



An  
Coimisiún  
Pleanála

## Inspector's Report

### ABP-320849-24

#### Development

Extension of community garden,  
development of a children's play park,  
demolition of storage shed,  
construction of a two storey building  
together with all associated site works.  
A Natura Impact Statement (NIS)  
accompanies this application

#### Location

Gaddyduff, Clonmany, Co. Donegal

#### Planning Authority

Donegal County Council

#### Planning Authority Reg. Ref.

2460275

#### Applicant(s)

Clonmany Enterprise Development  
Limited

#### Type of Application

Permission

#### Planning Authority Decision

Grant permission

#### Type of Appeal

Third Party

#### Appellant(s)

John Bradley

#### Observer(s)

Rose Bradley

**Date of Site Inspection**

18<sup>th</sup> March 2025

**Inspector**

Emma Nevin

## **1.0 Site Location and Description**

- 1.1. Situated along and to the southern side of Main Street, the appeal site (with a site area of 0.673 ha) is located in the village of Clonmany on the Inishowen Peninsula in north County Donegal. Vehicular access to the appeal site is via the adjacent L-1551-3, to the front of the site, which is accessed off the R238. The Clonmany River is to the rear of the site. The immediately adjoining area is characterised by a range of commercial, residential, educational and community uses.
- 1.2. The appeal site is roughly rectangular shaped and consists of a detached two-storey building with yard area and outbuildings to the rear. The front of the site is open to the adjoining roadside with a section of footpath incorporated into an area of hardstanding with a community garden space. The eastern boundary is defined by capped and rendered walls. The southern and western boundaries are defined by the gable wall of the building and the external walls of the outbuildings to the rear, in addition to a section of boundary wall.
- 1.3. A two-storey semi-detached house adjoins the site to the east with shop adjacent. Other commercial properties are located in Market Square, opposite the appeal site, including the Market House.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises:
  - extension of the existing community garden,
  - development of a new children's play park,
  - demolition of the existing storage shed,
  - construction of a new two storey building comprising of toilets and storage on the ground floor and office space on the first floor,
  - construction of a new storage shed,
  - installation of a free draining surface and soft landscaping within the remaining field, together with all associated site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. The Planning Authority granted permission on the 22<sup>nd</sup> of August 2024, following further information request, subject to 11 no. conditions.
- 3.1.2. The conditions are standard to the nature of the proposal, but the following is of note:
- Condition 8: The proposed play park shall only be used between the hours of 09.00 and 21.00 hours during the months of April to September (inclusive) and 09.00 and 18.00 hours during the months of October to March (inclusive).

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

- 3.2.1. Planners Report dated 17<sup>th</sup> April 2024 and 15<sup>th</sup> August 2024 have been provided.
- 3.2.2. This planning application was assessed under the Donegal County Development Plan, 2018 – 2024.
- 3.2.3. The original planner's assessment considered it necessary to request further information on the following items:
- To submit a revised site layout drawing to scale relocating the new proposed shed building within the site but outside of the flood zones A and B as per flood maps associated with the Draft County Development Plan 2024-2030.
  - To submit comprehensive proposals (detailed on a site layout plan, to a scale not less than 1:500) detailing how adequate vision lines are to be provided to the back of the footpath edge in each direction at the junction of the existing access and the adjoining L-1551-3, and adequate stopping sight distances, in accordance with the standards set out in either Table 04 Appendix 3 and Figure 02 Appendix 3 or 03 Appendix 3 of Part B of the County Donegal Development Plan 2018-2024 (as varied).
  - To submit revised site layout to a scale of 1:500 which clearly demonstrates the provision of at least 1 no. disabled car parking space, conveniently located so as to enable access to the development.

3.2.4. Following receipt of the further information the planners report concluded *“Having regard to the location of the subject site outside of and removed from any sensitive designations, to the nature and scale of the development and the policies of the current development plan, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, would not be prejudicial to public health and would not endanger public safety by reason of a traffic hazard. Accordingly, it is considered that the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area”* and recommended that permission be granted for the reasons noted in Section 3.1.1 above.

3.2.5. Other Technical Reports

- Building Control Standard advice
- Chief Fire Officer No response
- Area Roads Engineer No response

3.3. **Prescribed Bodies**

- Irish Water No response

3.4. **Third Party Observations**

3.4.1. Three (3) third party submissions were received; the main issues raised within the observations can be summarised as follows:

- Lack of public consultation.
- Queried quality and lack of detail on the playground proposal.
- Traffic.
- Sight line access/vehicular access.
- Management and operation arrangements.
- Security and antisocial behaviour.
- Lighting.
- Flooding, drainage and water.
- Environmental.

- Noise and general disturbance.
- Impact on value of property.
- No EIA submitted.
- Public health.
- Proposed location of the shed.
- Public toilets.
- Impact on residential amenity.
- Planning application inconsistencies.

## 4.0 Planning History

- 4.1. ABP-321954-25/ 24/61978: Planning permission was refused on appeal to An Coimisiún Pleanála on 9<sup>th</sup> June 2025, for the change of use from parochial house to a community building and all associated works.
- 4.2. The reason for refusal stated: *“Having regard to the submissions made in connection with the planning application and appeal, the Board is not satisfied that, at the time of lodgement, the application was made by a person(s) who had –*
- (a) sufficient legal estate or interest in the land the subject of the application to enable the person(s) to continue the existing use of, or carry out the proposed works on the land, or*
- (b) the approval of the person(s) who has such sufficient legal estate or interest. In these circumstances, it is considered that, the Board is precluded from giving further consideration to the granting of permission for the development the subject of the application”.*

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The Donegal County Development Plan 2024-2030 is the relevant development plan, which came into effect on 26<sup>th</sup> June 2024. I note that the application was

assessed under the 2018-2024 Plan, however as this has been replaced by the 2024 – 2030 Plan, I will reference this Plan in my assessment.

- 5.1.2. The site is located within the rural settlement boundary of Clonmany (Map 21.28) and is subject to the provisions of Chapter 21 relating to Settlement Frameworks. In this regard, whilst I note that the frameworks identify settlement envelopes and certain zoning objectives, they also consist of lands that, although not specified as being for a particular use, can be used for a variety of purposes on a case-by-case basis.
- 5.1.3. This applies to the appeal site which is not subject to any of the land use zoning objectives (Table 21.2). Nor is it subject to any of the land use zoning policies listed.
- 5.1.4. Other policies and objectives are set out in chapters 5 (Villages etc.), 7 (Economic Development), 11 (Natural Heritage), 12 (Community) and 16 (Technical Standards).
- 5.1.5. Part of the site boundary is located within Floor zones A and B.
- 5.1.6. The following sections are relevant to the proposed development:
- 5.2 – Prioritisation of Town and Village Cores
  - 11.2 – Landscape
- 5.1.7. Summary of policies and objectives relevant to the appeal:
- |        |   |
|--------|---|
| TV-O-1 | Seeks to identify appropriate regeneration and renewal initiatives, to strengthen communities in the County's towns and villages.   |
| TV-O-2 | Seeks to support initiatives, including collaboration across the community and voluntary sectors, to strengthen the physical environment of towns and villages and encourage place-making.  |
| TV-O-5 | Seeks to ensure quality design proposals for new development within towns and villages in order to contribute to positive place-making.   |
| TV-P-3 | Sets out criteria (a) to (h) relating to development proposals within town and village centres.   |
| TV-P-4 | To consider proposals for contemporary architecture within town centres which: a. Provide for a high-quality design and utilises high quality durable materials. b. Are sympathetic to the overall height, scale, and mass, and would not be otherwise incongruous with, the adjacent buildings or streetscape. |

- TV-P-5        Seeks to ensure that development proposals make efficient use of land and do not otherwise hinder the future development potential of backlands within urban areas.
- L-P-2        Seeks 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.
- CC-P-1        Seeks to support the provision of new social and community infrastructure/service-related developments (e.g. community resource centres etc.) where such proposals are consistent with the zoning objectives of the Plan, and otherwise in accordance locational criteria (a) to (d), including within defined boundaries of settlement frameworks.
- CC-P-2        Requires that social, community, cultural development proposals generally comply with the policies and technical standards of the Plan and specific development management criteria (a) to (l), including compatibility with adjacent uses.
- TS-P-1        Requires compliance with all the technical standards set out in Chapter 16 of the Plan including those relating to transportation and parking.

## 5.2. Water Framework Directive

- 5.2.1. The Water Framework Directive (WFD) Directive 2000/60/EC focuses on ensuring good qualitative and quantitative health, i.e., on reducing and removing pollution and on ensuring that there is enough water to support wildlife at the same time as human needs.
- 5.2.2. The key objectives of the WFD are set out in Article 4 of the Directive. It requires Member States to use their River Basin Management Plans (RBMPs) and Programmes of Measures (PoMs) to protect and, where necessary, restore water bodies in order to reach good status, and to prevent deterioration. Good status means both good chemical and good ecological status. It establishes a framework for the protection of all inland surface waters, transitional waters, coastal waters and groundwaters.



### 5.3. Natural Heritage Designations

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

Special Areas of Conservation	Distance
North Inishowen Coast SAC 002012	1.56 km
Ballyhoorisky Point to Fanad Head SAC 001975	12.32 km
Lough Swilly SAC 002287	12.51 km
Magheradruman Bog SAC 000168	14.58 km
Special Protection Areas	Distance
Trawbreaga Bay SPA 004034	4.46 km
Malin Head SPA 004146	10.37 km
Fanad Head SPA 004148	13.32 km
Horn Head to Fanad Head SPA 004194	13.82 km

### 5.4. EIA Screening

- 5.4.1. I refer the Coimisiún to the completed Form 1 in Appendix A.
- 5.4.2. Having regard to the nature, size, and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. A third party appeal has been received by Mr. John Bradley. A detailed report has been submitted which sets out the reasons and considerations why the decision to grant permission should be refused by An Coimisiún Pleanála. The substantive

issues arising in the application is the acceptability of the proposal in the context of the planning policy provisions that pertain to the site. These issues can be summarised as follows: -

- Serious concerns due to inaccuracies in the submitted application, having particular regard to topography mapping and the implications of same.
- Boundary inaccuracies on the site plans.
- Intensification of use.
- The development as proposed is out of character with the area.
- Flooding and Environmental Concerns.
- Impact on residential amenity – noise pollution, general disturbance and light pollution.
- The building obstructs outlook at view.
- Out of character.
- Lack of consultation on needs and the proposal, which may affect social cohesion within the community.
- Inadequate information and forward planning in respect to the management of the facilities.
- The lack of a management plan is concerning.
- Impact on property value in the immediate vicinity.
- The development will have a detrimental effect to the local community and elderly residential amenity.
- Since the submission of the planning application, a new ESB Networks Transformer Cabinet has been constricted on site.
- On-site development reported to Donegal County Council.

## 6.2. Applicant Response

- 6.2.1. Shane Doherty Architecture responded to the issues raised in the third party appeal on behalf of the applicant, Clonmany Enterprise Development Limited. Their response can be summarised as follows:

Serious concerns due to inaccuracies in the submitted application:

- A full topographical survey was carried out.
- The contours shown on the submitted site plan align to the survey and therefore do not relate to levels prior to the levelling of the field in 2017, as referenced in the appeal.
- The referenced to the alleged inaccurate topographical information in the appeal are inaccurate.
- The site plan was generated from the latest OS mapping available.

Development is out of character with the area:

- The existing parochial house is currently being used as part of the local community centre.
- It was decided to use the location of the existing shed to the rear of the house for development.
- The two storey structure lessens the overall footprint of the building while maintaining the existing site boundaries of the house.
- The style and scale are not considered out of keeping.

Major flooding and environmental concerns:

- The local authority was sufficiently satisfied with the relocation of the shed following further information request.
- However, if the Coimisiún feel that the shed should be further relocated or omitted the applicant would be willing to accept this.
- The location of the play park is not within a flood zone area.
- The issues raised in relation to the ESB Networks Development are dealt with under a different code, namely Health and Safety Legislation.

### Impact on Residential Amenity

- There has been no evidence provided to demonstrate that the value of property would be affected by the development.
- The development is located within the centre of the village, ideally located to be of most use to the community.

### Lack of consultation:

- The local authority was satisfied that the application and the further information were valid submissions.
- While there is no requirement for public consultation, a number of public engagements took place.

### Management of the facility, inadequate information and forward planning:

- Reference is made to Condition 7 and Condition 8 of the Notification of Decision to Grant permission.
- The management plan will be submitted to the local authority can be made available to any third party at their request.
- The local authority is satisfied with any concerns regarding light and noise pollution

### Detrimental effect to Local Community:

- Public consultations did take place, and these discussions resulted in the design for the submitted application.

## 6.3. Planning Authority Response

6.3.1. The planning authority's response can be summarised as follows:

- The issues raised are covered in the Planner's Report.

## 6.4. Observations

6.4.1. One observation was received from a third party. The issues raised have been summarised as follows:

- Potential flooding levels in the parochial field based on historic accounts and recent floods and legality of 2017 Parochial Field Levelling Development Work.
- Items of concern include the scenario where the flood waters reach the proposed kids play park.
- The potential of contaminated flood water from the Clonmany Wastewater Treatment Plant.
- The scenario where the flood waters reach the large transformer cabinet for hazardous reasons.
- The alleged existing large asbestos pipe between the proposed kids play park and the proposed toilet block.
- This needs to be confirmed prior to any work commencing due to its proximity to the adjoining residence.
- The NIS statement has no reference to this asbestos.

## 6.5. Further submissions

6.5.1. An observation was received from the Department of Housing, Local Government and Heritage (DAU). The following observations and recommendations have been made:

- Proximity to European Sites – mitigation measures are proposed in the Natura Impact Statement. However further natural buffers to protect the river are recommended.
- Bat surveys – a bat survey should be carried out before any works occur to assess for the presence of roosting bats.
- Landscape Plan and Nature Based surface water management – a landscaping plan outlining native planting, SUDS and rain garden design and flood risk management is recommended. Hard standings should be planned or re-designed to use mainly porous surfaces and nature based solution for water quality protection. The design should also include swathes and banks of nature and native hedge and tree planting.

- Biodiversity Retention and Creation – it is recommended that the development be required to include an element of biodiversity retention or creation to include provision of wild areas, native trees/hedges in car parking, gardens and public spaces and bird and bat areas in new buildings. It could also involve ecological interpretation on the value of local wildlife and an explanation of the importance of the habitats and environment. Sensitive and ecologically appropriate management will ensure that the national commitment under Article 10 of the Habitats Directive is realised.
- Lighting – recommending the submission of a lighting plan which should include a non-technical summary to declare the intent to minimise light pollution. Amber coloured outdoor lighting should be considered and proposals to minimise light pollution should be the objective.
- Location of new storage shed and flood risk – as noted in the planners report the location of the storage shed would need to be repositioned further from the river in light of flood risk as it falls within flood zone A and B.
- It is recommended that a portion of the field – overlapping the flood risk zoned – be restored to natural vegetation for flood risk management and as a barrier to pollution.

## 7.0 **Assessment**

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

- I. Planning History
- II. Land Use and Principle of Development
- III. Impact on adjoining Amenity
- IV. Flooding

- V. Other Matters,
- VI. Water Framework Directive, and
- VII. Appropriate Assessment.

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

## **7.2. Planning History**

- 7.2.1. While not specifically raised in the instant appeal, I draw the Coimisiún's attention to the planning history on site, in particular ABP-321954-25/ 24/61978, where permission was refused on appeal to An Coimisiún Pleanála for the change of use from parochial house, at the front of the appeal site, to a community building and all associated works.
- 7.2.2. The reason for refusal considered that the Coimisiún was not satisfied that, at the time of lodgement, the application was made by a person(s) who had - (a) sufficient legal estate or interest in the land the subject of the application to enable the person(s) to continue the existing use of, or carry out the proposed works on the land, or (b) the approval of the person(s) who has such sufficient legal estate or interest. As such the Coimisiún was precluded from giving further consideration to the granting of permission for the development the subject of the application. The applicant in this case was 'Clonmany Youth and Resource Community Centre', who had not demonstrated their legal interest and/or letter of consent with their application under Ref: 24/61978 or as part of their appeal to An Coimisiún Pleanála.
- 7.2.3. While this appeal is within the same landholding, at the outset I note that the applicant under the instant appeal is Clonmany Enterprise Development Limited, who is the owner of the site (as per the application form), and who have submitted a site plan indicating lands within their ownership, which are the subject of this appeal. Moreover, the existing parochial house to the front of the site does not form part of the proposed development.
- 7.2.4. Therefore, in terms of the legal interest, I am satisfied that the applicants have provided sufficient evidence of their legal interest for the purposes of the planning application and decision.

## **7.3. Land Use and Principle of Development**

- 7.3.1. Planning permission is sought for the extension of the existing community garden, the development of a new children's play park, the demolition of the existing storage shed, and the construction of a new two storey building comprising of toilets and storage on the ground floor and office space on the first floor, and the construction of a new storage shed, and all associated site works.
- 7.3.2. The appellant referenced Policy CCG-P-4 of the 2018 Development Plan in respect to proposals for social, community or cultural uses and highlights non-compliance with this policy. This policy has been superseded in the current 2024 – 2030 Development Plan, however the main thrust of the policy objective remains as referenced in the following assessment.
- 7.3.3. The appeal site is located within a rural settlement framework boundary (Map 21.28) and is subject to the provisions of Chapter 21 of the County Development Plan. In this regard, I note that the frameworks consist of lands that, although not specified as being for a particular use, can be used for a variety of purposes on a case-by-case basis.
- 7.3.4. In relation to policy CC-P-1, the provision of new social and community infrastructure / service-related developments is supported on lands other than those subject to a zoning objective where they meet criteria (a) to (d). Only (a) and (b) are relevant here: a. At locations within the defined boundaries of settlement framework/urban areas which are within safe walking distance (i.e. via an existing or proposed footpath) of local services and residential areas or are accessible by public transport and which would otherwise promote social inclusion. b. At alternative locations within settlement framework/urban areas where it is demonstrated that there are no suitable sites available which meet the locational criteria in point (a) above.
- 7.3.5. The provision of social and community development is also required to comply with the following development management criteria (a) to (l) set out in policy CC-P-2: a. Are compatible with adjacent existing or approved land uses. b. Do not have a significant impact on adjacent residential amenities. c. Provide adequate effluent treatment in compliance with the wastewater treatment policies of this plan. d. Do not cause a traffic hazard and ensure the existing road network can safely handle any extra vehicular traffic generated by the proposed development. e. Provide adequate parking provision, access arrangements, manoeuvring and servicing areas in line



with technical standards and policies of this plan. Specifically in relation to schools and similar education facilities, incorporate measures that deprioritise set-down/drop-off arrangements. f. Prioritises, and provides for a high level of, pedestrian and cycling permeability and access. g. Do not create a noise nuisance and or cause significant environmental emissions. h. The location siting and design of the development is of a high quality, successfully integrates with the host environment including the landscape and/or built environment of the area and does not negatively impact on the visual and scenic amenities of the area. i. Provides appropriate boundary treatment and screening of storage areas from public view. j. Does not have a negative impact on the built or natural heritage of the area and complies with the built and natural policies of the plan. k. Complies with the flood risk management guidelines and the associated flood risk policies of this plan. l. Have suitable soil depth and water table (in the case of burial grounds/graveyards).

- 7.3.6. Having regard to the nature and scale of the proposal and the surrounding context, within the commercial heart of a relatively compact village core, and adjacent to other commercial properties, I am satisfied the proposal meets the relevant locational and specific development management criteria listed above for CC-P-1 and CC-P-2.
- 7.3.7. I am also satisfied that the meeting room aspect of the scheme is consistent with the aforementioned policies, is associated with the overall community development and is appropriate in size.
- 7.3.8. Finally, I note that the proposal is consistent with the more general policies and objectives in relation to village centre development as detailed in section 5.2.2 of the Development Plan, including but not limited to objectives TV-O-2, TV-O-5 and policy TV-P-3 and TV-P-4.
- 7.3.9. On balance, the proposed development is consistent with the settlement framework for Clonmany and community policies CC-P-1 and CC-P-2.

#### **7.4. Impact on adjoining Amenity**

- 7.4.1. Concerns have been raised in relation to the potential impact of the proposed development on the adjoining residential amenity, in particular the outlook, which obstructs the view, appears overbearing and results in loss of light and overshadowing. Concerns are also raised in respect of noise pollution and general

disturbance on adjoining amenity and lack of a management plan. Further, the applicant also submits that the proposed development is out of character with the area.

- 7.4.2. The location of the proposed development within a village setting adjoining residential dwellings and commercial buildings is noted. I also note that there is an existing community garden and seating area to the front of the site, adjoining the public footpath and main road.
- 7.4.3. To the east the site adjoins a residential dwelling, with its associated rear garden. The appellant considers that the submitted plans are inconsistent/inaccurate. Following my site inspection, I concur that there are inconsistencies between the submitted proposed site plan and the existing situation on site, which I will draw the Coimisiún's attention to. I also note the applicant's response, which references that the plans follow the Ordinance Survey Map, which has a similar layout to that of the proposed site plan.
- 7.4.4. For the purposes of clarity, I note that there is an existing shed structure constructed to the rear of the existing parochial house, which abuts/is in close proximity to the shared site boundary with the rear garden/yard of the adjoining site to the east. There is an existing single storey extension to the rear of the adjoining dwelling, to the east, however, this does not extend along the shared site boundary with the appeal site as depicted on the proposed site plan. There are some existing shed structures constructed along the site boundary further south of the appellant's site.
- 7.4.5. Notwithstanding, I note that the existing shed structure is to be demolished and replaced with a two-storey building to a height of 7.3 metres, which will be in a similar position to that of the existing shed.
- 7.4.6. While I note that the proposed structure will be visible from the adjoining site to the east, I am satisfied that the over all scale and height of the proposed two-storey structure to the rear of the existing parochial house to be acceptable in this village setting. Given the location, layout and configuration of these sites within the village centre, I do not consider that the proposed development would significantly detract from the residential amenity of the adjoining site to the east by means of overbearing or overshadowing impacts.

- 7.4.7. The proposed shed is located to the middle/rear portion of the site and as such will not impact on the adjoining amenity.
- 7.4.8. No windows are proposed to the east side elevation of the proposed structure, while first floor windows are proposed to the north elevation of the building these overlook the existing parochial house building. Therefore, I do consider that overlooking is an issue.
- 7.4.9. In terms of noise and general disturbance, again I note that the site is located in the village centre. I also note Condition 8 of the Planning Authority grant of permission restricts the use of the proposed play park in the interests of residential amenity. Therefore, I do not consider that the proposal would result in an unacceptable disturbance to adjoining residential dwellings in relation to noise. In the event of a grant of permission, I would recommend the inclusion of a similar condition in respect to hours of operation and a site management plan.
- 7.4.10. In relation to the visual impact, the appellant considers that the proposal is out of character with the area. The development consists of a two-storey building to the rear of a row of two storey buildings. In terms of scale and height the proposal is 7.3 metres, comprising natural stone and timber cladding. The proposed shed is single storey in nature, 5.3 metres in height, is located to the middle/rear portion of the site and comprises render with a grey corrugated roof and steel door.
- 7.4.11. There are no protected views being interfered with by the proposed development. I do consider that the design of the proposed development exhibits some sensitivity towards the village setting in terms of scale and mass, however the development, in particular the two storey building appears contemporary and is of a high quality design, in accordance with policy TV-P-4 of the Development Plan. The design of the shed structure is standard in nature and form for such a structure. From the perspective of visual amenity, and based on the information submitted with the application, it is my assessment that the proposed development is unlikely to result in a significant negative impact on the visual amenity of neighbouring properties or the village context overall.
- 7.4.12. I note the concerns expressed regarding the management of the site. I reference Condition 7 and Condition 8 of the Planning Authority grant of permission, which relate to the agreement of a management plan for the site, prior to the

commencement of development and the hours of operation. Given the proximity of the appeal site and the neighbouring residential property, these conditions in particular the hours are considered reasonable. I recommend that the Coimisiún attach such conditions in the event of a grant.

- 7.4.13. Therefore, the layout and the design approach applied to the development demonstrates that the proposal will harmonise with its surroundings sensitively. The scale and location of the proposed development within the village, will mitigate potential negative impacts on neighbouring residential amenities. While acknowledging the appellants' concerns regarding noise and general disturbance, I find that the proposal located within the village centre is unlikely to result in a significant level of impact in this regard.

## **7.5. Flooding**

- 7.5.1. Concerns have been raised in the third party appeal and observations in relation flooding at this site and the potential impact of the proposed development in this regard.
- 7.5.2. Having regard to the flood maps associated with the draft 2024 – 2030 Development Plan, the southern portion of the site is located within Flood Zone A and Flood Zone B. This concern was raised by the planner as part of the assessment of the proposal and further information was requested as follows “The Applicant to submit a revised site layout drawing to scale relocating the new proposed shed building within the site but outside of the flood zones A and B as per flood maps associated with the Draft County Development Plan 2024-2030”.
- 7.5.3. The applicant submitted revised site layout, and the planner considered that “the revised layout shows the proposed shed repositioned in an area outside of the flood zones A and B as per flood maps associated with the Draft County Development Plan 2024-2030”. The revised layout was deemed acceptable.
- 7.5.4. I note that the site abuts the river and Flood Zone A and B, however as per the revised site layout plan (submitted by way of further information), no part of the proposed development is located within the flood zone area.
- 7.5.5. I have reviewed the flood maps, in particular the past flood events which have been referenced in both the third party appeal and observation (source: [Flood Maps -](#)

[Floodinfo.ie](https://floodinfo.ie) – accessed 27/08/2025). The historic flooding event took place on 22<sup>nd</sup> August 2017. After reviewing the flood summary in respect to this event (ID-13545 – accessed 27/08/2025), I can confirm that the location of the flood event was Riverside Park, Clonmany County Donegal, which is located at a distance to the west/southwest of the appeal site. Therefore, I am satisfied that the subject site does not appear to be prone to flooding based on the information obtained from the flood maps.

7.5.6. I note the submission from the Department of Housing, Local Government and Heritage (DAU) recommends that a portion of the field, overlapping the flood risk zoned, be restored to natural vegetation for flood risk management and as a barrier to pollution. Having regard to the location of the site relative to the river and its location within Flood Zone A and Flood Zone B, I consider that this recommendation is warranted in order to protect the river. I also consider that this requirement will not impact on the useability of the site as part of the community space and play park as proposed under the development. I suggest that a condition be included in this regard as part of any grant of permission.

7.5.7. In this regard, I am of the opinion that the proposed development is unlikely to pose any adverse impact on flooding at this location.

#### **7.6. Other Matters:**

##### Lighting:

I note the submission from the Department of Housing, Local Government and Heritage (DAU) recommends that a lighting plan be submitted to include a non-technical summary to declare the intent to minimise light pollution. While this is noted given the location of the site in the village, adjacent to commercial and residential units and the scale of the development proposed I do not consider it necessary to include a condition in respect to a lighting plan for the development.

##### Landscaping and Biodiversity:

7.6.1. I note the submission from the Department of Housing, Local Government and Heritage (DAU) recommends a landscaping plan, outlining native planting, SUDs and rain garden design and flood risk management be provided. In relation to SUDs proposals it is recommended that porous surfaces and nature based solutions are

considered for water quality protection. Recommendations are also suggested in respect of SUDs proposals. I concur with this recommendation and recommend that such conditions are attached in the event of a grant of permission.

- 7.6.2. The DAU recommend, in the interests of biodiversity that the development be required to include an element of biodiversity retention or creation. I note Objective BIO-O-2 of the Development Plan, which states that it is an objective of the Plan “To have regard to the objectives of any extant National Biodiversity Action Plan and National Peatlands Strategy in all aspects of the sustainable development of the county”, however, I consider that this requirement could be achieved as part of the overall landscaping scheme, which will be conditioned to include native trees, I also note that the southernmost portion will be conditioned to be restored to natural vegetation, in line with both flood protection and biodiversity. As such, I do not recommend this be included as part of a condition of permission.
- 7.6.3. It is also recommended that a bat survey be carried out to assess for the presence of roosting bats in the existing structure on site. Noting the existing shed structure to be demolished on site, as part of the proposal, I recommend that such a condition is attached in the event of a grant of permission.

Lack of Consultation:

- 7.6.4. The appellant references the lack of consultation with the community in respect to the need for the proposal. The first party appeal response references that public consultations took place. As part of the planning application the local authority liaised with internal consultees and prescribed bodies in respect to the proposed development, the comments from which have been considered in the assessment.

Notwithstanding, I note that there is no legal imperative for the applicant to engage in discussions prior to lodgement of an application. It is clear that local residents were aware of the application and engaged in the process by making their views known through written submissions to the Planning Authority in the first instance and to An Coimisiún Pleanála at this appeal stage.

Asbestos:

- 7.6.5. Reference is made in the observation to the alleged existing large asbestos pipe between the proposed kids play park and the proposed toilet block from local

knowledge. It is also noted that no reference is made in the NIS to asbestos. It is also considered that this should be confirmed prior to any work commencing at this given its proximity to the observers' residence.

- 7.6.6. I note that asbestos is, however, a notifiable substance and is therefore the subject of a separate legal code. The issue of compliance with Building Regulations will be evaluated under a separate legal code and thus need not concern the Coimisiún for the purposes of this appeal. I recommend a condition be included in respect to construction waste should permission be granted.

On-site Development and ESB works:

- 7.6.7. The appellant references work carried out in site in particular by ESB Networks on site and the enlargement of the embankment. I note that the ESB works do not form part of the instant appeal and thus need not concern the Coimisiún for the purposes of this appeal. Notwithstanding, any reference to work commencing on site is a matter of enforcement that falls within the jurisdiction of the planning authority.

Property Value:

- 7.6.8. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

Parking/Access

- 7.6.9. Following the further information request the revised site plan indicated parking provision for 1 no. disabled parking bay to the front of the site. I note Condition 6 of the planning authority grant in respect of details pertaining to the proposed disabled parking bay. Condition No. 2 requires bicycle parking facilities to be provided. I recommend that similar conditions are included in the event of a grant of permission.

## **8.0 Water Framework Directive**

Introduction:

- 8.1.1. The Clonmany\_20 (IE\_NW\_40C010200) is located to the south (at a distance of approx.. 5 m) of the site. The Clonmany River discharges directly into Tullagh Bay

which is designated under the North Inishowen Coast SAC, this is assessed in section 9 below.

- 8.1.2. The proposed development comprises the extension of community garden, development of a children's play park, demolition of storage shed, construction of a two storey building together with all associated site works on lands at Gaddyduff, Clonmany, Co. Donegal.
- 8.1.3. I have assessed the development on Gaddyduff, Clonmany, Co. Donegal and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.
- 8.1.4. I have undertaken a WFD Impact Assessment Stage 1: Screening and which is included in Appendix B after my report. This assessment considered the impact of the development on the:
- Clonmany\_20 (IE\_NW\_40C010200)
- 8.1.5. The impact from the development was considered in terms of the construction and operational phases. Through the use of best practice at the construction phase and through the use of SuDS during the operation phase, noting the proposed additional mitigation measures contained with the submitted Natura Impact Assessment, all potential impacts resulting in potential water pollution can be screened out.

Conclusion:

- 8.1.6. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **9.0 Appropriate Assessment**

- 9.1.1. The grounds of appeal and observation raise concerns regarding the impact of the proposal on the environment and the contents of the Natural Impact Statement (NIS).



- 9.1.2. The applicant submitted a NIS as part of the planning application, and the Planning Authority considered that “Consideration has been given to the site’s proximity to the nearest Natura 2000 site being the North Inishowen Coast Special Area of Conservation (site code 002012). The Applicant has submitted a NIS with the application. A source-receptor pathway exists to the qualifying interests of this SAC in the form of storm/surface runoff which currently flows into public sewer which discharges into the Clonmany River. The Clonmany River flows out to sea at Tullagh bay which is designated under the North Inishowen Coast SAC. The conclusions of the NIS are noted and considered to be tenable. Having regard to the Natura Impact Statement submitted, it is not considered that the proposed development will have any significant effect, individually or in combination with any other plan or project if mitigation measures are implemented in full”.
- 9.1.3. The submission from the Department of Housing Local Government and Heritage notes the proposed mitigation measures, however, considers that in relation to flood risk that a portion of the field, overlapping the flood risk zones could be restored to natural vegetation for flood risk management and as a barrier to pollution. This has been noted and considered in Section 7.5 of my assessment above.
- 9.1.4. The NIS is assessed in full in the following sections of my report.

## **9.2. Context:**

- 9.2.1. The requirements of Article 6(3) as related to Appropriate Assessment of a project under Part XAB and Section 177U and 177V of the Planning & Development Act, 2000 (as amended) are considered fully in this section with the areas addressed as follows:
- Compliance with Article 6(3) of the EU Habitats Directive
  - Brief Description of the Development
  - Information received with application
  - Screening for Appropriate Assessment
  - Appropriate Assessment
  - Recommendation

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

- 9.3.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.
- 9.3.2. The proposed development at Gaddyduff, Clonmany, Co. Donegal, comprising Extension of community garden, development of a children's play park, demolition of storage shed, construction of a two storey building together with all associated site works, is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

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

- 9.4.1. The proposed development comprises the extension of community garden, development of a children's play park, demolition of storage shed, construction of a two storey building together with all associated site works.

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

- 9.5.1. The application included submission of a Natura Impact Statement (dated October 2023).
- 9.5.2. The submitted NIS outlines the methodology used for assessing potential impacts on the habitats and species within the following Natura sites, i.e. North Inishowen Coast SAC, that have the potential to be affected by the proposed development. It predicts the potential impacts for this site and its conservation objectives, it suggests mitigation measures, assesses in-combination effects with other plans and projects

and it identifies any residual effects on the European site and its conservation objectives.

- 9.5.3. The submitted NIS concluded that *“This Natura Impact Statement has been prepared by Greentrack Consultants with all reasonable care, due diligence, and professional application. Greentrack have also sought to implement the best current scientific knowledge on the potential effect this proposal will have on the Natura 2000 network. The proposed project as detailed, either individually or in combination with other plans or projects, will have no significant adverse effects on the integrity of any European sites if all mitigating measures as outlined in Section 6 are implemented. The proposed development as described will not alter the structure or function of any Natura 2000 site or negatively impact the conservation of any qualifying interest/ special conservation interest therein”*.
- 9.5.4. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential effects and uses best scientific information and knowledge. Details of mitigation measures are provided, and they are summarised in Table 6.2 (pages 23 – 26) of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development.
- 9.5.5. Set out below is my own independent assessment.

## 9.6. Screening for Appropriate Assessment

### Natura 2000 Sites:

- 9.6.1. The proposed development is examined in relation to any possible interaction with European sites designated Special Areas of Conservation (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European site(s).
- 9.6.2. The site itself is not located within or border a designated European site. The nearest designated sites are:

Special Areas of Conservation	Distance
North Inishowen Coast SAC 002012	1.56 km

Ballyhoorisky Point to Fanad Head SAC 001975	12.32 km
Lough Swilly SAC 002287	12.51 km
Magheradruman Bog SAC 000168	14.58 km
<b>Special Protection Areas</b>	<b>Distance</b>
Trawbreaga Bay SPA 004034	4.46 km
Malin Head SPA 004146	10.37 km
Fanad Head SPA 004148	13.32 km
Horn Head to Fanad Head SPA 004194	13.82 km

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

9.6.4. I note that the applicant considered the following Natura sites i.e. Ballyhoorisky Point to Fanad Head SAC, Lough Swilly SAC, Magheradruman Bog SAC, Trawbreaga Bay SPA, Malin Head SPA, Fanad Head SPA, and Horn Head to Fanad Head SPA, could be ruled out for further examination due to lack of ecological connections. The applicant also considered given the nature and scale of the works, there is no known vector, pathway or conduit for impacts between the proposed works and the remaining Natura 2000 sites. I agree with the applicant that the aforementioned sites can be removed from further consideration due to the unlikely event that these will have any significant direct or indirect impacts on the remaining Natura 2000 sites,

and as such are not considered further in the screening assessment – this is assessed further in Table 9.1 below.

- 9.6.5. A source-receptor pathway exists to the qualifying interests of this SAC in the form of storm/surface runoff which currently flows into public sewer which discharges into the Clonmany River. The Clonmany River flows out to sea at Tullagh bay which is designated under the North Inishowen Coast SAC. Therefore, having regard to the information and submissions available; the nature, size and location of the proposed development; its likely direct, indirect and in-combination effects; the source-pathway-receptor model; and the sensitivities of the ecological receptors, I consider that one Natura 2000 site is relevant to include for the purposes of initial screening for the requirement for Stage 2 Appropriate Assessment on the basis of likely significant effects, this site is namely the North Inishowen Coast SAC (Site Code: 002012).
- 9.6.6. Table 9.1 below lists the qualifying interests of the Natura Sites within the defined Zol, their conservation objectives and identifies possible connections between the proposed development (source) and the sites (receptors).

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

European Site	Qualifying Interests (summary)	Conservation Objectives	Distance	Connections	Considered further in screening
North Inishowen Coast SAC 002012	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Machairs (* in Ireland) [21A0]</p> <p>European dry heaths [4030]</p> <p>Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]</p> <p>Lutra lutra (Otter) [1355]</p>	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected for</p> <p><a href="#">ConservationObjectives.rdl</a></p>	1.56 km	<p>There is no direct hydrological connection between the subject site and this SAC.</p> <p>There is an indirect hydrological pathway to this SAC via the proposed surface water drainage networks.</p> <p>The potential for impact is considered whereby the Proposed Development would result in a deterioration of water resource quality. Sediment laden runoff or runoff contaminated with silt, debris and hydrocarbons could be discharged offsite during the site clearance, construction and operational phase if appropriate mitigation measures are not in place.</p>	Yes
Ballyhoorisky Point to Fanad Head SAC 001975	<p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae</p>	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected for</p>	12.32 km	No avenue for direct effects or indirect effects.	No

	<p>and/or Isoeto-Nanojuncetea [3130]</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</p> <p>Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]</p> <p>Najas flexilis (Slender Naiad) [1833]</p>	<a href="#">ConservationObjectives.rdl</a>			
Lough Swilly SAC 002287	<p>Estuaries [1130]</p> <p>Coastal lagoons [1150]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Phocoena phocoena (Harbour Porpoise) [1351]</p> <p>Lutra lutra (Otter) [1355]</p>	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected for</p> <p><a href="#">Site specific cons obj</a></p>	<b>12.51 km</b>	No avenue for direct effects or indirect effects.	No
Magheradruman Bog SAC 000168	<p>Northern Atlantic wet heaths with Erica tetralix [4010]</p>	To maintain or restore the favourable conservation condition of the Annex I	<b>14.58 km</b>	No avenue for direct effects or indirect effects.	No

	Blanket bogs (* if active bog) [7130]	habitat(s) and/or the Annex II species for which the SAC has been selected for  <a href="#">ConservationObjectives.rdl</a>			
Trawbreaga Bay SPA 004034	Barnacle Goose (Branta leucopsis) [A045]  Light-bellied Brent Goose (Branta bernicla hrota) [A046]  Chough (Pyrrhocorax pyrrhocorax) [A346]  Wetland and Waterbirds [A999]	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SPA has been selected for  <a href="#">ConservationObjectives.rdl</a>	4.46 km	No avenue for direct effects or indirect effects.	No
Malin Head SPA 004146	Corncrake (Crex crex) [A122]	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SPA has been selected for  <a href="#">CO004146.pdf</a>	10.37 km	No avenue for direct effects or indirect effects.	No
Fanad Head SPA 004148	Corncrake (Crex crex) [A122]	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II	13.32 km	No avenue for direct effects or indirect effects.	No



		species for which the SPA has been selected for  <a href="#">CO004148.pdf</a>			
Horn Head to Fanad Head SPA 004194	<p>Fulmar (<i>Fulmarus glacialis</i>) [A009]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Shag (<i>Phalacrocorax aristotelis</i>) [A018]</p> <p>Barnacle Goose (<i>Branta leucopsis</i>) [A045]</p> <p>Peregrine (<i>Falco peregrinus</i>) [A103]</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Guillemot (<i>Uria aalge</i>) [A199]</p> <p>Razorbill (<i>Alca torda</i>) [A200]</p> <p>Chough (<i>Pyrhacorax pyrrhacorax</i>) [A346]</p> <p>Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]</p>	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SPA has been selected for</p> <p><a href="#">CO004194.pdf</a></p>	13.82 km	No avenue for direct effects or indirect effects.	No

## **9.7. Screening Determination**

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

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

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

### **Construction Impacts:**

- Earth Works: Clearance and site construction activities all have the potential to generate suspended sediment within the surface water runoff leaving the site and flowing towards the identified Natura 2000 sites. Silt can affect various properties of water quality including levels of organics and turbidity.
- Maintenance of Plant: Improper maintenance of machinery, storage of materials, waste management and site preparation could cause contaminated runoff to enter the identified pathway to the Natura 2000 sites.
- Invasive Species Prevention Measures: Improper hygiene of vehicles and machinery could cause the spread of Invasive species which could affect ecosystems within the Natura 2000 network.
- Dust.
- Noise.

### **Operational Impacts:**

- Surface Water Drainage: Inadequate Surface water drainage could lead to increased discharge of contaminated stormwater.

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

Table 9.2 - Summary of Appropriate Assessment of implications of the proposed development on the integrity of the Baldoyle Bay SAC (Site Code: 0000199) and the Baldoyle Bay SPA (Site Code: 004016) alone and in combination with other plans and projects in view of the sites' Conservation Objectives.

Natura Site	Qualifying interest feature	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on site integrity be excluded?
North Inishowen Coast SAC	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Machairs (* in Ireland) [21A0]</p> <p>European dry heaths [4030]</p> <p>Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]</p>	<p>Yes – the proposed works on site, in particular construction works, and operational works could result in indirect impacts relating to surface water and potential indirect impacts representing an avenue for indirect effects such as deterioration of water resource quality.</p>	<p>Mitigation for the stages (clearance/construction/operational) of the proposed development is outlined in Section 6, specifically Table 6.2 of the NIS.</p> <p>Mitigation will aim to avoid and effectively minimise deleterious effects from the construction and operation of the proposed development. This includes management of surface waters at all stage of development to avoid water exiting the site which could cause physical or chemical pollution of receiving</p>	<p>Having reviewed the information submitted and also having considered any possible residual impacts as outlined in the NIS, I am satisfied that no in-combination effects will occur as a result of the proposed development.</p>	<p>Yes – There is no doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity.</p>

	Lutra lutra (Otter) [1355]		<p>ecosystems, and measures to reduce noise, dust and light emissions.</p> <p>A variety of generic mitigation measures will also be proposed to promote construction hygiene, management of hazardous materials, promote biosecurity, and promote environmentally compatible construction practices.</p>		
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## 9.9. Potential In-Combination Effects

- 9.9.1. In combination effects are examined within the submitted NIS report (Section 6.1.3) and have been also considered under Table 9.2 above. The proposed development was considered in combination with other developments within the vicinity of the site and the Donegal County Development Plan 2018-2024. I consider the list presented in the screening report (Section 6.1.3 – page 18 of NIS), and Table 6.1: Donegal County Development Plan 2018-2024 Review (Section 6.1.3 – pages 19 – 22 of NIS) adequate for the purpose of the assessment.
- 9.9.2. It is concluded that “There are a few recent planning applications which need to be taken into consideration under the “cumulative effects”. The NIS noted that the planning authority found that the recent applications in the immediate vicinity individually or in combination with other plans/projects was not likely to have a significant effect on any Natura 2000 site.
- 9.9.3. The NIS also considered that *“The Development plan was comprehensively reviewed, with particular reference to Policies and Objectives that relate to the Natura 2000 network and other natural heritage interests. No potential for cumulative impacts on EU designated sites or Annex listed protected species were identified when considered in conjunction with the current proposal. The proposed project will not adversely affect any nationally designated site or protected species. No adverse water quality impacts are predicted to occur as a result of the proposed development. No policies or objectives of the county development plan were identified that could potentially combine with the proposed development to culminate in significant effect on European Sites”*.
- 9.9.4. I am satisfied that there would be no potential in combination effects as a result of the proposed development.

## 9.10. Mitigation Measures

- 9.10.1. The mitigation measures that are proposed in the NIS to address the potential adverse effects of the construction and operation of the proposed development are listed in Table 6.2 of the NIS.
- 9.10.2. A source-receptor pathway exists to the North Inishowen Coast SAC in the form of the surface water pathways on site. Potential disturbance to wildlife due to lighting

and/or dust/noise associated with the construction and operational phase cannot not be definitively ruled out under the precautionary principle.

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

9.10.4. These can be summarised as follows:

Earth Works:

- Prior to any site clearance works, the invasive species management plan (attached as Appendix II) must be fully implemented before any works commence.
- Two silt fences (c. 45m and c.10m in length respectively) must be erected as indicated in Figure 6.1. Silt fencing is required in both identified areas as they currently present unimpeded pathways from the site to the Natura 2000 sites. The embankment along the riverside boundary and the presence of the two buildings along the western boundary creates physical barriers between the subject site and the Natura 2000 sites. Therefore, no silt fencing is required in these areas.
- This silt fencing must be constructed using “Terrastop” silt fencing (Terrasilt GR180) or equivalent. The bottom of this fence must be placed in a 100mm x 100mm trench backfilled and compacted, burying 150mm of the fence in “L” shape.
- The silt fencing must be inspected regularly by the site foreman for tears.
- A silt sock must be placed along the site entrance. The silt sock can be easily moved as needed which will allow for site access.
- Clearance works must cease in periods of heavy rainfall denoted by a Met Eireann status orange warning. • Strict control of the site boundaries must be

enforced by the Site Manager, including minimal land clearance and restrictions on the use of machinery near waterbodies.

#### Maintenance of Plant:

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

#### Invasive Species Prevention Measures:

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



#### Dust Reduction:

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

#### Noise reduction:

- Plant used at the site must have noise emission levels that comply with the limiting levels defined in EC Directive 86/662/EEC and any subsequent amendments. Any plant that is used intermittently must be shut down when not in use to minimise noise levels.
- All construction activities must follow the guidelines as set within BS 5228 - 1:2009+A1 2014. This includes guidance on several aspects of construction site practices, which include, but are not limited to: (a) Selection of quiet plant, (b) Control of noise sources, (c) Screening, (d) Hours of work.
- The best means practical, including proper maintenance of plant, must be employed to minimise the noise produced by on-site operations.

- All vehicles and mechanical plant must be fitted with effective exhaust silencers and maintained in good working order for the duration of the contract.
- Compressors must be of the “sound reduced” models fitted with properly lined and sealed acoustic covers which must be kept closed whenever the machines are in use and all ancillary pneumatic tools must be fitted with suitable silencers.

#### Surface Water Drainage:

- Surface water runoff within the hardcore area must be via the proposed ground reinforcement grid which will be topped with gravel. This will allow any associated runoff to discharge directly to groundwater.
- Surface water drainage apparatus must regularly be inspected to ensure efficacy.

#### Other:

- As the site will have variety of uses with different events throughout the year, a series of Standard Operations Procedures (SOP's) must be in place for each event to ensure that no negative effects arise on the Natura 2000 sites. These are outlined in Append III of the NIS.

#### Mitigation Conclusion:

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

### 9.11. Residual Effects

9.11.1. No adverse effects on the conservation objectives likely to occur from the project, post mitigation for each qualifying interest of the North Inishowen Coast SAC have been identified in the submitted NIS.

9.11.2. No residual impacts have been identified post mitigation.

9.11.3. I am satisfied that the proposed development will not have any residual effects on the North Inishowen Coast SAC.

### 9.12. Integrity Test

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

### 9.13. **Conclusion**

9.13.1. The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000, as amended.

9.13.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the North Inishowen Coast SAC. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives of relevance to the proposed development. The possibility for likely significant effects was excluded for other European sites.

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

9.13.4. This conclusion is based on:

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

## 10.0 **Recommendation**

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

## **11.0 Reasons and Considerations**

11.1. Having regard to the location of the site in the village of Clonmany, and the existing community garden at the subject site, subject to the conditions set out below the proposed development would be an appropriate form of development on this site, would align with the policies and objectives of the Donegal County Development Plan, 2024 - 2030 in respect of community facilities, would not seriously injure the visual amenities of the area, by reasons of design, height and form, would not seriously injure the amenities of the adjoining residential property in the vicinity by reason of overshadowing, overlooking or overbearing, or site works and would be acceptable in terms of flooding, traffic and pedestrian safety. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to the local authority as revised on the 10<sup>th</sup> of July 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.</p> <p>Reason: To protect the integrity of European Sites.</p>
3.	<p>Prior to the commencement of development, a bat survey shall be carried out of the existing structures on site. In the event that bats are found detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.</p> <p>Reason: In the interest of wildlife protection.</p>
4.	<p>The proposed play park shall only be used between the hours of 09.00 and 21.00 hours during the months of April to September (inclusive) and 09.00 and 18.00 hours during the months of October to March (inclusive).</p> <p>Reason: In the interest of residential amenity</p>
5.	<p>Prior to the commencement of use of the proposed community play park, the applicant shall submit to the planning authority, for written agreement a</p>

	<p>management plan for the site, which shall include a scheme for the future maintenance of play equipment and features.</p> <p>Reason: In the interest of visual and residential amenity.</p>
6.	<p>Details of</p> <ul style="list-style-type: none"> <li>(i) The proposed seating arrangements.</li> <li>(ii) The construction, height, and finish of all proposed boundary treatments.</li> <li>(iii) full details of all playground equipment, proposed surface areas and seating arrangements within the playground.</li> </ul> <p>shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
7.	<p>Prior to commencement of development, final design details for 8 no. cycle-parking stands shall be submitted to and agreed in writing with the Planning Authority. All works shall comply with the requirements of the Road Authority.</p> <p>Reason: In the interests of traffic safety.</p>
8.	<p>Prior to commencement of development, final design details for the disabled car park space i.e. appropriately marked with thermoplastic road marking materials, and the parking bay shall be clearly delineated and surfaced with suitable paving shall be submitted to and agreed in writing with the Planning Authority. All works shall comply with the requirements of the Road Authority.</p> <p>Reason: In the interests of traffic safety.</p>
9.	<p>Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional</p>

	<p>circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of properties in the vicinity.</p>
10.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
11.	<p>Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
12.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services, in addition the applicant shall consider the use of use the mainly porous surfaces and nature-based solutions in the design proposal for water quality protection.</p> <p>Reason: In the interest of public health and surface water management.</p>
13.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than [1:500] showing –</p> <p>(i) Existing trees, hedgerows, shrubs, walls, specifying which are proposed for retention as features of the site landscaping.</p> <p>(ii) The measures to be put in place for the protection of these landscape features during the construction period.</p> <p>(iii) The species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise predominantly native species such as</p>

	<p>mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.</p> <p>(iv) Details of any screen planting.</p> <p>(v) Details of roadside/street planting.</p> <p>(vi) Hard landscaping works, specifying surfacing materials, furniture play equipment and finished levels.</p> <p>(vii) A portion of the southern part of the site, overlapping the flood risk zone, restored to natural vegetation.</p> <p>(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.</p> <p>(c) A timescale for implementation including details of phasing.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of [five] years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
14.	<p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interest of public safety and amenity.</p>



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

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Emma Nevin  
Planning Inspector

28<sup>th</sup> August 2025

## Appendix A - Form 1

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-320849-24
<b>Proposed Development Summary</b>	Extension of community garden, development of a children's play park, demolition of storage shed, construction of a two storey building together with all associated site works.
<b>Development Address</b>	Gaddyduff, Clonmany, Co. Donegal
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	<b>No Screening required.</b>

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

<b>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)?</b>	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

Inspector: \_\_\_\_\_ Date: 28<sup>th</sup> August 2025

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

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

<b>An Bord Pleanála ref. no.</b>	ABP-320849-24	<b>Townland, address</b>	Gaddyduff, Clonmany, Co. Donegal
<b>Description of project</b>	Extension of community garden, development of a children's play park, demolition of storage shed, construction of a two storey building together with all associated site works.		
<b>Brief site description, relevant to WFD Screening,</b>	Site consists of existing parochial house with rear shed, to be demolished and hard standing public space to front. The remainder of the site consists of a brownfield site.		
<b>Proposed surface water details</b>	Surface water is proposed to free draining. The hardcore surface is permeable and most of the surface water incident on the site will percolate to ground. Some surface water runoff in the northeast of the site is captured by the existing public system. The public storm sewer flows into the Clonmany River.		
<b>Proposed water supply source &amp; available capacity</b>	Water supply proposed via Public Water Supply, i.e. Inishowen West & Carndonagh & Culdaff Public Water Supply which has an Orange – 'Potential Capacity Available' rating. LoS improvement is required.		
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	Wastewater management via existing public sewer, i.e. Clonmany WWTP which has an Amber – 'potential spare capacity, additional analysis of applications may be required on an individual basis considering their specific load requirements. Potential availability of capacity in this case would be dependent on any additional load not resulting in a significant breach of the combined approach as set		

	out in Regulation 43 of the Wastewater Discharge (Authorisation) Regulations 2007, which is a matter for the relevant Planning Authorities to determine”.					
Others?	N/A					
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>						
<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>
e.g. lake, river, transitional and coastal waters, groundwater body, artificial (e.g. canal) or heavily modified body.	0m - To the southern boundary of the site	Clonmany_20 (IE_NW_40C010200)	Moderate	At Risk	DWTS, Ag	Surface water run-off
<b>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.</b>						

CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Site clearance & Construction	Clonmany_20 (IE_NW_40C0 10200)	Indirect impact via Potential hydrological pathway	Water Pollution	Use of Standard Construction Practice	No	Screen out at this stage.
OPERATIONAL PHASE							
1.	Surface Water Run-off	Clonmany_20 (IE_NW_40C0 10200)	Indirect impact via Potential hydrological pathway	Water Pollution	Several SuDS features and mitigation measures incorporated into development	No	Screen out at this stage.
DECOMMISSIONING PHASE							

1.	N/A	N/A	N/A	N/A	N/A	N/A	N/A
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