



An  
Coimisiún  
Pleanála

## Inspector's Report

### ABP-320504-24

<b>Development</b>	Erection of 4 no. dry good storage units totally 1,100 sq. m. and a two storey office unit (750 sq. m.) with solar panels and underground rainwater storage facilities and connected to main sewerage system and proposed access road and parking facilities including all other associated site development works
<b>Location</b>	Leckenagh, Burtonport, Co. Donegal
<b>Planning Authority</b>	Donegal County Council
<b>Planning Authority Reg. Ref.</b>	2450098
<b>Applicant(s)</b>	Burtonport Fisheries Co-Op c/o Neil O'Doherty
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Michael O'Boyle
<b>Observer(s)</b>	None

**Date of Site Inspection**

18<sup>th</sup> March 2025

**Inspector**

Emma Nevin

## 1.0 Site Location and Description

- 1.1. The subject site comprises a stated area of 0.55ha and is located in the harbour area of Burtonport. The site is located to the rear of an existing commercial building and part of the site consists of a rear access/service yard for the adjacent building. The remainder of the site consists of undeveloped lands, adjacent to the shore. There is an existing wind turbine to the south of the site.
- 1.2. Access to the site is off the adjoining local county road, L-5983-2.
- 1.3. The site is located within an area of High Scenic Amenity.

## 2.0 Proposed Development

- 2.1. The development will be located to the west/rear of the adjacent commercial building and comprises:
  - 4 no. dry-goods storage units, which will form one large building with a total floor area of 1100sqm, FFL of 98.75m and maximum ridge height of 7.5 metres.
  - A two storey office unit, which will be located to the north of the storage units and will have a total floor area of 750sqm, FFL of 98.75m and maximum ridge height of 7.7 metres.
  - All associated works including connection to main sewerage system, proposed access road and parking facilities.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The Planning Authority granted permission on the 11<sup>th</sup> of July 2024, following further information request, subject to 16 no. conditions.
- 3.1.2. The conditions are standard to the nature of the proposal, but the following are of note:  
Condition 2: "All mitigation measures contained in the Natura Impact Statement received on 02/04/2024 shall be implemented in full".

Condition 4: “The exact location and design details of the speed bumps on the public road and raised pedestrian crossing at the access from the public road shall be agreed in writing with the Area Roads Engineer prior to commencement of the development. The development shall thereafter be carried out in accordance with the aforementioned agreement”.

Condition 6: “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 for (i) the location and details of temporary construction access to the site, (ii) the phasing of construction works, (iii) the laying out of haul routes across the subject site, proper locations for the disposal of site/construction waste materials and, inter alia, on-site wheel wash facilities, (iv) the management of traffic flows on the public road during on-site construction works and the construction of the roundabout, (v) restorative details for any temporary construction works including closure details for the temporary construction access, and (vi) the location of all site offices/buildings and parking accommodation for construction/staff vehicles”.

### **3.2. Planning Authority Reports**

- 3.2.1. Planning Reports dated 21<sup>st</sup> May 2024, and 4<sup>th</sup> July 2024 have been provided.
- 3.2.2. This planning application was assessed both the Donegal County Development Plan, 2018 – 2024, and the Donegal County Development Plan 2024 - 2030.
- 3.2.3. The original planners report considered it necessary to seek further information on the following items:
  - To submit details of the proposed number of staff, operating patterns and expected numbers and types of vehicles (e.g. private cars, HGVs etc.) using the site on a daily basis to enable the Planning Authority to assess the proposed level of parking provision.
  - To submit a site layout plan, to an appropriate scale, demonstrating the provision of covered cycle parking within the development site.
  - To carry out an auto-tracking analysis demonstrating that the entrance, access road and manoeuvres in relation to deliveries and parking are

adequate to deal with all vehicles associated with the proposed development. Details shall also demonstrate whether HGVs will be able to reverse into the proposed HGV parking spaces.

- To provide an amended site layout plan, to an appropriate scale, which provides a TBM on the adjacent public road and finished floor level of the existing adjacent building (identified as Old Campbell's building on submitted plans).

3.2.4. The planners report considered that the “Having regard to the location of the subject site within the settlement framework, outside of and removed from any sensitive designations, to the nature and scale of the development and the policies of the current development plan, it is considered that subject to compliance with the conditions below, the proposed development would not injure the amenities of the area, would not be prejudicial to public health and would not endanger public safety by reason of a traffic hazard. Accordingly, it is considered that the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area” and granted permission subject to conditions as noted in Section 3.1.1 above.

3.2.5. Other Technical Reports

- Building Control - All building works to comply with current building regulations. Disability Access/Fire certificates may be required.
- Irish Water/Local Water Services – No response.
- Area Roads Engineer – No response.
- Chief Fire Officer - No objection. Adequate water supply for firefighting purposes required. Access and Facilities for fire service to comply with technical guidance. Fire Safety certificate required.
- Waste Regulation Officer – No response.

3.3. **Prescribed Bodies**

- An Taisce – No response.
- DoCHG (wildlife) - No response.

### 3.4. Third Party Observations

3.4.1. One third party submission was received; the main issues raised within the observations can be summarised as follows:

- The site, which was previously owned by his family, was transferred to Donegal County Council as part of an agreement which involved a potential marine tourism-related project. The project did not go ahead, and the land was transferred from DCC to Burtonport Fisherman's Co-op (the current applicant).
- Objects to the current proposal as the previous agreement has not been fulfilled.

## 4.0 Planning History

4.1. PL05B.235231/08/30837: Permission granted on appeal to An Coimisiún Pleanála on 04/03/2010 for Demolition of buildings and construction of 2 blocks of 3 and 4 storey buildings comprising retail units, office, apartments, 32 no. car parking spaces and all associated site works.

4.2. Ref.14/50364: Extension of duration of permission granted on 09/05/2014 for the development permitted under PL05B.235231/08/30837.

The following is of note: A decision to extend the appropriate period as regards planning application Register Ref. No.: 08/30837 (ABP Ref. No. PL05B.235231 refers) was made on 9th May 2014 and the said appropriate period will now cease to have effect on 3rd March 2020.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The Donegal County Development Plan 2024-2030 is the relevant development plan, which came into effect on 26<sup>th</sup> June 2024. I note that the application was assessed under both the 2018-2024 Plan, and the 2024 – 2030 Plan. As such, I will reference the relevant Donegal County Development Plan 2024-2030 in my assessment.

- 5.1.2. The subject site is located within the settlement boundary for Burtonport and as per Table 5.1 of the Development Plan, the settlement merits recognition in the context of the RSES due to Tourism and Wild Atlantic Way Marine and is identified as having a particular potential for town enhancement scheme to strengthen communities.
- 5.1.3. The site is also located within a Regeneration Opportunity site – as supported by Objective CS-O-7, “To support economic growth throughout the County through a. The establishment of Letterkenny as a centre for economic growth across the sectors, in particular through the promotion of the existing business park, consolidation of the town centre including the prioritising of improvements to public realm, the delivery of key road and access infrastructure, through a proactive approach to enable the delivery of key regeneration sites. b. To continue to support ‘County Growth Drivers and ‘Service Towns’ as critical drivers of growth outside of Letterkenny. c. To continue to support the regeneration, renewal and development of the County’s towns and villages over the life of the Plan. d. To continue to identify and harness opportunities arising as a consequence of the impact of Brexit for new economic investment particularly within the border region”.
- 5.1.4. The following Development Plan policies/sections are considered relevant to the appeal:
- Chapter 5 Towns and Villages – Table 5.1
  - BIO-P-1 To require all developments to comply with the requirements of the EU Habitats Directive and EU Bird Directive, including ensuring that development proposals: a. Do not adversely affect the integrity of any European/Natura 2000 site (i.e. Special Areas of Conservation and Special Protection Areas) including effects on ex-situ but functionally linked habitats, and species (e.g. Pearl Mussel) save where a plan must be carried out for imperative reasons of overriding public interest (IROPI). b. Provide for the protection of animal and plant species listed in Annex IV of the EU Habitats Directive and the Flora Protection Order. c. Protect and enhance features of the landscape (such as rivers, riverbanks, field boundaries, ponds and small woods) which are of major importance for wild fauna and flora and the ecological coherence of the Natura 2000 network.
  - Chapter 7 Economic Development

- ED-O-13 To support and facilitate, where appropriate, the further growth and development of the County's economic base through the key sectors identified in this plan. Proposals outside of these sectors shall be open for consideration and assessed against all policies and objectives of this plan, as well as national, regional plans, policies and guidelines.
- ED-O-15 To implement the policy objectives as set out within the National Marine Spatial Planning Framework to support the effective management of marine activities and the sustainable use of the county's marine resources in accordance with related objectives contained in Chapter 14: 'Marine Resource, Coastal Management and the Islands'.
- ED-P-3 It is a policy of the Council to consider proposals for the extension of an existing industrial or business use within a defined settlement provided the resultant scale and form of the enterprise is compatible with the character and scale of the settlement and locality and the proposal meets the criteria set out in Policy ED-P-10.
- Chapter 14 Marine Resource, Coastal Management, and the Islands.
- MRCM-P-3 To safeguard and enhance the roles of Killybegs, Greencastle, and Burtonport, as centres of fishing, fleet activity, seafood processing and/or ancillary marine services and education including, where necessary the provision of additional harbour infrastructure, and facilitate the diversification of such locations into new areas of appropriate investment and employment opportunities, including marine related economic activity including supporting the development of Marine Resource Innovation Park(s).
- Chapter 16 Technical Standards
- Table 16.8: Car Parking Standards.
- Chapter 21 Settlement Frameworks 21 Settlement Frameworks.
- SF-P-1 CC Within flood risk areas identified within settlement frameworks, only the following developments will be considered: Areas of established development, including those parts of the Ballintra, Kilcar, Pettigo, Burtonport, Dunfanaghy and Glenties, and Rathmullan Regeneration Opportunities, Minor development only (e.g. small extensions to houses, and most changes of use

of existing buildings and or extensions and additions to existing commercial and industrial enterprises, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substance); and Such applications shall be accompanied by a commensurate assessment of the risks of flooding to demonstrate that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities. Such proposals shall follow best practice in the management of health and safety for users and residents of the proposal... New (currently undeveloped) areas. Water compatible uses only as per Section 5.28 of the 'Planning System and Flood Risk Guidelines' (DEHLG and OPW, Nov. 2009).

- Scenic Amenity Map 7.1.1 of the CDP identifies three landscape designations for the County. The middle ranked of these is 'Areas of High Scenic Amenity' (HSA). These areas are identified as "landscapes of significant aesthetic, cultural, heritage and environmental quality that are unique to their locality and are a fundamental element of the landscape and identity of County Donegal. The CDP describes these areas as having: the capacity to absorb sensitively located development of a scale, design and use that will enable assimilation into the receiving landscape and which does not detract from the quality of the landscape.

## 5.2. National Planning Framework (First Revision 2025)

5.2.1. The Northern and Western region justifies a particular focus in the National Planning Framework (NPF) including "*integrated planning, management and development of the areas traversed by the Wild Atlantic Way to maximise both the quality and integrity of the visitor experience and the added benefit in economic terms, especially for rural and local communities*".

5.2.2. The following are of particular relevance:

- National Policy Objective 26 states "*Continue to support the proportionate growth of and appropriately designed development in rural towns that will contribute to their regeneration and renewal, including interventions in the*

*public realm, the provision of amenities, the acquisition of sites and the provision of services”.*

- National Policy Objective 30 of the NPF states “*National Policy Objective 30 Facilitate the development of the rural economy, in a manner consistent with the national climate objective, through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off farm activities, while at the same time noting the importance of maintaining and protecting biodiversity and the natural landscape and built heritage which are vital to rural tourism”.*
- National Policy Objective 50 states “*Ensure that the strategic development requirements of Tier 1 and Tier 2 Ports, ports of regional significance, State Fishing Harbours and smaller harbours are addressed as part of Regional Spatial and Economic Strategies, and plans at local level to ensure the effective growth and sustainable development of the city regions and regional and rural areas, in accordance with National Ports Policy”.*

### **5.3. Regional Spatial and Economic Strategy (RSES) - Northern and Western Region**

- 5.3.1. An ambition of the RSES is that “*Compact growth will be pursued to ensure sustainable growth of more compact urban and rural settlements, supported by jobs, houses, services and amenities, rather than continued sprawl and unplanned, uneconomic growth”.* Smaller town, villages and rural areas are feature in the RSES in particular RPO 3.4, which supports the regeneration and renewal of small towns and villages in rural areas.
- 5.3.2. RPO 3.13 supports the role of smaller and medium-sized towns and requires the identification of in the Development Plan of such settlements in the Core Strategy.
- 5.3.3. **Water Framework Directive**
- 5.3.4. The Water Framework Directive (WFD) Directive 2000/60/EC focuses on ensuring good qualitative and quantitative health, i.e., on reducing and removing pollution and on ensuring that there is enough water to support wildlife at the same time as human needs.

5.3.5. The key objectives of the WFD are set out in Article 4 of the Directive. It requires Member States to use their River Basin Management Plans (RBMPs) and Programmes of Measures (PoMs) to protect and, where necessary, restore water bodies in order to reach good status, and to prevent deterioration. Good status means both good chemical and good ecological status. It establishes a framework for the protection of all inland surface waters, transitional waters, coastal waters and groundwaters.

#### 5.4. Section 28 Guidelines

5.4.1. The following guidelines are of relevance to the appeal:

- Development Management Guidelines.
- Planning System and Flood Risk Guidelines' (DEHLG and OPW, Nov. 2009)

*Section 5.28, which states “Applications for minor development, such as small extensions to houses, and most changes of use of existing buildings and or extensions and additions to existing commercial and industrial enterprises, are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances. Since such applications concern existing buildings, the sequential approach cannot be used to locate them in lower-risk areas, and the Justification Test will not apply. However, a commensurate assessment of the risks of flooding should accompany such applications to demonstrate that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities. These proposals should follow best practice in the management of health and safety for users and residents of the proposal”.*

#### 5.5. Natural Heritage Designations

5.5.1. The subject site is not located within or adjacent to any European Site. The closest European Sites, part of the Natura 2000 Network, are:

- Rutland Island and Sound SAC (002283) – c. 190metres from the appeal site.

## **5.6. EIA Screening**

5.6.1. I refer the Coimisiún to the completed Form 1 in Appendix A.

5.6.2. 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. A third party appeal has been received from Michael O'Boyle. The appeal includes supporting documentation, including copy of managers order for Draft Development Plan, site layout map and photographs, and the issues raised can be summarised as follows: -

- The site is part of a flood zone. This will have a serious impact on the appellants historic railway building adjacent to the site due to inappropriate surface water discharge.
- The site location is part of an overall agreement with Donegal County Council which is not finalised and the applicants have not provided a letter of consent which formed part of a refusal of planning permission for the appellant under file number 1130228.
- The applicant has not provided a site layout plan to an appropriate scale, demonstrating the provision of covered cycle parking within the development site.
- The measurements are incorrect for the entrance to the south.
- The fence cannot be moved as per planners' further information request.
- The applicant cannot provide the number of staff and types of traffic associated with this development, this will have a serious impact on parking in the village.

- The Council have been made aware of the parking congestion numerous times by the Burtonport Harbour Committee.

## 6.2. Applicant Response

6.2.1. Bonner Gallagher Architects responded to the issues raised in the third party appeal on behalf of the applicant, Burtonport Fisherman's Co-Op. Their response can be summarised as follows:

- (i) The site is located in the harbour area where a village renewal regeneration scheme promoted and planned by the local authority has been underway with the final construction stage of the building units now taking place.
- (ii) The risk of flooding has been carefully assessed by the local authority to allow this project to progress.
- (iii) The site location of the development is set at higher levels similar to the adjoining Old Campbell's building with no history of flooding.
- (iv) The Burtonport Fishermen Co-op were aware of the previous proposals for the development of a car park in 2003 as they were part land owners of this site, however, this was only initial proposal it was never finalised.
- (v) This proposal should have no influence on the current application, it is implied that the applicant was opposed to the development of the car park, this was not the case, and the applicant had agreed to provide access over the land it then held.
- (vi) The cycle parking and revised general parking arrangements requested by the planning authority as part of the further information request was complied with and detailed submitted on the 6th of June 2024.
- (vii) Parking associated with the development will not impact on the overall new parking arrangements provided for the village by the County Council as highlighted in the submission.
- (viii) No entrance is proposed from the south end of the site as stated in this appeal. One main entrance is proposed to serve the development at the north side from the right of way over land previously in ownership by the applicant but now in the ownership of the County Council. The council has

agreed a right of way over this land and a copy of this agreement is enclosed with the applicant's submission.

- (ix) Boundary fences were erected prior to the application being submitted and formed the outer limits of the site as shown on all maps submitted. No time prior to the objection to the application did the appellant ever suggest that the boundaries were inaccurate. The boundaries were fixed in the presence of the appellant with his agreement.

### **6.3. Planning Authority Response**

6.3.1. A response has been received from the planning authority's stating the contents of the third party appeal have been noted, and that the majority of the matters raised by the appellant have previously been addressed in the planning reports by the Executive Planners dated 21/05/2024 and 4/07/2024. The Planning Authority also responded to the specific grounds of appeal as follows:

- (i) The proposed development includes an attenuation system for the collection and discharge of surface/storm waters. The proposed system will be fitted with a flow control manhole which will limit the discharge leaving the site to that of the discharge of the original site, and final discharge of surface/storm water will be to the shore via a 300mm diameter pipe. The proposed development therefore will not result in inappropriate surface water discharge.
- (ii) The planning application form indicates that the applicant is the owner of the site and the concerns raised by the appellant are considered to be a civil matter.
- (iii) A site layout plan demonstrating the provision of covered cycle parking was submitted as part of the Further Information response and deemed to be acceptable by the Planning Authority. The site layout plan submitted with the application indicates that there is 6m between the southern corner of the existing O' Campbell's building and the side boundary while the appellant states that this in reality measures 5.2m. The submitted auto-tracking plan demonstrates that this space will be used to enable HGVs to manoeuvre into the parking spaces at the side of the proposed storage units and will not

be used as an entrance/exit, and the Planning Authority considers that the space is sufficient to allow this.

- (iv) The relocation of the fence did not form part of the further information request.
- (v) The proposed level of parking provision is in accordance with parking standards set out in the County Donegal Development Plan 2024-2030 and the Planning Authority considers it to be sufficient to serve the proposed development. It is noted that a new car park was recently constructed on land to the north of the subject site to help alleviate parking congestion around the pier area.

6.3.2. The Council wishes to rely on the content of the Planner's report in response to this appeal and has no further comment to make on this appeal. The Planning Authority would respectfully request that the Board uphold the decision of the Planning Authority to grant permission for the development subject to the conditions attached.

#### 6.4. **Observations**

None received.

### 7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the third party appeal (the subject matter of this appeal), the applicant's response received, the local authority response received, the site inspection and having regard to the relevant policies, objectives, and guidance, I am satisfied that the main issues to be considered are those raised in the grounds of appeal, and no other substantive issues arise. The main issues in determining this appeal are as follows:

- I. Principle of Development
- II. Flooding
- III. Parking and Access
- IV. Legal and Procedural Issues

V. Water Framework Directive, and

VI. Appropriate Assessment.

This assessment represents my de novo consideration of all planning issues material to the proposed development.

## 7.2. Principle of Development

7.3. As noted above the Donegal Development Plan 2024 – 2030 came into effect during the assessment of this planning application.

7.3.1. The site is located within the settlement Burtonport and is within a Regeneration Opportunity area - As supported by Objective CS-0-7(c), To support economic growth throughout the County through to continue to support the regeneration, renewal and development of the County's towns and villages over the life of the Plan.

7.3.2. The site is located within an existing industrial/employment area, within the harbour. At time of site inspection, the adjacent commercial buildings were noted. The Development Plan supports economic growth and the regeneration of villages such as Burtonport. The applicant states that the "the proposed storage and office units are in part intended to replace property that was subject to a CPO by Donegal County Council as part of the Burtonport Harbour Development", and that "these are the only remaining lands available to the applicant and that the development is necessary to provide the Co-Op with replacement buildings to enable it to provide continued support to the local fishing industry and its members".

7.3.3. I consider the proposal to be compatible with the adjacent use and will provide accommodation for the Burtonport Fisherman's Co-operative society and will support industry within the harbour area.

7.3.4. As such I consider the principle of the proposed development to be appropriate in this location.

## 7.4. Flooding

7.4.1. Concerns have been raised in the third party appeal in relation flooding at this site and the potential impact of the proposed development on the adjoining property due to inappropriate surface water drainage.

- 7.4.2. The issue of flooding was not raised in the planner's assessment of this application and as part of the local authority response to the appeal noted that proposed development includes an attenuation system for the collection and discharge of surface/storm waters, which will be fitted with a flow control manhole which will limit the discharge leaving the site to that of the discharge of the original site, and final discharge of surface/storm water will be to the shore via a 300mm diameter pipe. The local authority considers that the proposed development will not result in inappropriate surface water discharge.
- 7.4.3. The first party response to the appeal notes that the village renewal scheme is underway and the risk of flooding has been carefully assessed by the Local Authority. The appeal site is set at higher levels similar to the Old Campbells building with no history of flooding.
- 7.4.4. While no report was received from local water services, I note that a condition was included to the grant of permission in respect to surface water drainage proposals, Condition 8 relates.
- 7.4.5. Having regard to the proposed surface water drainage arrangements, I am of the opinion that the development is unlikely to pose any adverse impact on the adjacent sites as a result of surface water drainage. I also recommend the inclusion of a condition with respect to surface water drainage discharge in the event of a grant of permission.
- 7.4.6. While not specifically raised in the appeal, I note the Donegal Development Plan 2024 – 2030 came into effect during the assessment of this planning application. Having regard to the flood maps associated with the 2024-2030 Development Plan, I note that the appeal site is located within Flood Zone A and Flood Zone B within Settlements – Burtonport. As such, no flood risk assessment accompanied the planning application or further information request as flooding was not raised as a concern during the assessment of the planning application.
- 7.4.7. Land Use Zoning Policy Relating to Settlement Frameworks SF-P-1 states that within flood risk areas within settlement frameworks certain developments will be considered within areas of established development, including Burtonport Regeneration Opportunities, which includes minor developments including additions to existing commercial and industrial enterprises, which I consider the proposed

development type to fall within given the existing and adjoining uses within the Harbour area.

- 7.4.8. The Planning System and Flood Risk Management, Guidelines for Planning Authorities, notes in Section 2.28 that such applications are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances. I am satisfied that the proposed development would not have an adverse impact or impede access at this location.
- 7.4.9. I have also reviewed the flood maps, in particular the past flood events (source: [Flood Maps - Floodinfo.ie](https://www.floodinfo.ie) – accessed 14/10/2025). While the site was noted at a meeting on 12/01/2006 in relation to the OPW Flood Hazard Mapping – Phase 1, no historic flooding event has taken place at this site in Burtonport. Therefore, I am satisfied that the subject site does not appear to be prone to flooding based on the information obtained from the flood maps.
- 7.4.10. In this regard, I am of the opinion that the proposed development is unlikely to pose any adverse impact on flooding at this location.

## **7.5. Parking and Traffic**

- 7.5.1. Concerns have been raised in the appeal in respect of the proposed development and the number of staff and traffic associated with this development and the impacts this will have on the parking in the village and that the applicant has not demonstrated the provision of cycle parking.
- 7.5.2. I note that the planning authority requested further information in respect to proposed staffing and traffic patterns, including cycle parking provision and details in respect to manovering within the site.
- 7.5.3. The applicant stated that based on the floor area of the office space (530sqm) that a total of 18 parking spaces are required and also advised that the storage units will have 1 or 2 staff, giving an overall total of 20 car parking spaces, including one disabled space. Having regard to Table 16.8 of the 2024-2030 Development Plan, with respect to offices and storage facilities the proposed parking provision is acceptable and can cater for the proposed development.

- 7.5.4. In terms of cycle parking, the revised site plan submitted as part of the further information indicated 6 cycle parking spaces proposed, which is acceptable and also accords with the requirements of the Development Plan.
- 7.5.5. As part of the application, it was confirmed that HGVs will only be for deliveries and collections handled by forklift, and the HGV parking area shown on the plan is for short-term stay. Notwithstanding, as part of the further information the applicant submitted an auto-tracking analysis has been submitted which demonstrates that HGVs will be able to manoeuvre within the site, reverse park into the parking bay and leave the site in forward gear, which was considered to be acceptable by the local authority.
- 7.5.6. Reference is made in the third party appeal to the relocation of a fence as part of the further information and that the measurements are incorrect for the entrance to the south. Having reviewed the planning application and planners report I note that there is no reference to the relocation of the fence within the further information. Moreover, the site will be accessed via the existing access road and right of way to the north as per the proposed site layout map. No access is proposed to the south.
- 7.5.7. In this regard, I do not consider that the provision of the proposed development within the harbour would impact on parking provision or result in an unacceptable level of traffic generation at this location or within the village overall.

## **7.6. Legal and Procedural Issues**

- 7.6.1. The appellant queries the applicant's legal consent and states that the applicant is not the legal owner of the site and references an overall agreement with the Council in respect of the lands.
- 7.6.2. In terms of the legal interest, I am satisfied that the applicants have provided sufficient evidence of their legal interest for the purposes of the planning application and decision. Any further consents that may have to be obtained are essentially a subsequent matter and are outside the scope of the planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the Planning and Development Act, 2000, as amended.

## 8.0 Water Framework Directive

### Introduction:

- 8.1.1. The Rutland Sound (IE\_NW\_150\_0000) coastal waterbody is located to the north/northwest (at a distance of approx.. 190 m) of the site. Rutland Sound is designated under the Rutland Island and Sound SAC (Site Code: 002283), this is assessed in section 9 below.
- 8.1.2. The proposed development comprises the erection of 4 no. dry good storage units totally 1,100 sq. m. and a two storey office unit (750 sq. m.) with solar panels and underground rainwater storage facilities and connected to main sewerage system and proposed access road and parking facilities including all other associated site development works on lands at Leckenagh, Burtonport, Co. Donegal.
- 8.1.3. I have assessed the proposed development at Leckenagh, Burtonport, Co. Donegal and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.
- 8.1.4. I have undertaken a WFD Impact Assessment Stage 1: Screening and which is included in Appendix B after my report. This assessment considered the impact of the development on the:
- Rutland Sound (IE\_NW\_150\_0000)
- 8.1.5. The impact from the development was considered in terms of the construction and operational phases. Through the use of best practice at the construction phase and through the use of SuDS during the operation phase, noting the proposed additional mitigation measures contained with the submitted Natura Impact Assessment, all potential impacts resulting in potential water pollution can be screened out.

### Conclusion:

- 8.1.6. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a

temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 9.0 **Appropriate Assessment**

- 9.1.1. The applicant submitted a NIS as part of the planning application and the Planning Authority carried out an Appropriate Assessment Screening and determined “*That the proposed development will have no likely or significant negative impact on the Natura 2000 site, Rutland Island and Sound SAC, providing all mitigating actions outlined in the Natura Impact Statement submitted to the planning authority on the 2nd April 2024 are implemented in full*”.
- 9.1.2. The applicant stated that “*Greentrack undertook a Stage 1 Screening Report for Appropriate Assessment (Appendix I). This report found that Stage II AA (NIS) was required*”.
- 9.1.3. The NIS is assessed in full in the following sections of my report.

### 9.2. **Context**

- 9.2.1. The requirements of Article 6(3) as related to Appropriate Assessment of a project under Part XAB and Section 177U and 177V of the Planning & Development Act, 2000 (as amended) are considered fully in this section with the areas addressed as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Brief Description of the Development
- Information received with application
- Screening for Appropriate Assessment
- Appropriate Assessment
- Recommendation

### 9.3. **Compliance with Article 6(3) of the Habitats Directive**

- 9.3.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section. The

Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

- 9.3.2. The proposed development at Leckenagh, Burtonport, Co. Donegal, comprising the erection of 4 no. dry good storage units totally 1,100 sq. m. and a two storey office unit (750 sq. m.) with solar panels and underground rain water storage facilities and connected to main sewerage system and proposed access road and parking facilities including all other associated site development works, is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

#### **9.4. Description of the Plan or Project**

- 9.4.1. The proposed development comprises the erection of 4 no. dry good storage units totally 1,100 sq. m. and a two storey office unit (750 sq. m.) with solar panels and underground rainwater storage facilities and connected to main sewerage system and proposed access road and parking facilities including all other associated site development works.

#### **9.5. Information received with application**

- 9.5.1. The application included submission of a Natura Impact Statement (dated March 2024).
- 9.5.2. The submitted NIS outlines the methodology used for assessing potential impacts on the habitats and species within the following Natura sites, i.e. Rutland Island and Sound SAC, that has the potential to be affected by the proposed development. It predicts the potential impacts for this site and its conservation objectives, it suggests mitigation measures, assesses in-combination effects with other plans and projects and it identifies any residual effects on the European site and its conservation objectives.

9.5.3. The submitted NIS concluded that “*This Natura Impact Statement has been prepared by Greentrack Consultants with all reasonable care, due diligence, and professional application. Greentrack have also sought to implement the best current scientific knowledge on the potential effect this proposal will have on the Natura 2000 network. The proposed project as detailed, either individually or in combination with other plans or projects, will have no significant adverse effects on the integrity of any European sites if all mitigating measures as outlined in Section 6 are implemented. The proposed development as described will not alter the structure or function of any Natura 2000 site or negatively impact the conservation of any qualifying interest/ special conservation interest therein*”.

9.5.4. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential effects and uses best scientific information and knowledge. Details of mitigation measures are provided, and they are summarised in Table 6.2 (pages 25 – 28) of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development.

9.5.5. Set out below is my own independent assessment.

**9.6. Screening for Appropriate Assessment**

Natura 2000 Sites:

9.6.1. The proposed development is examined in relation to any possible interaction with European sites designated Special Areas of Conservation (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European site(s).

9.6.2. The site itself is not located within or border a designated European site. The nearest designated sites are:

<b>Special Areas of Conservation</b>	<b>Distance</b>
Rutland Island & Sound SAC 002283	190 metres
Cloghernagore Bog and Glenveagh National Park SAC 002047	6.51 km
Gweedore Bay &	2.71 km

Islands SAC 001141	
Fawnboy Bog & Lough Nacung SAC 000140	12.31 km
Gannivegil Bog SAC 000142	9.83 km
Aran Island (Donegal) Cliffs SAC 000111	5.27 km
West Of Ardara/Maas Road SAC 000197	11.83 km
<b>Special Protection Areas</b>	<b>Distance</b>
Derryveagh and Glendowan Mountains SPA 004039	7.51 km
Illancrone and Inishkeeragh SPA 004132	3.96 km
Roaninish SPA 004121	13.09 km
Inishkeel SPA 004116	14.43 km
West Donegal Coast SPA 004150	7.09 km
West Donegal Islands SPA 004230	11.38 km

9.6.3. European sites within the potential zone of influence (Zol) of the proposed development must be evaluated on a case-by-case basis. The preferred method of doing this is by using the Source-Pathway-Receptor (SRP) model. The Screening Report used this SRP model to establish or discount potential connectivity between the site of the proposed development and any European Sites. Section 5.1, Table 5.1 and Figure 5.1 of the submitted NIS details of all relevant European Sites as identified in the preceding steps and assesses which are within the potential likely Zone of Impact. Having regard to the nature of the proposed development, the nature of the receiving environment and the SPR model, it is considered that this is a reasonable approach to defining the Zol.

9.6.4. I note that the applicant considered the following Natura sites i.e. Cloghernagore Bog and Glenveagh National Park SAC 002047, Gweedore Bay & Islands SAC 001141, Fawnboy Bog & Lough Nacung SAC 000140, Gannivegil Bog SAC 000142, Aran Island (Donegal) Cliffs SAC 000111, West Of Ardara/Maas Road SAC 000197,

Derryveagh and Glendowan Mountains SPA 004039, Illancrone and Inishkeeragh SPA 004132, Roaninish SPA 004121, Inishkeel SPA 004116, West Donegal Coast SPA 004150, and West Donegal Islands SPA 004230, could be ruled out for further examination due to lack of ecological connections. The applicant also considered given the nature and scale of the works, there is no known vector, pathway or conduit for impacts between the proposed works and the remaining Natura 2000 sites. I agree with the applicant that the aforementioned sites can be removed from further consideration due to the unlikely event that these will have any significant direct or indirect impacts on the remaining Natura 2000 sites, and as such are not considered further in the screening assessment – this is assessed further in Table 9.1 below.

- 9.6.5. A source-receptor pathway exists to the qualifying interests of the Rutland Island & Sound SAC 002283 in the form of storm/surface water pathway. Therefore, having regard to the information and submissions available; the nature, size and location of the proposed development; its likely direct, indirect and in-combination effects; the source-pathway-receptor model; and the sensitivities of the ecological receptors, I consider that one Natura 2000 site is relevant to include for the purposes of initial screening for the requirement for Stage 2 Appropriate Assessment on the basis of likely significant effects, this site is namely the Rutland Island & Sound SAC 002283.
- 9.6.6. Table 9.1 below lists the qualifying interests of the Natura Sites within the defined Zol, their conservation objectives and identifies possible connections between the proposed development (source) and the sites (receptors).

**Table 9.1: Table of European Sites Within a Possible Zone of Influence of the Proposed Development**

European Site	Qualifying Interests (summary)	Conservation Objectives	Distance	Connections	Considered further in screening
Rutland Island & Sound SAC 002283	<p>[1150] Coastal Lagoons</p> <p>[1160] Large Shallow Inlets and Bays</p> <p>[1170] Reefs</p> <p>[1210] Annual Vegetation of Drift Lines</p> <p>[2110] Embryonic Shifting Dunes</p> <p>[2120] Marram Dunes (White Dunes)</p> <p>[2130] Fixed Dunes (Grey Dunes)*</p> <p>[2190] Humid Dune Slacks</p> <p>[1365] Common (Harbour) Seal (Phoca vitulina)</p>	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected for</p> <p><a href="#">ConservationObjectives.rdl</a></p>	190 metres	<p>There is no direct hydrological connection between the subject site and this SAC.</p> <p>There is an indirect hydrological pathway to this SAC via the proposed surface water drainage networks.</p> <p>The potential for impact is considered whereby the Proposed Development would result in a deterioration of water resource quality. Sediment laden runoff or runoff contaminated with silt, debris and hydrocarbons could be discharged offsite during the site clearance, construction and operational phase if appropriate mitigation measures are not in place. Additionally, under the precautionary principle, potential disturbance to wildlife due to lighting and/or dust/noise associated with the construction and operational phase cannot not be definitively ruled out.</p> <p>The likelihood of deleterious effects on the Natura 2000 network through the identified pathways for pollution/habitat degradation cannot</p>	Yes

				be excluded. Therefore, further assessment is required at this stage to determine potential negative effects on the Natura site, and if mitigation can be implemented to eliminate any potential negative impacts.	
Cloghernagore Bog and Glenveagh National Park SAC 002047	<p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]</p> <p>Northern Atlantic wet heaths with Erica tetralix [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected for <a href="#">ConservationObjectives.rdl</a>	6.51 km	No avenue for direct effects or indirect effects.	No

	<p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Vandenboschia speciosa (Killarney Fern) [6985]</p>				
<p>Gweedore Bay &amp; Islands SAC 001141</p>	<p>Coastal lagoons [1150]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Decalcified fixed dunes with Empetrum nigrum [2140]</p> <p>Atlantic decalcified fixed dunes (Calluno-Ulicetea) [2150]</p>	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected for</p> <p><a href="#">ConservationObjectives.rdl</a></p>	<p>2.71 km</p>	<p>No avenue for direct effects or indirect effects.</p>	<p>No</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-Nanojuncetea</i> [3130]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p><i>Euphydrias aurinia</i> (Marsh Fritillary) [1065]</p> <p><i>Phocoena phocoena</i> (Harbour Porpoise) [1351]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p> <p><i>Najas flexilis</i> (Slender Naiad) [1833]</p>				
Fawnboy Bog & Lough Nacung SAC 000140	Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]	To maintain or restore the favourable conservation condition of the Annex I	12.31 km	No avenue for direct effects or indirect effects.	No

	<p>Blanket bogs (* if active bog) [7130]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p>	<p>habitat(s) and/or the Annex II species for which the SAC has been selected for</p> <p><a href="#">ConservationObjectives.rdl</a></p>			
Gannivegil Bog SAC 000142	<p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Northern Atlantic wet heaths with Erica tetralix [4010]</p> <p>Blanket bogs (* if active bog) [7130]</p>	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SPA has been selected for</p> <p><a href="#">ConservationObjectives.rdl</a></p>	9.83 km	No avenue for direct effects or indirect effects.	No
Aran Island (Donegal) Cliffs SAC 000111	<p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Submerged or partially submerged sea caves [8330]</p>	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SPA has been selected for</p> <p><a href="#">ConservationObjectives.rdl</a></p>	5.27 km	No avenue for direct effects or indirect effects.	No
West Of Ardara/Maas	Estuaries [1130]	To maintain or restore the favourable conservation	11.83 km	No avenue for direct effects or indirect effects.	No

<p>Road SAC 000197</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Large shallow inlets and bays [1160]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <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>Decalcified fixed dunes with <i>Empetrum nigrum</i> [2140]</p> <p>Atlantic decalcified fixed dunes (<i>Calluno-Ulicetea</i>) [2150]</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>condition of the Annex I habitat(s) and/or the Annex II species for which the SPA has been selected for</p> <p><a href="#">ConservationObjectives.rdl</a></p>			
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	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p> <p><i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Lowland hay meadows (<i>Alopecurus pratensis</i>, <i>Sanguisorba officinalis</i>) [6510]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]</p>				
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	<p>Alkaline fens [7230]</p> <p>Vertigo geyeri (Geyer's Whorl Snail) [1013]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Euphydryas aurinia (Marsh Fritillary) [1065]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p> <p>Petalophyllum ralfsii (Petalwort) [1395]</p> <p>Najas flexilis (Slender Naiad) [1833]</p>				
Derryveagh and Glendowan Mountains SPA 004039	<p>Red-throated Diver (Gavia stellata) [A001]</p> <p>Merlin (Falco columbarius) [A098]</p> <p>Peregrine (Falco peregrinus) [A103]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Dunlin (Calidris alpina schinzii) [A466]</p>	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SPA has been selected for</p> <p><a href="#">CO004039.pdf</a></p>	7.51 km	No avenue for direct effects or indirect effects.	No

Illancrone and Inishkeeragh SPA 004132	Barnacle Goose ( <i>Branta leucopsis</i> ) [A045]  Common Tern ( <i>Sterna hirundo</i> ) [A193]  Arctic Tern ( <i>Sterna paradisaea</i> ) [A194]  Little Tern ( <i>Sternula albifrons</i> ) [A885]	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SPA has been selected for  <a href="#">CO004132.pdf</a>	3.96 km	No avenue for direct effects or indirect effects.	No
Roaninish SPA 004121	Barnacle Goose ( <i>Branta leucopsis</i> ) [A045]  Herring Gull ( <i>Larus argentatus</i> ) [A184]	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SPA has been selected for  <a href="#">CO004121.pdf</a>	13.09 km	No avenue for direct effects or indirect effects.	No
Inishkeel SPA 004116	Barnacle Goose ( <i>Branta leucopsis</i> ) [A045]	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SPA has been selected for  <a href="#">CO004116.pdf</a>	14.43 km	No avenue for direct effects or indirect effects.	No

<p>West Donegal Coast SPA 004150</p>	<p>Fulmar (<i>Fulmarus glacialis</i>) [A009]  Cormorant (<i>Phalacrocorax carbo</i>) [A017]  Shag (<i>Phalacrocorax aristotelis</i>) [A018]  Peregrine (<i>Falco peregrinus</i>) [A103]  Herring Gull (<i>Larus argentatus</i>) [A184]  Kittiwake (<i>Rissa tridactyla</i>) [A188]  Razorbill (<i>Alca torda</i>) [A200]  Chough (<i>Pyrrhocorax pyrrhocorax</i>) [A346]</p>	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SPA has been selected for</p> <p><a href="#">CO004150.pdf</a></p>	<p>7.09 km</p>	<p>No avenue for direct effects or indirect effects.</p>	<p>No</p>
<p>West Donegal Islands SPA 004230</p>	<p>Shag (<i>Phalacrocorax aristotelis</i>) [A018]  Barnacle Goose (<i>Branta leucopsis</i>) [A045]  Corncrake (<i>Crex crex</i>) [A122]  Common Gull (<i>Larus canus</i>) [A182]  Herring Gull (<i>Larus argentatus</i>) [A184]</p>	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SPA has been selected for</p> <p><a href="#">CO004230.pdf</a></p>	<p>11.38 km</p>	<p>No avenue for direct effects or indirect effects.</p>	<p>No</p>

## 9.7. Screening Determination

- 9.7.1. Based on my examination of the submitted AA Screening Report and NIS and supporting information, the NPWS website, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European Sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I conclude that a Stage 2 Appropriate Assessment is required for one European Site: the Rutland Island & Sound SAC (Site Code:002012).
- 9.7.2. This conclusion is consistent with the documentation submitted by the applicant.

## 9.8. Appropriate Assessment of Implications of the Proposed Development

- 9.8.1. The proposed development will not result in any direct effects on either the SAC or SPA and no risk of habitat loss, fragmentation or any other direct impact.
- 9.8.2. However, the potential indirect sources of impact indirect impacts relate to surface water and potential indirect impacts on hydrologically linked habitats and aquatic species include:

### Construction Impacts:

- Earth Works: Site clearance work can generate silt which can become suspended in storm water runoff and enter the drainage channels which eventually enter the identified Natura 2000 sites through the detected pathway. Silt can affect various properties of water quality including levels of organics and turbidity.
- Maintenance of Plant: Improper maintenance of machinery, storage of materials, waste management and site preparation could cause contaminated runoff to enter the identified pathway to the Natura 2000 sites.
- Invasive Species Prevention Improper hygiene of machinery and vehicles could give rise to importation of invasive species to the subject site.
- Dust.
- Noise.

### Operational Impacts:

- Disruption to wildlife: particularly disruption to bird species due to lighting associated with the Development.

- Surface Water Drainage: Inadequate Surface water drainage could lead to increased discharge of contaminated stormwater.
- Foul Water Drainage: The project proposes to connect into the existing public foul sewer system. The existing foul sewer drains to the Burtonport Wastewater Treatment Plant for treatment before discharge.

9.8.3. The information contained in the following Table 9.2 is a summary of the objective scientific assessment of the implications of the proposed development on the qualifying interest features of The Rutland Island & Sound SAC using the best scientific knowledge in the field. All aspects of the proposed development which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

Table 9.2 - Summary of Appropriate Assessment of implications of the proposed development on the integrity of the Rutland Island & Sound SAC alone and in combination with other plans and projects in view of the sites' Conservation Objectives.

Natura Site	Qualifying interest feature	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on site integrity be excluded?
Rutland Island & Sound SAC	[1150] Coastal Lagoons [1160] Large Shallow Inlets and Bays [1170] Reefs [1210] Annual Vegetation of Drift Lines [2110] Embryonic Shifting Dunes [2120] Marram Dunes (White Dunes) [2130] Fixed Dunes (Grey Dunes)* 2190] Humid Dune Slacks	Yes – the proposed works on site, in particular construction works, and operational works could result in indirect impacts relating to surface water and potential indirect impacts representing an avenue for indirect effects such as deterioration of water resource quality.	Mitigation for the stages (clearance/construction/operational) of the proposed development is outlined in Section 6, specifically Table 6.2 of the NIS.  Mitigation will aim to avoid and effectively minimise deleterious effects from the construction and operation of the proposed development. This includes management of surface waters at all stage of development to avoid water exiting the site which could cause physical or chemical pollution of receiving ecosystems, and measures to	Having reviewed the information submitted and also having considered any possible residual impacts as outlined in the NIS, I am satisfied that no in-combination effects will occur as a result of the proposed development.	Yes – There is no doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity.

	[1365] Common (Harbour) Seal (Phoca vitulina)		reduce noise, dust and light emissions.  A variety of generic mitigation measures will also be proposed to promote construction hygiene, management of hazardous materials, promote biosecurity, and promote environmentally compatible construction practices.		
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## 9.9. Potential In-Combination Effects

- 9.9.1. In combination effects are examined within the submitted NIS report (Section 6.1.3 and Table 6.1) and have been also considered under Table 9.2 above. The proposed development was considered in combination with other developments within the vicinity of the site, the Donegal County Development Plan 2018-2024 and Draft Donegal County Development Plan 2024 – 2030. I consider the list presented in the screening report (Section 6.1.3 – page 19 of NIS), and Table 6.1: Donegal County Development Plan 2018-2024 and Draft Donegal County Development Plan 2024 – 2030 Review (Table 6.1 – pages 20 – 24 of NIS) adequate for the purpose of the assessment.
- 9.9.2. It is concluded that “there are a few recent planning applications which need to be taken into consideration under the “cumulative effects”. The NIS noted that the planning authority found that the recent applications in the immediate vicinity individually or in combination with other plans/projects was not likely to have a significant effect on any Natura 2000 site.
- 9.9.3. The NIS also considered that *“The Development plan was comprehensively reviewed, with particular reference to Policies and Objectives that relate to the Natura 2000 network and other natural heritage interests. No potential for cumulative impacts on EU designated sites or Annex listed protected species were identified when considered in conjunction with the current proposal. The proposed project will not adversely affect any nationally designated site or protected species. No adverse water quality impacts are predicted to occur as a result of the proposed development. No policies or objectives of the county development plan were identified that could potentially combine with the proposed development to culminate in significant effect on European Sites”*.
- 9.9.4. I am satisfied that there would be no potential in combination effects as a result of the proposed development.

## 9.10. Mitigation Measures

- 9.10.1. The mitigation measures that are proposed in the NIS to address the potential adverse effects of the construction and operation of the proposed development are listed in Table 6.2 of the NIS.

9.10.2. A source-receptor pathway exists to the Rutland Island and Sound SAC in the form of the surface water pathways on site. Potential disturbance to wildlife due to lighting and/or dust/noise associated with the construction and operational phase cannot not be definitively ruled out under the precautionary principle.

9.10.3. Mitigation will aim to avoid and effectively minimise deleterious effects from the construction and operation of the proposed development. This includes management of surface waters at all stage of development to avoid water exiting the site which could cause physical or chemical pollution of receiving ecosystems, and measures to reduce noise, dust and light emissions. A variety of generic mitigation measures will also be proposed to promote construction hygiene, management of hazardous materials, promote biosecurity, and promote environmentally compatible construction practices.

9.10.4. These can be summarised as follows:

Earth Works:

- The stands of Japanese Knotweed within the site footprint must be eradicated before any clearance works commence in accordance with the invasive species management plan attached as appendix II.
- A silt fence must be erected as indicated in Figure 6.1. This silt fence must be constructed using “Terrastop” silt fencing (Terrasilt GR180) or equivalent. The bottom of this fence must be placed in a 100mm x 100mm trench backfilled and compacted, burying 150mm of the fence in “L” shape.
- The silt fencing must be inspected regularly by the site foreman for tears.
- Runoff from the clearance works must be collected in a settlement/attenuation pond.
- Outflow from attenuation pond must flow through the silt fence/bags.
- Removal of overburden must be in accordance with demand and must be controlled to reduce the risk of runoff containing silt.
- Stockpiles of soils and materials must be located as far as possible from sensitive properties and ecological receptors taking account of prevailing wind directions and seasonal variations in the prevailing wind. All overburdens

must be sheeted during storage in order to suppress dust levels during dry weather periods.

- Any excess overburden must be removed offsite to an approved waste facility or a site which is planning compliant
- Clearance works must cease in periods of heavy rainfall denoted by a Met Eireann status orange warning.

#### Maintenance of Plant:

- A bunded storage area must be located onsite and will be provided for the duration of the construction period for the storage of oils, fuels, chemical and other hazardous construction materials.
- The base and bund walls of the storage area must be impermeable to the material stored and must be of adequate capacity to comply with the EPA'S Pollution Prevention Guidance.
- Plant and equipment must be stored in areas which are less susceptible to possible pollution incidents, or on dedicated areas of hard standing. All static plant must have drip trays placed underneath to prevent ground contamination. Spill kits must be available in case of accidental oil spillage.
- All site plant must be inspected at the beginning of each day prior to use. Defective plant must not be used until the defect is satisfactorily fixed. All major repair and maintenance operations must take place in a dedicated area of the site.
- Refuelling of plant must be undertaken in a designated area on an impenetrable surface using a fully bunded bowser. A spill kit must be available for use in case of accidental spillage.
- Vehicles must never be left unattended during refuelling. Only dedicated trained and competent personnel will carry out refuelling operations.

#### Invasive Species Prevention Measures:

- The stands of Japanese Knotweed within the site must be removed in accordance with the attached management plan (Appendix II) prior to any construction works being undertaken.

- Under the precautionary principle, good construction site hygiene must be employed to prevent the further spread of invasive species with vehicles thoroughly cleaned down prior to entering the site.
- Should any material need to be imported onto the site, it must come from a source that is certified as being free of invasive species as listed on the 'Third Schedule' of Regulations 49 & 50 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2011)..

#### Dust Reduction:

- Access roadway must be kept clean at all times. A road cleaner must be used to capture sediment. Any captured sediment must be returned to the subject site and treated through the attenuation pond. This also applied to the construction phase.
- A speed limit of 15Km/hour must be employed within the subject site and on the access road to the site to prevent unnecessary generation of fugitive dust emissions.
- A mobile water bowser must be deployed to spray down stockpiles of overburden and material during periods of dry weather.
- Vehicles carrying loose aggregate and workings must be sheeted at all times.
- Completed earthworks must be covered, seeded, or vegetated where appropriate and practicable in relation to the phasing of the development.
- Surface areas of stockpiles must be minimised to reduce area of surfaces exposed to wind pickup.
- Windbreak netting/screening must be positioned around material stockpiles and vehicle loading/unloading areas, as well as exposed excavation and material handling operations, to provide a physical barrier between the subject site and the surroundings.

#### Noise reduction:

- Plant used at the site must have noise emission levels that comply with the limiting levels defined in EC Directive 86/662/EEC and any subsequent

amendments. Any plant that is used intermittently must be shut down when not in use to minimise noise levels.

- All construction activities must follow the guidelines as set within BS 5228 - 1:2009+A1 2014. This includes guidance on several aspects of construction site practices, which include, but are not limited to: (a) Selection of quiet plant, (b) Control of noise sources, (c) Screening, (d) Hours of work.
- The best means practical, including proper maintenance of plant, must be employed to minimise the noise produced by on-site operations.
- All vehicles and mechanical plant must be fitted with effective exhaust silencers and maintained in good working order for the duration of the contract.
- Compressors must be of the “sound reduced” models fitted with properly lined and sealed acoustic covers which must be kept closed whenever the machines are in use and all ancillary pneumatic tools must be fitted with suitable silencers.

#### Disruption to wildlife:

- Normal exterior lighting will not cause any significant disturbance to wildlife. Any proposed outdoor lighting must take Dark Sky Ireland Guidelines into consideration to minimise the risk of any potential light spillage.

#### Surface Water Drainage:

- All stormwater from the development must be piped to the proposed drainage network as per figure 4.2 in Appendix II and directed through bypass separator before final discharge offsite. A Class I NSBE010 bypass separator (or equivalent) is recommended for this site. An NSBE010 bypass separator is capable of servicing an area of 5,560m<sup>2</sup> with an oil storage capacity of 225L and silt storage capacity of 1000L which is more than adequate for the subject site. The bypass separator must adhere to Class 1 Bypass Separator Standards. The proposed location of the bypass separator is indicated in Figure 6.1.
- Surface water drainage apparatus must regularly be inspected to ensure efficacy.

- The bypass separator must be cleaned on a regular basis by a licenced operator to ensure proper working order. All records must be retained by the applicant for inspection upon a request from the local authority

Mitigation Conclusion:

Subject to the implementation of the mitigation measures, I am satisfied that there would be no resultant adverse effects on qualifying interest species and habitats respect to its attributes and targets.

**9.11. Residual Effects**

- 9.11.1. No adverse effects on the conservation objectives likely to occur from the project, post mitigation for each qualifying interest of the Rutland Island & Sound SAC have been identified in the submitted NIS.
- 9.11.2. No residual impacts have been identified post mitigation.
- 9.11.3. I am satisfied that the proposed development will not have any residual effects on the Rutland Island & Sound SAC.

**9.12. Integrity Test**

- 9.12.1. Following the Appropriate Assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of the Rutland Island & Sound SAC, in view of the Conservation Objectives of that site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with other plans and projects.

**9.13. Conclusion**

- 9.13.1. The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000, as amended.
- 9.13.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the Rutland Island & Sound SAC. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives of relevance to the proposed development. The possibility for likely significant effects was excluded for other European sites.

9.13.3. Following AA, it has been ascertained that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of the Rutland Island & Sound SAC, or any other European site, in view of the site's conservation objectives.

9.13.4. This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures.
- Detailed assessment of in-combination effects.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Rutland Island & Sound SAC.

## 10.0 Recommendation

10.1. I recommend that planning permission should be granted, subject to conditions, as set out below, for the following reasons and considerations.

## 11.0 Reasons and Considerations

11.1. Having regard to the provisions of the Donegal County Development Plan 2024-2030, the location of the site within an established harbour area of Burtonport, the scale of the proposed development, the proposed access and parking arrangement and the overall landholding, it is considered that, subject to compliance with the conditions set out below, the development to be would be appropriate in terms of scale, height and layout, would not adversely impact on the amenity of neighbouring properties, nor impact on the character or visual amenity of the existing harbour area, and would be acceptable in terms of flooding, traffic and pedestrian safety. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further information received on 20<sup>th</sup> day of June 2024, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.</p> <p>Reason: To protect the integrity of European Sites.</p>
3.	<p>Details of:</p> <p>(i) permanent visibility splays of 45 metres to the south and 120m to the north provided to the nearside road edge in each direction, at a point 2.4 metres back from road edge at location of vehicular entrance.</p> <p>(ii) Vision Splays calculated and provided as set out in Table 16.4, Chapter 16 of the County Donegal Development Plan 2024-2030.</p> <p>(iii) The exact location and design details of the speed bumps on the public road and raised pedestrian crossing at the access from the public road; shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of traffic safety</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed storage units and office building, including any proposed fences or walls within the site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>

5.	<p>Prior to commencement of development, permanent visibility splays of 70 metres shall be provided in each direction to the nearside road edge at a point 2.4 metres back from road edge at location of vehicular entrance.</p> <p>Visibility in the vertical plane shall be measured from a driver's eye- height of 1.05 metres and 2 metres positioned at the setback distance in the direct access to an object height of between 0.26 metres and 1.05 metres. Vision splays to be calculated and provided as per Figure 16.2 of Chapter 16 of the County Donegal Development Plan, 2024-2030.</p> <p>Reason: In the interests of traffic safety</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
7.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works and the applicant shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: To protect the amenities of the area.</p>
8.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: In the interests of sustainable drainage.</p>
9.	<p>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</p>

	<p>and prominence that is greater than the area, size and prominence of other languages.</p> <p>Reason: In the interest of proper planning.</p>
10.	<p>(a) The car park, internal service road and entrance area shall be appropriately designed in terms of thickness and strength and shall be surfaced in bituminous macadam with minimum thickness 40mm.</p> <p>(b) Car parking shall be appropriately marked with thermoplastic road marking materials designating parking bays, distinguishing disabled parking bays, circulation lanes and areas to be kept clear of parking.</p> <p>(c) Roadways and paved areas shall be drained by the provision of an adequate number of gullies so arranged to avoid ponding. The gully grating shall be lockable type to B.S. 497 Part 1.</p> <p>Reason: In the interest of traffic safety and to avoid flooding.</p>
11.	<p>Lighting for the development shall consist of low energy LED lights. Lighting shall comply with I.S. EN 60598-2-3. Details of same shall be agreed in writing with the Planning Authority prior to the commencement of development and thereafter the development shall proceed in strict conformity with the agreed details.</p> <p>Reason: In the interests of amenity.</p>
12.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual amenity.</p>
13.	<p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.</p>

	Reason: In the interest of public safety and amenity.
14.	<p>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 Coimisiun Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</p>

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.

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Emma Nevin  
Planning Inspector

20<sup>th</sup> October 2025

## Appendix A - Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-320504-24
<b>Proposed Development Summary</b>	Erection of 4 no. dry good storage units totally 1,100 sq. m. and a two storey office unit (750 sq. m.) with solar panels and underground rainwater storage facilities and connected to main sewerage system and proposed access road and parking facilities including all other associated site development works
<b>Development Address</b>	Leckenagh, Burtonport, Co. Donegal
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	

<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.	<p>No Screening required.</p>
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	<p>N/A</p>
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	<p>N/A</p>

**4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?**

Yes

No

**Pre-screening determination conclusion remains as above (Q1 to Q3)**

Inspector: \_\_\_\_\_ Date: 20<sup>th</sup> October 2025

## Appendix B: WFD IMPACT ASSESSMENT STAGE 1: SCREENING

### Step 1: Nature of the Project, the Site and Locality

<b>An Bord Pleanála ref. no.</b>	ABP-320504-24	<b>Townland, address</b>	Leckenagh, Burtonport, Co. Donegal
<b>Description of project</b>	Erection of 4 no. dry good storage units totally 1,100 sq. m. and a two storey office unit (750 sq. m.) with solar panels and underground rainwater storage facilities and connected to main sewerage system and proposed access road and parking facilities including all other associated site development works.		
<b>Brief site description, relevant to WFD Screening,</b>	Site is vacant of any structures at present. The site consists of a brownfield site.		
<b>Proposed surface water details</b>	Surface water runoff will be piped to a constructed land drain along the western boundary. The land drain will flow offsite, directly into the Rutland Sound to the north of the site which is designated under the Rutland Island and Sound SAC. The operation of the proposed development will be supported by proposed surface water drainage infrastructure including a hydrocarbon interceptor and foul water connection to the existing public sewer.		
<b>Proposed water supply source &amp; available capacity</b>	Water supply proposed via Public Water Supply, no capacity issues indicated.		

<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	Wastewater management via existing public sewer, i.e. Burtonport Wastewater Treatment Plant constructed in 2023, which has available capacity”.
<b>Others?</b>	N/A

**Step 2: Identification of relevant water bodies and Step 3: S-P-R connection**

<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>
e.g. lake, river, transitional and coastal waters, groundwater body, artificial (e.g. canal) or heavily modified body.	190m - To the north and northwest of the site	Rutland Sound (IE_NW_150_0000)	Good	Not at risk	DWTS, Ag	Surface water run-off

**Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.**

CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Site clearance & Construction	Rutland Sound (IE_NW_150_0000)	Indirect impact via Potential hydrological pathway	Water Pollution	Use of Standard Construction Practice	No	Screen out at this stage.
OPERATIONAL PHASE							
1.	Surface Water Run-off	Rutland Sound (IE_NW_150_0000)	Indirect impact via Potential hydrological pathway	Water Pollution	Several SuDS features and mitigation measures incorporated by way of NIS	No	Screen out at this stage.
DECOMMISSIONING PHASE							
1.	N/A	N/A	N/A	N/A	N/A	N/A	N/A

