



An
Coimisiún
Pleanála

Inspector's Report ABP-320621-24

Development	Construction of a dwelling house and all associated site works.
Location	Crislaghmore, Fahan, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2460132
Applicant	Aelish Galbraith
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Tony McLaughlin
Observers	None
Date of Site Inspection	14 th January 2025
Inspector	Jim Egan

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1.0 Site Location and Description

- 1.1. The appeal relates to a backland site, with a stated area of 0.198ha, located c. 330m southwest of the L-7581 local road, in the rural townland of Crislaghmore, approximately 3km southeast of Fahan village in northeast County Donegal.
- 1.2. The wider area is characterised by farmland and extensive ribbon development. The appeal site is landlocked with access from an existing entrance on the L-7581 gained via a right-of-way as indicated on the submitted site location map. Part of the right-of-way aligns with a gravel / stone track that passes through a gravelled yard adjacent to the public road and then follows the field boundaries to the southwest. The latter half of the right-of-way comprises a grassed track and part of the field in which the appeal site is located. During a site inspection, I observed various vehicles parked in the yard adjacent to the public road, including a number of cars and a HGV with a flat-bed trailer, along with the arbitrary deposition of various construction related material.
- 1.3. The appeal site comprises part of a larger field which slopes gently in a northwest to southeast direction. The site shares its northwest boundary with the existing field hedgerow. All other boundaries are open within the larger field. A stream runs along the southeastern boundary of the field, coming within c. 8m of the appeal site. The right-of-way, as indicated on the submitted plans, runs between the site and the southeastern field boundary.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a c. 251sq.m two-storey four-bedroom detached dwelling and the installation of a tertiary wastewater treatment system and infiltration / treatment area. Surface water would discharge to the existing stream to the southeast of the site, and a connection is proposed to mains water supply on the L-7581.
- 2.2. Further information submitted on the 9th April 2024 included revised house plans for a c. 238sq.m 1.5 storey dormer-style five-bedroom detached dwelling. The further information also included clarification around local need, separation distances for the wastewater treatment system, and a letter from the owner of the land on which the right of way affects, consenting to the surface water drainage pipe crossing from the

site to the existing stream and consent to lay a pipe connection to the public water mains on the L-7581.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 13 no. conditions. Conditions of note are Conditions 2 and 3 which relate to occupancy restrictions, Condition 4 relates to sight lines / visibility splays, Conditions 5, 6 and 7 relates to roadside drainage, Condition 12 relates to wastewater treatment, and Condition 13 requires the payment of a development contribution.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

The initial planner's report dated 26th March 2024 makes the following main points:

- Notwithstanding the submitted letter of bona fida, planning records would suggest that the applicant has been granted permission previously for a dwelling (P.A. ref. 22/50879 refers). A genuine need for the dwelling has not been demonstrated in accordance with policy RH-P-5 of the County Donegal Development Plan 2018 – 2024 (as varied). Further information required.
- Having regard to the adjacent planning history, the principle of a second dwelling at this location is accepted subject to siting and design considerations.
- The proposed two-storey dwelling is a replica of the adjacent approved dwelling and would therefore create a suburban style of development, having regard to its layout and design. A different traditional dwelling design will therefore be required to distinguish it from the adjacent approved dwelling. Further information required.
- Considering the physical separation distances between the subject site and the neighbouring dwellings no issues arise in relation to loss of privacy, overlooking or residential amenity.

- Access to the site, proposed sightlines and consent to maintain same is acceptable.
- Further information required with regards separation distances for the proposed wastewater treatment system.
- The point of discharge for surface water is across land which falls outside the applicant's control therefore consent will be required to lay the necessary pipework. Consent also required to lay pipe along laneway to connect to mains water supply. Further information required.
- Recommended that 4 no. item of further information be sought, aligning with the above.

A response to the request for further information was received on the 9th April 2024.

A second planner's report, dated 24th April 2024, recommended that further clarification be sought on the issue of local need, specifically requesting that applicant submit documentary evidence (e.g. copy of drivers licence/birth certificate/passport) to corroborate that the applicant and her daughter are both named Aelish to enable the Planning Authority to disassociate planning permission P.A. Ref. 22/50879 with the applicant.

A response to the request for clarification of further information was received on the 5th July 2024, which sought to address the issue of local need and in doing so referred to the new County Development Plan which came into effect on the 26th June 2024.

A third planner's report, dated 22nd July 2024, outlined that it strongly appeared that the applicant's housing need was being met by their current property and further information to demonstrate that there was a genuine need for another dwelling house within an Area Under Strong Urban Influence had not been submitted. The report refers to further correspondence received outlining that the applicant is giving her current home to her son and therefore explains the need for a new permanent rural dwelling. The planner's report recommends a grant of permission.

3.2.2. *Other Technical Reports*

- None.

3.3. Prescribed Bodies

- None.

3.4. Third Party Observations

1 no. observation was received from Tony McLaughlin. Issues raised generally reflect the content of the third-party appeal which are detailed in Section 6.0 of my report.

4.0 Planning History

4.1. Appeal Site

None.

4.2. Surrounding Area

Site adjoining to the southwest

P.A. Ref. 22/51698 – refers to a 2023 grant of planning permission to MJ Galbraith for a dwelling. Access to the dwelling was shown to be via the same existing entrance on the L-7581 and same right-of-way as that proposed under the application for which this appeal relates. No details were provided with respect to the formation of the laneway, construction method or drainage.

During a site inspection I observed that construction of the dwelling had not commenced.

Land to the northeast of the appeal site – through which access is provided to the site

P.A. Ref. 06/70948 – refers to a 2006 grant of permission for the retention and completion of an access road and construction of 5 no. dwellings with septic tanks.

Similar to the current appeal site, the site to which P.A. Ref. 06/70948 relates is backland in nature, located c. 100m in from the L-7581. During a site inspection I observed that the dwellings have not been constructed, and the site is overgrown with vegetation.

Condition 4 required the provision of 68m x 3.5m vision lines and that the internal access road was to be a minimum of 6. in width.

The site was to be accessed via the same existing entrance on the L-7581 as per the current appeal site. However, I note that the approved plans indicate that the internal access road, for which retention and permission to complete was granted, took a different, more direct route, from the entrance, compared to the as-constructed laneway which, for the most part, follows the northwestern field boundary. This is relevant to the current appeal on the basis that the planning authority refers to the existing laneway as having been permitted under P.A. Ref. 06/70948.

P.A. Ref. 07/71356 – refers to a 2007 grant of permission for a machinery shed. Access to the shed was to be from the internal access road granted for the residential development under P.A. Ref. 06/70948. Extension of duration ref. 12/50014 granted to 01/01/2018.

P.A. Ref. 12/70093 – refers to a 2012 application for retention and continuation of landfilling works, temporary access road and associated site works was deemed to be invalid by the Planning Authority on 14th May 2012 on the basis of a requirement to undertake appropriate assessment.

P.A. Ref. 19/51168 – refers to a 2020 grant of retention permission for an agricultural machinery shed and filling of land.

P.A. Ref. 22/50941 / ABP-314342-22 – refers to a 2023 refusal of retention permission for a hardcore yard and all associated site works.

5.0 Policy Context

5.1. Donegal County Development Plan 2024 – 2030

The Donegal CDP 2024 – 2030 took effect on the 26th June 2024 except for those parts of the Plan which are subject to a Draft Ministerial Direction. The Draft Ministerial Direction was issued on the 26th June 2024 and relates to land use zonings in a number of settlements and separately to text relating to accesses onto national roads. I am satisfied that the Draft Ministerial Direction has no direct implications for the appeal site.

I also note that proposed Variation No. 1 of the CDP was at pre-draft public consultation stage in February 2025, the provisions of which do not affect the site.

The subject site is located in a rural area identified on CDP Map 6.3.1 as being an 'Area Under Strong Urban Influence'. The site is also within an Area of High Scenic Amenity (CDP Map 11.1).

Chapter 6 - Housing

- RH-O-1** To ensure that new residential development in rural areas provides for genuine rural need.
- H-O-2** To protect rural 'Areas Under Strong Urban Influence', rural 'Areas Under Strong Holiday Home Influence', and rural areas immediately outside towns from intensive levels of unsustainable urban/suburban residential development.
- RH-O-4** To ensure that rural housing is located, designed and constructed in a manner that does not detract from the character or quality of the receiving landscape having particular regard to Map 11.1: 'Scenic Amenity' of this Plan.
- RH-P-1** To consider proposals for new one-off rural housing within 'Areas Under Strong Urban Influence' from prospective applicants that can provide evidence of a demonstrable economic or social need (see 'Definitions') to live in these areas including, for example, the provision of evidence that they, or their parents or grandparents, have resided at some time within the area under strong urban influence in the vicinity of the application site for a period of at least 7 years. The foregoing is subject to compliance with other relevant policies of this plan, including Policy RH-P-9.

This policy shall not apply where an individual has already had the benefit of a permission for a dwelling on another site, unless exceptional circumstances can be demonstrated. An exceptional circumstance would include, but would not be limited to, situations where the applicant has sold a previously permitted, constructed and occupied dwelling, to an individual who fulfils the bonafides requirements of that permission.

New holiday homes will not be permitted in these areas.

RH-P-9

- a. Proposals for individual dwellings (including refurbishment, replacement and/or extension projects) shall be sited and designed in a manner that is sensitive to the integrity and character of rural areas as identified in Map 11.1: 'Scenic Amenity' of this Plan, and that enables the development to be assimilated into the receiving landscape. Proposals shall be subject to the application of best practice in relation to the siting, location and design of rural housing as set out in Donegal County Council's 'Rural Housing Location, Siting and Design Guide'. In applying these principles, the Council will be guided by the following considerations:-
- i. A proposed dwelling shall avoid the creation or expansion of a suburban pattern of development in the rural area;
 - ii. A proposed dwelling shall not create or add to ribbon development (see definitions);
 - iii. A proposed dwelling shall not result in a development which by its positioning, siting or location would be detrimental to the amenity of the area or of other rural dwellers or would constitute haphazard development;
 - iv. A proposed dwelling will be unacceptable where it is prominent in the landscape;
 - v. A proposed new dwelling will be unacceptable where it fails to blend with the landform, existing trees or vegetation, buildings, slopes or other natural features which can help its integration. Proposals for development involving extensive or significant excavation or infilling will not normally be favourably considered nor will proposals that result in the removal of trees or wooded areas beyond that necessary to accommodate the development. The extent of excavation that may be considered will depend upon the circumstances of the case, including the extent to which the development of the proposed site, including necessary site works, will blend in unobtrusively with its immediate and wider surroundings.

- b. Proposals for individual dwellings shall also be assessed against the following criteria:
- i. the need to avoid any adverse impact on Natura 2000 sites or other designated habitats of conservation importance, prospects or views including views covered by Policy L-P-8;
 - ii. the need to avoid any negative impacts on protected areas defined by the River Basin District plan in place at the time;
 - iii. the site access/egress being configured in a manner that does not constitute a hazard to road users or significantly scar the landscape;
 - iv. the safe and efficient disposal of effluent and surface waters in a manner that does not pose a risk to public health and accords with Environmental Protection Agency codes of practice;
 - v. Compliance with the flood risk management policies of this Plan;
- c. In the event of a grant of permission the Council will attach an Occupancy condition which may require the completion of a legal agreement under S47 of the Planning and Development Act 2000 (as amended).

Definitions:

6. Ribbon Development:

In general, 5 houses on any one side of 250 metres road frontage. Whether a given proposal will exacerbate such ribbon development or could be considered will depend on:

- The type of rural area and circumstances of the applicant.
- The degree to which the proposal might be considered infill development.
- The degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development.
- The existence of physical and geographical breaks, inclusive of topographical undulations, which may act as a means of extending roadside development in appropriate cases.

- The degree to which the proposal would form a small cluster with a number of houses or other buildings with adjoining curtilages, this may incorporate backland sites in appropriate circumstances.

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

9. Economic Need and Social Need

Economic Need

Persons working full-time or part-time in rural areas including:

- Full-time farming, forestry, or marine related occupations,
- Part time occupations where the predominant occupation is farming/natural resource related.
- Persons whose work is intrinsically linked to rural areas such as teachers in rural schools.

Social Need

Persons who are Intrinsic part of the Rural Community including:

- Farmers, their sons, and daughters and or any persons taking over the ownership and running of farms,
- People who have lived most of their lives in rural areas.
- Returning emigrants who lived for substantial parts of their lives in rural areas.

Chapter 8 - Infrastructure

WW-O-1 To maintain, improve and enhance the quality of surface and ground waters as appropriate in accordance with the requirements of:

- a. The EU Water Framework Directive including implementing the Programme of Measures contained with the River Basin Management Plan 2022-2027 and any subsequent plan.
- b. The European Communities (Surface Water) Regulations 2009.
- c. The European Communities (Ground Water) Regulations 2010.

- W-P-2** Ensure that new developments:
- a. do not have an adverse impact on surface and ground water quality, drinking water supplies, Bathing Waters and aquatic ecology (including Water dependent qualifying interests within Natura 2000 sites); and
 - b. do not hinder the achievement of, and are not contrary to:
 - i. The objectives of the EU Water Framework Directive.
 - ii. EU Habitats and Bird Directives.
 - iii. The associated Programme of Measures in the River Basin Management Plan 2022-2027 including any associated Water Protection or Restoration Programmes.
 - iv. Drinking Water Safety Plan.
 - v. The Guidelines on the Protection of Fisheries During Construction Works In and Adjacent To Waters (IFI, 2016)
- WW-P-6** Facilitate development in urban or rural settings for single dwellings or other developments to be maintained in single ownership with a projected PE <10 in unsewered areas proposing the provision of effluent treatment by means of an independent wastewater treatment system where such systems:
- a. Demonstrate compliance with the EPA's Code of Practice for Domestic Waste Water Treatment Systems (PE. ≤10) (EPA 2021) or any subsequent or updated code of practice.
 - b. Would not result in an over concentration or over proliferation of such systems in an area which cumulatively would be detrimental to public health or water quality.
 - c. Otherwise comply with Policy WW-P-2.

Chapter 11 – Natural, Built and Archaeological Heritage

- L-P-2** To protect areas identified as 'High Scenic Amenity' and 'Moderate Scenic Amenity' on Map 11.1 'Scenic Amenity'. Within these areas, only development of a nature, location and scale that integrates with, and

reflects the character and amenity of the landscape may be considered, subject to compliance with other relevant policies of the Plan.

Chapter 16 – Technical Standards

Visibility Splays

5.2. Natural Heritage Designations

The site is not located within or adjacent to any designated sites. The Lough Swilly SPA (Site Code: 004075), Lough Swilly SAC (Site Code 002287) and Lough Swilly including Big Isle, Blanket Nook & Inch Lake pNHA (Site Code: 000166) are c. 1.3km west of the site.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A third-party appeal has been received from Tony McLaughlin against the decision of the Planning Authority to grant permission. The grounds of appeal can be summarised as follows:

Local Need

- Sufficient documentation has not been submitted to demonstrate a local need for a dwelling at this location, including clarity around a previous permission for a dwelling in Buncrana.

Appropriate Assessment

- A hydrological link exists between the site and the Lough Swilly SAC and SPA, and the applicant has submitted insufficient information to demonstrate that the proposal, individually or cumulatively with other plans or project, will not have a significant impact on European Sites.

Landscape Impact

- The site is located within an Area of High Scenic Amenity to which CDP Policy L-P-2 relates. The proposal, when considered alongside the dwelling granted on the adjoining site, would give rise to a suburban form of development, setting

an undesirable precedent for a further dwelling adjoining to the north. The proposal would result in the encroachment of random development into the rural area, contrary to CDP Policy L-P-2.

Traffic Safety

- The delivery of access and sightlines is dependent on agreement with the landowner across which the right of way exists. The entrance design is based on a single dwelling access, however the access would serve more than one dwelling.

6.2. Applicant Response

A response received on behalf of the applicant on the 11th September 2024 makes the following main points:

Local Need

- Issues raised by the appellant with regards a previous permission for a dwelling in Buncrana were in the context of rural housing policy under the previous county development plan. Rural housing is now based on Policy RH-P-1 of the new CDP.
- Applicant has demonstrated her intrinsic links to the area and complies with the social need criteria, consistent with CDP Policy RH-P-1.

Appropriate Assessment

- With regards Appropriate Assessment, the applicant acknowledges the hydrological link between the site and the Lough Swilly SAC or SPA via the existing field drain to the south of the site. For the consideration of the Commission, **the applicant has submitted a revised Site Layout Plan** showing that rainwater runoff from the roof of the house would be collected in a rainwater harvesting tank and that run-off from the driveway would be discharged to a soakaway. The application, as lodged with the planning authority, proposed to pipe all rainwater run-off south to the adjoining stream / open drain.

- Notwithstanding the above, the applicant considers that the Appropriate assessment screening determination by the planning authority is reasonable and that the proposal will not pose any threat to the Lough Swilly SAC or SPA.

Landscape Impact

- By reason of the site location, the proposal does not contribute to ribbon development, rather it will form a backland cluster as included under the CDP definition of ribbon development and integrates fully with no adverse impact on the landscape, consistent with CDP policies RH-P-9 and L-P-2.

Traffic Safety

- It has been demonstrated that the traffic speeds along the adjoining road are such that the visibility at the existing entrance is more than adequate to ensure traffic safety.
- For the consideration of the Commission, **the applicant has submitted an amended letter** from the owner of the land on which the existing entrance is located, advising that he gives consent to the applicant to carry out all remedial works to achieve sightlines and to maintain same.

I note that the letter submitted with the application as lodged with the planning authority is broadly the same however the new letter now submitted does not state *'All works are to be discussed and agreed in full with myself prior to commencing on my lands'*.

Other

- For the consideration of the Commission, **the applicant has submitted an amended Site Suitability Assessment** to reflect the change in house design from four bedrooms to five bedrooms as submitted to the planning authority at further information stage. The amendment amounts to a larger infiltration area reflected in the site layout sketch included with the site suitability assessment.

6.3. Planning Authority Response

A response, received on the 16th September 2024, acknowledges the contents of the appeal, considers that the majority of issues raised by the appellant were addressed

in planner's reports. In requesting that the Commission uphold the decision to grant planning permission, the planning authority makes the following points:

Local Need

- With specific reference to Section 4.3 of the Development Management Guidelines for Planning Authorities 2005, the planning authority was satisfied that the level of information presented was sufficient to assess the housing circumstances of the applicant.

Appropriate Assessment

- There is no known hydrological link or pathway to the Lough Swilly SAC / SPA.
- There is no association between the proposal and refused applications / unauthorised development on other land.
- Planning authority is satisfied that the proposal, individually or in combination with other plans or projects, will not have a significant impact on European Sites.

Landscape Impact

- With specific reference to Section 4.4 of the Development Management Guidelines for Planning Authorities 2005, the planning authority considers that the proposed clustering of houses on a backland site is acceptable, and that the proposal can be integrated into the landscape effectively.

Traffic Safety

- The entrance is more than 10m in width and vision lines of 3m x 50m have been indicated therefore the entrance design can safely cater for multiple vehicles. Sufficient consent from the relevant landowner has been submitted to allow for the provision and maintenance of vision lines.

6.4. Further Responses

The applicant's response to the third-party appeal was circulated to the relevant parties. Further responses were received from the appellant and the planning authority, detailed below.

6.4.1. *Third Party Appellant*

A response by received from the appellant on the 16th October 2024 broadly reiterates grounds of appeal. Points to note include:

Local Need

- Applicant has failed to provide any evidence to substantiate a local need in accordance with Policy RH-P-1.
- Applicant did not take the opportunity to address the appellant's concern in respect of a previous grant of permission for a dwelling on another site.

Appropriate Assessment

- The applicant acknowledges the hydrological link between the site and European Sites and the proposal to introduce soakaways to manage surface water run-off is a measure to solely circumvent the harmful effects of the project. With reference to *People v Wind* and *Peter Sweetman v Coillte*, any measures intended to avoid or reduce the harmful effects of a project on a European site should not be taken into account for AA screening. Notwithstanding measures for surface water discharge (at operational stage), the application fails to address harmful effects at construction stage.

Landscape Impact

- Applicant acknowledges the rampant ribbon development in the area and proposes to develop a backland cluster within an area of high scenic amenity. Proposal would reinforce the rampant ribbon development in the area.

Traffic Safety

- An earthen bank with planted hedge at the roadside obstructs sightlines at the existing entrance to be used for the proposed dwelling. The submitted letter of consent does not relate to the associated map therefore the applicant has not shown conclusively that sight lines can be delivered or maintained.

6.4.2. *Planning Authority*

A response received from the planning authority on the 14th October 2024 noted the content of the applicant's response and commented that the proposed use of a soakaway was acceptable in principle subject to agreement on the design of same.

6.5. Observations

- None.

7.0 Assessment

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

- Principle of Development and compliance with the rural housing policy
- Visual Impact
- Access and Right of Way
- Other Matters
- Appropriate Assessment Screening

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

7.1. Principle of Development and compliance with the rural housing policy

- 7.1.1. The application relates to the construction of a dwelling on a site within an area designated under the Donegal County Development Plan 2024-2030 (CDP) as an 'Area Under Strong Urban Influence'.
- 7.1.2. Policy RH-P-1 of the CDP allows considerations for proposals for new one-off rural houses within 'Areas Under Strong Urban Influence' where the applicant can provide evidence of a demonstrable economic or social need to live in these areas. The demonstrable economic or social need criteria is set out under 'Definitions' at the end of CDP Chapter 6.
- 7.1.3. It is also stated within the wording of the Policy RH-P-1 that the policy shall not apply where an individual has already had the benefit of a permission for a dwelling on another site, unless exceptional circumstances can be demonstrated. In this context, an exceptional circumstance would include, but would not be limited to, situations

where the applicant has sold a previously permitted, constructed and occupied dwelling, to an individual who fulfils the bona fides requirements of that permission.

- 7.1.4. I will deal with the issue of previous permissions first as this was an area of contention for all relevant parties. At the initial stages of the application, the planning authority queried a 2022 grant of permission (P.A. Ref. 2250879) issued to the applicant for a dwelling in Buncrana town. In a response to further information and a subsequent clarification of further information, the applicant contended that the 2022 application was made by her daughter, albeit under the spelling of the mother's first name. The planning authority appears to have accepted this explanation, however with reference to CDP Objective RH-O-1 continued to be of the strong view that the applicant's housing need was being met by her current property and further information to demonstrate that there was a genuine need for another dwelling house within an Area Under Strong Urban Influence had not been submitted. Notwithstanding that view, a grant of permission was issued on the basis that the applicant's current house was being given to her son, Michael. I would also highlight that the permission for the dwelling on the site directly adjoining the appeal site was granted to an MJ Galbraith, which, with reference to the bona fide letter submitted with that application, is also a son of the applicant.
- 7.1.5. With regards to the above, the 2022 grant of permission under P.A. Ref. 2250879 relates to the construction of a 115sq.m two-storey, four-bedroom dwelling on an infill site within the built-up area of Buncrana town. Other submitted documentation refers to the applicant's current address as being Barrack Hill, Buncrana, which also appears to be within the built-up area of Buncrana town. The latter part of Policy RH-P-1 states that an example of an exceptional circumstance for considering a house in an area under strong urban influence includes where the applicant has sold a previously permitted, constructed and occupied dwelling to an individual who fulfils the bona fides requirements of that permission. Based on this wording, it is my view that previous permissions referred to under Policy RH-P-1 are in the context of permissions for dwellings within the rural area to which a local need applies, rather than a permission for a dwelling on any site such as within the built-up area of a town. As such, it is my view that the fact that the applicant might have obtained permission to build a dwelling within the town of Buncrana does not preclude her from being considered for a dwelling

within an area under strong urban influence, subject to compliance with the primary requirement to demonstrate an economic or social need to live in that rural area.

- 7.1.6. With respect to economic or social need, the CDP sets out that economic need relates to persons working full-time or part-time in rural areas, whilst social need constitutes persons who are an intrinsic part of the rural community including (i) farmers, their sons, and daughters and or any persons taking over the ownership and running of farms; (ii) people who have lived most of their lives in rural areas; or (iii) returning emigrants who lived for substantial parts of their lives in rural areas.
- 7.1.7. Of relevance to this application is that Policy RH-P-1 specifically states that a housing need can be demonstrated where there is a provision of evidence that shows that the applicant, or their parents or grandparents, have resided, at some time, within the area under strong urban influence in the vicinity of the application site for a period of at least 7 years.
- 7.1.8. In this case, the applicant is claiming a social need based on her family links to the area, stating that she was born and raised at her family home at the Halfway House licenced premises at Tooban, Burnfoot. A map submitted with Part B of the planning application form indicates the location of the family home at Tooban. Referring to CDP Map 6.3.1, the Halfway House is located within the area under strong urban influence, and at c. 1.3km from the appeal site, is, in my view, located in the 'vicinity' of the appeal site. The appeal response refers to other family members living in the vicinity of the appeal site. With regards documentary evidence, the applicant has relied solely on a Bona Fide letter from an elected member of Donegal County Council, which refers to the location of applicant's family residence where it is indicated that she lived for 22 years. Apart from the letter of bona fide and noting ample opportunity to do so throughout the course of the application process, including appeal response, no other evidence or documentation has been provided to corroborate the applicant's housing need in terms of her social ties to the local area.
- 7.1.9. The Supplementary Rural Housing Application Form associated with the 2018-2024 CDP, which was completed and submitted by the applicant, provides a tabular list of recommended documentary evidence to be submitted with an application for a rural dwelling. A statement in the same application form strongly advises applicants to provide a comprehensive and complete range of documentary evidence in support of

their application, and which specifically and evidentially demonstrates their circumstances of housing need within the scope and categories of the relevant rural housing policy. The form further advises that a statement in the absence of evidence will not be sufficient. I note that CDP Objective RH-O-1 seeks to ensure that new residential development in rural areas provides for genuine rural need. In my view, the letter of bona fide and the applicant's various statements including that provided in the appeal response do not sufficiently demonstrate a genuine rural housing need at this location.

- 7.1.10. On the basis of the above, in the absence of sufficient documentary evidence, I consider that the applicant has failed to demonstrate a housing need required under CDP Objective RH-O-1 and Policy RH-P-1. I recommend that the application be refused on this basis.

7.2. Visual Impact

- 7.2.1. Grounds of appeal include that the proposal, when considered alongside the dwelling granted on the adjoining site, would give rise to a suburban form of development and would result in the encroachment of random development into the rural area, contrary to CDP Policy L-P-2.
- 7.2.2. As outlined earlier in this report, the subject site is located in a rural area identified as being an '*Area Under Strong Urban Influence*' and within an '*Area of High Scenic Amenity*'.
- 7.2.3. Consideration of applications for dwellings in the rural area including sites in *Areas Under Strong Urban Influence* includes assessment against the provisions of CDP Policy RH-P-9 which states that proposals shall be sited and designed in a manner that is sensitive to the integrity and character of rural areas and that enables the development to be assimilated into the receiving landscape. In terms of landscape value, the County Development Plan sets out the following classifications:
1. Areas of Especially High Scenic Amenity
 2. Areas of High Scenic Amenity
 3. Areas of Moderate Scenic Amenity
- 7.2.4. Objective L-O-1 of the CDP seeks to protect, manage and conserve the character, quality and value of the Donegal landscape, whilst Policy L-P-2 relates to the

landscape classifications of 'High Scenic Amenity' and 'Moderate Scenic Amenity', stating that within these areas, only development of a nature, location and scale that integrates with, and reflects the character and amenity of the landscape may be considered, subject to compliance with other relevant policies of the Plan.

- 7.2.5. Section 11.2.2 of the County Development Plan outlines that Areas of High Scenic Amenity have the capacity to absorb sensitively located development of scale, design and use that will enable assimilation into the receiving landscape and which does not detract from the quality of the landscape.
- 7.2.6. Referring only to the development as contained within the application red line, by reason of the backland nature of the site, nature of the proposal in the context of the previously approved two storey dwelling on the adjoining site, the undulating local landscape and the pattern of rural dwellings in the area, I consider that the proposed development would not result in an adverse impact on the visual or scenic amenity of the area, consistent with CDP Objective L-O-1 and Policy L-P-2.

7.3. Access and Right of Way

- 7.3.1. The appellant raises concern with the proposed means of accessing the site, specifically contending that achieving the necessary sightlines at the entrance to the L-7581 local road is dependent on agreement with the owner of the land on which the entrance is located. The application, as lodged, included a letter from the relevant landowner consenting to the provision of necessary sightlines and maintenance of same subject to prior agreement on the details. In the appeal response, the applicant submitted an amended letter from the relevant landowner consenting to the provision of necessary sightlines and maintenance of same without reference to the condition for works to be pre-agreed. The planning authority raised no objection to this arrangement at any stage of the application process.
- 7.3.2. The site is landlocked with no legal road frontage. Access to the site is provided in the form of a right-of-way extending c. 330m from an existing entrance on the L-7581 to the northeast. From the entrance on the L-7581, the right of way is aligned with a stone / gravel track that meanders in a northern direction before turning in a southwest direction to follow the northwestern property boundary. During a site inspection I observed that the majority of the right of way does not comprise a track of suitable

construction to allow passage of cars to the appeal site, noting particularly that c. 100m of the right of way on its southwestern end is aligned over an agricultural / grassed track and part of the field in which the appeal site is located.

- 7.3.3. The application does not include the construction of an access road between the site and the public road. This was also the case with the extant permission (P.A. Ref. 22/51698) on the adjoining site. I note that the cover letter submitted with this current application states that *'the base of the access road serving the site, already approved to serve the unfinished housing scheme (Ref. No. 06/70948) has been constructed.* A review of plans and particulars approved under P.A. ref. 06/70948 shows that while the approved access road was from the existing entrance on the L-7581, its route from that point was not aligned as per the existing gravel track. As such, there is no record of a planning permission granted to construct a means of access from the site to the public road, nor a record of permission for the section of track already constructed. The Commission may wish to seek the views of relevant parties however having regard to the other substantive reason for refusal set out above with respect to housing need, it may not be considered necessary to pursue the matter.

Sightlines

- 7.3.4. As noted above, the appellant raises a concern with regards the ability of the applicant to provide the required sightlines in the context of landowner consent.
- 7.3.5. A consideration under CDP Policy RH-P-9 is that whether the site access/egress has been configured in a manner that does not constitute a hazard to road users.
- 7.3.6. The speed limit on the L-7581 at this location is 60km per hour. Referring to Table 16.5 under Chapter 16 (Technical Standards) of the current CDP, the sightline required for multiple accesses on a non-national road is 90m in both directions taken at a point 3m back from the road edge. The applicant submitted a speed survey which demonstrates an operational speed of c. 41km per hour at that location. Having visited the site and observed the meandering nature of the road at that location, I consider that an operational speed of c. 40km per hour is credible.
- 7.3.7. As per CDP Table 16.5 the required sightline at 42km per hour for a multiple access is 50m at a setback of 3m. The submitted site layout plan indicates that a sightline of 50m to the south is achieved without any works to the roadside boundary. To the north of the existing entrance is an earthen bank topped with vegetation. The site layout plan

appears to indicate that for a 50m sightline to be achieved in that direction a relatively deep section of bank would have to be removed and maintained at that level.

7.3.8. As noted above, the land adjoining the road is in separate ownership. Access to the appeal site is provided by means of a right-of-way through this third party land. Whilst I note that the relevant landowner has given written consent to the applicant to provide and maintain a sightline from the entrance, the application red line boundary does not include the entrance nor the area within which works are required to achieve the necessary sightline. This, in my view, constitutes a significant procedural issue. The land is not contained within the red line therefore it does not form part of the application, and furthermore, the applicant does not own the land therefore a condition pursuant to Condition 34(4)(a) would have no effect.

7.3.9. In this regard, I am not satisfied that the applicant has sufficient legal interest or control over the road entrance and adjoining land to implement the works to achieve the necessary sightline to the north, as such I am not satisfied that the proposal, taken together with the existing agricultural use of the land and extant permission for a dwelling adjoining the appeal site, would not result in a traffic hazard by reason of insufficient sightlines, contrary to CDP Policy RH-P-9.

7.4. Appropriate Assessment

Refer to Appendix 2. The appeal site is landlocked, and a right-of-way allows access to the site from the public road c. 330m to the northeast. On the basis that insufficient information has been provided with regards the construction of an access road to the dwelling, which in itself, in my view, constitutes a project, and in conjunction with the identified hydrological connection to the Lough Swilly SAC and SPA, I am not satisfied that the development individually, by association with the required roadway, or in combination with other plans or projects, with respect to the roadway itself, would not have likely significant effects on the integrity of European Sites proximate to the site, namely the Lough Swilly SPA (Site Code: 004075) or Lough Swilly SAC (Site Code 002287) in view of the sites' Conservation Objectives. In such circumstances the Commission is precluded from granting permission. The association of the proposal with the necessary roadway from an AA perspective is a new issue. The Commission may wish to seek the views of relevant parties however having regard to the other

substantive reasons for refusal with respect to housing need and road safety, it may not be considered necessary to pursue the matter.

7.5. Other Matters

Wastewater Treatment

- 7.5.1. The applicant has completed a Site Suitability Assessment, noting that an updated version has been submitted with the response to the third party appeal, updated to take account of the revised house plans (change from a four bed to a five bed house) submitted to the planning authority at further information stage. For the purpose of clarity, I will concentrate my assessment on the revised version submitted with the appeal response, which was circulated to all relevant parties.
- 7.5.2. The form outlines that the site is underlain by a locally important aquifer with groundwater of high vulnerability and identifies a groundwater response of R1. The form concludes that the site is suitable for a septic tank or secondary treatment system and the recommendation is to install the latter. I note that within a trial hole excavated, bedrock was not met and the water table was encountered at 1.6m. An average subsurface percolation value of 38.17 was recorded. A septic tank system was discounted due to the space restrictions within the site. The report found that the site conditions are suitable for a secondary or tertiary system and it was recommended that a tertiary system with infiltration area be installed. I note the Planning Authority concluded that the site is suitable for the treatment of wastewater and had no objection to same following clarification on separation distances at further information stage. I consider that the treatment system in this instance is acceptable. If the Commission is minded to grant permission, I recommend that a standard condition is included, which also makes reference to the amended proposals submitted with the applicant's response to the third party appeal.

8.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix 1 of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no

real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

9.0 Water Framework Directive

Refer to Appendix 3. I conclude that on the basis of objective information, that the proposed development in its own right 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.

10.0 Recommendation

I recommend that permission for the development be refused for the following reasons and considerations.

11.0 Reasons and Considerations

1. Having regard to the location of the site in an Area Under Strong Urban Influence, Objective RH-O-1 and Policy RH-P-1 of the County Donegal Development Plan 2024-2030, and the documentation received in connection with the planning application, it is considered that, in the absence of the provision of evidence of demonstrable economic or social need at this location, the proposed development would result in a haphazard and unsustainable form of development, would contribute to the encroachment of random rural development in the area, and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Submitted documentation refers to a requirement to carry out works to land on the northern side of the existing entrance on the L-7581-1 in order to achieve the necessary sight line in that direction. The submitted site layout plan shows

that the relevant land is located outside the application red line boundary and therefore works to same is not included as part of the application for permission. Having regard to the documentation submitted with the application, the Commission is not satisfied that the applicant has sufficient legal interest to implement the proposed works to achieve the required sightline to the north of the entrance on the L-7581-1. In these circumstances, it is considered that the Commission is precluded from giving further consideration to the granting of permission for the development the subject of the application.

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

Jim Egan
Planning Inspector

7th November 2025

Appendix 1 - Form 1

EIA Pre-Screening

Case Reference	ABP-320621-24
Proposed Development Summary	Construction of a dwelling house and all associated site works.
Development Address	Crislaghmore, Fahan, Co. Donegal
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under	

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

Inspector: _____

Date: _____

Appendix 1 - Form 2

EIA Preliminary Examination

Case Reference	ABP-320621-24
Proposed Development Summary	Construction of a dwelling house and all associated site works
Development Address	Crislaghmore, Fahan, Co. Donegal
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The proposed development comprises the construction of a new dwelling and new on-site tertiary wastewater treatment system.</p> <p>The development comes forward as a standalone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The site is not located within or immediately adjacent to any designated site. The proposed development would include connection to a public water supply and installation of a new tertiary wastewater treatment system. Stormwater from third surfaces would be discharged to an on-site soakaway and roof runoff to a rainwater harvesting tank.</p> <p>It is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.</p>

Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____

Date: _____

Appendix 2

AA Screening

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Ref: ABP-320621-24	
Brief description of project	<p>Construction of a dwelling house and all associated site works.</p> <p>See Section 2.0 of Inspector's Report.</p>
Brief description of development site characteristics and potential impact mechanisms	<p>The proposed development comprises the construction of a new dwelling.</p> <p>The site is not located within or immediately adjacent to any designated site. The proposed development would include connection to a public water supply and installation of a new tertiary wastewater treatment system. Stormwater from third surfaces would be discharged to an on-site soakaway and roof runoff to a rainwater harvesting tank</p> <p>Access to the site is via a right of way that extends some 360m from the public road (L-7581) to the northeast. The planning authority describes the access arrangement as a part existing laneway and part agricultural laneway. During a site inspection, I observed that part of the land covered by the right of way, being the part closest to the public road, comprises a gravelled / stone surface, whilst the remaining land covered by the right of way comprises a grassed track and part of the larger field in which the appeal site is located. The provision of an access road is not included in the red line and there are no details provided on how the roadway would be constructed, including surface treatment or drainage.</p> <p>There is a stream running along the southeastern boundary of the field in which the site is located and comes within approx. 8m of the southeastern boundary of the site, and would adjoin the access road to the site, albeit, again, noting that the access road is not part of the planning application. Referring to the EPA mapping tool, the stream runs in a northeast to southwest direction, discharging into Inch Lough c. 2.2km to the southwest. The stream therefore provides an indirect hydrological connection between the</p>

	site and the Lough Swilly SPA (Site Code: 004075) and Lough Swilly SAC (Site Code 002287).			
Screening report	No. The planning authority concluded that the proposed development would not be likely to have any significant effect on a European site, individually or in combination with any other plan or project, and that Screening for Appropriate Assessment is not required in this instance.			
Natura Impact Statement	No			
Relevant submissions	A ground of appeal refers to a hydrological connection to the Lough Swilly SAC and SPA and potential for significant effects and cumulative impact of other adjacent development including unauthorised development to which P.A. ref. 2250941 / ABP-314342-22 relates.			
Step 2: Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests Link to conservation objectives (NPWS, 21 st October 2025)	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
Lough Swilly SPA (Site Code: 004075)	Wintering water birds (24 no. species). Wetland and waterbirds Conservation Objectives NPWS, 2011	c. 1.3km southwest of the site	Indirect connection via tributary stream of the Skeoga River.	Y
Lough Swilly SAC (Site Code 002287)	Estuaries, lagoons, salt and molinia meadows, oak woods. Harbour porpoise and otter. Conservation Objectives NPWS, 2011	c. 1.3km southwest of the site	Indirect connection via tributary stream of the Skeoga River.	Y

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

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Lough Swilly SPA (Site Code: 004075)</p> <p>Great Crested Grebe (Podiceps cristatus) [A005]</p> <p>Grey Heron (Ardea cinerea) [A028]</p> <p>Whooper Swan (Cygnus cygnus) [A038]</p> <p>Greylag Goose (Anser anser) [A043]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Teal (Anas crecca) [A052]</p> <p>Mallard (Anas platyrhynchos) [A053]</p> <p>Scaup (Aythya marila) [A062]</p> <p>Goldeneye (Bucephala clangula) [A067]</p> <p>Red-breasted Merganser (Mergus serrator) [A069]</p> <p>Coot (Fulica atra) [A125]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Curlew (Numenius arquata) [A160]</p>	<p>No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.</p> <p>Indirect:</p> <p>Low risk of surface water runoff from construction reaching sensitive receptors but could potentially enter the adjoining stream. Intervening habitat provides buffer and c. 2km of watercourse and estuarine influence would dilute any minor emissions.</p> <p><u>Operational:</u> Runoff to be managed by onsite soak away and rainwater harvesting tank. New tertiary wastewater treatment system to be installed.</p>	<p>The nature of the proposal makes it highly unlikely that the proposed development could generate impacts of a magnitude that could affect the qualifying interests of the SPA.</p> <p>Conservation objectives would not be undermined.</p>

<p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Greenshank (<i>Tringa nebularia</i>) [A164]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]</p> <p>Wigeon (<i>Mareca penelope</i>) [A855]</p> <p>Shoveler (<i>Spatula clypeata</i>) [A857]</p> <p>Sandwich Tern (<i>Thalasseus sandvicensis</i>) [A863]</p> <p>Wetland and Waterbirds [A999]</p>		
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? Inconclusive. See below.	
	Impacts	Effects
<p>Lough Swilly SAC (Site Code 002287)</p> <p>Estuaries [1130]</p> <p>Coastal lagoons [1150]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinia caerulea</i>) [6410]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p>	<p>No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.</p> <p>Indirect:</p> <p>Low risk of surface water runoff from construction reaching sensitive receptors but could potentially enter the adjoining stream. Intervening habitat provides buffer and c. 2km of watercourse and estuarine influence would dilute any minor emissions.</p> <p><u>Operational:</u> Runoff to be managed by onsite soak away and rainwater harvesting tank. New tertiary</p>	<p>The nature of the proposal makes it highly unlikely that the proposed development could generate impacts of a magnitude that could affect the qualifying interests of the SAC.</p> <p>Conservation objectives would not be undermined.</p>

Phocoena phocoena (Harbour Porpoise) [1351] Lutra lutra (Otter) [1355]	wastewater treatment system to be installed.	
	Likelihood of significant effects from proposed development (alone) No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? Inconclusive. See below.	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>The application does not include nor refer to the making of an access road between the site and the public road some 330m to the northeast. As outlined in the Inspector's Report, a right of way provides a means of access to the site and aligns with a partially constructed road of gravel however the majority of the right of way traverses a grassed track and a field. There is no record of a grant of planning permission for a roadway to provide access to the appeal site nor a grant of permission for the section of graveled track already constructed. In my view, to permit the proposed dwelling would be permitting a de facto access road. The construction of an access road, which would serve the proposed dwelling and a dwelling permitted on the adjacent site, is, in my view, a project in its own right for the purposes of AA. Of relevance to AA is that the right of way is aligned next to a stream which discharges into Inch Lough c. 2.2km to the southwest, thus a hydrological connection to Lough Swilly SPA / SAC. In the absence of information on the road type proposed and details of any required mitigation measures necessary to protect the stream during construction / operation, it is not possible to determine impacts downstream, with particular regard to the water quality sensitivities associated with the coastal lagoon at Inch Lough.</p> <p>I conclude that the proposed development (alone) would not result in likely significant effects on the Lough Swilly SPA (Site Code: 004075) or Lough Swilly SAC (Site Code 002287) or any other European site. However, as outlined above, there is uncertainty around the provision of an access road to the appeal site and given its indicative alignment with reference to the right of way, there is uncertainty around potential impacts on the adjacent stream which provides a hydrological connection to Lough Swilly SPA and SAC.</p>		

Screening Determination

Finding of no likely significant effects

On the basis that insufficient information has been provided with regards the construction of an access road to the dwelling I am not satisfied that the development individually or in combination with other plans or projects (with respect to a roadway) would not have likely significant effects on the integrity of European Sites proximate to the site, namely the Lough Swilly SPA (Site Code: 004075) or Lough Swilly SAC (Site Code 002287) in view of the sites' Conservation Objectives.

Appendix 3 – WFD Stage 1: Screening

WATER FRAMEWORK DIRECTIVE IMPACT ASSESSMENT STAGE 1: SCREENING

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

Case Ref.	ABP-320621-24	Townland, address	Crislaghmore, Fahan, Co. Donegal
Description of project		<p>Planning permission is sought for the construction of a dwelling.</p> <p>The proposed development would include connection to a public water supply and installation of a new tertiary wastewater treatment system. Stormwater from third surfaces would be discharged to an on-site soakaway and roof runoff to a rainwater harvesting tank.</p>	
Brief site description, relevant to WFD Screening,		<ul style="list-style-type: none"> • The site is located in a rural area. • No watercourse within the boundary of the site. • With reference to the EPA mapping, the closest waterbody is a stream that commences c. 200m to the southwest of the site (EPA Name: SKEOGE_010). However during a site inspection, I observed that this stream extends northeast along the field boundary of the field within which the appeal site is located. The stream is a tributary of the Skeoge River, which flows into Inch Lough c. 2.2km southwest of the site. • The proposed development site is located within the Lough Swilly Catchment and the Burnfoot_SC_010 sub-catchment. • The site is located in the Lough Swilly ground waterbody, in an area of high groundwater vulnerability. • GSI Mapping shows that the site is underlain by well drained mineral soil. 	

Proposed surface water details	Stormwater from the driveway would be discharged to an on-site soakaway. Stormwater from the roof would be collected in a rainwater harvesting tank.
Proposed water supply source & available capacity	The application states that mains water is available.
Proposed wastewater treatment system & available capacity, other issues	Proposal to install a new tertiary wastewater treatment system.
Others?	N/A

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
Unnamed Stream and Skeoge River	Close to the southeastern boundary of the site, connecting to the Skeoge River c. 430m to the southwest.	SKEOGE_010 Code: UKGBNI1NW39390 1002	The River Waterbody WFD 2019-2024 awarded the waterbody a status of 'Poor'	At Risk	-	Surface water Groundwater

Inis Lough	c. 2.2km to the southwest of the site	Inch Lough Code: IE_NW_220_0300	The Transitional Waterbody WFD 2019-2024 awarded Inch Lough a status of 'Moderate'	At Risk	-	Surface water Groundwater
Lough Swilly ground waterbody, in an area of high groundwater vulnerability	N/A	European Code: IEGBNI_NW_G_059	The Ground Waterbody WFD 2019-2024 awarded Lough Swilly ground waterbody a status of 'Good'	Not at Risk	-	Surface water Groundwater

Step 3: 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.	Construction related contaminants entering ground water and adjoining watercourse	Unnamed Stream and Skeoge River Inis Lough Lough Swilly ground waterbody	New	Water quality degradation. Site is underlaid by well-drained soil therefore indicative of relatively fast percolation of water / pollutants.	Standard construction practices.	No	N/A

OPERATIONAL PHASE

2.	Untreated foul water entering groundwater and adjoining watercourse.	Unnamed Stream and Skeoge River Inis Lough Lough Swilly ground waterbody	New	Water quality degradation. Site is underlaid by well-drained soil therefore indicative of relatively fast percolation of water / pollutants	Installation of an EPA compliant tertiary wastewater treatment system.	No	N/A
----	--	--	-----	--	--	----	-----