applicant has not provided details of the previous use as a public house, including opening hours, any licenced capacity, etc. Notwithstanding the lack of information in this regard, in my view, a childcare facility, which experiences a concentration of vehicular trips in and out of the site during weekday peak commuting hours, particularly morning time, is fundamentally different than a licenced premises. Furthermore, the proposal to construct additional car parking to the rear of the site, in itself, indicates intensification.

- 7.2.25. With regards to the third bullet point above, the TII raised concerns in respect of the stated intent to stagger start times, noting that there is no information provided to explain how such staggering would be implemented. I would concur with the TII in this regard. Referring to the submitted floor plans, and as outlined earlier in my report, the stated capacity is 102 no. children, with additional unspecified baby room capacity, and 15-20 staff. The floor plans indicate that of the 102 no. child spaces, 22 no. would comprise after-school students, leaving a capacity for 80 no. children (plus an unspecified baby room capacity), attending during the morning peak times and potential for 102 no. (plus an unspecified baby room capacity) being collected at evening peak times, plus staff trips. I also note that in the applicant's response under RSA Problem ref. 3.2.5, which is discussed further below, the applicant states that

school buses will not be permitted to enter the site, nor will there be a need for buses to enter the site as the facility is for pre-school (ECCE). If the facility is to cater for ECCE only, then the facility has the potential to generate a further concentration of peak time trips, particularly morning.

- 7.2.26. On the basis of the above, I am not satisfied with the rationale provided for the predicted trip generation. In my view, the proposal has the potential to generate trips, in and out, combined, at peak times in excess of the TTA threshold of 100 no. indicative of a proposal which has the potential to result in a traffic hazard in the absence of intervention.
- 7.2.27. The TII also questions the ability of the applicant to implement Condition 2 on the planning authority's decision, which requires implementation of all recommended measures in the applicant's Road Safety Audit, including to achieve the road design speed visibility splay / sightline, a measure which had not been accepted by the applicant's designer / agent as part of the Road Safety Audit process, and thus the TII considers Condition 2 to be ultra vires and thus unlikely to be achievable.
- 7.2.28. I concur with the TII in this regard. A sightline of 215 metres in both directions has not been provided and having regard to the submitted RSA and other submissions from the applicant, it is unlikely that 215m could be achieved in either direction. This is a critical issue in terms of traffic safety along the N15, particularly at this location where motorists have to be aware of the N15 itself, cyclists on the greenway and the operation of the existing right turning lanes serving adjacent junctions. In this context, I consider that the proposal would undermine the efficiency of the N15 and endanger public safety by reason of the intensification of traffic movements in and out of the site at peak hours, together with the absence of sufficient sightlines.
- 7.2.29. Furthermore, the applicant has sought to address problem ref. 3.2.2 of the RSA by showing a right turning lane. Whilst the audit team has accepted this response, it is my view that the application lacks technical information to demonstrate that the design or capacity of same is sufficient to ensure that the development does not impede on road and traffic safety, particularly noting its relationship with the existing right turning lane and ghost island associated with the adjacent junction on the N15.

RSA ref. 3.2.5 - Large Service Vehicles Accessing the Site

- 7.2.30. The RSA audit team identify that no vehicle swept path information has been provided and that it is not clear that a large vehicle, e.g. refuse vehicle or school bus can enter and exit the site, and also manoeuvre on site, such that it would not have to reverse back onto the N15. The associated hazard identified is the risk of collision involving all types of road user if a vehicle has to reverse from the site onto the N15. The recommendation is that the swept paths for anticipated large vehicles accessing and servicing the site should be checked and that the layout of the accesses and on-site parking should be sufficient to accommodate large service vehicles such that they can enter and leave the site travelling forwards.
- 7.2.31. Under the RSA feedback form the applicant outlines the reasons why the recommended measure is not accepted. The applicant states that the only vehicles larger than car will be a small, refrigerated van for dropping off any meals and that a loading bay for delivery vehicles is allocated to the rear of premises. The applicant states that refuse will be collected from the road edge as per standard practice. The applicant also outlines that school buses will not be permitted to enter the site, nor will there be a need for buses to enter the site as the facility is for pre-school.
- 7.2.32. The RSA audit team accepts the above reasons. However, the last statement with regards buses conflicts, in my view, with the submitted drawings, which indicates a full range of childcare services including after-school, a provision for which, in my view, would require a bus service given the rural location. I consider that the application provides insufficient and conflicting information in this regard.

Conclusion

- 7.2.33. On the basis of the above, it is considered that proposed development would result in an adverse intensification of an existing access point onto a National Road where the speed limit of 100 km per hour applies, and in the absence of the required visibility splays of 215m in both directions, the proposal would endanger public safety by reason of traffic hazard and the traffic turning movements generated by the development would interfere with the safety and free flow of traffic on a national primary road with a design speed of 100km per hour, contrary to Objective T-O-10 of the Donegal County Development Plan 2024-2030.

7.3. Other Matters

Outdoor Play Space – New Issue

- 7.3.1. Section 12.2 of the CDP states that the Council will have regard to the *Childcare Facilities – Section 28 Guidelines for Planning Authorities, (DoEHLG 2001)* and the *Universal Design Guidelines for Early Learning Centres and Care Settings (2019)* in relation to the location, siting, and overall design of new childcare facilities. Both set of guidance place great emphasis on outdoor play space. The 2011 Childcare Guidelines refer to the availability of outdoor play area and details of management of same, whilst a Key Design Issue under the 2019 Universal Design Guidelines Design relates to ‘Play’ seeking to provide indoor and outdoor spaces that promote movement, play, creativity and exploration.
- 7.3.2. Submitted plans show a ‘covered secure play area’ to the front of the building accessed off the main entrance hall. Apart from that area of play, the drawings do not show any other outdoor play area. The rear of the site is to be laid out for parking and deliveries whilst access to the front grassed area is constrained by reason of the requirement to fence off the septic tank and by reason of the open nature of the boundaries with the N15.
- 7.3.3. In my view, the proposal, by reason of the absence of sufficient outdoor space, is inconsistent with the *Childcare Facilities – Section 28 Guidelines for Planning Authorities, (DoEHLG 2001)* and the *Universal Design Guidelines for Early Learning Centres and Care Settings (2019)*. This is a new issue and An Coimisiún may wish to seek the view of the relevant parties. However, having regard to the substantive reason for refusal set out above in relation to traffic and road safety, it may not be considered necessary to pursue the matter.

8.0 EIA Screening

Refer to Form 1 in Appendix 1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination.

9.0 Appropriate Assessment Screening

Refer to Appendix 2. Having regard to nature, scale and location of the proposed development and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

10.0 Water Framework Directive

Refer to Appendix 3. On the basis of objective information, I consider that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

I recommend that planning permission be refused for the reasons and considerations set out below.

12.0 Reasons and Considerations

1. The proposed development would be accessed from the N15 National Primary Road at a location where a speed limit of 100 km per hour applies. Objective T-O-10 of the Donegal County Development Plan 2024-2030 seeks to safeguard the carrying capacity and safety of National Roads and associated junctions in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities (DECLG, 2012), whilst Policy CC-P-2 of the Donegal County Development Plan 2024-2030 requires that social and community development proposals do not cause a traffic hazard. Based on submitted documentation, An Coimisiún is not satisfied that the proposed development would not result in an adverse intensification of an existing access point onto a National Road where the speed limit of 100 km per hour applies, and in the absence of the design speed visibility splays in both directions, being a road

safety measure recommended in the submitted Road Safety Audit, it is considered that the proposal would interfere with the safety and free flow of traffic on a national primary road with a design speed of 100km per hour, thereby endangering public safety by reason of traffic hazard, contrary to the above referenced Objective T-O-10 and Policy CC-P-2 of the Donegal County Development Plan 2024-2030. The proposed development would, therefore, 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.

Jim Egan
Planning Inspector

16th October 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Coimisiún Pleanála Case Reference	ABP-320483-24		
Proposed Development Summary	Change of use of existing licensed premises to use as a childcare facility and associated site development works		
Development Address	Cloughfin, Castlefinn, 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	√
		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			
No	√		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	√		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			

Inspector: _____

Date: _____

Appendix 2

AA Screening

I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.

The site is not located within or immediately adjacent to any European Sites. The closest European Sites, part of the Natura 2000 Network, is the River Finn SAC (Site Code: 002301) located c. 150m south of the site.

The proposed development comprises change of use of an existing building, with works to include demolition of a rear extension (c. 12.4sq.m) and internal modifications. Surface water is directed to an existing drain. Condition 3 on the planner's authority's decision states that no surface water from the site shall be allowed onto the public road. Foul water is treated by way of an existing on-site septic tank. Condition 11 on the planner's authority's decision which requires desludging of the septic tank.

The Planning Authority concluded that based on the physical distance to the nearest Natura 2000 site and no known direct hydrological links, the proposed development is unlikely to have any significant effect, individually or in combination with any other plan or project, and not considered that screening for appropriate assessment is required.

Having considered the nature, scale and location of the proposed development, and having regard to the AA Screening carried out by the Planning Authority, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site.

The reason for this conclusion is as follows:

- Nature and scale of the proposed development;
- Absence of ecological pathways to any European Site;
- Intervening land use (N15 National Primary Road).

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

Appendix 3 – Water Framework Directive Screening

Screening the need for Water Framework Directive Assessment Determination.

The proposed development comprises a change of use of an existing building. Condition 3 on the planner's authority's decision states that no surface water from the site shall be allowed onto the public road. Foul water is treated by way of an existing on-site septic tank. Condition 11 on the planner's authority's decision which requires desludging of the septic tank.

I have assessed the application and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Nature of the development
- Location in the context of the nearest water bodies.

Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.