



An
Bord
Pleanála

Inspector's Report PL 05E.248131

Development	Construct a 464m ³ water storage reservoir, 34 m ² chlorine control building, access road with new entrance onto the local road, perimeter fence and associated site works as part of improvements to the regional water supply scheme.
Location	Derryloughan, Glenties, Donegal PO, Co Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	16/57737
Applicant	Irish Water
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party v Grant
Appellants	Gweebarra Conservation Group Moira Miller
Observers	Daniel J Sharkey Paul Dunne
Date of Site Inspection	7 th July 2017
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1. The site is located at Derryloughan, Glenties, Donegal PO, Co Donegal.
- 1.2. The site is on the side of Derkbeg Hill where it is located close to a small plantating of evergreen trees on an otherwise bare hillside with low growing wet-heath type vegetation. The road rises southwards to a point beyond the site and then begins to fall southwards. The land also rises westwards from the road. Beyond and uphill of the evergreen trees there are two dwellings; and downhill to the north, separated from the site by undulating land, there are two dwellings, one the former Derryleaghan School.
- 1.3. The site is given as 0.23ha.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a 464m³ water storage reservoir, 34 m² chlorine control building, an access road with a new entrance onto the local road, a perimeter fence and associated site works as part of improvements to the regional water supply scheme; for which a ten year permission is sought.
- 2.2. The application is accompanied by a report titled 12/085-5 Lettermacaward and Killybegs Regional Water Supply Schemes Planning Application Summary Report Derryloughan Service Reservoir, 16th November 2016, by AECOM Infrastructure & Environment Ireland Limited and Jennings O'Donovan & Partners Limited, Consulting Engineers.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided, 8/2/2017, to grant permission subject to 3 conditions, including:

- 2 no storm water from the site shall go onto the adjacent public road and applicant shall ensure that no water from the public road goes onto the site.

3 hedge and tree planting shall be carried out along site boundaries and site boundaries shall be formed by planting of thick hedgerows or broadleaved trees and shrubs of species which are native to hedgerow systems in the area (in addition to proposed fencing as demonstrated on plans submitted 06/12/16). Details of same shall be agreed with the Council prior to commencement of development. Any trees/shrubs dying within subsequent three years shall be replaced.

Planning Authority Reports

3.1.1. Planning Reports

The planning report responds to each issue raised, in each of the three letters of objection to the application.

The site is in a structurally weak rural area. Policies WES-P-5 and WES-O-1 are cited.

The site is located on elevated lands along the L6363-1 which connects the Regional R250-22 and the N56, with further connections to county roads available.

The site is not visible from the R250. Most views are from the county road network in close proximity to the site itself, and views will be localised.

Roads – the county road has a vision requirement of 160m in each direction, which is demonstrated on plans submitted. Surface water will discharge to an existing open drain along the frontage. The required setback is 15m from the county road, which is achieved.

Screening for AA: the site is not located within any Natura 2000 site. Sites considered were:

- West of Ardara/Maas Road SAC
- Lough Nillan Bog SAC
- Lough Nillan Bog SPA
- River Finn SAC

AA is not required.

A separate report of screening for AA states that the site is located approx. 2.5km from the West of Ardara/Maas Road SAC, approx. 5.1km of the River Finn SAC,

approx. 6.2km from the Lough Nillan Bog SAC and Lough Nillan Bog SPA. Given the distance between the site and the Natura 2000 sites, no significant disturbance effects are envisaged, similarly in relation to population density, water resource or water quality. The fact that the development will not result in any direct loss of fragmentation of any Natura 2000 site, and the implementation of best practice construction methods will remove any potential for a negative impact on the Natura 2000 sites, and applicant's are of the opinion therefore that the proposed development will not have a significant effect on any of the protected sites, and that AA is not required.

3.2. The decision was in accordance with the planning recommendation.

3.3. **Third Party Observations**

Three third party observations from Gweebarra Conservation Group, Vincent & Siobhan Carroll, and Moira Miller, have been read and noted.

4.0 **Planning History**

No relevant history.

5.0 **Policy Context**

5.1. **Development Plan**

5.2. **Donegal County Development Plan, 2012-2018** is the operative plan.

Relevant provisions include:

In relation to infrastructure provision, to plan in a coordinated manner across the provision of waste water and water supply services and the alignment of infrastructure, against the Council's priorities in terms of focusing growth and critical mass, to have a coordinated approach to investment and in achieving value for money.

Policies and objectives include:

To seek to ensure a satisfactory level of service, through sustainable systems, in respect of:

- An adequate and secure supply of clean and wholesome drinking water to existing areas of supply and to those areas identified for growth in the settlement hierarchy;
- Protect and improve the quality of the existing drinking water supply in accordance with the most current drinking water regulations;
- An adequate supply of water for industrial and commercial need, where appropriate through partnership with the private sector;
- Protecting and conserving the County's water resources through minimisation of leakage and promotion of public awareness and involvement in water conservation, (WES-O-1):

It is a policy of the Council to provide an adequate and acceptable water supply to consumers compliant with the Drinking Water Regulations and to allow for economic and social development through the delivery of its water supply scheme programmes. Improvements to water services are delivered under the Water Services Investment Programme [WSIP] and the Rural Water Programme [RWP]. The Water Services Investment Programme is the DEHLG's three year rolling plan for funding the provision of major water supply and waste water infrastructure. The current programme is 2010- 2012 and will be updated in 2013. The programme is guided by the Assessment of Needs for Water Service, which was adopted by the Council in 2009. The programme together with the Rural Water Programme plays a key role in giving effect to European and National, policy and legislation, (WES-P-5).

The site is located in the Fintown Valley Landscape Character Area No. 29, An Gaeltacht.

5.3. Natural Heritage Designations

West of Ardara/Maas Road SAC (site code 000197),

Lough Nillan Bog SAC (site code 000165),

Lough Nillan Bog SPA (site code 004110),

River Finn SAC (site code 002301),
and other protected bog sites are located within 15km of the subject site.

6.0 The Appeal

6.1. Grounds of Appeal

6.2. Two third party appeals, against the decision to grant permission, have been received.

6.3. An appeal has been received from Gweebarra Conservation Group. The grounds includes:

- An outline of the history and culture of the area.
- Concerns at the landscape impact. The road is a signposted scenic route.
- Concerns re. Irish Water.
- Concerns re. use of chemicals.
- The need for the reservoir has not been documented.
- Pointing out errors in the planning file. Lack of information e.g deliveries of chemicals.
- An EIS should have been submitted. The Gweebarra River has been identified in the CDP as an EU designated salmonid river. There are streams and watercourses downhill in two directions which link to the West of Ardara/Maas Road SAC.
- Project splitting to avoid EIS.
- There is no mention of an electrical connection to the grid.
- Irish Water's plans to double the capacity of the water source at Lough Derkmore may not be granted due to the proximity of the Derkmore Nature Reserve. Their planning application for a booster pumping house and a water treatment plant in Kincrum may require a NIS. The reservoir could be redundant.

- Stakeholder and Public Consultation under the Aarhus Convention – environmental information that should have been made available was not, since no EIS was provided. The publication of the notice before Christmas and the New Year prevented people from fully engaging in the process.
- The local stakeholders were not consulted.
- Concerned with the feasibility of the overall water supply scheme.
- Is there an agenda to impound Loch na Cruaiche/Lough Nactoaighy?
- They refer to consultation re. Stillorgan reservoir.
- They object to all Irish Water's related planning applications in this area.
- Water Framework Directive – the proposed development would have significant adverse effects on the aquatic environment.
- Visual Impact – the scale of the proposed building and proximity to a number of residential and holiday properties would be significantly and excessively dominant in the landscape and be visually obtrusive and adversely affect residential amenities by reason of visual impact, noise and light pollution and property devaluation.
- Impacts on wildlife –

Site is in the Derryloughan Especially High Scenic Amenity (EHSP). Photos are included to illustrate views from Derkbeg mountain; and from Derryloughain to Glenveagh National Park and Derryveagh Mountains.

The development would impact on the West of Ardara/Maas Road SAC, the Cró na mBraonáin Red Grouse Sanctuary, the Gweebarra and Owenanea SAC catchments, Pollanapaste Cave System and Glenveagh National Park.
- Consultation was inadequate.
- No mention was made of the recorded presence of the Marsh Fritillary Butterfly.
- Impact on hydrology of local watercourses.
- Archaeology – there are unrecorded Wedge tomb and Court Cairns within walking distance. Brian Lacey, whose book on the archaeology of Donegal

has been cited, acknowledges that there has never been a complete field study of Donegal, so the record of know sites cannot be said to be extant. Photographs are provided.

- Health implications – the use of chlorine and fluoride is challenged at some considerable length. It is argued that, for a new surface water treatment plant, feeding a new distribution system, it would be appropriate to consider membrane and/or UV treatment alone.
- Geology and hydrogeology – the site is likely underlain by karst limestone.
- Concerns with the DBO model and Irish Water.
- A paper on PCE used in plastic linings for drinking water distribution pipes, in the US in the late 1960 and 1970s, is attached to the submission.

6.4. An appeal has been received from Moira Miller. The grounds includes:

- Conditions
 - 1 Donegal County Council did not have full disclosure.
 - 2 it would be obvious that water could not go from the public road onto the site.
 - 3 Trees and hedgerows would have to be mature when planted otherwise it will take 10-15 years to mature to hide the development.
- The third party's property is adjoining and adjacent and is severely negatively impacted.
- The plans presented were for a single development and not part of an overall infrastructural development and the cumulative impact could not be assessed. There was no consultation. Donegal County Council wrongly concurred with the developer that there would be no landscape impact. They did not fully consider the impact on tourism.
- This is one of many applications by Irish Water for 10 year planning permissions in a 15-20km radius that includes reservoirs, pumping houses and chlorine treatment plants, which they plan to network, and which are all dependent on each other. They have split the project and avoided EIS.

- Pipe laying has commenced.
- Permission should not have been granted pending the Lough Derkmore decision; from where the water will be pumped to the reservoir.
- Details, including waste sludge, noise and lighting were omitted, the impact on wildlife. There are inaccuracies in the documents. Details of the mast are not given. The rationale for choosing the site is not provided.
- Concerned re. Lough Na Cruagh.
- Aarhus convention has been ignored.
- The development will negatively impact on the value of the third party's property.

6.5. **Planning Authority Response**

6.6. The Planning Authority has responded to the grounds of appeal, referring the Board to the Planner's report.

6.7. **First Party Response**

6.8. Jennings O'Donovan & Partners Limited, Consulting Engineers, have responded, on behalf of the First Party, to the Third Party grounds of appeal. The response is addressed under the headings:

- Project splitting and the need for an EIA including impacts to the Environment and to Wildlife and Deficient Screening for Appropriate Assessment
- Incomplete Planning Application
- The Aarhus Convention – Stakeholder and Public Consultation
- Visual Impact
- Devaluation of Property
- Impacts on Tourism
- Impacts on Archaeology
- Health Implications

- 6.9. Project splitting and the need for an EIA including impacts to the Environment and to Wildlife and Deficient Screening for Appropriate Assessment – the overall project is divided into catchments for the purpose of screening for AA. The AA clearly refers to the fact that it is a component of the overall Lettermacaward and Killybegs Regional Water Supply Scheme. Differing elements of the project are progressing at varying time intervals and, as such, planning documentation for individual components when required are being submitted when that element is complete. It is for logistics that a project of this size, 750km², is broken into its various elements.
- 6.10. The reservoir does not require EIS. At the pre-planning meeting with DCC Planning department in July 2015, the overall project was not considered likely to have significant effects on the environment and the need for EIA was not considered necessary.
- 6.11. The pipe laying that has commenced is part of a Minor Works Contract associated with this overall project. Planning permission is not required for the elements of pipe laying works under construction.
- 6.12. The Cró na mBraonáin Red Grouse Sanctuary is located on Achla Mountain over 6km from the site.
- 6.13. Marsh Fritillary have not been recorded close the site.
- 6.14. Incomplete Planning Application – drawdown for maintenance takes place every 1-2 years and the residual will be tankered away. There will be no leaks. The reservoir will be tested for water tightness. Chemicals will be stored in a bund. There will be no operational noise: no pumping system on site. The antenna will extend approx. 0.75m above the reservoir and is intended to transmit a signal relating to water level, calling for the pumps to deliver water or shut off. Alternative sites would have been examined during the feasibility / preliminary report phase. The chosen location for the reservoir was determined by the hydraulics of the water network and the site chosen is the most suitable site hydraulically for the operation of the network to facilitate the transmission of potable drinking water to consumers in the area.
- 6.15. Irish Water will not be carrying out any works or development at Lough na Cruagh.
- 6.16. The Aarhus Convention – Stakeholder and Public Consultation - the planning process is one of the statutory implements used to transpose the Aarhus

Convention. The Stillorgan reservoir referred to was an urban development; the consultation referred to was non statutory; the comparison is inappropriate.

- 6.17. Visual Impact – Drawings and figures are provided to illustrate the limited impact of the proposed development on the landscape and views from viewpoints, (the Board should note that the drawings referred to have not been provided; the figures are contained in the report).
- 6.18. Devaluation of Property – it is not considered that there will be any negative impact on the value of property. The closest residential property to the north is 500m distant and land between the property and the site rises such that there will be no direct view of the development. The potable drinking water provided should add to the value of property.
- 6.19. Impacts on Tourism - The provision of potable drinking water should have a positive impact on tourism.
- 6.20. Impacts on Archaeology – the response lists the recorded monuments, which are remote from the site. The unrecorded Wedge tomb and Court Cairn, claimed by the third party to be located along the L6363 opposite the site, will not be impacted by the construction of the reservoir. Should these claims turn out to be unrecorded monuments, the development will not impact on the character or setting of either.
- 6.21. Health Implications – chlorine is needed to provide disinfection in the network and to avoid bacteriological contamination. Flouridation is a public health matter directed by the HSE. The underlying premise of Irish Water is to have a positive impact on health by providing a supply of drinking water in compliance with drinking water regulations.

7.0 **Observation**

- 7.1. An observation has been received from Daniel J Sharkey.
- 7.2. An observation has been received from Paul Dunne, which includes photographs taken in the area, which illustrate its scenic nature.
- 7.3. Issues raised in the observations are similar to some of the issues raised in the third party appeals.

8.0 **Assessment**

8.1. There issues which arise in relation to this appeal are: the principle of the development, residential amenity and devaluation of property, landscape and visual amenity and the impact on tourism, archaeology, surface water, incomplete planning application, the Aarhus Convention and stakeholder and public consultation, health, project splitting and the need for EIA and deficient screening for AA, natural heritage and appropriate assessment and the following assessment is dealt with under those headings.

8.2. **The Principle of the Development**

8.3. The site is located in a scenic upland, rural part county Donegal which is not an area of Especially High Scenic Amenity, or within a Natura site.

8.4. The County Development Plan makes provision for an adequate and secure supply of clean and wholesome drinking water to existing areas of supply and to those areas identified for growth in the settlement hierarchy. The proposed development is intended to address water supply constraints and is acceptable in principle.

8.5. **Residential Amenity and Devaluation of Property**

8.6. Loss of residential amenity and the devaluation of property have been raised as concerns in the grounds of appeal and observations. That residential amenity will be impacted by reason of visual impact, noise and light pollution the devaluation of property.

8.7. The first party has pointed out that there will be no lights lit on a permanent basis, and lighting will be only for maintenance purposes during winter months. There will be no pumping and therefore no noise. The mast, which has been raised as of particular concern, is only 0.75 in height above the reservoir. Irish Water also point out that the reservoir structure will not be visible from third party houses.

8.8. In response to the concerns that the proposed development will lead to devaluation of property, the first party has responded it that it is not considered that there will be any negative impact on the value of property. The closest residential property to the north is 500m distance and land between the property and the site rises, such that

there will be no direct view of the development. The potable drinking water provided should add to the value of property.

8.9. I am satisfied that there will be no disturbance associated with the operational phase of the proposed development and that the isolation and remoteness valued by third parties will not be adversely impacted. I am satisfied that there is little possibility of the proposed development being visible from dwellings to the north, due to the profile of the intervening ground. I am satisfied that devaluation of property will not arise as a result of the proposed development. Residential amenity and the devaluation of property should not be reasons to refuse permission.

8.10. **Landscape and Visual Amenity and Impacts on Tourism**

8.11. Impact on landscape and visual amenity, and impacts on tourism have been raised as concerns in the grounds of appeal and observations.

8.12. It is stated that the site is in the Derryloughan Especially High Scenic Amenity (EHSA). Photographs have been supplied which show views from within the general area and site, and scenic views from various vantage points, including views from Derkbeg mountain; and from Derryloughain to Glenveagh National Park and Derryveagh Mountains.

8.13. The nature of the location, and the desirability of maintaining wilderness areas and their function in relation to tourism, are cited.

8.14. The first party response points out that due to distance and intervening hills the impact on views of/from Errigal and Glenveagh will be minimal. In relation to the Derryloughan EHSA, various elements of the Lettermacaward Killybegs RWSS are identified on map: Lettermacaward WTP, Kincrum Booster PS, Derryloughan Reservoir and associated pipelines are shown. All are over 1km from the EHSA. The first party counters the argument in relation to tourism, stating that the provision of potable drinking water should have a positive impact on tourism.

8.15. The site is not located within or close to any area designated as being of Especially High Scenic Amenity. The site is somewhat exposed because of the nature of the natural vegetation on the hillside but this particular location has a backdrop of evergreen trees. The proposed development is not an unduly imposing structure

and, as a reservoir, it is not an incongruous feature in an elevated location, where such structures are frequently required to be located.

8.16. Visual impact can be mitigated by landscaping. In this instance, due to the presence of evergreen trees in the area, the use of the same species of trees, which are fast growing and give year round screening, would be acceptable.

8.17. I do not accept that the proposed development will impact adversely on landscape, visual amenity or tourism.

8.18. Impact on landscape, visual amenity and tourism should not be a reason to refuse permission.

8.19. **Archaeology**

8.20. It is stated that the no complete archaeological survey of Donegal has been carried out and that there are archaeological features in the vicinity of the site.

8.21. The response from the first party refers to an archaeological survey carried out for the regional water supply scheme and lists the recorded monuments, which are remote from the site. The response further states that the unrecorded Wedge tomb and Court Cairn, claimed by the third party to be located along the L6363 opposite the site, will not be impacted by the construction of the reservoir, should they turn out to be unrecorded monuments, and the development will not impact on the character or setting of either.

8.22. It is considered reasonable that a condition be attached to any permission, requiring the presence of an archaeologist on site during the removal of parts of walls and soil stripping.

8.23. The impact on archaeology should not be a reason to refuse permission.

8.24. **Surface Water**

8.25. The grounds of appeal refers to the condition attached to the decision which requires that no storm water from the site shall go onto the adjacent public road and that the applicant shall ensure that no water from the public road goes onto the site.

8.26. The proposed development provides for stormwater to be discharged via a drainage system to the existing drain at the roadside. It is stated that the volume will be

minimal given the area of the structure and paved surfaces and the size of the proposed site (0.50 ac).

8.27. It is accepted that due to the fall of the land, water from the public road will not flow onto the site.

8.28. The treatment of surface water during construction is referred to in the Appropriate Assessment Screening Report, supplied with the application. It is stated that the construction design will be to the highest standards, incorporating best practice construction methods, such that no sedimentation or pollution to surface waters will occur; this will ensure that no sediment or other polluting matter enters the surface water, discharging from the site.

8.29. In my opinion the proposed discharge of surface water to the roadside drain is acceptable.

8.30. Incomplete Planning Application

8.31. The grounds of appeal refers to omissions from the details presented to the planning authority, such as the storage of chemicals associated with the operation of the reservoir and the disposal of waste residue.

8.32. The first party response is that chemicals will be stored in a bund, and in relation to the liquid waste, that drawdown for maintenance takes place every 1-2 years and the residue will be tankered away.

8.33. I am satisfied that the level of detail provided with the proposal is acceptable in this regard.

8.34. The Aarhus Convention and Public Consultation

8.35. The grounds of appeal refers to lack of public consultation which, it is stated, is contrary to the Aarhus Convention. The comparison is made to the level of consultation which was engaged in by Irish Water, for a reservoir development at Stillorgan, County Dublin.

8.36. The first party response is that the comparison is inappropriate and that the consultation referred to was non-statutory. They also point out that the planning

process is one of the statutory implements used to transpose the Aarhus Convention.

8.37. In my opinion the application and appeal have afforded interested parties the opportunity to access information and input into the decision making process and the Aarhus Convention or public consultation should not be reasons to refuse permission.

8.38. Health Implications

8.39. The use of chlorine, as a disinfectant in public water supply systems, has been raised by third parties, in objection to the proposed development on public health grounds. Membrane filters and/or UV treatment alone are suggested as alternatives to chlorine and it is indicated that the thinking in other jurisdictions has moved away from the use of chlorine for public health reasons.

8.40. The use of chlorine is a policy issue which would require consideration at a national level, and is outside the Board's remit.

8.41. The use of fluoride, as a public health measure, in public water supply systems, has been raised by third parties, in objection to the proposed development on public health grounds.

8.42. This is also a national policy issue which is outside the remit of the Board.

8.43. Project splitting and the need for an EIA and Deficient Screening for Appropriate Assessment

8.44. Project splitting has been raised as an issue by third parties who point out that this is part of a large project which should be considered in its totality and that consideration of the subject development in isolation from the remainder of the project is project splitting.

8.45. Irish Water state that the overall project is divided into catchments for the purpose of screening for AA. The AA clearly refers to the fact that it is a component of the overall Lettermacaward and Killybegs Regional Water Supply Scheme. Differing elements of the project are progressing at varying time intervals and, as such, planning documentation for individual components when required are being

submitted when that element is complete. It is for logistics that a project of this size, 750km², is broken into its various elements.

- 8.46. Irish Water state that the reservoir does not require EIS. At the pre-planning meeting with DCC Planning Department in July 2015, the overall project was not considered likely to have significant effects on the environment and the need for EIA was not considered necessary. The pipe laying that has commenced is part of a Minor Works Contract associated with this overall project. Planning permission is not required for the elements of pipe laying works under construction.
- 8.47. The issue of project splitting is only relevant in relation to EIA because the requirement for EIA can arise for reasons which include scale. In relation to AA all development requires consideration of AA and 'in-combination effects' must be considered, therefore project splitting is not a concern.
- 8.48. Irish Water's statement in relation to EIA, that Donegal County Council gave them pre-planning advice that they considered the overall project unlikely to have significant effects on the environment and the need for an EIS was not considered necessary, is noted. A pre-planning meeting with the Senior Planner in July 2015 is listed on the application form, but not otherwise recorded on this file. It would have been of assistance to the Board in its assessment of this application to have a written record of the planning authority's advice in relation to the overall project not requiring an EIS.
- 8.49. An appropriate assessment screening report was submitted as part of this application. It includes:
- 8.50. Irish Water are carrying out network improvements to the Lettermacaward / Killybegs Regional Water Supply Schemes in County Donegal. This work will involve the upgrading of two water treatment plants and constructing ancillary water infrastructure comprising reservoirs, pumping stations and pipelines at various locations. The overall scheme was divided into six areas namely the Lettermacaward, Glenties, Fintown, Portnoo, Adrara and Killybegs areas. The division of these areas was based on their waterbody catchments and hydrological links to Natura 2000 sites. These proposed network improvements will provide for the delivery of a sustainable treated water supply to Glenties WS network (Ardara) from Killybegs WTP with Glenties, Fintown and Portnoo WS networks, supplied from

Lettermacaward WTP. These supply areas currently have water quality and water demand deficiencies.

- 8.51. The subject area is 'area two' of the list, Glenties: Derryloughan, Shallogans Mor area.
- 8.52. The application states that the proposed reservoir is to facilitate a water supply connection from Lettermacaward to the Fintown Water Supply Area.
- 8.53. From figure 1 of the report it can be seen that these are disparate elements which will be part of the overall water supply scheme, including the existing network, within the area. Although part of a network, it is not apparent that the proposed development requires all the other elements to be in place in order to function.
- 8.54. Clearly the proposed development requires linkage by watermain into and out of the reservoir. Irish Water state they are carrying out pipe laying as part of a Minor Works Contract associated with this overall project and that planning permission is not required for the elements of pipe laying works under construction.
- 8.55. In terms of the classes of development for which EIA is required, the proposed development does not come within the class (Planning and Development Regulations, Schedule 5, part 1, class 12. (a)), of works for the transfer of water resources between river basins, as the proposed development and the works described in the appropriate assessment screening report are in the Gweebarra River sub-catchment of the Gweebarra Sheephaven River catchment. The overall Lettermacaward / Killybegs Regional Water Supply Schemes in County Donegal, for which details are not available, may involve development for the transfer of water resources between river basins, in which case the overall project could be sub-threshold; however it should be noted that transfer of piped drinking water is excluded.
- 8.56. The proposed development is not within the class (Schedule 5, part 2, class 10 (g) Infrastructure projects 'dams and other installations not included in Part 1 of this Schedule which are designed to hold water or store it on a long-term basis, where the new or extended area of water impounded would be 30 hectares or more.' The proposed development is not intended to hold or store water on a long-term basis. The reservoir is intended for temporary storage of water as part of a water distribution system. Should the Board consider that the description of development in

class 10 (g) describes the proposed development, the proposed development would be sub-threshold being of a scale at less than 150m² in area, which is substantially less than the 30 hectares or more threshold in class 10 (g). The overall Lettermacaward / Killybegs Regional Water Supply Schemes in County Donegal, for which details are not available, may involve dams and other installations which are designed to hold water or store it on a long-term basis, per Schedule 5, part 2, class 10 (g), in which case the overall project could be sub-threshold.

- 8.57. Having regard to the characteristics of the proposed development, its nature and scale; and the characteristics of the effects on the area likely to be affected, in particular the protected site West of Ardara/Maas Road SAC, which is given further consideration, under the heading 'appropriate assessment', below, I am satisfied that the proposed development does not require EIA.
- 8.58. I am satisfied that the proposed development can be assessed in isolation to the other parts of the project: Lettermacaward and Killybegs Regional Water Supply Schemes. It is not possible to evaluate the proposed development and the overall Lettermacaward and Killybegs Regional Water Supply Schemes for cumulative impacts from the information available on this file. Other aspects of the Lettermacaward and Killybegs Regional Water Supply Schemes require EIA cumulative impacts with the subject development would be considered at that time.
- 8.59. AA is dealt with under a separate heading below and other issues arising are dealt with under the appropriate headings.
- 8.60. **Natural Heritage**
- 8.61. Apart from the objections which relate to appropriate assessment, objections have been raised in relation to the Cró na mBraonáin Red Grouse Sanctuary and in relation to Marsh Fritillary.
- 8.62. The first party response is that the Cró na mBraonáin Red Grouse Sanctuary is located on Achla Mountain over 6km from the site.
- 8.63. I am satisfied that the proposed development will not therefore impact on the Red Grouse Sanctuary.

- 8.64. The first party response in relation to Marsh Fritillary is that they have not been recorded close the site.
- 8.65. I am satisfied that the proposed development is unlikely to impact on Marsh Fritillary.
- 8.66. Impact on natural heritage should not be a reason to refuse permission.

8.67. Appropriate Assessment

8.68. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision on the proposed development. The process is known as appropriate assessment. In this regard a guidance document 'Appropriate Assessment of Plans and Projects in Ireland' was published by the DoEH&LG on the 10 December 2009.

Appropriate Assessment Screening Report

- 8.69. Accompanying the application there is a Stage 1 Screening for Appropriate Assessment, report prepared by Aecom / Jennings O'Donovan & Partners Limited, Consulting Engineers on behalf of Irish Water. The proposed reservoir is part of network improvements to the Lettermacaward / Killybegs Regional Water Supply Scheme. The overall project will involve the upgrading of two Water Treatment Plants (WTP) and constructing ancillary water infrastructure comprising reservoirs, pumping stations and pipelines at various locations.
- 8.70. The area: Derryloughan, Shallogans Mor is part of area two, which is one of six areas under the improvement works scheme. The works which were screened for appropriate assessment for this part of the scheme are:
- Proposed reservoir, 464m³ storage capacity at Deerryloughan (TWL 165m OD),
 - Proposed Shallogans Mor Booster Pumping station along R250 (capable of supplying future proposed Fintown Reservoir),

- Proposed 1,500m approx. of 180mm pipeline from the proposed Derryloughan reservoir to Shallogans GWS on the R250,
- Proposed 2,900m approx. of 160mm pipeline from the existing Shallogans GWS main to Glenties Town network.

8.71. Potential impacts identified are:

8.72. The proposed reservoir is within the Owenea River catchment. An unnamed stream flows in an easterly direction approximately 80m south of the site. This stream is a tributary of the Shallogans River which joins the Stracashel River over 3km downstream. The confluence of the Stracashel and Owenea is just south of Glenties. Both are designated under the West of Ardara/Maas Road SAC. The Owenea River has known populations of Freshwater Pearl Mussel which are approximately 9km downstream of the closest elements of the proposed development.

8.73. The Booster Pumping Station is located 120m from the Shallogans River.

8.74. Approx. 1,500m of pipeline, in roads along L6363-1, from the Reservoir at Derryloughan to Shallogans GWS, is within the Owenea River catchment, 2.5km upstream of the SAC. Poulations of Freshwater Pearl Mussel have been recorded 7km downstream. One stream will be crossed by the pipeline.

8.75. Approx. 2,900m of pipeline in roads along R250, from the existing Shallogans GWS main to Glenties Town network, is within the Owenea River catchment part of the SAC, separated from the SAC by the road and a dismantled railway. One stream will be crossed by the pipeline. Invasive species surveys, carried out in July 2015, recorded Japanese and Himalayan knotweed along sections of the R250 opposite the L7593. A second survey in September 2015, recorded the western side of the R250 opposite the L7593 as having been cleared, but no comprehensive response was available in relation to the methods used. There is a strong possibility that the knotweed will return and spread during the 2016 growing season. Himalayan knotweed was recorded on the western side of the R250 at the entrance to a new house. Proper management of these invasive species is critical to avoid further spread of the species and to strive for eradication of the species from the area.

The West of Ardara/Maas Road SAC

- 8.76. The West of Ardara/Maas Road SAC is of great ecological interest containing six priority habitats, 17 non priority habitats and 8 species listed in the Habitats Directive including Freshwater Pearl Mussel, Salmon, Otter and Marsh Fritillary. The SAC covers a vast area, over 6,739ha from Doochary down the Gweebarra River, along the coast from Dooey Point in the north south to Portnoo, Dawros Head, Ballinreavy Strand and past Trabane, and includes the Owenea, Stracashel and Owengarve Rivers.
- 8.77. The pipeline in roads (approx. 2,900m) along the R250 from the existing Shallogans GWS main in Glenties town is within the Owenea River catchment. The Stracashel River which forms part of the SAC, is adjacent to the R250. A portion of the pipeline will be laid along the R250 just outside the SAC. The implementation of best practice construction methods will remove any potential impact of the pipeline construction works on the SAC or to the watercourses or aquatic habitats and species of conservation concern.

Lough Nillan Bog SAC

- 8.78. The proposed developments are within the same Owenea River catchment as Lough Nillan Bog but in a separate sub catchment and therefore it is not envisaged that there will be any impact on Lough Nillan Bog SAC.

Lough Nillan Bog SPA

- 8.79. The proposed developments are within the same Owenea River catchment as Lough Nillan Bog. Due to the nature and scale of the development the distance from the Natura site and the use of best practice construction methods, no impacts on Lough Nillan Bog SPA are envisaged.

Conclusion of the Screening Report submitted.

- 8.80. Given the nature and scale of the development and the fact that the construction design will be to the highest standards, incorporating best practice construction

methods, such that no sedimentation or pollution to surface waters will occur, it is envisaged that no species or habitats within the SPA of SACs will be impacted as a result of the Area 2 development.

8.81. Screening

8.82. The first exercise to be carried out by the Board is screening, in order to determine the Natura sites which should be subject to appropriate assessment. If it cannot be excluded, on the basis of objective information that the proposed development will have a significant effect on a Natura site, either individually or in combination with other plans or projects in view of the sites conservation objectives, it must be subject to appropriate assessment.

8.83. The West of Ardara/Maas Road SAC (site code 000197) is located downstream of the subject site.

8.84. The site is selected for the following features:

The Species

- Geyer's Whorl Snail
- Freshwater Pearl Mussel
- Marsh Fritillary
- Salmon
- Otter
- Harbour Seal
- Petalwort
- Slender Naiad

The Habitats

- Estuaries
- Mudflats and sandflats not covered by seawater at low tide
- Large shallow inlets and bays
- Atlantic salt meadows

- Mediterranean salt meadows
- Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes)
- Fixed coastal dunes with herbaceous vegetation (grey dunes)
- Decalcified fixed dunes with *Empetrum nigrum*
- Atlantic decalcified fixed dunes
- Dunes with *Salix repens* ssp. *argentea*
- Humid dune slacks
- Machairs (* in Ireland)
- Oligotrophic waters containing very few minerals of sandy plains
- Northern Atlantic wet heaths with *Erica Tetralix*
- European dry heaths
- Alpine and Boreal heaths
- *Juniperus communis* formations on heaths or calcareous grasslands
- Semi-natural dry grasslands and scrubland facies on calcareous substrates (* important orchid sites)
- *Molinia* meadows on calcareous, peaty or clayey-silt-laden soils
- Lowland hay meadows
- Blanket bogs (* if active bog)
- Depressions on peat substrates of the Rhynchosporion
- Alkaline fens

8.85. Conservation objectives are set out by the NPWS for each of the qualifying interests, which are generally aimed at the maintenance/restoration of the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:

In addition to the features for which the site is selected there are four other features of interest:

Semi-natural dry grasslands and scrubland facies on calcareous substrates (* important orchid sites)

Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea

Annual vegetation of drift lines, and

Embryonic shifting dunes

- 8.86. Maps are provided with the conservation objectives and include Freshwater Pearl Mussel areas. The subject site is located near to, but outside, the Freshwater Pearl Mussel catchment.
- 8.87. Many of the qualifying interests are water dependent. The appropriate assessment screening report states that the construction design will be to the highest standards, incorporating best practice construction methods, such that no sedimentation or pollution to surface waters will occur and it envisages that no species or habitats within the SPAs of SACs will be impacted as a result of the (Area 2) development.
- 8.88. Lough Nillan Bog SAC and Lough Nillan Bog SPA, referred to in the appropriate assessment screening report, are not relevant to development on the subject site but are relevant to other parts of the project and to in-combination effects with the subject development.
- 8.89. I am satisfied that there will be no significant effects from either the construction or operational phases of the proposed development on the West of Ardara/Maas Road SAC or any other Natura site. I am satisfied that there will be no significant effects from the proposed development, in-combination with the other parts of the overall project described in the AA screening report, on the West of Ardara/Maas Road SAC or any other Natura site and that stage 2 AA is not required.

9.0 Recommendation

- 9.1. In the light of the above assessment, I recommend that planning be granted, subject to the following conditions and for the following reasons and considerations.

10.0 Reasons and Considerations

Having regard to the Development Plan objective to provide an adequate and secure supply of clean and wholesome drinking water to existing areas of supply and to those areas identified for growth in the settlement hierarchy; to the fact that areas the subject of the proposed development currently have water quality and water demand deficiencies; and to the limited scale of the proposed development; it is considered that the proposed development would not adversely impact on the visual amenities of the area or on residential amenities, would not impact on natural heritage or built heritage, and that subject to the following conditions, it would be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

- 2 The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor site

investigations, removal of the stone wall and all excavation works, and

- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

- 3 Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority a landscaping scheme, including the timescale for its implementation, incorporating locally occurring tree or hedge species, in order to mitigate the visual impact of the proposed development.

Reason: In the interests of visual amenity.

Planning Inspector

28th July 2017

Appendices

- 1 Photographs
- 2 Extracts from the Donegal County Development Plan 2012-2018
- 3 Site Synopsis (and extract from conservation objectives) West of Ardara/Maas Road SAC (site code 000197)
- 4 Extract from NPWS on-line mapping
- 5 Maps extracts from catchments.ie