



An
Coimisiún
Pleanála

Inspector's Report

ABP-322711-25

Development	Construction of a house and all associated site works.
Location	Rinnasligo, Cresslough, Letterkenny Po, Co. Donegal.
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	25/60099
Applicant(s)	Philip Baxter
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Shaun Cox
Observer(s)	None
Date of Site Inspection	10 August 2025
Inspector	Claire McVeigh

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1.0 Site Location and Description

- 1.1. The subject site, stated area of 0.258 ha, is located in the townland of Rinnasligo approximately 3.8km northeast of Cresslough and approximately 7km southeast of Dunfanaghy County Donegal. The subject site is accessed off the N56 via a local road L-1292-3 which directly links to Ards Capuchin Friary ('retreat and contemplative ecology centre'). Ards Forest is to the north and northwest of the subject site.
- 1.2. The local road is characterised by ribbon development on both sides of the road, however, on approach to Ards Friary the roadway narrows, and the forest provides a visual break from the ribbon development.
- 1.3. Within the immediate context of the site on the opposite side of the road is a spilt level dwelling, single storey at the front onto the local road and steps down to a lower ground floor level at the rear. On the same side of the road as the proposed dwelling further to the east is a two-storey double bay period dwelling with pedestrian steps access from the roadway and separate vehicular access in close proximity to the stone pillared and gated entrance of Ards Friary.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a dwelling house (196 sq.m) with 4 no. bedrooms. A septic tank with percolation area (6 x 18m pipe lengths) is proposed and all other associated site development works.
- 2.2. Water connection proposed to mains water supply and surface water to discharge into roadside drain.
- 2.3. Following a request for further information a revised house design was submitted reducing the scale of the dwelling, from a spilt level two storey to the front and single storey to the rear to a storey and a half dwelling (4 no. bedrooms - 213 sq. m floor area with revised ridge height of 7.02m reduced from 7.20m) with, as described in the covering letter, a more traditionally inspired narrow gabled pitch roof design. The glazed balustrade balcony features have been omitted from the design. Cross sectional details, informed by a digital survey indicates the proposed amount of

cutting and filling required at the site. A retaining wall of maximum height 1.7m is proposed to the rear of the proposed house and extending across the site approximately 30m. The proposed house is set back 39.3m from the road edge.

3.0 Planning Authority Decision

3.1. Decision

On the 9 May 2025 the planning authority granted permission subject to 15 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Initial report requests that a revised house design is proposed reducing the scale of the single storey dwelling and omitting the glazed balustrade balcony feature to the front of the house. Concerns raised that the over scaled suburban dwelling is inappropriate to this elevated rural landscape setting within an area designated a High Scenic Amenity.

The planning authority notes the proximity to the nearest Natura 2000 site (being Sheephaven SAC located approx. 128m away). The attached AA Screening report determines that full Appropriate Assessment is not required, as it can be excluded on the basis of objective scientific information that the development individually or in combination with other plans/projects will have a significant effect on the aforementioned Natura 2000 site.

Considers there is no real likelihood of significant effects on the environment arising from the proposed development and excludes the need for EIA at preliminary examination and a screening determination is not required.

- Report following receipt of further information considers that the reduction in height of the dwelling integrates more appropriately within the context of the site and the surrounding development. Recommends a grant of permission subject to conditions.

3.2.2. Other Technical Reports

- Environmental Health Officer – recommended conditions.
- E.E. Roads Dungloe – Check storm water.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

One third party submission received from Shaun Cox the property owner of existing dwelling opposite the subject site.

Key concerns are restated in the grounds of the third-party appeal please refer to section 7.1.

4.0 Planning History

No relevant planning history on the subject site.

Opposite side of the L-1292-3 to the subject site and to the southwest of the appellant's property.

Planning register reference 15/51274 Planning permission refused for a dwelling and then subsequently following alternative siting against a mature line of boundary trees permission granted under planning register reference 16/50731 for the construction of a dwelling house with septic tank and domestic garage including all other site development works, Rinnasligo (Applicant Colm Anthony McFadden). This house was not constructed.

Note: A central issue was the prominence of the proposed dwelling on centre view on approach to Ards Friary.

Planning history referred to as planning precedents in the grounds of appeal and in applicant's appeal response

Planning register reference 16/50193 Planning permission refused (April 2016) for the construction of a dwelling house with septic tank for the following reasons:

1. The subject site is located on an elevated, steeply sloping site within an area of mature and undisturbed natural woodland significantly above the adjoining residential development and the county road to the south which acts as the approach road to Ards Friary. It is a policy of the County Development Plan, 2012-2018 (as varied) that, a new rural dwelling; must be integrate successfully into the landscape, and not cause a detrimental change to, or further erode, the rural character of the area, shall avoid the creation or expansion of a suburban pattern of development, shall not result in a development which by its positioning siting or location would constitute haphazard development, will be unacceptable where if fails to blend with the landform, existing trees and vegetation, building, slopes or other natural features and that a new dwelling that relies on significant earth works, such as cutting into slopes, filling to create a level platform for development will be unacceptable'. (Policy RH-P-2 refers). It is considered that the proposed development by reason of its (i) location above and to the rear of a line of existing residential development (ii) elevated siting significantly above the approach road to Ards Friary to the south (iii) siting within an area of mature and undisturbed natural woodland and the associated necessity to remove a significant amount of trees to accommodate the development (iv) the extent of excavation and filling of the natural topography necessary to accommodate the proposed dwelling, would result in; the creation of a; haphazard, backland and suburban form of development and a visually, intrusive and insensitive development within an area of mature and undisturbed natural woodland above the approach road to Ards Friary, in a manner which would be detrimental to the visual and environmental amenities of the area and would thereby cause a detrimental change to and erosion of the host rural environment. Accordingly, to permit the proposed development would be contrary to Policy RH-P-2 of the County Development Plan, 2012-2018 (as varied) and would thereby be contrary to the proper planning and sustainable development of the area.
2. The subject site is located partially within the Natura 2000 site Sheephaven Special Area of Conservation (SAC) Site Code: 000197. It is a policy of the County Development Plan, 2012-2018 (as varied) that "proposals for

individual dwellings shall not be located in a manner that would be.....non-compliant with Article 6 of the Habitats Directive having regard to the relevant conservation objectives, qualifying interests and threats to the integrity of Natura 2000 sites” - (Policy RH-P-1 refers) and “to ensure the protection of Natura 2000 sites in accordance with the EU Habitats Directive (92/43/EEC)...” (Policy NH-P-2 refers). Appropriate Assessment Screening has determined that the likelihood of a significant impact on the said Special Area of Conservation as a result of the proposed development cannot be excluded. Accordingly, to permit the proposed development would be in breach of Article 6 of the Habitats Directive, would materially contravene Policy RH-P-1 and NH-P-2 of the County Development Plan, 2012-2018 (as varied) and would thereby be contrary to the proper planning and sustainable development of the area.

As highlighted by the applicant’s agent in their appeal response a different site was selected southeast of the proposed site, closer to the road, and planning permission granted under planning register reference 16/51481.

Planning register reference 22/50356 planning permission refused (April 2022) for the construction of a dwelling house with wastewater treatment system

Planning register references 17/51669 and 21/51037 relate to a subject site located in the townland of Clonmass which is not within the immediate context of the subject site.

5.0 Policy Context

5.1. Sustainable Rural Housing Development Guidelines for Planning Authorities (2005)

Planning authorities should aim, therefore, to support the following overarching policy objectives in their policies, practices and actions:

- The importance of encouraging development needed to sustain and renew established rural communities in both smaller rural towns and villages and wider countryside areas,

- The need to ensure that the planning system guides residential and other development to the right locations in rural areas in the interest of protecting natural and man-made assets in those areas, and
- The need to analyse the different types of economic, social and physical circumstances of different types of rural areas and to tailor planning policies to respond to these differing local circumstances.

5.2. **County Donegal Development Plan 2024-2030**

The area is designated with a landscape classification of 'Areas of High Scenic Amenity'.

Areas of High Scenic Amenity (HSA): 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.

Policy 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.

The area is designated as within the 'Structurally Weak Rural Areas'.

This rural housing policy framework will provide for sustainable rural communities subject to a number of key policy requirements being met; that the specific requirements that are set out under Policy RH-P-1 and RH-P-2 are complied with; that housing is of an appropriate quality design, integrates successfully into the landscape and does not cause a detrimental change to, or, further erode the rural character of the area as specified under Policy RH-P-9 (* Please refer to 'Building a House in Rural Donegal - A Location, Siting and Design Guide'

available on the Council's website for further information in this respect); and that the applicant satisfies the relevant definition of rural housing need.

Objective RH-0-1 To ensure that new residential development in rural areas provide for genuine rural need.

Objective RH-0-4 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 Amenity' of this Plan.

Policy - Rural Housing Policy RH-P-3 applies:

To consider proposals for new one-off housing within 'Structurally Weak Rural Areas' from any prospective applicants for a dwelling house, subject to siting and design considerations and compliance with all other relevant policies of this Plan including Policy RH-P-9. New holiday homes will not be permitted in these areas.

Policy - Location, Siting and Design and Other Detailed Planning

Considerations Policies 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).

Definitions:

Ribbon Development:

In general, 5 houses on any one side of 250 metres road frontage.

Whether a given proposal will exacerbate such ribbon development or could be considered will depend on:

- The type of rural area and circumstances of the applicant.
- The degree to which the proposal might be considered infill development.
- The degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development.
- The existence of physical and geographical breaks, inclusive of topographical undulations, which may act as a means of extending roadside development in appropriate cases.
- The degree to which the proposal would form a small cluster with a number of houses or other buildings with adjoining curtilages, this may incorporate backland sites in appropriate circumstances.

The Planning Authority shall take a balanced and reasonable view of the interpretation of the above criteria taking account of local circumstances, the context of the site, including the planning history of the area and development pressures.

5.3. Rural Housing Location, Siting and Design Guide (DCC)

The information in this document encourages a site led approach to designing a house in the countryside and in doing so reinforces a local tradition where the

architecture of Donegal is based not on style or typology but is generated in response to the land and the elements.

Excerpts from:

3.2 Topography

- Site your buildings to blend sympathetically with the landscape, integrating rather than dominating the host environment.
- Construction of houses on elevated or exposed sites which will be obtrusive, and which will detract from the visual character of the rural area will not be permitted.

3.9 Key Principles

Select your site and locate the house to integrate sensitively within the landscape minimising any potential negative impact of the building within the countryside.

- Maximise existing site conditions; where possible the removal of mature trees, specimen trees, established hedgerows or dry-stone walls should be avoided.
- Aspects of solar gain, light and wind shelter should be maximised, using any existing natural backdrop of trees to provide shelter and privacy, additional planting may be necessary to complement the existing vegetation and field boundary on the site.
- Provide a design solution which considers site specifics drawing from any existing features worthy of consideration on the site.
- A new house in the countryside should be a positive addition to the rural environment.

5.4. Natural Heritage Designations

Site Code 001190 Sheephaven SAC approximately 0.092km from the site at its closest point.

6.0 Environmental Impact Assessment (EIA) Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2, in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

One third party appeal has been received from Shaun Cox, property owner opposite the subject site. The grounds of appeal are summarised below:

- Absence of demonstrated rural housing need – conflicting with Sustainable Rural Housing Guidelines and National planning policy.
- Contravention of local and national policy
- Loss of residential amenity and privacy
- Visual and landscape impact

A review of recent planning decisions in the Rinnasligo, Cresslough and surrounding areas has been undertaken and included with the appeal. It is stated that the review illustrates a clear and consistent approach by Donegal County Council in refusing planning permission for developments that are elevated, visually obtrusive, contribute to suburbanisation or pose environmental risks to the nearby SAC, Sheephaven (please see section 4.0 of my report for references).

7.2. Applicant Response

- The original house design was a split-level proposal like the appellants property. A revised house type was submitted in response to the request for further information. It is stated that the revised house plans provide for a

proposal much smaller in mass and scale than the original house design.

They highlight that the planner's report states that the proposed new dwelling, which is 1 and a half storeys in character, integrates more appropriately within the context of the site.

- The applicant currently resides in the friary and has done for many years. A letter of support was submitted with the application from Cllr. Michael McClafferty confirming residence in the area for over 7 years. It is stated that the applicant does not own a dwelling. Whilst the F.M.C Trust who own Ards Friary and large landholding much of it is not suitable for a house as the lands are wooded within Ards Friary campus or within or close to the Sheephaven SAC. The subject site was chosen as it is peripheral to Ards Friary and close enough to allow the applicant to visit the friary.
- There is a separation distance of 60m between the existing dwelling and the proposed dwelling. The revised house plans provide for a bedroom on the northeastern elevation to reduce any overlooking which may have been a cause of concerns to the appellant.
- Addresses the planning history review undertaken and disagrees with the appellant in that the cases presented do not relate to the subject application site by reason that they principally relate to backland sites. In addition, the review does not include the subsequent grant of permission were relevant.

7.3. Planning Authority Response

- Notes the contents of the third-party appeal and, in response states:
 - The applicant submitted a bona fide letter from an elected member of Donegal Council which confirmed the applicant's long-established connections to the local area and rural housing need. Application Form B also confirms that the dwelling will be the applicant's primary, principle and permanent residence and that they currently live in accommodation that will become unavailable upon retirement. The planning authority considered that the submitted information was sufficient to demonstrate a rural housing need and compliance with Rural Housing Policy RH-P-3.

- The bona fide letter was received by the planning authority on 19 February 2025 as unsolicited information which was after the deadline for submissions. The planning authority is of the opinion that third parties (including the appellant) have not been disenfranchised by this as had the bona fide letter formed part of a formal further information response it would not have been regarded as significant to trigger further public notices under Article 35 of the Planning and Development Regulations 2001 (as amended).
- Refers to the planner's report in respect to the assessment of residential amenity and visual/landscape impact.

7.4. **Observations**

- None.

8.0 **Assessment**

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

- Principle of development and compliance with rural housing policy framework
- Rural housing location, siting and design (including visual and landscape impacts)
- Impact on residential amenity (including privacy)

8.2. *Principle of development and compliance with rural housing policy framework*

8.2.1. Policy L-P-2 as noted above (see section 5.1 of my report) seeks to protect areas identified as 'High Scenic Amenity' (HSA) and 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. I shall address the nature, location and scale of the proposed development in the following section (Section 8.3) and will in this section focus on whether the applicant demonstrated compliance with the rural housing policy.

- 8.2.2. The overarching development plan Objective RH-0-1 seeks to ensure that new residential development in rural areas provide for genuine rural need. The applicant states that they are the owners of the subject site and the site location map shows the subject site outlined in red, and the wider landholding of the applicant outlined in blue. No further details have been provided with respect to the land holding and its relationship, if any, to the Ards Friary landholding within which the applicant is stated to be a member of the Ards Friary community and is currently residing in the Friary. The applicant wishes to build a home for their retirement.
- 8.2.3. The appellant has concerns that the planning authority did not carry out a meaningful assessment of the applicant's rural housing need, having regard to the *Sustainable Rural Housing Guidelines for Planning Authorities* (2005) (referred to herein as the guidelines). Further the appellant states that there is a misalignment of the development plan policy with the guidelines, in so far, as it applies to structurally weak rural areas given there is no requirement to demonstrate a rural-generated need. The site is located within a rural area designated as 'structurally weak'. In such a designated area Policy RH-P-3 sets out that proposals will be considered from any prospective applicants. As such, there is no requirement for the applicant to provide evidence of a demonstratable economic or social need to live in these areas, as is the case in Areas Under Strong Holiday Home Influence and those in Areas Under Strong Urban Influence. Whilst I would agree that there appears to be a wider category of applicants that can be considered as acceptable under RH-P-3, i.e. *any prospective applicant*, I do highlight to the Commission that Objective RH-O-1 seeks to ensure that new residential development in rural area provides for genuine rural need (my emphasis).
- 8.2.4. In considering whether the proposal accords with RH-P-3 a consideration of "*all other relevant policies*" of the development plan is also required, in addition to whether the housing is of an appropriate quality design, integrates successfully into the landscape and does not cause a detrimental change to, or further erode the rural character of the area as specified under Policy RH-P-9.

8.2.5. To consider RH-O-1 firstly and meeting the test of 'genuine rural need', I am of the view that the applicant has not submitted multiple, comprehensive and a complete range of documentary evidence in support of their application (as advised in Form B 'Rural Housing Application Form') given that only one form of documentary evidence in support of the application has been submitted. Furthermore, there is a lack of information provided with respect to the landholding and its relationship, if any, to the Ards Friary. In this context I am concerned of the potential precedent a grant of permission could set for other similar retirement homes within this area of High Scenic Amenity (HSA) and based on the information submitted with the application I do not consider that a genuine rural need has been demonstrated. Notwithstanding, I am of the opinion that the rural housing framework for structurally weak rural areas, as contained in RH-P-3, specifically states that compliance with all other relevant policies of the plan is required and does not include for all other relevant objectives. As such, it does not appear to me that the test against RH-O-1 can be applied to such areas for new one-off housing. Whereas I highlight to the Commission that policy RH-P-4, which applies to social and affordable housing in structurally weak rural areas, does include a compliance requirement with both objectives and policies of the plan. Given the specific wording of RH-O-1 I do not consider there to be basis for refusing permission on the lack of demonstration of rural need in this instance.

8.2.6. Secondly then I shall consider the acceptability of proposal for new one-off housing within 'Structurally Weak Rural Areas' having regard to the siting and design considerations and compliance with all other relevant policies of the development plan including Policy RH-P-9 'Location, Siting and Design and Other Detailed planning considerations' in the following section 8.3.

8.3. *Rural housing location, siting and design (including visual and landscape impacts)*

8.3.1. In undertaking my assessment, I have had regard to the submitted planning review of applications provided by the appellant, and I note the comments on same made by the applicant. The subject site is located within an area designated as High Scenic Amenity (HSA) and the development plan sets out (see section 6.3.4 of the Donegal County Development Plan 2024-2030) that housing must be of an appropriate quality design, integrate successfully into the landscape and not cause a detrimental change to, or further erode the rural character of the area.

- 8.3.2. The Areas of High Scenic Amenity (HSA) are defined as “...*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...*”. Policy L-P-2, as per section 5.1 of my report, seeks to protect areas identified as HSA.
- 8.3.3. From my site inspection I noted that the rural character of the wider area has been negatively impacted by a significant number of one-off dwellings along the roadway leading from the N56. The character immediately changes on approach to the Ards Friary as the forestry extends to the roadway and creates a natural break between the preceding ribbon development and the access roadway to the friary. As reflected in its High Scenic Amenity designation, there is a special aesthetic quality to the landscape at this point. The topography of the site has a significant slope rising from the local road up towards an area of forestry to the rear (northwestern boundary) and also in close proximity to the southwestern boundary. The subject site comprises a large field which is very open in character. There is a post and wire fencing bounding the front of the site to the local roadway with limited hedgerow providing screening. The existing dwellings in proximity to the site comprise a two-storey (double fronted bay window) dwelling close to the gated entrance of Ards Friary on the western side of the local road and a more contemporary split level dwelling to the eastern side of the road (appellant's property).
- 8.3.4. The proposed siting of the dwelling is higher than that of the existing residential dwellings constructed in the immediate context of the site, both on the western and eastern side of the local road. In addition, there is approximately 40m set back proposed from the roadway with an access driveway proposed to car parking area at the western side of the site. I highlight to the Commission that the proposed dwelling as revised, in response to further information request, has an increased floor area (213 sq. m floor area) and has an expanded footprint than that of the split level originally proposed. I note that height has been reduced from 7.20m to 7.02m, however, I would agree with the appellant that such a reduction is minor and would

not be perceptible in the context of the scale of the proposed 4 no. bedroomed dwelling.

- 8.3.5. I am of the opinion that the siting of the proposed dwelling, at a high point in the landscape and higher than that of the existing dwelling on this side of the roadway does not adequately correspond to the characteristics of the local area and would be visually discordant in this exposed position. The proposed retaining wall of approximately 30m in length and 1.7m in height, would emphasise the escarpment of hard landscaping and parking forecourt area and create a dominant building platform within this natural setting. Limited details have been provided with respect to planting proposals to help integrate the proposed structure within the natural landscape.
- 8.3.6. I have assessed the proposed development against the guidance contained in the '*Rural Housing Location, Siting and Design Guidance*' and would agree with the appellant that siting and design of the dwelling would result in an incongruent feature within the rural context and, as such, does not accord with the rural housing guidance. The development plan sets out the HSA landscape designation has capacity to absorb sensitively located development of a scale, design and use that will enable assimilation into the receiving landscape. I am of the view that it has not been demonstrated that the proposed development has been appropriately sited and designed, having regard to the '*Rural Housing Local, Siting and Design Guidance*' and Policy RH-P-9 of the development plan, that would integrate successfully into the landscape and would not cause further erosion of the HSA character of the area.
- 8.3.7. I am of the opinion that the proposed development by reason of (i) its siting at a high point in the landscape higher than that of the existing dwelling on the western side of the roadway, (ii) the extent of proposed retaining wall of approximately 30m in length and 1.7m in height, which would emphasise the escarpment of hard landscaping and parking forecourt area and create a dominant building platform within this natural setting, and, (iii) limited planting and boundary proposals to integrate the new structure does not adequately respond to the characteristics of the local area and would be visually discordant in this exposed position such that it would be detrimental to the visual amenities of the Area of HSA as designated in the County Donegal Development Plan 2024-2030. As such, I am of the view that it has not been demonstrated that the proposed development is of an appropriate quality of

siting and design, having regard to the 'Rural Housing Local, Siting and Design Guidance' and Policy RH-P-9 of the development plan, that would integrate successfully into the landscape and would not cause further erosion of the Area of High Scenic Amenity character. A refusal of permission is recommended on these grounds.

8.4. *Impact on residential amenity (including privacy)*

8.4.1. The applicant in response to the appeal sets out that the revised plans incorporate design mitigation to alleviate overlooking concerns including the:

- reduction in glazing and removal of the balcony area at first floor level,
- provision of a bedroom at the northeastern elevation, and
- a wing wall to limit views from the proposed snug towards the appellant's property.

Taking into account the separation distance between the proposed dwelling and the existing dwelling (the appellants property) and the design mitigation measures proposed which would ameliorate the sense of perceived overlooking from the proposed dwelling at such an elevated site, I consider that overlooking and loss of privacy would not be so detrimental to established residential amenities to warrant a refusal of permission on these grounds.

9.0 **Appropriate Assessment (AA) Screening**

9.1. Please also refer to Appendix 3: Screening for AA. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Sheephaven SAC (Site Code: 001190) in view of the conservation objectives of this sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature of works
- Location-distance from nearest European site and lack of connections

- The AA screening undertaken by the planning authority.

10.0 Water Framework Directive

- 10.1. The subject site is located approximately 270 metres approximately from Sheephaven Bay (Code IE_NW_190_0000) with a status of high, identified as under review and the relevant groundwater body is Northwest Donegal (Code IE_NW_G_049) with an overall status of good, identified as not at risk.

The proposed development comprises the construction of a house, vehicular access and wastewater treatment system. No water deterioration concerns were raised in the planning appeal.

I have assessed the proposed development of a house and wastewater treatment system 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 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 waterbodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Nature of the works
- Location from the nearest water bodies

- 10.2. 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.

11.0 Recommendation

- 11.1. It is recommended that planning permission be refused for the reasons and considerations set out below:

12.0 Reasons and Considerations

1. The site of the proposed development is located within a High Scenic Amenity (HSA) area and Policy L-P-2 of the County Donegal Development Plan 2024-2030 seeks to protect these areas. It is considered that the proposed development by reason of (i) its siting at a high point in the landscape higher than that of the existing dwelling on the western side of the roadway, (ii) the extent of proposed retaining wall of approximately 30m in length and 1.7m in height, which would emphasise the escarpment of hard landscaping and parking forecourt area and create a dominant building platform within this natural setting, and, (iii) limited planting and boundary proposals to integrate the new structure does not adequately respond to the characteristics of the local area and would be visually prominent in this exposed position such that it would be detrimental to the visual amenities of the Area of HSA as designated in the County Donegal Development Plan 2024-2030. As such, it has not been demonstrated that the proposed development is of an appropriate quality of siting and design, having regard to the '*Rural Housing Local, Siting and Design Guidance*' and Policy RH-P-9 of the development plan, that would integrate successfully into the landscape and would not cause further erosion of the Area of High Scenic Amenity character. 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.

Claire McVeigh

Planning Inspector

11 September 2025

Appendix 1: Form 1 - EIA Pre-Screening

Case Reference	322711-25
Proposed Development Summary	The proposed development comprises the construction of a dwelling house (196 sq.m) with 4 no. bedrooms. A septic tank with percolation area (6 x 18m pipe lengths) is proposed and all other associated site development works.
Development Address	Rinnasligo, Cresslough, Letterkenny Po, Co. Donegal.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, no further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	N/A
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2,	

<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10. Infrastructure projects (b) (i) Construction of more than 500 dwelling units.</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	322711-25
Proposed Development Summary	The proposed development comprises the construction of a dwelling house with 4 no. bedrooms. A septic tank with percolation area (6 x 18m pipe lengths) is proposed and all other associated site development works.
Development Address	Rinnasligo, Cresslough, Letterkenny Po, Co. Donegal.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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 proposed development is for the construction of a single storey detached dwelling house with wastewater treatment system and percolation area.</p> <p>The project due to its size and nature will not give rise to significant production of waste during both the construction and operation phases or give rise to significant risk of pollution and nuisance.</p> <p>The construction of the proposed development does not have potential to cause significant effects on the environment due to water pollution. The project characteristics pose no significant risks to human health.</p> <p>The proposed development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p>
Location of development (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).	<p>The subject site is in close proximity to the Sheephaven approximately 0.092km from the site at its closest point.</p> <p>It is considered that, having regard to the limited nature and scale of the development, there is no real likelihood of significant effect on other significant environmental sensitivities in the area.</p>

Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	The size of the proposed development is notably below the mandatory thresholds in respect of a Class 10 Infrastructure Projects of the Planning and Development Regulations 2001 as amended. There is no real likelihood of significant cumulative considerations having regard to other existing and/or permitted projects in the adjoining area.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	N/A
There is a real likelihood of significant effects on the environment.	N/A

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3: Screening for AA

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	<p>Erection of a dwelling house with septic tank, and all associated site development works.</p> <p>Please refer to section 2.0 of my report for further detail.</p>
Brief description of development site characteristics and potential impact mechanisms	<p>The subject site is a greenfield site within an area designated as High Scenic Amenity in close proximity to Ards Friary.</p> <p>The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA).</p> <p>The subject site is located approximately 0.092km at its closest from Site Code 001190 Sheephaven SAC and proposed Natural Heritage Area.</p> <p>The development includes the construction of a house and the installation of a septic tank and percolation area, driveway and car parking area.</p> <p>There is a roadside drainage ditch to the front of the subject site, and it is proposed to discharge surface water into the roadside drain.</p>
Screening report	<p>Y/N</p>
Natura Impact Statement	<p>Y/N</p>
Relevant submissions	<p>None</p>

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

[List European sites within **zone of influence** of project in Table and **refer** to approach taken in the AA Screening Report as relevant- there is no requirement to include long list of irrelevant sites.

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Special Area of Conservation: Sheephaven SAC (Site Code: 001190)	https://www.npws.ie/protected-sites/sac/001190 Sheephaven Bay is a north-facing bay, situated north of Creeslough on the northwest coast of Co. Donegal. The site occupies the entire inner part of the bay, and includes the intertidal area at Carrickgart. https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO001190.pdf Conservation Objectives, 2014 (NPWS)	The subject site is located approximately 0.092km at its closest from Site Code 001190 Sheephaven SAC.	Possible indirect via surface water	Y

¹ Summary description / **cross reference to NPWS website** is acceptable at this stage in the report.

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species.

³if no connections: N

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*
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	Impacts	Effects
Site 1: Special Area of Conservation: Sheephaven SAC (Site Code: 001190) 1140 Mudflats and sandflats not covered by seawater at low tide 1330 Atlantic salt meadows (Glauco-Puccinellietalia maritima) 1395 Petalwort Petalophyllum ralfsii 1410 Mediterranean salt meadows (Juncetalia maritimi) 2120 Shifting dunes along the shoreline with Ammophila arenaria (white dunes) 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes) *21A0 Machairs (* in Ireland) 91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles	Direct: None. Indirect: Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution.	None. Given the scale of the proposed development conservation objectives related to water quality would not be undermined.
	Likelihood of significant effects from proposed development (alone): Y/N	
	If no, is there a likelihood of significant effects occurring in combination with other plans or projects? No	
	Possibility of significant effects (alone) in view of the conservation objectives of the site* No	
* Where a restore objective applies it is necessary to consider whether the project might compromise the objective of restoration or make restoration more difficult.		
Step 4 Conclude if the proposed development could result in likely significant effects on a European site.		

I conclude that the proposed development (alone) would not result in likely significant effects on Sheephaven SAC. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Sheephaven SAC in view of the conservation objectives of this sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature of works
- Location-distance from nearest European site and lack of connections
- The Appropriate Assessment (AA) Screening of the planning authority.