



An
Coimisiún
Pleanála

Inspector's Report ABP-320740-24

Development	Construction of extension for 3 no. apartments and all associated site development works.
Location	Mountcharles, Co. Donegal, F94 W2NA
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2460668
Applicant(s)	Jan Mulla
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Mark Hogan
Observer(s)	None
Date of Site Inspection	14 February 2025
Inspector	Claire McVeigh

1.0 Site Location and Description

- 1.1. The subject site, stated area of 0.137 ha, is located to the rear of the main building in use as a takeaway at ground floor, 'Tasty Bites', with residential accommodation above and to the rear on Lower Main Street in Mountcharles, County Donegal. Mountcharles has been identified (Chapter 5 of the County Donegal Development Plan 2024-2030), along with six others town/rural areas of smaller scale, as an area of focus for regeneration and renewal primarily through enhancement schemes that will strengthen communities.
- 1.2. Access to the subject site is via a narrow laneway off lower main street. The subject site comprises a long narrow plot behind the existing structures on Lower Main Street.

2.0 Proposed Development

- 2.1. The proposed development comprises an extension to the rear of the existing building to provide 3 no. 2 bedroom apartments (3 person) (236 sq.m in total).

Schedule of areas	Total area	Sitting/dining/kitchen	Storage
Apartment 1 2 bedroom (4 person) (Single aspect – northwest facing)	94 sq.m	30 sq.m	3 sq. m and 5.3 sq.m (as part of the master bedroom)
Apartment 2 2 bedroom (3 person) (Single aspect – northwest facing)	70 sq.m	30 sq.m	2.6 sq.m and it is stated on drawing (WD/24/102/101/P. I) that the remaining storage is included in the extra floor area in the bedrooms

			(Stated total of 5.4 sq.m).
Apartment 3 2 bedroom (3 person) (Single aspect - northwest facing)	70 sq. m	30 sq. m	Storage as per Apartment no. 2 above.
No private amenity space is proposed. Existing communal rear garden.			

- 2.2. The proposed two storey flat roofed extension proposed to accommodate the 3 no. two bedroom apartments steps down in height from 7.4 m to 6.0m. The proposed development wraps around an adjoining shed on the neighbouring property. The proposed finishes include smooth render painted white, weathered silver larch cladding and aluminium windows (anthracite in colour). A shared garden is proposed to the rear of the subject site for use by all occupants.
- 2.3. The application states that a total of 10 no. car parking spaces are proposed to be provided. In the interest of clarity, the submitted drawings clearly indicate that parking for the apartments is proposed to be on the Main Street, it is stated that there is a surplus of parking on the Main Street at this location. It is proposed that the site will be accessed from Mountcharles Main Street by pedestrians only.
- 2.4. It is proposed to remove the existing storage area and garage to the rear of the building (59.90 sq.m) to facilitate the new extensions and create a new bin storage area serving the entire development. A new connection to the public sewer is proposed. Surface water is proposed to be disposed via public sewer/drain.

3.0 Planning Authority Decision

3.1. Decision

On the 8th August 2024 the planning authority granted permission subject to 14 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Initial report (13th June 2024) seeks further information in relation to land ownership, location of the large gas tank in the rear of the site, assessment of the potential impact of loss of daylight/sunlight on adjacent properties and their curtilage, measures to prevent vehicles accessing the rear of the property and revised plans omitting the proposed balcony at first floor serving apartment no. 2 or amendment to same to be a Juliette type feature.
- Report following receipt of further information (2nd August 2024) confirms that the response to the FI request is satisfactory and recommends a grant of permission subject to conditions including a development contribution in respect to parking.

3.2.2. Other Technical Reports

- Building Control - standard conditions recommended.

3.2.3. Conditions

- Condition no. 1: Development shall be carried out strictly in accordance with lodged plans and details, particularly the following revised plans and details:
 - Revised Site Layout No. WD/24/102/102/P.I. received on 31/07/2024
 - Revised Elevational Drawing No. WD/24/102/101/P/I. received on 23/07/2024 save as hereinafter otherwise required. Reason: To define the permission
- Condition no. 2: (i) The apartments the subject of this permission shall be used as permanent houses only and shall not be used for the purposes of a holiday homes or short-term letting. Such uses to be commenced only if

authorised by a separate grant of permission. (ii) “Holiday Home” for the purpose of this condition means a secondary place of residence that does not form a principal and main residence but excludes second homes occupied on an intermittent basis by persons who are returning emigrants. “Permanent House” for the purpose of this condition means the principal and main residence. Reason: In order to define the terms of the permission and to ensure a balance between permanent homes and holiday homes in accordance with policies of the County Donegal Development Plan, 2024 – 2030.

- Condition no. 5: Prior to the first occupation of any dwelling house herein permitted traffic bollards shall be installed and completed in consultation with the Executive Engineer, (Roads) for the area. Reason: To cater for orderly development of the area

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Two submissions /observations were received by both adjoining property owners, namely Mr. Turlough McGrory and Dr. Mark Hogan. In summary the issues raised include:

- The size and scale of the proposed development will overlook the existing property and garden with a significant negative impact on privacy.
- The two-storey building will block natural sunlight to the back of the house and garden.
- Concerns relating to the capacity of the current sewer system to manage waste safely.
- There is an existing fire exit and front door to the self-contained apartment onto the laneway and concerns that there will be safety issues created with additional vehicular traffic in the laneway.
- Questions whether there is sufficient on street parking at Main Street to accommodate the parking needs created by this application.

4.0 Planning History

Planning register reference: 2351614 (Application withdrawn): Permission sought for (a) construction of a duplex unit consisting of a 2 bedroom house on the ground floor with associated bin storage area serving the entire development, (b) 2 no. 2 bedroom apartments on the first floor with associated balcony private amenity areas, (c) construction of a new access road accessed from Mountcharles Main Street (I-2651-1), (3) new connection to existing public sewer from the development and all associated site development works.

Planning register reference:1950792 Retention permission granted (August 2019) for the (1) existing takeaway as constructed including changes to the elevations & provision of extract ducting to cooking area (2) changes to existing dwelling house as constructed including the demolition of two storey structure previously located to the side of existing property (3) storage shed located to the rear of takeaway as constructed (4) vehicular accessway to serve existing dwelling, retention & completion of (5) domestic garage located to the rear of existing property & (6) gas tank located in the rear garden of existing property & for all ancillary site works.

Lands adjoining to the northwest

ABP-322219-25 (Planning register reference 2560061) Permission refused (July 2025) for an apartment block consisting of 4 no. 1-bed apartments over 2 floors, connection to existing public services and all associated works.

5.0 Policy Context

5.1. County Donegal Development Plan 2024-2030

Chapter 21 Settlement Frameworks identify settlement envelopes, town centre boundaries and land for inter alia residential, amenity, opportunity sites, community & education facilities, regeneration opportunities and TEN-T Priority Route Improvement Projects, Donegal and the latter is in the case of Lifford only.

Mountcharles Map no. 21.9 (Table 21.1 List of Settlement Frameworks) The subject site is partly within the designated town centre area and partly zoned Regeneration Opportunity – As supported by Objective CS-O-7(c) “*To continue to*

support the regeneration, renewal and development of the County's towns and villages over the life of the Plan".

Objective V-O-1 To identify appropriate regeneration and renewal initiatives, primarily through enhancement schemes to strengthen communities in the County's towns and villages including; Churchill, Convoy, Dunkineely, Kilmacrennan, Mountcharles, Newtowncunningham and St. Johnston.

Objective UB-O-1 To identify appropriate regeneration and renewal initiatives, primarily through enhancement schemes to strengthen communities in specific Settlement Framework rural towns namely; Churchill, Convoy, Dunkineely, Kilmacrennan, Mountcharles, Newtowncunningham and St. Johnston.

Chapter 8 Infrastructure - The Irish Water Small Towns and Villages Growth Programme (STVGP) is currently funding a project to transfer effluent from Mountcharles to the Donegal Town network and will be continued during the plan period.

Section 6.2 Urban Housing

UB-P-7 It is a policy of the Council to require that proposals for new residential developments (2 or more units) in settlements demonstrate that the design process, layout, specification and finish of the proposed development generally comply with all relevant Governmental Planning Guidelines/Standards and give due regard to the key considerations of –

- a. Public realm, open space and amenity
- b. Connectivity and accessibility, having particular regard to active travel and sustainable modes of transport
- c. High Quality Design - massing, form, scale, density and finishes
- d. Mix of house types
- e. Energy efficiency
- f. Biodiversity considerations
- g. Climate adaptation and surface water management
- h. Integration with neighbouring developments and uses

UB-P-8 It is a policy of the Council to determine appropriate residential densities for housing sites having regard to the provisions of all relevant departmental guidelines,

the provisions of Circular Letter: NRUP 02/2021, the specific nature of the development proposed and the site location and context.

UB-P-9 It is the policy of the Council both to protect the residential amenity of existing residential units and to promote design concepts for new housing that ensures the establishment of reasonable levels of urban residential amenity.

UB-P-10 It is a policy of the Council to require layouts of residential development to be designed and constructed having regard to best practice in terms of Universal Design, including the guidance for housing development set out in the National Disability Authority publication, 'Building for Everyone: A Universal Design Approach'.

UB-P-11 It is a policy of the Council to require that all new multiple housing developments comprising 7 or more units contain a minimum of 30% residential units that are built to universal design standards, in accordance with the requirements of the National Disability Authority publication 'Building for Everyone: A Universal Design Approach'. Where the total number of units to be constructed is between 2 and 6, it is a policy of the Council to require that a minimum of 1 of those units be built to universal design standards.

5.2. National Policy and Guidelines

- National Planning Framework First Revision (April 2025).

National Policy Objective 7 Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.

National Policy Objective 11 Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- The Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (July 2023)

I note that the Design Standards for Apartments, Guidelines for Planning Authorities (July 2025) were published on 08.07.2025. Section 1.1 of this document states that the guidelines only apply to planning applications submitted after the publication of the guidelines. I am therefore satisfied that these guidelines are not relevant to the current appeal.

5.3. Natural Heritage Designations

The subject site is located c. 722m from the Special Area of Conservation: Donegal Bay (Murvagh) SAC (Site Code: 000133), proposed Natural Heritage Areas: Donegal Bay (Murvagh) (Site Code: 000133) and Special Protection Areas: Donegal Bay SPA (Site Code:004151).

5.4. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

One third party appeal has been received from Dr. Mark Hogan owner of the adjacent property to the southeastern side of the subject site; the grounds are as follows:

- Planning authority failed to adequately assess the loss of privacy, overlooking or impact on residential amenity in their assessment of the proposed development.
- The planner's assessment relies on the particular set of social and family circumstances and is of the opinion that this is open to varied interpretation and could lead to overcrowding of existing accommodation.
- The planning authority erred in its determination at 10.1 of the 2nd planner's report to grant permission relying incorrectly on the location of the subject site within a structurally weak rural area. The subject site is within the town envelope of the established town/village and the determination should be made having regard to urban housing policies.
- Issue relating to the applicant's response to further information request to provide removable bollards rather than retractable bollards as requested.
- The proposed structure will be circa 3 metres higher than the boundary wall and existing structures to be demolished and extends more than 26 metres beyond the existing building.
- Concerns about loss of sunlight for both the existing properties to the southeast and northwest. Inadequate sunlight and shadow analysis submitted by the applicant, fails to detail property and building layouts including existing fenestration of these adjoining properties.
- The intensity of the proposed development is not in keeping with the scale of buildings adjacent and in the area, in contravention of UB-P-8, UB-P-9 and UB-P-10 of the County Development Plan 2024-2030.

- Questions how sustainable it is to grant permission for back land development predicated on development charges in lieu of parking provision.
- Concern that proposed apartment unit 3 does not comply with Part M Regulations in contravention of UB-P-11 of the County Donegal Development Plan 2024-2030.
- Concern about the proposed development leading to a piecemeal approach to backland development within the town. In the absence of a comprehensive policy and plan led approach the granting of permission for any development of a multi-unit nature on these back lands is premature.

6.2. Applicant Response

- None.

6.3. Planning Authority Response

- Notes the content of the third-party appeal and considers that the nature, scale and design of the proposed development is appropriate in an urban centre and can be accommodated at this location.
- Considers that all pertinent matters have been considered in the planning authority reports on the application.

6.4. Observations

- None.

7.0 Assessment

- 7.1. I draw the Commission's attention to the adjoining lands, also subject to appeal and as referenced in section 4.0 of my report, where it is also sought to development apartments to the rear of the main buildings onto Main Street. I would concur with the appellants view in relation to piecemeal development, given the pattern of development, the configuration of building plots and designation of Mountcharles an area of focus for regeneration and renewal, that an overview of the wider area

redevelopment, the creation of attractive routes for pedestrians and cyclists and establishing a coherent form of development for these backland sites is required. In the absence of a regeneration and renewal framework I consider that this application must be assessed against the technical standards of the development plan, relevant section 28 ministerial guidelines and to ensure that the development does not prevent/restrict the future redevelopment and renewal of the wider area.

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

- Design and scale of development including impact on residential amenity
- Impact on sunlight/shadowing
- Car parking provision/laneway access
- Inclusive design/Compliance with Part M

7.3. *Design and scale of development including impact on residential amenity*

7.3.1. The proposed development of 3 no. two bedroomed apartments as an extension to the existing building would result in an increased density of units on the site. The application does not include details of how many residential units are contained within the existing building, as such, I am unable to determine the proposed density of development in the context of the existing development on site. I have concerns given that the proposed development includes 2 no. 3 person two-bedroom apartments (which represents over 60% of the total number of units proposed) contrary to the guidance contained in the relevant section 28 guidelines for planning authority design standards for new apartments (2023) ("The Apartment Guidelines"). The Apartment Guidelines state that it would not be desirable for this type of two bedroom unit to displace the current two bedroom four person apartment and, furthermore, that no more than 10% of the total number of units in any private residential development may comprise this category of two bedroomed three person apartment. I note that the guidelines states that these type of 2 no. bedroom (3 person units) are permissible in limited circumstances. I would not consider that it is

appropriate within this urban infill scheme, given the scale of development, to displace the standard two bedroom four-person apartment unit size. In the event the Commission is minded to grant permission this issue could be addressed by way of condition.

- 7.3.2. The appellant raises concerns about the intensity of development. I am concerned about the quality of residential accommodation proposed within the scheme as a totality taking into account the lack of detail submitted in respect to the existing residential development, the proposed 2 no. 3 person units (which represent over 60% of the total proposed number of units) and taking into account that the proposed units are all north/northwest facing single aspect units, notwithstanding that this is a urban infill scheme.
- 7.3.3. In terms of impact on the existing residential amenity of the residential use on site I highlight to the Commission that the submitted drawings do not include internal layouts for the existing building at first floor. The proposed extension abuts the existing gable wall and would block up existing windows to bedrooms. The drawings are annotated that these bedrooms have additional windows for light purposes, however, I can not confirm same in the absence of accurate survey drawings.
- 7.3.4. In relation to the adjoining properties located north/northwest and south/southeast of the subject site I note the narrow and elongated nature of the plots and the variety of extensions already to the main buildings fronting onto Main Street. The proposed development would extend an additional 16 metres (approximately) at two storeys beyond the rear building line of existing sheds in the adjoining property to the southeast and from the existing gas tank location. I acknowledge that the proposed development includes the footprint of the single storey store and single storey detached garage/store, notwithstanding, I am of the opinion that the further extension into the rear garden (a total of 26 metres) at two storeys in height, along the shared boundary would result in a significant negative impact on the adjoining property's residential amenity by reason of visual obtrusion and overbearing and, as such, would warrant a refusal of permission. I shall consider separately the impact on sunlight/shadowing in section 7.4 below.
- 7.3.5. The existing buildings have opposing window openings onto the narrow access laneway. I am of the view that the proposed development would not give rise to

significant increased overlooking of adjoining amenity space of the property to the northwest given the proposed internal layout of Apartment no. 1 with bedrooms at first floor and staircase access. There are no windows proposed to the rear elevation of the proposed apartment block extension, as such, there would be no direct overlooking of the adjoining property to the southeast. The stair access proposed to Apartment no. 3 could give rise to increased perceived overlooking, but I am of the opinion that such would not be so significant as to justify a refusal of permission on this issue.

7.4. Impact on sunlight/shadowing

7.4.1. The applicant has submitted a 'daylight/sunlight study', following request for further information by the planning authority, which includes six no. images illustrates the natural light and shading for the building only in June 21st at 12 noon. The BRE Site Layout Planning for daylight and sunlight, A guide to good practice (3rd Edition) confirms that 21 June represents the best case of minimum shadow, and that shadows for the rest of the year will be longer. I would concur with the appellant that the limited selection of the solstice at noon does not provide a comprehensive analysis of the proposed development's impact in terms of potential loss of sunlight to the adjoining properties. Furthermore, the submitted daylight/sunlight study does not allow for a comparison between the existing situation and the additional shadowing, if any, that would occur as a result of the proposed development.

7.4.2. As such, given the proximity of the proposed development to the existing properties I am of the opinion that the 'daylight/sunlight study' submitted with the application is not sufficient to allow a determination whether the impact of the proposed development would result in a significant adverse impact on the residential amenities of the adjacent residential properties by reason of daylight/sunlight impacts.

7.5. Car parking provision/laneway access

7.5.1. It is proposed that the car parking demand will be met on Main Street along the existing on-street parking provision. Subject to a development contribution for parking the planning authority considers that the proposed reliance on on-street parking along Main Street to be acceptable. I would agree with the appellant that limited information has been provided in respect to demonstrating the availability of on-street parking spaces within the application documentation, however, I note the

planners' report (following receipt of further information) states that the "*EE Roads has no concerns with parking on the Main Street at this location with appropriate charges to be imposed*". Given the subject sites location is in a peripheral/less accessible urban location I note that the Apartment Guidelines state where it is sought to eliminate or reduce car parking provision that the design should include alternative mobility solutions including cycle parking and secure storage. I highlight to the Commission that the proposed development does not include any details for bicycle parking/storage. In the event the Commission is minded to grant permission this issue could be addressed by way of condition.

- 7.5.2. The appellant also raises an issue with respect to the type of bollard proposed to prevent vehicles from accessing the laneway in respect to removable bollards being proposed rather than retractable bollards as stated in the applicant's agent cover letter accompanying the response to further information. Having reviewed the planner's report and the request for further information that issued I note that there was no specific type of bollard requested by the planning authority. The applicant submitted in response to the request a product specification sheet for the 'Barcelona Flexible Bollard' which was considered to be acceptable to the planning authority. I would agree with the appellant that there is a lack of clarity on whether the bollard is retractable or removable. In the event the Commission is minded to grant permission this issue could be addressed by condition.

7.6. *Inclusive design*

- 7.6.1. The appellant raises concerns with respect to the compliance of proposed apartment no. 3 with Part M of the Building Regulations and considers the proposed development to be in contravention of UB-P-11 of the development plan (please refer to section 5.1 for detail). I highlight for the Commission that UB-P-11 does allow for a reduction in the number of units to be built to universal standards where the total number of units to be constructed is between 2 and 6. As such, I do not consider the proposed development to be in contravention of UB-P-11. Notwithstanding, the issue of compliance with Building Regulations will be evaluated under a separate legal code and thus need not concern the Commission for the purposes of this appeal.

8.0 AA Screening

- 8.1. Please refer to Appendix 3. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site(s) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.
- 8.2. This determination is based on:
- Nature of works
 - Location-distance from nearest European site and lack of connections
 - Appropriate Assessment (AA) screening of the planning authority.

9.0 Water Framework Directive Screening

- 9.1. Please refer to Appendix 4. The river body Mountcharles_10 (IE_NW_37M070870) approximately 650m west of the subject site (moderate water body status) and the groundwater body is Doorin Point (IE_NW_G_069) (good water body status).

The proposed development is detailed in section 2.0 of my report. No water deterioration concerns were raised in the planning appeal.

I have assessed the proposed demolition of storage area and garage to the rear of the existing building and the construction of an extension to provide 3 no. two bedroom apartments 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. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development
- Location-distance from nearest water bodies and/or lack of hydrological connections

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.

10.0 Recommendation

I recommend that permission is refused for the following reasons and considerations:

11.0 Reasons and Considerations

1. Having regard to the proposed length of the two-storey apartment block extension, which would immediately abut the shared boundary and wrap around the adjoining property's single storey shed, extending approximately 26 metres beyond the main building gable end, would seriously injure the residential amenities of the adjoining property by reason of significant visual obtrusion and overbearing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Given the proximity of the proposed development to the existing properties the 'daylight/sunlight study' submitted with the application is not sufficient to allow a determination whether the impact of the proposed development would result in a significant adverse impact on the residential amenities of the adjacent residential properties by reason of daylight/sunlight impacts.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has

influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Claire McVeigh
Planning Inspector

24 July 2025

Appendix 1: Form 1 - EIA Pre-Screening

Case Reference	320740-24
Proposed Development Summary	Construction of extension for 3 no. apartments and all associated site development works.
Development Address	Mountcharles, Co. Donegal, F94 W2NA
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, no further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	N/A
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	N/A

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

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

Inspector: _____ **Date:** _____

Form 2 - EIA Preliminary Examination

Case Reference	320740-24
Proposed Development summary	Construction of extension for 3 no. apartments and all associated site development works.
Development Address	Mountcharles, Co. Donegal, F94 W2NA
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 project due to its size and nature will not give rise to significant production of waste during both the construction and operation phases or give rise to significant risk of pollution and nuisance.</p> <p>The construction of the proposed development does not have potential to cause significant effects on the environment due to water pollution. The project characteristics pose no significant risks to human health.</p> <p>The proposed development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p>
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The subject site is located within the urban area of Mountcharles and comprises a brownfield site.</p> <p>The subject site is not located in or immediately adjacent to ecologically sensitive sites.</p> <p>It is considered that, having regard to the limited nature and scale of the development, there is no real likelihood of significant effect on other significant environmental sensitivities in the area.</p>
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	<p>The size of the proposed development is notably below the mandatory thresholds in respect of a Class 10 Infrastructure Projects of the Planning and Development Regulations 2001 as amended.</p> <p>There is no real likelihood of significant cumulative considerations having regard to other existing and/or permitted projects in the adjoining area.</p>

Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	N/A
There is a real likelihood of significant effects on the environment.	N/A

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3: Screening for Appropriate Assessment

Test for likely significant effects

Step 1: Description of the project and local site characteristics

Brief description of project	Construction of extension for 3 no. apartments and all associated site works. Demolition/removal of existing storage area and garage to the rear of the building.
Brief description of development site characteristics and potential impact mechanisms	<p>The subject site comprises a brownfield/backland site within the urban and serviced area of Mountcharles. Total area stated as 0.137 ha.</p> <p>The site is bordered by adjoining properties.</p> <p>The nearest hydrological feature to the site is Mountcharles stream located c. 700m South/Southwest of the site. The site is not located within or directly adjacent to any European Site.</p>
Screening report	N
Natura Impact Statement	N
Relevant submissions	None relating to AA

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

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed	Ecological connections ²	Consider further in screening ³ Y/N
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		development (km)		
Special Area of Conservation: Donegal Bay (Murvagh) SAC (Site Code: 000133)	https://www.npws.ie/protected-sites/sac/000133	Approximately 730m southwest of the subject site.	Indirect	Y
Special Protection Areas: Donegal Bay SPA (Site Code 004151).	https://www.npws.ie/protected-sites/spa/004151	Approximately 730m southwest of the subject site.	Indirect	Y

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

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

³if no connections: N

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

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Special Area of Conservation: Donegal	Direct: None	

Bay (Murvagh) SAC (Site Code: 000133 QI list: Mudflats and sandflats not covered by seawater at low tide [1140] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Dunes with Salix repens ssp. argentea (Salicion arenariae) [2170] Humid dune slacks [2190] Phoca vitulina (Harbour Seal) [1365]	Indirect:
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No mitigation measures are required to come to these conclusions.

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Special Protection Areas: Donegal Bay SPA (Site Code 004151).</p> <p>QI list:</p> <p>Great Northern Diver (Gavia immer) [A003]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Common Scoter (Melanitta nigra) [A065]</p> <p>Sanderling (Calidris alba) [A144]</p> <p>Wetland and Waterbirds [A999]</p>	<p>Direct:</p> <p>None</p> <p>Indirect:</p> <p>Air quality impairment from construction.</p>	<p>Negative effect on habitat quality/ function undermine conservation objectives related to water quality</p>
	Likelihood of significant effects from proposed development (alone): N	
	If no, is there likelihood of significant effects occurring in combination with other plans or projects? N	
	Possibility of significant effects (alone) in view of the conservation objectives of the site* N	

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the proposed development (alone) would not result in likely significant effects on the Special Protection Areas: Donegal Bay SPA (Site Code 004151). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

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

This determination is based on:

- Nature of works
- Location-distance from nearest European site and lack of connections
- Appropriate Assessment Screening of the Planning Authority

Appendix 4: WFD IMPACT ASSESSMENT STAGE 1- SCREENING

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

An Bord Pleanála ref. no.	320740-24	Townland, address	Mountcharles, Co. Donegal, F94 W2NA
Description of project		Construction of extension for 3 no. apartments and all associated site development works.	
Brief site description, relevant to WFD Screening,		Site is on serviced urban lands that have been developed.	
Proposed surface water details		The proposed development seeks to connect to the existing public services for water supply, wastewater and surface water.	
Proposed water supply source & available capacity		Uisce Eireann mains water connection.	
Proposed wastewater treatment system & available capacity, other issues		Uisce Eireann wastewater connection. The proposed development seeks to connect to the existing public services for wastewater.	
Others?			

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)
River Waterbody	700m	Mountcharles_10 (IE_NW_37M070870)	Moderate	At Risk	Nutrients, Organic and DWWTS.	No direct
Groundwater Waterbody	Underlying site	Doorin Point (IE_NW_G_069)	Good	Not at Risk	No pressures	No
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	Waterbody 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.	Surface	Mountcharles_10 (IE_NW_37M070870)	Surface water drainage will be directed through the drainage networks.	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice CEMP	No	Screened out
2.	Ground	Doorin Point (IE_NW_G_069)	Drainage	Spillages	As above	No	Screened out
OPERATIONAL PHASE							
3.	Surface	Mountcharles_10 (IE_NW_37M070870)	Surface water drainage will be directed through the drainage networks.	Hydrocarbon spillage	Surface Water to drain to separate system.	No	Screened out
4.	Ground	Doorin Point (IE_NW_G_069)	Drainage	Spillages	Surface Water to drain to	No	Screened out

					separate system.		
DECOMMISSIONING PHASE							
5.	NA						