



An
Bord
Pleanála

Inspector's Report

ABP-318879-24

Development	Construction of a caravan, motorhome and camping park, construction of a facility building and all other associated site development works.
Location	Kill, Dunfanaghy, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2350216
Applicant(s)	Margaret Stewart
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant(s)	Marieanne Kelly and Helen Moran
Observer(s)	None
Date of Site Inspection	10 th July 2024 & 22 nd November 2024
Inspector	Ronan O'Connor

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1.0 Site Location and Description

- 1.1.1. The subject site comprises a stated area of 3.77 Ha in the townland of Kill, and within the defined Settlement Framework for Dunfanaghy Village. The site comprises gradually sloping lands, sloping a north-easterly direction towards established residential development. The site is located with a locally elevated landscape. The immediately adjoining area is characterised by residential developments including a mix of multiple housing developments and single one-off dwellings. There is an existing caravan park to the immediate south of the site.
- 1.1.2. Access to the site is off the N56, via the Oak Grove Housing Development with a new access road is proposed to cater for the proposed development. I would note that this new access road has already been partially completed as part of the recently recompleted health centre development (permitted under PA Reg Ref 18/51719).

2.0 Proposed Development

- 2.1. Construction of a caravan, motorhome and camping park, construction of a facility building and all other associated site development works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Grant Permission with Conditions [Decision Date 14th December 2023].

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's report [dated 17th April 2023] is set out below:

- Site is located within the defined Settlement Framework for Dunfanaghy Village/Layer 2B town as defined within the Development Plan (2018-2024).
- Proposal within the defined settlement framework is acceptable in principle.

Siting and Design

- Siting and separation distances comply with standards in the Development Plan.
- Visual impact will not be significant.

Residential Amenity

- Request a landscaping scheme which considers the residential amenity of adjacent development/in particular additional means of treatment to the boundary adjacent to pitches 29-35 and to the boundary adjacent to 3 existing dwellings to the north-eastern corner of the site and the dwelling proposed under planning ref 22/51475.
- Distances between pitches on sites 30-35 and the adjacent third-party boundary should be increased by a further 5m.
- Reconsider the location of the external play areas/located close to existing dwellings /impact in terms of noise.

Access

- Note lack of pedestrian links within the site.
- Details of boundary along the access road.
- Note TTI submission requesting a TTA.
- Further information requested in relation to access/and as detailed in the Roads and Roads Design reports.

Public Health

- Further information to WWTS/Surface water design required.

Other

- Stage 2 AA screened out.

3.2.2. Further Information was requested on 20th April 2023 in relation to the following items:

1. Transport/Access issues including pedestrian footpaths, road markings, cycle parking, refuse facilities, public lighting.
2. TTA
3. Road Safety Audit

4. Surface/Storm water details
5. Attenuation tank maintenance, if applicable.
6. Auto-track analysis
7. WWTS details including consents and wayleaves from third parties
8. Revised plans including detailed landscaping scheme, relocation of external play areas and boundary treatments.

3.2.3. Further Information was received on 17th November 2023.

3.2.4. The Planner's report [dated 8th December 2023] recommended that permission be granted subject to conditions.

3.2.5. Other Technical Reports

Area Roads Engineer [report dated 03/04/2023] – applicant to submit Road Safety Audit/details of storm drainage pipes and gullies/auto-track analysis

Area Roads Engineer [report dated 06/12/2023] Following review of FI drawings, no objection.

Water Services [report date 09/12/2023] – existing sewage treatment is overloaded/pre-treatment required/foul sewer outfall will need to be laid to connect to the IW sewer at N56/watermains will need to be connected at N56.

Road Design – [report dated 10/03/2023] - FI Requested/Details of: footpaths/cycleways/road markings and signage/cycle parking/refuse facilities and auto-track analysis/drainage design/maintenance plan for attenuation tank (if applicable)/Road Safety Audit/public lighting/consider constructing new road prior to further works taking place

Road Design [report dated 05/12/2023] – Stage 1 & 2 Feedback Form to be signed/ensure road gullies are installed at each pedestrian crossing

Building Control – [report dated 10/03/2023] – all works must comply with Building Regs

Fire Officer [04/12/2023] - No objection - conditions recommended.

Fire Officer [21/12/2023] – No objection - conditions recommended.

EHO - [report dated 30/10/2023] – recommends application be refused – the 12 no. motorhome parking bays will be situated within the 50m separation zone required by Table 4 of the 1999 EPA Wastewater Manual/min separation distance is 50m.

3.2.6. Conditions

Conditions of note include:

Condition 3 (a) Access road from Oak Grove to the development site shall be constructed prior to any development being carried at the location of the permitted motor home and caravan park.

3.3. Prescribed Bodies

TII – [dated 13th March 2023] – at variance with official policy in relation to control of development affecting national roads/would adversely affect the operation of the national road network for the following reasons:

Proliferation of entrances in a transitional speed limit zone/would create adverse impact on the national road

TII – [dated 01/12/2023] – Insufficient data has been submitted with the planning application to demonstrate that the proposed development will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site/notes response to Item 3 – identifies a number of audit problems at the N56/site access junction/RSA process is incomplete – feedback form not signed/RSA process should be complete prior to any decision.

National Roads Office [report dated 20/03/2023] – does not affect the progression of any current national road projects

3.4. Third Party Observations

19 no. third-party submissions were made at application stage. The issues raised are summarised in Section 5 of the Planner's Report [dated 17th April 2023]. I would note that the issues raised are similar to those raised in the grounds of appeal, as summarised in Section 6.1 of this report.

4.0 Planning History

Appeal Site

17/50689 Grant Extension of Duration for 11/30407 (as detailed below). Expired 25th July 2022.

11/30407 Grant Permission for 1. demolition of 2 no. existing sheds 2. construction of a touring motor home stopover park with 40 no. designated motor home plots and a camping area for tents 3. construction of new access road 4. construction of a one storey building for administration and security at the gated entrance 5. construction of a one storey toilet/shower block 6. construction of a roofed sitting/bbq area 7. construction of a new proprietary wastewater treatment unit, with final discharge to existing public sewer 8. construction of auxiliary recreational area including playing fields and playground and 9. all other associated site works [decision date 14th June 2012].

Adjacent site

22/51475 Grant permission for (1) construction of a dwelling house and domestic garage including an on-site proprietary wastewater treatment unit with final discharge to the existing public sewer (2) development of previously approved access roadway and all other associated site development works [decision date 1st June 2023].

18/51719 Grant permission for demolition of existing agricultural sheds as part of the site preparation works to allow for the construction of a new multi-disciplinary health centre including general practice, dental suite, mixed general primary care facilities and an ambulance service base with all associated site works & services including provision of a dedicated 'on site' wastewater treatment system prior to discharge to the public sewer [decision date 1st April 2019].

5.0 Policy Context

5.1. National Planning Framework

- 5.1.1. NPO 22 Facilitate tourism development and in particular a National Greenways, Blueways and Peatways Strategy, which prioritises projects on the basis of achieving maximum impact and connectivity at national and regional level.

5.2. **Regional Spatial and Economic Strategy (RSES) for the Northern and Western Region 2020-2032**

RPO 9.3 Planning for a vibrant economy through...(b) Nurturing the rural economy through protecting and promoting the sense of place and culture and the quality, character and distinctiveness of the rural landscape, whilst facilitating the appropriately-scaled development of rural enterprise initiatives, including the appropriate development of tourism, delivering business start-up programmes and development support to rural communities experiencing economic disadvantage, whilst also meeting appropriate rural housing need having due regard to all material considerations

5.3. **National Biodiversity Action Plan 2023-2030**

The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

5.4. **Development Plan**

The current Development Plan is County Donegal Development Plan 2024-2030 which was adopted on 16th May 2024 and came into effect on 26th June 2024.¹

Relevant policies are summarised below:

TOU-O-1 To facilitate the sustainable development of Donegal's tourism product as a key economic driver of, and social catalyst for the County, whilst protecting and

¹ Save for those provisions of the Plan which are subject to a Draft Ministerial Direction.

enhancing the County's landscape, natural heritage, built heritage, and communities from inappropriate development that would detract from the tourism product.

TOU-P-2 Not to permit development which would materially detract from visual and scenic amenities along the route of the Wild Atlantic Way

TOU-P-3 Not to permit developments which would materially detract from the visual/scenic amenities on the approach roads to, the visual setting of, or the views to be had from, significant tourism attractions

TOU-P-6 That: a. the principle of the acceptability or otherwise of proposals for standalone tourism-related accommodation developments shall be determined in accordance with the following table; and b. such developments shall generally only be acceptable where they can demonstrate compliance with the specific requirements identified in the last column of the table below and the detailed criteria set out in Policy TOU-P-8 and other relevant policies of the Plan

TOU-P-8: That all development proposals for the creation of new, or the extension of existing Tourist Developments (including Resource Related/Activity based Tourism Product Developments, Campervan/Motorhomes and Touring Caravan Stopover Sites, Hotels, Guest Houses, Tourism Hostels, Holiday Resorts, Mobile Homes/Static Caravan Parks Camping Sites, and other Tourist Related Developments) shall comply with the following criteria:

- a. The location, siting and design of the development (including associated infrastructure and landscaping arrangements) is of a high quality, integrates successfully with, and does not, either individually or in combination with existing and permitted developments, have an adverse impact on; the scenic quality, visual amenity, rural character, streetscape, vernacular character or built environment of the area.
- b. That there are no significant impacts on designated habitats such as Natura 2000 sites and designated Nature Reserves.
- c. The development does not negatively affect sensitive natural environments.
- d. The development is significantly set back from, and adequately screened from, coastlines, shorelines and riverbanks.
- e. The development will not detract from the visual setting of the coastline or be

visually obtrusive from key points along the coastline.

f. Appropriate boundary treatment, landscaping and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;

g. The development will not significantly impact on existing residential amenities.

h. There is an adequate means of water supply.

i. There is existing capacity in the public wastewater infrastructure for developments within urban areas or suitable on-site effluent treatment facilities to EPA standards can be provided in rural areas.

j. The development will not cause a traffic hazard, and the existing road network can safely handle any extra vehicular traffic generated by the proposed development.

k. Adequate parking provision, access and manoeuvring arrangements (including for touring coaches and motorhomes), and servicing areas are provided in accordance with road safety standards, and the technical standards and policies of this Plan.

l. The layout of the development provides for a high level of, and prioritises, pedestrian permeability and access.

m. The development does not create a noise nuisance and will not cause any significant environmental emissions

n. The development will not have an adverse impact on the built, scenic, or natural heritage of the area including structures on the RPS/NIAH and designated habitats such as Natura 2000 sites and designated Nature Reserves.

o. The development is not located in an area at flood risk and/or will not cause or exacerbate flooding.

p. The development will not compromise the water quality of water bodies within River Basin Districts designated under the Water Framework Directive or hinder the programme of measures contained within any associated River Basin Management Plan.

Policy WW-P-5 In areas with no public wastewater infrastructure, or where there is inadequate public wastewater treatment capacity or networks, larger developments (including commercial, retail, tourism and community developments) where they are

to be maintained in single ownership with a projected PE>10 shall provide effluent treatment by means of an independent wastewater treatment system which comply with the EPA's Treatment systems for Small Communities, Business, Leisure Centres and Hotels manual or any subsequent or updated relevant code of practice. Where limited public wastewater infrastructure may be available, prior to the submissions of any planning application such developments shall be required to submit a pre-connection enquiry to Uisce Eireann to assess the feasibility of connecting to the public wastewater system.

5.5. Natural Heritage Designations

- 5.5.1. The site is located c110 m south of Horn Head and Rinclevan SAC (000147), at its closest point. Horn Head and Rinclevan SAC is located to the east, north and west of the site. Horn Head to Fanad Head SPA (004194) is located c1.2km to the east of the site at it's closest point.

5.6. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. 1 no. third-party appeal was received on 18th January 2024 from Marieanne Kelly and Helen Moran. The grounds of appeal are summarised below:
- Previous proposal under 1130407 was a substantially different layout at a much lower density/raised few objections.

- Slow build up on the size and scope of the proposals over a 12 yr period/misleading to the public/trying to claim an established access with an extant planning approval which does not seem to be case.
- The original design first put forward is less controversial and is a more acceptable scale (40 mobile homes).
- Concerns in relation to security, privacy and potential loss of property value and long-term viability.
- Overdevelopment of the site.
- Poor pedestrian access to the town facilities.
- Potential conflict with the Primary Care Use now under construction.
- Primary Care Centre will generate constant vehicular and pedestrian traffic. converging with existing traffic from Oakgrove development/Additional traffic from 75 homes from new development/onto a major road junction with poor sightlines
- Proposed development does not respect the existing development pattern.
- Will erode the character of the area by being unduly prominent/little existing tree screening/minimal landscaping.
- Lacks established boundaries/does not provide a suitable degree of enclosure for the caravans and buildings to integrate into the landscape.
- A lower density, less regimented layout with high quality landscaping would be welcomed.
- Requirement for pre-treatment and a location of a major treatment system within a development of this type must be a cause for concern.
- Policy WW-P-10 in the Draft Plan is referred to (as relates to Waste Water).
- Water supply is a concern/local residents still experience water outages and poor quality drinking water.
- Additional pressure from this and other developments.

- Surface water from the site discharges onto Golf Course which is subject to flooding, before eventually discharging onto a Blue Flag beach/should have to go through an interceptor to remove hydro-carbons and other volatile substances.
- Surface water flooding has been an ongoing problem in this location.
- Remedies do not appear to have adequately covered in the proposals.
- Concerns regarding facilities for EVs/Internet.
- Minimal facilities for disabled people.
- Waste management facilities.
- Light spillage/noise/nuisance
- Alternative access should be identified.

6.2. **Applicant Response**

6.2.1. None received within the valid timeframe.

6.3. **Planning Authority Response**

6.3.1. A response from the Planning Authority was received on 15th February 2024 and I have summarised same below:

- Statutory requirements for publication of the planning application were met.
- Proposal complies with relevant standards of the [previous] Development Plan.
- Access road leading to the site will have a pedestrian footpath.
- Conditions imposed in relation to traffic.
- Visual impact is not considered to be significant.
- Conditions imposed in relation to waste water disposal.
- No concerns raised by Water Services in relation to water supply.
- Surface water attenuation was not required for the development/will connect to existing drainage.
- Provision for EV and internet are not planning requirements.

- Development will be subject to Part M of the Building Regulations.
- Designated refuse area is shown on the proposed layout plan.
- Proposed play area was relocated to a central area/distance between sites 30 to 35 was increased to lessen impact on neighbouring residential properties/lighting details were submitted with the application.

6.4. **Observations**

6.4.1. None.

6.5. **Further Responses**

6.5.1. None.

7.0 **Assessment**

7.1.1. I would firstly draw the Board's attention to the fact that the application was considered by Donegal County Council under the provisions of the previous Development Plan (County Donegal Development Plan 2018-2024). The current Development Plan is County Donegal Development Plan 2024-2030 which was adopted on 16th May 2024 and came into effect on 26th June 2024². I have this considered this appeal under the applicable provisions of the current Development Plan.

7.2. The main issues relevant to this appeal are as follows:

- Principle of Development
- Design and Layout/Development Plan Standards
- Impact on Residential Amenity
- Traffic and Transport Issues
- Water (including surface water and foul water disposal/water supply)
- Other Issues

² Save for those provisions of the Plan which are subject to a Draft Ministerial Direction.

7.3. Principle of Development

- 7.3.1. The site lies within the Settlement Boundary of Dunfanaghy as defined by the County Donegal Development Plan 2024-2030. In the interests of clarity, I note that the site is not subject to a Draft Ministerial Direction (An area of land to the south-west of Dunfanaghy is subject to same). As such, the principle of development within the defined settlement framework is acceptable, subject to consideration of other relevant policies, of the Development Plan and I have the considered same in the relevant sections of this report.
- 7.3.2. Table 10.2: 'Summary of Tourism Accommodation Policies' sets out that, in relation to 'New Prefabricated, Modular and/or Mobile Holiday accommodation unit developments', these will be allowed in urban areas (up to an aggregate maximum of 10 Motor home units/pitches). I note there is 10 motor home pitches proposed under this application. It is further set out that within urban areas, the development shall be within safe walking distance of local services and facilities (i.e. via an existing or proposed footpath), provision of quality supporting infrastructure including, but not limited to suitably designed surface parking bays, water sources and wastewater disposal facilities. I have considered compliance, or otherwise, with same in the relevant sections below.

7.4. Design and Layout/Development Plan Standards

- 7.4.1. The third-party appellant is of the view that the current proposal is an overdevelopment of the site and that previous proposals were of a more acceptable scale. The visual impact of the proposal is set out as a concern.
- 7.4.2. Policy TOU-P-8 of the Development Plan requires that the location, siting and design of tourism developments is of high quality. In addition, Chapter 16 'Technical Standards – Caravan and Camping' set out relevant standards for developments of the nature under consideration here. Of note is as follows:
- A maximum density of 50 caravans per hectare (20 per acre).
 - Minimum of 8m between each pitch and a minimum 9m between each pitch and any permanent structure. Additional space will be required where a car will be parked alongside a caravan.

- Minimum 30m between any pitch and the public road or 15m if suitable screening is provided plus minimum 3m between any pitch and site carriageways.

7.4.3. I would note that the proposal is for 65 no. static caravan pitches, and for 10 motorhome pitches. The stated site area is 3.77Ha. Including the motorhome pitches there are 20 static caravans/motorhome pitches per ha, and discounting the motorhome pitches, there are 17 static caravan pitches per ha. Both parameters fall below the maximum density of 50 caravans per hectare. The minimum distance (8m) between pitches is exceeded, with distances being between 9.7m and 10.3m, with the distances generally being 10m. This allows room for a parking space alongside the pitch, as per Development Plan standards. The 9m minimum distance between any pitch and any permanent structures is met. The 3m distance between the pitch and site carriageways is met, with screening provided to adjoining public roads, with the minimum 15m distance been met.

7.4.4. The layout and design are as one would expect from a development of this nature. The static caravans, once pitched, are relatively low rise in nature, and while the view from adjoining houses will change, the visual appearance be similar to that of the directly adjoining caravan park to the south of the site, albeit on a larger scale. I would note also that hedgerow screening is proposed along all boundaries of the site which will serve to reduce the visual impact of the proposed development.

7.5. Impact on Residential Amenity

- 7.5.1. The third-party appellant raises concerns in relation to impacts on residential amenity, namely impacts on privacy, impacts from noise and nuisance and impacts from light spillage.
- 7.5.2. The Planning Authority notes that the proposed play area was relocated to a central area (as per a Further Information Request), and that the setback distance to sites 30 to 35 (in proximity to the Fir-na-Creeve estate) was increased to lessen impact on neighbouring residential properties. It is further noted that lighting details were submitted with the application
- 7.5.3. In relation to impacts on privacy, the Development Plan sets out that a minimum distance of 9m from each pitch to adjoining houses (existing permanent structures). In relation to adjoining properties, I note that the above minimum distance has been achieved. To the east and south-east of the site are dwellings located in the Fir-na-

Creeve estate. The back-to-back distance from the closest property in the Fir-na-Creeve estate is 15m. While there are windows to the rear of the static caravans, I am satisfied that additional screening can be sought by way of condition, and with this in place I am satisfied that the window-to-window distance, the single storey nature of the static caravans and the screening will mitigate against overlooking and loss of privacy. In relation to this screening, there is correspondence on file (email dated 09/01/2024) that indicates that the Council intended to impose a condition requiring a fence of 1.8m high be erected where the site adjoins existing residential dwellings. This was not included in the Council's 'Notification of Decision to Grant'. Notwithstanding, I am of the view that it is appropriate to include same here, should the Board be minded to grant permission.

- 7.5.4. I note that the existing static caravans located in the caravan park to the south are located relatively close to the proposed static caravan bays and do not achieve a 9m setback. Notwithstanding, the 9m setback distance applies to permanent structures and as such is not applicable here. However there remains some potential for mutual overlooking. However, I am satisfied that appropriate boundary treatment will mitigate against any such overlooking and should the Board be minded to grant permission, this could be achieved by way of condition.
- 7.5.5. In relation to noise impacts, it is inevitable that the existing noise environment will be altered, given the greenfield nature of the existing site and the nature of the development proposed. However, the site is within the settlement boundary of Dunfanaghy and is earmarked as suitable for development, in principle, under the current Development Plan. I would note that there is no particular element that would give rise to noise nuisance such that would have a detrimental impact on residential amenity. The play area, and the hard surface play area, were relocated to a more central location, and these elements are set back approximately 70m from the nearest permanent residential properties. These facilities would generally only be utilised during daylight hours.
- 7.5.6. In terms of lighting impacts, a lighting plan has been submitted with the application and was considered acceptable by the PA. I would note that the plan indicates that light spill will be kept within the boundaries of the site. I would also note that the screening in place would mitigate the impacts of lighting from the static caravans and from car lights. I would note also that the Planning Authority has imposed a condition

in relation to lighting, and if the Board are minded to grant permission, I recommended that this condition is reimposed.

7.6. Traffic and Transport Issues

- 7.6.1. The third-party appellants cite poor pedestrian links to the town centre and raises concerns in relation to potential conflict with traffic generated from the Primary Care Use centre, under construction at the time of the appeal submission. It is stated that the junction onto the main road has poor sightlines.
- 7.6.2. I note also that TII, in their response to Further Information, state that insufficient data has been submitted with the planning application to demonstrate that the proposed development will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site. It is also stated that the Road Safety Audit process is incomplete, noting that the feedback form is not signed.
- 7.6.3. I note a Traffic & Transport Assessment (TTA - dated July 2023) was submitted at Further Information stage. A Stage 1 & 2 Road Safety Audit (RSA) was also submitted at FI Stage. It is set out that the access to the development site is to be provided via a new access road with a 6m wide carriage way and 2.0m footpaths on both sides, linking the site to Oakgrove Road and onwards to the N56. The N56 has a speed limit of 60 kph. Reference is made to a Traffic Impact Assessment (TIA) report as submitted under Planning Ref 18/51719 (for a health centre) which indicated that traffic flows on the N56 peak are 150 vehicles per hour in each direction. It is set out in the TTA that the road has a two-way carrying capacity of 1,300 vehicles per hour.
- 7.6.4. In relation to the issues raised in the appeal, I note that the capacity of the Oakgrove/N56 junction was assessed, taking into account the traffic generated by the proposed development, but also committed traffic that may be generated by the health centre, and 44 no. residential units (either existing, under construction or with planning permission). It is set out that the N56 in the vicinity of the development has sufficient capacity to accommodate future traffic levels along the N56, with the junction operating within capacity for both the development opening year and the design year (2039) as set out in Table 6.2 of the TTA. As such, and notwithstanding the concerns as raised by TII in relation potential impact on the capacity of the N56, I

am satisfied that sufficient information has been submitted with the application in order to demonstrate that there is sufficient capacity on the N56 Road with the proposed development in place. I would note also that the proposed development is accessed via an existing access point onto the N56.

- 7.6.5. In relation to the issue of the Road Safety Audit (RSA), the Stage 1& 2 Safety Audit highlights concerns in relation to vehicle manoeuvres into and out of the site, as well as concerns in relation to potential forward visibility along the proposed access road, as well as *inter alia* visibility splays at the Access Road/Oakgrove Road and Oakgrove Road/N56 T-junctions. Other concerns highlighted in the report include lack of details in relation to pedestrian crossings and lack of details in relation to traffic calming measures along the long straight alignments of the roads throughout the site, as well as surface water drainage issues.
- 7.6.6. In relation to the access onto the National Road (N56) I would note that Dwg. No. 212-PL indicates that vehicle manoeuvres onto the N56 can be carried out in a safe manner. In relation to visibility, Drawing No. 212-PL indicates that sufficient visibility lines of 90m in either direction (for a road with a speed limit of 60 Kph, as per Table 16.5 of the Donegal Development Plan) can be achieved from the existing Oakgrove Road/N56 junction. These drawings are not referred to in the RSA. In relation to issues related to Oakgrove Road/Proposed development access, I would note that the portion of road from the rear of the recently completed health centre and junction with Oakgrove Road has been completed by a different party. Notwithstanding this application details that visibility splays of 4m x 23.0 m have been provided on the Access Road/Oakgrove Road junction and I am satisfied that these vision lines are having regards to standards as a set out in Table 16.6 of the Development Plan. I would also note that vehicle speeds (speed limit is 15km/hr) and traffic volumes on Oakfield Road are such that no significant safety concerns arise as a result of vehicle movements into and out of the proposed development.
- 7.6.7. In relation to details of pedestrian crossings, signage details and traffic calming measures within the proposed development site itself, I am satisfied that such details can be requested by way of condition, should the Board be minded to grant permission.

7.6.8. In terms of pedestrian access to the town centre, I note that footpaths are provided along the access road, and are in place along Oakgrove Road. There are footpaths on the N56 into the town centre. As such there is sufficient pedestrian access to the town centre from the proposed development, in my view.

7.6.9. In conclusion, therefore, I am satisfied that the issues raised by the appellants, and the issues raised by TII, have been addressed by the documentation on file, and I am satisfied that any other minor issues that are highlighted by the RSA can be resolved by way of condition.

7.7. Water (including surface water and foul water disposal/water supply)

7.7.1. The third-party appellant has raised concerns in relation to the proposals for wastewater treatment and has also raised concerns in relation to surface water disposal and potential flooding issues. Further concern is raised in relation to water supply capacity.

Wastewater

7.7.2. I note that an onsite wastewater treatment system is proposed, prior to discharge to the public sewer. This is a Biocell 250 PA FBS system (or similar). The onsite wastewater treatment system will then connect to the mains foul sewer at the N56 via the proposed access road. The use of the onsite wastewater treatment system is recommended by the Water Services Department (as per Internal Report dated 9th December 2023) who have noted that the existing sewerage treatment (plant) is overloaded and that pre-treatment required. I would note that Uisce Eireann have not made a submission on the application. I am satisfied that however, that the use of the pre-treatment system on site is sufficient to ensure that any capacity issues at the relevant wastewater treatment plant will not be exacerbated by the development as proposed. The use of the onsite wastewater treatment plant is also in line with Policy WW-P-5 of the Development Plan. Donegal County Council have imposed a condition in relation to same, which includes a requirement to decommission the onsite WWTP once an upgrade to the existing sewerage treatment plant (Dunfanaghy/Portnablagh) has been completed. I would recommend that this condition be reimposed, should the Board be minded to grant. In this regard, I refer to Table 8.2.1 of the Development Plan which notes that a capacity improvement for

Dunfanaghy/Portnablagh WWTP is scheduled with the design for same scheduled to commence.

- 7.7.3. In relation to other issues relating to the onsite WWTP, I note that the Environmental Health Team of Donegal County Council, were consulted at application stage and submitted a report recommending refusal of the application, on the basis that the setback distance of the motorhomes was not sufficient, and that a minimum of 50m was required, having regard to the relevant EPA Guidance Document.³ I would note that Table 4 of same sets out recommended minimum distances from treatment systems. For a system of this size (i.e. greater than 161 PE) a buffer distance of 50m is recommended i.e. residential developments should not occur within this buffer zone. The Planner's Report, in recommending a grant of permission, noted that the proposed motorhomes are temporary in nature, and it is further noted that the required buffer distance of 50m is in place between the static caravans and the treatment system. In relation to same I share the view of the Planning Authority Planner in this instance, noting that the EPA Guidance document refers to 'residential development'. I would not consider a motorhome 'residential development' and I would also note that the position of same is temporary in nature. The more permanent accommodation, the static caravans, is outside the 50m zone.

Surface Water/Flooding

- 7.7.4. In terms of surface water/storm water disposal, the proposed storm water design is set out on Drawing No. 1637-P01-001 (received at FI stage) and illustrates that surface water/storm water is to be collected on site, with the system connecting to the existing 600mm storm sewer (as illustrated on Drawing 1637-P-002 – received at FI Stage) which then connects to the 900mm storm sewer which runs along the N56 road. Storm drainage runoff and capacity calculations are included in a statement from DSM Structural and Civil Engineers (received at FI stage) and it is indicated there is existing capacity in both the 600mm and 900mm storm sewers (with the development in place, and accounting for 20% climate change will be at 53% and 36% capacity), respectively. As such I am satisfied that the proposed surface water arrangements will be acceptable.

³ Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels.

- 7.7.5. In terms of flooding, I note that neither the Planner's Report, nor any internal reports from the Planning Authority, have raised any concerns in relation to flooding. Notwithstanding, I do note that this issue is raised as a concern in the third party appeal, and was also raised at application stage by an number of objectors, with standing water illustrated in a number of photographs, as well as high levels of water in what appears to be a drainage ditch to the south-east of the site, along the boundary with the existing caravan park.
- 7.7.6. In relation to same, I note that the site is included in CFRAM Mapping (accessed on Floodinfo.ie) which provides a relatively detailed level of flood mapping. This mapping indicates that the site is not at risk of fluvial or coastal flooding. Flood Mapping is also available within the Strategic Flood Risk Assessment (SFRA)⁴ of the County Development Plan and I note that the site does not lie within Flood Zone A or B (Sheet 11 of same refers).
- 7.7.7. In relation to previous flood events, I note there are 4 no reports of Pluvial Flooding, referred to on the Floodinfo.ie website, one of which was a flooded roadway at Portdale, Dunfanaghy in 2013. This is located approximately 310m to the north-west of the site. No reports of flooding of the subject site are noted.
- 7.7.8. I do note that the site is likely to be poorly drained, with some areas of standing water visible on the low-lying parts of the site (it was raining at the time of my site visit). Notwithstanding, the applicants have proposed a surface water design that should ensure that surface water from the site will be adequately transferred off-site.

7.8. Other Issues

Water supply

- 7.8.1. I would note that Uisce Eireann have not made a submission on the application. I am of the view that if water supply was a constraint a submission from Uisce Eireann would have been expected. In the absence of such a submission, and in the absence of any concerns from the Planning Authority in relation to same, I am satisfied that the proposal for a mains water supply is acceptable.

Property Values

⁴ DONEGAL COUNTY DEVELOPMENT PLAN 2024-2030 Strategic Flood Risk Assessment FINAL March 2024

- 7.8.2. There is no evidence that the proposed development would have a negative impact on property values in the vicinity and I am satisfied that there will be no adverse impact on same as a result of the development proposed here.

Accessibility

- 7.8.3. The Council have stated that the proposed development is required to be constructed with regard to Part M of the Building Regulations. As such I am satisfied that any issues relating to accessibility will be subject to same regulations.

8.0 AA Screening

- 8.1. Please refer to Appendix 3 (AA Screening) of this report which contains an AA Screening Report where I have concluded the following:
- 8.2. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended), and on the basis of objective information, I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.
- 8.3. This conclusion is based on:
- Standard pollution controls that would be employed regardless of proximity to a European site, and effectiveness of same (at construction and operational phases).
 - On-site treatment of foul water generated on site (at operational phase).
 - Distance from European Sites.
- 8.4. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

9.0 Recommendation

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

10.0 Reasons and Considerations

The proposed development is in compliance with the relevant policies as set out in the County Donegal Development Plan 2024-2030 including but not limited to, those policies pertaining to tourism uses. Subject to conditions, it is not considered that there will be significant adverse impacts on the surrounding road network, and it is not considered the proposal will result in a traffic hazard. Furthermore, subject to conditions, there will be no material impact on surrounding residential amenity. The design of the proposed development is considered acceptable, and it is not considered that any adverse visual impacts or adverse impacts on the surrounding landscape would result from the development as proposed. Furthermore, subject to conditions, it is considered that the proposed surface water design and wastewater proposals are acceptable. Furthermore, it is not considered that the site is at particular risk of flooding, nor it is likely that the proposed development will increase flood risk off site, having regard to relevant flood mapping, and having regard to the surface water design proposals.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 17th Day of November 2023, 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 construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Provision of parking for existing properties at [specify locations] during the construction period;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;

Reason: In the interest of amenities, public health and safety and environmental protection

3. (a) The remainder of the access road from Oak Grove to the development site shall be constructed prior to any development being carried out at the location of the permitted motor home and caravan park. All site/service traffic shall thereafter use this access road save where service development is required at other locations and permitted as part of this development or where alternative access is deemed suitable as part of the Construction Management Plan required by Condition 2 above.
- (b) No surface water from the site shall be permitted to discharge to the public road or adjacent laneways either during the construction phase or afterwards and the applicant shall take steps to ensure that no road water discharges onto site.
- (c) All surface water collection and disposal shall be in accordance with revised plans, details and particulars received by the Planning Authority on the 17th Day of November 2023.
- (d) Vehicle wheels shall be cleaned prior to exiting onto public road so as to ensure no material deposits on public road.

Reason: To prevent flooding and to cater for orderly development.

4. (a) Internal access roads shall be designed and constructed in accordance with Recommendations for Site Development Works for Housing Areas and Design Manual, Donegal County Council.
- (b) All recommendations included in the Road Safety Audit and the Traffic & Transport Assessment (both received by the Planning Authority on 17th Day of November 2023) shall be complied within in full.
- (c) In addition to the above requirements, and prior to the commencement of development, details of all pedestrian crossings, signage details and traffic calming measures within the proposed development site shall be submitted to the Planning Authority for approval in writing.

Reason: In the interests of road safety and in the interests of orderly development.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interests of visual amenity.

6. (a) All external lights shall be hooded and aligned so as to prevent direct spillage of light on the public road or onto third party dwellings or amenity spaces.

(b) No L.E.D, neon or similar lights shall be erected on the site unless otherwise agreed with the planning authority.

(c) No digital displays or similar illuminated streaming media shall be erected or displayed on the site.

Reason: In the interests of residential amenity.

7. No signs, symbols or other means of advertising shall be erected or posted on site without prior written agreement of the Planning Authority.

Reason: To cater for orderly development.

8. Signage shall be in the Irish Language only, or if bilingual signage is proposed, then the Irish language shall be first and shall be of an area, size and prominence that is great than the area, size and prominence of other languages.

Reason: To comply with the relevant provisions of the County Donegal Development Plan 2024-2030.

9. The landscaping scheme shown on drawing number 207-PL, as submitted to the planning authority on the 17th Day of November 2023 shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, the following shall be carried out:

- A 1.8m high close board timber fence shall be erected on all site boundaries which adjoin existing or permitted residential dwellings or which adjoin existing static caravans.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced

within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

10. The developer and their heirs/assigns shall be responsible for provision and maintenance of all common services.

Reason: To cater for orderly development.

11. (a) All wastewater associated with this development shall be treated on site prior to final discharge of treated effluent to the public sewer. The treatment plant specification shall be in accordance with the details and specifications submitted to the Planning Authority on 17/11/2023 and it shall be installed and maintained in accordance with the supplier's instructions at the location demonstrated on the site layout plan submitted with the application on 17/11/2023.

(b) A new connection from the site to the public sewer shall be provided for in accordance with revised plans and details submitted to the Planning Authority on 17/11/2023 and exact connection point and pipe size shall be discussed with and agreed with Uisce Eireann and the Council's Local Water Services Section prior to commencement of development. Following agreement with Uisce Eireann and the Council's Local Water Services Section, details of said agreement shall be forwarded to the Planning Authority.

(c) Following the upgrading of the public sewer, the on-site treatment plant shall be decommissioned under the supervision of a qualified engineer and all effluent shall be discharged directly to the public sewer in accordance with the requirements and conditions of Uisce Eireann.

(d) Documentary evidence detailing a five-year maintenance contract between the applicant/owners and the suppliers of the wastewater treatment system shall be forwarded to the Planning Authority upon its installation.

Reason: In the interests of orderly development and public health.

12. Prior to the commencement of development the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

13. The private laneway onto which service pipes shall be laid (water main, storm water and foul water) shall be repaired and upgraded by the developer following completion of the service works hereby permitted. Details of repair and upgrade works to the said laneway shall be submitted to the Planning Authority for written agreement prior to commencement of development and all works shall thereafter be carried out in accordance with the said written agreement and shall be completed prior to first use of any part of the development hereby permitted

Reason: To cater for orderly development.

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such

agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Rónán O'Connor
Senior Planning Inspector

16th January 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-318879-24		
Proposed Development Summary	Construction of a caravan, motorhome and camping park, construction of a facility building and all other associated site development works.		
Development Address	Kill, Dunfanaghy, Co. Donegal		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Schedule 5, Part 2, Type 12 Tourism and Leisure (d) <i>Permanent camp sites and caravan sites where the number of pitches would be greater than 100.</i> AND Schedule 5, Part 2, Type 10 Infrastructure Projects (b)(iv) <i>Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</i> (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	<p>Schedule 5, Part 2, Type 12 Tourism and Leisure (d) <i>Permanent camp sites and caravan sites where the number of pitches would be greater than 100.</i></p> <p>The proposal is for 65 no. static caravan pitches, and for 10 motorhome pitches (75 pitches in total). As such it is below the threshold of 100 pitches.</p> <p>AND</p> <p>Schedule 5, Part 2, Type 10 Infrastructure Projects (b)(iv) <i>Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</i></p> <p>The proposed development is considered urban development (development within an urban area i.e. the defined settlement boundary of Dunfanaghy). I am of the view site is could be considered to be within a 'built-up' area but it is not a business districted. As such, the applicable threshold is 10 Ha. The stated site area is 3.77 Ha and is below the relevant threshold.</p>	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		

Inspector: _____

Date: _____

Appendix 2 Form 2 EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP- 318879-24
Proposed Development Summary	Construction of a caravan, motorhome and camping park, construction of a facility building and all other associated site development works
Development Address	Kill, Dunfanaghy, Co. Donegal
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The proposal is for 65 no. static caravan pitches, and for 10 motorhome pitches (75 pitches in total), construction of a facility building, play area and all other associated site development works, all on a site of 3.77 Ha. The site lies within the defined settlement of Dunfanaghy, and is surrounded by an existing caravan park to the south, and by residential development to the east and north. As such it is not an exceptional form of development in the context of the existing environment. It is not expected that the proposed development would result in the production of a significant volume of waste, nor would it result in any pollution to the surrounding environment, nor result in negative impacts on human</p>

	health. Localised construction impacts will be temporary.
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).	The site is not designated for the protection of the landscape or natural heritage and is not within an Architectural Conservation Area. The development would not have the potential to significantly impact on an ecologically sensitive site or location. Having regard to the natural and scale of the proposed development, it is considered that the issues arising from the proximity and connectivity to European Sites can be adequately dealt with under the Habitats Directive (Appropriate Assessment) as there is no likelihood or other significant effects on the environment.
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).	It is not considered that there will be likely significant impacts on the environment as a result of the proposed development. As noted above, localised construction impacts will be temporary and are not considered to be significant. Standard pollution control measures at construction stage will ensure water quality is not impacted upon. At operational stage, the surface water design will ensure that the surface water environment is protected, and that flood risk is mitigated. The onsite waste water treatment plant will also ensure the quality of the surrounding surface water and marine water environment is protected as well as ensuring

		<p>that there will be no adverse impacts on human health. It is not considered that significant impacts on the surrounding road networks are considered are likely, nor it is considered that significant impacts on air quality, soil and geology, biodiversity, landscape and visual amenity are likely.</p> <p>There would be no significant cumulative considerations with regards to existing and permitted projects/developments.</p>
Conclusion		
	Conclusion in respect of EIA	
There is no real likelihood of significant effects on the environment.	EIA is not required.	

Inspector:

Date:

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

(only where Schedule 7A information or EIAR required)

Appendix 3 Appropriate Assessment Screening Determination (Stage 1)

Screening for Appropriate Assessment

Screening Determination

Description of Project/Site Context

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

The proposed development consists of the construction of a caravan, motorhome and camping park, construction of a facility building and all other associated site development works.

The site is located c110 m south-west of Horn Head and Rinclevan SAC (000147), at its closest point. I would note that this SAC includes several distinct areas located to the west, south-west, east and north of the site. Horn Head to Fanad Head SPA (004194) is located c1.1km to the west of the site at its closest point. This SPA is also made up of several distinct areas, also located to the east, south-east, north and west of the site. Sessiagh Lough SAC (site code 00185) is located c1.3km south-east of the site at its closest point. Sheephaven SAC (site code 001190) is located 3.4km to the south-east of the site at the closest point (see Appendix 2 for additional details of the 4 no. sites. above).

I note that no Appropriate Assessment Screening Report has been submitted with the application, noting also that this is not a mandatory requirement.

The Planning Authority has carried out a Screening for Appropriate Assessment and concluded that an Appropriate Assessment of the proposed development is not required.

The third party appellants have not raised the issue of Appropriate Assessment explicitly but have stated that the surface water from the site eventually discharges to a blue flag beach (in Dunfanaghy Bay) and that the surface water should have to go through an interceptor in order to remove pollutants. Concern is also raised in relation

to wastewater proposals. I have considered both of these issues in my assessment below.

In order to screen for Appropriate Assessment I have utilised the information on file as well as publicly accessible information on the NPWS website⁵ and the EPA Appropriate Assessment tool.⁶

I note that the existing consists of an open fields with trees and hedgerows forming the boundaries of the site. There are no EPA mapped or named surface water bodies running through the site nor adjacent to the site, and there was no such feature apparent from site visit. From an examination of Bing Maps (Aerial Photography), a number of drainage ditches can be determined, to the east and south-east boundaries. With reference to EPA mapping, the nearest EPA mapped surface water feature is the Dunfanaghy River/Stream, which is c110m north-east of the site at its closest point and broadly follows the course of the N56 in an east-west direction and enters Dunfanaghy Bay c450m north of the site. It is not readily apparent the drainage ditches bounding the site drain to this stream, however such a connection to this stream cannot be ruled out. Subsequently an indirect hydrological connection via these drainage ditches to Horn Head and Rinclevan SAC cannot be ruled out, taking the precautionary approach. I would also note that at operational stage, there is an indirect hydrological link from the site to Horn Head and Rinclevan SAC via the surface/storm water network (which is described further below). There is also an indirect hydrological link via the site to Horn Head to Fanad Head SPA via the wastewater sewer network, noting that at operational stage treated wastewater is transferred to Dunfanaghy/Portnablagh WWTP, which discharges to an area in the vicinity of Horn Head to Fanad Head SPA (close to Portnablagh Pier⁷).

There are no other readily apparent hydrological links from the site to Horn Head to Fanad Head SPA, Sessiagh Lough SAC, Sheephaven SAC nor any other Natura 2000 sites.

Potential impact mechanisms from the project

⁵ [Protected Sites in Ireland | National Parks & Wildlife Service](https://www.npws.ie/Protected-Sites-in-Ireland)

⁶ <https://gis.epa.ie/EPAMaps/AAGeoTool>

⁷ With reference to EPA Mapping <https://gis.epa.ie/EPAMaps/>

I note the development site is not located in or immediately adjacent to a European site. The closest European sites are as detailed above, noting that the site is c110 m south-west of Horn Head and Rinclevan SAC (000147), at its closest point with Horn Head to Fanad Head SPA (004194) located c1.1km to the west of the site at its closest point.

In considering potential impacts I am of the view that the elements of the proposed development that would potentially generate a source of impact are:

Construction Stage

- The construction of the caravan parking and associated buildings and hard standing on site which would involve *inter alia* excavation and infilling.
- Hydrocarbon and other potential spillages.
- Noise and disturbance. (*ex-situ* impacts)
- Loss of foraging habitat (*ex-situ* impacts)

Operational Stage

- Run-off and surface water and general site management.
- Soiled water generated on the site/ Hydrocarbon spillages from operational activities.
- Waste Water disposal.
- Noise and disturbance. (*ex-situ* impacts)
- Loss of foraging habitat (*ex-situ* impacts)

The above mechanisms could result in potential indirect impacts on surface water and marine water quality within Horn Head and Rinclevan SAC and Horn Head to Fanad Head SPA, as well as potential *ex-situ* impacts on qualifying interests associated Horn Head and Rinclevan SAC and with Horn Head to Fanad Head SPA.

I note the potential indirect surface water connection via drainage ditches to Horn Head and Rinclevan SAC (000147), as described above. As such, potential impact mechanisms at construction stage include those from surface water pollution from construction works (silt/ hydrocarbon/ construction related), resulting in a deterioration of water quality. This could occur as a result of silt and contaminants entering the

drainage ditches which bound the site. While I note there is an area to the north-east of the site that is part of Horn Head and Rinclevan SAC, and is located c110m from the site, this area is separated from the appeal site by existing development and the N56 road. As such, it is unlikely that such silt and contaminants would enter the SAC directly.

At operational stage, contaminated surface water runoff from hard standing and roofs, as well as possible hydrocarbon spillages from cars, motor homes and delivery vehicles, and on-site machinery and plant could enter the surface water network (via drainage ditches or via the piped surface/storm water drainage network). The proposed surface water network connects to the existing storm water network, which in turn outfalls to the Dunfanghy Stream. This stream then enters Dunfanaghy Bay (and subsequently into Horn Head and Rinclevan SAC) at a location approximately 450m north of the site. Also at operational stage, the wastewater or foul water generated on site could enter Horn Head to Fanad Head SPA via the mechanism described above with subsequent impacts on water quality within this SPA.

In terms *ex-situ* impacts on species associated with a Natura 2000 site, given the proximity of the site to Horn Head and Rinclevan SAC (c110m) there is some potential for noise and disturbance impacts on the Grey Seal, a qualifying interest of the SAC. Given the proximity of the site to Horn Head to Fanad Head SPA (c1.1km), there is also potential for the proposed development to result in *ex-situ* impacts on bird species associated with same, namely a potential loss of feeding and foraging habitat. I am satisfied that the site is located at a sufficient distance from this SPA so as to ensure that there would not be any noise or disturbance impacts on bird species located within the SPA itself.

There are no other readily apparent impact mechanisms that could arise as a result of this project.

European Sites at risk

European Sites within the Potential Zone of Impact

Table 1 European Sites at risk from impacts of the proposed project

<u>Horn Head and Rinclevan SAC (Site Code 000147)</u>

Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
Indirect surface water pollution	<p>1. Drainage ditches which may eventually drain to the Horn Head and Rinclevan SAC via surrounding surface water bodies (at construction and operational stage)</p> <p>2. Surface/Storm water network which eventually drains to Horn Head and Rinclevan SAC c450m north of the site via the existing storm water network and Dunfanaghy Stream.</p>	Horn Head and Rinclevan SAC	<p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170]</p> <p>Humid dune slacks [2190]</p> <p>Machairs (* in Ireland) [21A0]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-</i></p>

			<p>Nanojuncetea [3130]</p> <p>Vertigo geyeri (Geyer's Whorl Snail) [1013]</p> <p>Halichoerus grypus (Grey Seal) [1364]</p> <p>Petalophyllum ralfsii (Petalwort) [1395]</p> <p>Najas flexilis (Slender Naiad) [1833]</p>
Noise and Disturbance	Noise and disturbance impacts at construction and operational stages	Halichoerus grypus (Grey Seal) [1364]	Halichoerus grypus (Grey Seal) [1364]
Horn Head to Fanad Head SPA (004194)			
Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
Foul water via the WWTP leading to a deterioration of water quality.	Treated wastewater from site via the WWTP	Horn Head to Fanad Head SPA	Fulmar (Fulmarus glacialis) [A009]
Loss of feeding and foraging habitat	Proximity to site		Cormorant (Phalacrocorax carbo) [A017]

			Shag (Phalacrocorax aristotelis) [A018] Barnacle Goose (Branta leucopsis) [A045] Peregrine (Falco peregrinus) [A103] Kittiwake (Rissa tridactyla) [A188] Guillemot (Uria aalge) [A199] Razorbill (Alca torda) [A200] Chough (Pyrrhocorax pyrrhocorax) [A346] Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]
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Site Synopsis Summaries

Horn Head and Rinclevan SAC (Site Code 000147)

With reference to the relevant Site Synopsis document on the NPWS website, Horn Head extends northwards into the Atlantic Ocean from Dunfanaghy, Co. Donegal. This site also extends westwards, reaching just beyond Dooros Point. It is a diverse coastal site containing a wide range of habitats from high rocky quartzite cliffs in the north to mud flats, sand flats, dunes and a brackish lake in the south. ⁸

⁸ A full synopsis is available at <https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY000147.pdf>

Horn Head to Fanad Head SPA (004194)

With reference to the Site Synopsis on the NPWS website, the Horn Head to Fanad Head SPA comprises a number of separate sections of the north Co. Donegal coastline stretching some 70 km eastwards from Dooros Point, south-west of Horn Head to just south of Saldanha Head, south of Fanad Head. The site includes the high coast areas and sea cliffs, land adjacent to the cliff edge and the sand dunes and lake at Dunfanaghy/Rinclevan⁹.

Likely significant effects on the European site(s) 'alone'

Table 2: Could the project undermine the conservation objectives 'alone'

European Site and qualifying feature	Conservation objectives (summary) ¹⁰	Could the conservation objectives be undermined (Y/N)?
Horn Head and Rinclevan SAC (000147)		
Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170] Humid dune slacks [2190]	To maintain the favourable conservation condition of: <ul style="list-style-type: none">• Embryonic shifting dunes [2110]• Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]• Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]• Humid dune slacks [2190]	No. see discussion below

⁹ A full Site Synopsis is available at <https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY004194.pdf>

¹⁰ Full versions are available at https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000147.pdf

<p>Machairs (* in Ireland) [21A0]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</p> <p>Vertigo geyeri (Geyer's Whorl Snail) [1013]</p> <p>Halichoerus grypus (Grey Seal) [1364]</p> <p>Petalophyllum ralfsii (Petalwort) [1395]</p> <p>Najas flexilis (Slender Naiad) [1833]</p>	<ul style="list-style-type: none"> • Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] • Vertigo geyeri (Geyer's Whorl Snail) [1013] • Halichoerus grypus (Grey Seal) [1364] • Petalophyllum ralfsii (Petalwort) [1395] <p>To restore the favourable conservation condition of:</p> <ul style="list-style-type: none"> • Dunes with Salix repens ssp. argentea (Salicion arenariae) [2170] • Machairs (* in Ireland) [21A0] • Najas flexilis (Slender Naiad) [1833] 	
Horn Head to Fanad Head SPA (004194)		
<p>Fulmar (Fulmarus glacialis) [A009]</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p>	<p>To maintain or restore the favourable conservation condition of the bird species listed as Special</p>	<p>No. see discussion below.</p>

Shag (Phalacrocorax aristotelis) [A018]	Conservation Interests for this SPA. ¹¹	
Barnacle Goose (Branta leucopsis) [A045]		
Peregrine (Falco peregrinus) [A103]		
Kittiwake (Rissa tridactyla) [A188]		
Guillemot (Uria aalge) [A199]		
Razorbill (Alca torda) [A200]		
Chough (Pyrrhocorax pyrrhocorax) [A346]		
Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]		

Impacts on Surface Water

In relation to surface water quality, I note the drainage ditches to the east and south-eastern boundaries of the site. In relation to same, I am of the view that, at construction stage, standard best practice construction measures will prevent pollutants entering these ditches. Even if these standard construction measures should not be implemented or should they fail to work as intended, and pollutants/waste material enter this drainage ditch will be subject to dilution and dispersion, rendering any significant impacts on water quality within Horn Head and Rinclevan SAC unlikely. I would note that the best practice measures that would be adhered to at construction stage are not mitigation measures intended to reduce or avoid any harmful effect on

¹¹ NPWS (2022) Conservation objectives for Horn Head to Fanad Head SPA [004194]. First Order Site-specific Conservation Objectives Version 1.0. Department of Housing, Local Government and Heritage.

any Natura 2000 site and would be employed by any competent operator, notwithstanding any proximity to any Natura 2000 site.

At operational stage I note that the proposed surface water/storm water design is set out on Drawing No. 1637-P01-001 (received at FI stage) and it is illustrated that surface water/storm water is to be collected on site, with the system connecting to the existing 600mm storm sewer (as illustrated on Drawing 1637-P-002 – received at FI Stage) which then connects to the 900mm storm sewer which runs along the N56 road. This in turn outfalls to the Dunfanghy Stream, which enters Dunfanaghy Bay c450m north of the site, as described above. As such, the storm water system is designed as to prevent contaminants entering the drainage ditches surrounding the site. In terms of potential contaminants entering the surface/storm water drainage network, I note that the surface water collected on site eventually discharges to Horn Head and Rinclevan SAC via the existing storm sewer network. While there are no hydrocarbon interceptors proposed on the plans, I would note that the nature of the proposed development (a caravan and motorhome park, with associated facilities), and while there maybe some potential for minor hydrocarbon spillages and other pollutants, to enter the surface water network, from vehicles on the site and possibly from plant associated with the development, there is no other obvious source of pollutants on the site that could result in a significant pollution event. I am satisfied that any contaminants that do enter the storm sewer system would be diluted and dispersed to such an extent as to render any significant impacts on water quality within Horn Head and Rinclevan SAC unlikely, given the distance from the site (which is over 450m via the surface water network). The design of this drainage system is a standard pollution control measure and would be included within any development of this nature, notwithstanding any proximity to, or any hydrological connections to, a Natura 2000 site, and is not a mitigation measure that is designed specifically to avoid impacts on any Natura 2000 site.

Specifically in relation to those qualifying species and habitats of Horn Head and Rinclevan SAC, and with reference to relevant documentation on the NPWS website, I note that the population of *Najas flexilis* (Slender Naiad) is confined to Port Lough¹²,

¹² <https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY000147.pdf> and [https://www.npws.ie/sites/default/files/publications/pdf/Horn%20Head%20and%20Rinclevan%20SAC%20\(00147\)%20Conservation%20objectives%20supporting%20document%20-%20Najas%20habitats%20\[Version%201\].pdf](https://www.npws.ie/sites/default/files/publications/pdf/Horn%20Head%20and%20Rinclevan%20SAC%20(00147)%20Conservation%20objectives%20supporting%20document%20-%20Najas%20habitats%20[Version%201].pdf)

approximately 2km south-west from the site, and there is no obvious hydrological link from the site to same. The Grey Seal is known to breed in areas including Dunfanaghy Bay¹³, but I am satisfied the site is a sufficient distance from same so as to ensure that no disturbance occurs (as noted above), and I am satisfied that there will be no significant impact on water quality that could impact on said species. In relation to coastal habitats, including sand dunes, supporting documentation on the NPWS website shows the distribution of the six 'coastal habitats' that are qualifying habitats of the SAC. Three of these dune habitats are recorded in Dunfanaghy Bay (Embryonic shifting dunes, Shifting dunes along the shoreline with *Ammophila arenaria* [white dunes]) and Fixed coastal dunes with herbaceous vegetation [grey dunes]. Having regard to the discussion above, I am satisfied that there will be no significant impacts on same, resulting from a deterioration in surface water quality. There are no other likely impact mechanisms on same, noting that water supply will be from mains (i.e. water will not be abstracted on site from a well fed from groundwater). The habitat of *vertigo geyeri* (Geyer's Whorl Snail) within the SAC would appear be located at least 2km to the north-west of the site with reference to supporting documentation on the NPWS website ¹⁴. In relation to Petalwort (*Petalophyllum ralfsii*), supporting mapping on the NPWS website¹⁵ indicates that the habitat is located south of Tramore beach, approximately 4km west of the site. In relation to these habitats, there is no readily apparent hydrological link to same, save for the indirect hydrological link to the Dunfanaghy Bay as described above. I am satisfied that no impacts on this habitat would occur as a result of a deterioration in surface water quality (nor as a result of any other impact mechanism). In relation to Oligotrophic to mesotrophic standing waters, there is no mapping on the NPWS website associated with same. Notwithstanding, I have ruled out any significant impacts on the SAC generally as a result of surface water impacts, and there are no other likely impact mechanisms that would impact on this habitat as a result of the proposed development.

Wastewater/Foul Water

¹³

[https://www.npws.ie/sites/default/files/publications/pdf/Horn%20Head%20and%20Rinclevan%20SAC%20\(000147\)%20Conservation%20objectives%20supporting%20document%20-%20Marine%20habitats%20\[Version%201\].pdf](https://www.npws.ie/sites/default/files/publications/pdf/Horn%20Head%20and%20Rinclevan%20SAC%20(000147)%20Conservation%20objectives%20supporting%20document%20-%20Marine%20habitats%20[Version%201].pdf)

¹⁴ <https://www.npws.ie/sites/default/files/publications/pdf/IWM55.pdf>

¹⁵ https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000147.pdf

An onsite wastewater treatment system is proposed, which will treat foul water prior to discharge to the public sewer, which connects in turn to the Dunfanaghy WWTP. This discharges to a location close to Horn Head to Fanad Head SPA as noted above. The use of the onsite wastewater treatment system is recommended by the Water Services Department of Donegal County Council (as per Internal Report dated 9th December 2023) who have noted that the existing sewerage treatment (plant) is overloaded and that pre-treatment required. I would note that Uisce Eireann have not made a submission on the application. I am satisfied that the use of the pre-treatment system on site is sufficient to ensure that any capacity issues at the relevant waste water treatment plant will not be exacerbated by the development as proposed, and therefore I am satisfied that the waste water/foul water generated by the proposed development would not lead to any deterioration of water quality within Horn Head to Fanad Head SPA.

In conclusion therefore I am of the view that potential likely significant impacts on Horn Head and Rinclevan SAC and Horn Head to Fanad Head SPA, as a result of a deterioration in water quality, can be ruled out.

Impacts on Bird Species/Loss of foraging and feeding habitat

While no bird survey was submitted with the application, there is no evidence on file to suggest that the site is of particular importance for bird species associated with the Horn Head to Fanad Head SPA, or with any other Natura 2000 site, and there is no evidence to suggest that the site represents a significant foraging and feeding area for bird associated with the Horn Head to Fanad Head SPA. In this regard, I note the supporting documentation on the NPWS Website which states that *'the sea cliffs on the site [Horn Head to Fanad Head SPA] provide breeding and roosting sites for the birds whilst the land adjacent to the cliff tops provides feeding habitat. A number of areas slightly further from the coast are used for feeding or flocking, e.g. at Black Burrow near Dooros Point and at Melmore Lough on the Tranarossan Peninsula'*.¹⁶ As such, I am of the view that it is unlikely to be a significant foraging and feeding area associated with the SPA, given the information on the NPWS website and given the intervening distance from the site and this SPA (1.2km away at the closest point). The same Site Synopsis notes that the dunes to the west (west-south-west of Dunfanaghy) support

¹⁶ <https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY004194.pdf>

nationally important Greenland White-fronted Goose. I have ruled out impacts on this dune habitat (in relation to surface water impacts) in the discussion above, and I am satisfied that the development proposed here will not impact this population of Greenland White-fronted Goose in any other manner.

Conclusion on standalone impacts

Having regard to the discussion above, I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying features of Horn Head and Rinclevan SAC, nor on the Horn Head to Fanad Head SPA. Further AA screening in-combination with other plans and projects is required.

Likely significant effects on the European site(s) 'in-combination with other plans and projects'

There is no evidence on file of any plans or projects that are proposed or permitted that could impact in combination with the proposed development and as such no in-combination issues arise.

I conclude, therefore, that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European sites. No further assessment is required for the project.

Overall Conclusion- Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:

- Standard pollution controls that would be employed regardless of proximity to a European site, and effectiveness of same (at construction and operational phases).
- On-site treatment of foul water generated on site.
- Distance from European Sites.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

Appendix 4: Natura 2000 Sites within proximity to the site.

Site Name (Code)	Distance from the site	Zone of Influence?	Qualifying Interests
Horn Head and Rinclevan SAC (000147)	c110m to the north-east of the site (at the closest point)	Y – Hydrological Link via surface water network/ Possible Hydrological Link via drainage ditches/Proximity to site	Habitats 2110 Embryonic shifting dunes 2120 Shifting dunes along the shoreline with <i>Ammophila</i> <i>arenaria</i> (white dunes) 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)* 2170 Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion</i> <i>arenariae</i>) 2190 Humid dune slacks 21A0 Machairs (* in Ireland) 3130 Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> Species 1013 Geyer's Whorl Snail (<i>Vertigo geyeri</i>) 1364 Grey Seal (<i>Halichoerus</i> <i>grypus</i>) 1395 Petalwort (<i>Petalophyllum</i> <i>ralfsii</i>) 1833 Slender Naiad (<i>Najas</i> <i>flexilis</i>)
Horn Head to Fanad Head SPA (004194)	c1.1km to the west (at the closest point)	Y - Proximity to site/Hydrological link via WWTP	Birds A009 Fulmar (<i>Fulmarus</i> <i>glacialis</i>) A017 Cormorant (<i>Phalacrocorax carbo</i>) A018 Shag (<i>Phalacrocorax</i> <i>aristotelis</i>) A045 Barnacle Goose (<i>Branta</i> <i>leucopsis</i>) A103 Peregrine (<i>Falco</i> <i>peregrinus</i>) A188 Kittiwake (<i>Rissa</i> <i>tridactyla</i>) A199 Guillemot (<i>Uria aalge</i>) A200 Razorbill (<i>Alca torda</i>) A346 Chough (<i>Pyrrhocorax</i> <i>pyrrhocorax</i>)

			A395 Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>)
Sessiagh Lough SAC (000185)	c1.3km to the south-east (at the closest point)	N - No evident/likely hydraulic or ecological link to same	Habitats 3130 Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoetes-Nanojuncetea Species 1833 Slender Naiad (<i>Najas flexilis</i>)
Sheephaven SAC (000185)	c3.5km	N - No evident/likely hydraulic or ecological link to same.	Habitats 1140 Mudflats and sandflats not covered by seawater at low tide 1210 Annual vegetation of drift lines 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows (<i>Glaucium-Puccinellietalia maritima</i>) 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) 2110 Embryonic shifting dunes 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)* 2190 Humid dune slacks 21A0 Machairs (* in Ireland) 91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles Species 1065 Marsh Fritillary (<i>Euphydryas aurinia</i>) 1395 Petalwort (<i>Petalophyllum ralfsii</i>)