



An
Coimisiún
Pleanála

Inspector's Report

ABP-320867-24

Development	Construction of a dwelling house with domestic garage, waste water treatment system and all other associated site development works
Location	Kinnalargy, Downings, Letterkenny, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2351979
Applicant(s)	Barry McBride and Sandra Sheerin
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Michael Carson
Observer(s)	None
Date of Site Inspection	18 th March 2025
Inspector	Emma Nevin

1.0 Site Location and Description

- 1.1. The subject site comprises a stated area of 0.647ha, in the townland of Kinnalargy, Downings. The site is elevation and visible from the adjoining local road and is to the north of the local road (L-10321-0).
- 1.2. The immediately adjoining area is characterised by rising hillside towards the north-west, and the lands sloping to the southeast towards Fanny's Bay. There is a scattering of one-off dwellings to the west, and south of the site and 1 no. dwelling to the east.
- 1.3. Access to the site is off the local county road L-10321-0 west of the site, and at a higher level than the site. The site is located within an area of High Scenic Amenity and falls within a rural area.

2.0 Proposed Development

- 2.1. The proposed development comprises:
 - The construction of a dwelling house with domestic garage, waste water treatment system and all other associated site development works
 - The proposed dwelling comprises a floor area of 185.54sqm, with a proposed ridge height of 5.6 metres.
 - The proposed garage has a floor area of 33.28 sq. m., with a ridge height of 4.56 metres.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority granted permission on the 13th September 2024, following further information request, subject to 20 no. conditions.
- 3.1.2. The conditions are standard to the nature of the proposal, but the following are of note:
Condition 3: "(i) The premises the subject of this permission shall (when constructed) be used for the purposes of a dwelling and subject to paragraph (iii) below the

following restrictions shall apply during the period of seven years commencing on the first such use -

- (a) The dwelling shall be used as the principal place of residence of the applicant or with the written consent of the Planning Authority by persons who belong to the same category of housing need as the applicant as described in Policy RH-P-2 in the County Donegal Development Plan 2024-2030, and
- (b) This permission will inure only for the benefit of the land and such persons entitled to use the dwelling as per paragraph (a) above, and
- (c) The above restrictions will be embodied in an agreement under Section 47 of the Planning and Development Act, 2000 (as amended) to be entered into on the first application being made for written consent per paragraph (a) above and where a consent is granted the entry into the agreement will be a condition precedent of such consent.
- (ii) Within two months of the first use/occupation of the dwelling, the applicant shall submit to the Planning Authority written confirmation of the person(s) using/occupying the dwelling in accordance with paragraph (a) and the date of commencement of such use/occupation.
- (iii) The above restrictions shall cease to apply (earlier than the seven year period stipulated) on a sale of the dwelling by a mortgagee in possession but excluding the use of the dwelling house as a holiday home.

Reason: In order to define the terms of the permission and to comply with the Rural Housing Policy of the County Donegal Development Plan, 2024-2030.)”.

3.1.3. Condition 4: “(a) The dwelling the subject of this permission shall be used as a permanent house only and shall not be used for the purposes of a holiday home or as short-term rental accommodation. Such holiday home or short-term rental use to be commenced only if authorised by a separate grant of permission.

(b) "Holiday Home" or "short term rental " 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 Rural Housing Policies of the County Donegal Development Plan, 2024 - 2030.

Condition 11: "Entrance shall incorporate an access channel or other similar drainage trap, together with suitable drainage pipework in order to prevent discharge of surface water onto public road. Said works shall be carried out prior to first occupation of the dwelling hereby permitted.

Reason: To prevent flooding."

Condition 19: "(a) A wastewater treatment system (Independently certified by IAB, BSI or ISO EN) suitable for a population equivalent of 6 No persons shall be installed, operated and maintained in strict accordance with the supplier's instructions and the 2021 Environmental Protection Agency Code of Practice, "Wastewater Treatment and Disposal Systems Serving Single Houses." The dimensions of the soil polishing filter area shall be in accordance with Table 10.1 of the EPA Code of Practice for Domestic Effluent Treatment Systems (Population Equivalent ≤ 10) 2021. (b) No part of the percolation area/polishing filter shall be within:

- 10m of any dwelling
- 3m of the boundary of the adjoining site
- 4m of the nearest road boundary
- 10m of the nearest stream or ditch
- 3m of the nearest trees
- 5m of any surface water soakaway which if located on the site, shall be located down-gradient of the percolation area.

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

(d) All parts of this condition shall be complied with in full prior to first occupation of the house hereby permitted.

3.2. Planning Authority Reports

3.2.1. Planning Reports dated 7th February 2024, 9th July 2024 and 9th September 2024 have been provided.

3.2.2. This planning application was assessed both the Donegal County Development Plan, 2018 – 2024, and the Donegal County Development Plan, 2024 - 2030.

3.2.3. The original planners report considered it necessary to seek further information on the following items:

- To erect two (2no.) laths to a height of 5.6m, one at each gable end of the proposed dwelling house and inform the Planning Authority when this has been done so that an inspection maybe made.
- To submit a CGI/ Photomontage of the proposed dwelling superimposed on the site as viewed approximately 20m south of the junction of local roads L-1032-2 and L-10321-0, to the South-east of the site.
- To submit comprehensive proposals (detailed on a site layout plan, to a scale not less than 1:500) detailing how vision lines are to be provided to the nearside road edge in each direction at the junction of the proposed access and the adjoining L-10321-0, at a point 2.4m back from the road edge, in accordance with the standards set out in Figure 2 and Table 3 of Appendix 3 of Part B of the County Donegal Development Plan 2018-2024 (as varied).
- To submit a site-specific Site Suitability Report for the subject site which is compliant with the EPA Code of Practice for Domestic Wastewater Treatment Systems 2021 demonstrating that the proposed location of the treatment system including percolation/filtration areas complies with Minimum Separation Distances, as set out in Table 6.2 of the 2021 EPA Code of Practice for Domestic Wastewater Treatment Systems.
- To submit a revised site layout (to a scale of 1:500) detailing the location of the current foul effluent arrangements for the adjacent dwelling located to the south of the subject site.

- To submit a comprehensive landscaping scheme which includes a schedule of planting for the proposed hedging/shrubbery along the site boundaries and the planting intentions on the entire site.
- To submit 2 no. copies of a site cross-sections, (to a scale of 1:500); on a north – south axis, and extending for a distance of 5m. onto the adjoining lands (adjoining lands north of site, through proposed garage, dwelling and to the road at the southern boundary), which details the following: a. existing ground level within the site, b. proposed ground level (at location of proposed dwelling), c. all existing / proposed site boundary treatment, d. the full outline and ridge height of the proposed garage and dwelling, e. details of all infilling / site development works, g. landscaping and grading of all in-filled / excavated areas within the subject site and h. details of all retaining structures necessary to accommodate the proposed development, including access road and / or grading of all excavated / infilled areas to the side, front and rear of the proposed dwelling.
- To submit (a) A revised site layout (scale 1:500) detailing; (i) the exact route and final point of discharge of surface water drainage (ii) comprehensive proposals for the collection, management and disposal of surface water emanating from the site, inclusive of proposals for pollution interceptors to prevent contaminants entering nearby watercourses, and flow attenuation measures. (b) Applicant to submit written consent from all third party landowners which specifically consents to the piping of surface across adjoining third party land.
- To submit a Natura Impact Statement given the location of the site which is likely to impact on the Mulroy Bay (Site Code: 002159).

3.2.4. The planners report considered that the *“Having regard to the location of the subject site within an Area of Strong Holiday Home Influence, outside of and removed from any sensitive designations, to the nature and scale of the development and the policies of the current development plan, it is considered that subject to compliance with the conditions below, the proposed development would not injure the amenities of the area, would not be prejudicial to public health and would not endanger public safety by reason of a traffic hazard. Accordingly it is considered that the proposed*

development would, therefore, be in accordance with the proper planning and sustainable development of the area” and granted permission subject to conditions as noted in Section 3.1.1 above.

3.2.5. Other Technical Reports

- EHO/HSE No response received.
- Irish Water No response received.
- Area Roads Engineer: Applicant to install 225mm drainage pipes and 3 no. gullies along the frontage of the site to prevent surface water entering the site and onto the local road.

3.3. Prescribed Bodies

- DoCHG (wildlife): No response received.

3.4. Third Party Observations

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

- Construction of a dwelling at the proposed site shall exacerbate flooding onto the county road to the southeast and onto the objectors' land.
- Increasing amounts of flood waters entering their lands as more dwellings are constructed.
- Flood alleviation measures were undertaken in conjunction with Donegal County Council approximately 15 years ago, however flooding issue remains and is causing flooding of his lands, resulting of ponding around his dwelling.
- In 2020 flooding caused the septic tank of the dwelling adjacent to the application site (northeast) to overflow and enter the objectors land and polluted same.

4.0 Planning History

4.1. ABP-321003-24 – Application for leave to appeal refused on 4th November 2011.

- 4.2. Ref: 92/399 – Outline Permission refused by Donegal County Council on 30th October 1992 for the erection of 4 no. dwellings.

*No documents pertaining to this application could be viewed on the Council website.

- 4.3. 92/1140 – Outline Permission refused by Donegal County Council on 21st January 1992 for the erection of 4 no. dwellings.

*No documents pertaining to this application could be viewed on the Council website.

- 4.4. 94/747 – Outline Permission granted by Donegal County Council on 28th July 1994 for the erection of 2 no. dwellings and septic tanks.

*No documents pertaining to this application could be viewed on the Council website.

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 26th June 2024. I note that the application was assessed under both the 2018-2024 Development Plan, and the 2024 – 2030 Development Plan.
- 5.1.2. As such, I will reference the relevant Donegal County Development Plan, 2024-2030 in my assessment.
- 5.1.3. The subject site is located within an area designated as a 'Areas Under Holiday Home Pressures' and as such, Policy RH-P-2 of the Development Plan 2024 - 2030 is applicable.
- 5.1.4. This Policy states that: To consider proposals for new one-off rural housing within 'Areas Under Strong Holiday Home Influence' from prospective applicants that have demonstrated a genuine rural need for a new dwelling house and who can provide evidence that they, or their parents or grandparents, have resided at some time within the area under strong holiday home influence in the vicinity of the application site for a period of at least 7 years. The foregoing is subject to compliance with other relevant policies of this plan, including Policies RH-P-9. This policy shall not apply where an individual has already had the benefit of a permission for a dwelling on another site, unless exceptional circumstances can be demonstrated. An exceptional

circumstance would include, but would not be limited to, situations where the applicant has sold a previously permitted, constructed and occupied dwelling, to an individual who fulfils the bonafides requirements of that permission. New holiday homes will not be permitted in these areas.

- 5.1.5. RH-P-9 states “a. *Proposals for individual dwellings (including refurbishment, replacement and/or extension projects) shall be sited and designed in a manner that is sensitive to the integrity and character of rural areas as identified in Map 11.1: ‘Scenic Amenity’ of this Plan, and that enables the development to be assimilated into the receiving landscape. Proposals shall be subject to the application of best practice in relation to the siting, location and design of rural housing as set out in Donegal County Council’s ‘Rural Housing Location, Siting and Design Guide’. In applying these principles, the Council will be guided by the following considerations:-*
- i. A proposed dwelling shall avoid the creation or expansion of a suburban pattern of development in the rural area.*
 - ii. A proposed dwelling shall not create or add to ribbon development (see definitions).*
 - iii. A proposed dwelling shall not result in a development which by its positioning, siting or location would be detrimental to the amenity of the area or of other rural dwellers or would constitute haphazard development.*
 - iv. A proposed dwelling will be unacceptable where it is prominent in the landscape.*
 - v. A proposed new dwelling will be unacceptable where it fails to blend with the landform, existing trees or vegetation, buildings, slopes or other natural features which can help its integration. Proposals for development involving extensive or significant excavation or infilling will not normally be favourably considered nor will proposals that result in the removal of trees or wooded areas beyond that necessary to accommodate the development. The extent of excavation that may be considered will depend upon the circumstances of the case, including the extent to which the development of the proposed site, including necessary site works, will blend in unobtrusively with its immediate and wider surroundings.*
- b. Proposals for individual dwellings shall also be assessed against the following criteria:*

i. the need to avoid any adverse impact on Natura 2000 sites or other designated habitats of conservation importance, prospects or views including views covered by Policy L-P-8.

ii. the need to avoid any negative impacts on protected areas defined by the River Basin District plan in place at the time.

iii. the site access/egress being configured in a manner that does not constitute a hazard to road users or significantly scar the landscape.

iv. the safe and efficient disposal of effluent and surface waters in a manner that does not pose a risk to public health and accords with Environmental Protection Agency codes of practice.

v. Compliance with the flood risk management policies of this Plan.

c. In the event of a grant of permission the Council will attach an Occupancy condition which may require the completion of a legal agreement under S47 of the Planning and Development Act 2000 (as amended)”.

5.1.6. Objective RH-O-2 CC To protect rural ‘Areas Under Strong Urban Influence’, rural ‘Areas Under Strong Holiday Home Influence’, and rural areas immediately outside towns from intensive levels of unsustainable urban/suburban residential development.

5.1.7. The following Development Plan policies/sections are also considered relevant to the appeal:

- Roadside Boundaries in Rural Areas - Table 16.3: Roadside Boundaries in Rural Areas.
- L-P-2 To protect areas identified as ‘High Scenic Amenity’ and ‘Moderate Scenic Amenity’ on Map 11.1 ‘Scenic Amenity’. Within these areas, only development of a nature, location and scale that integrates with, and reflects the character and amenity of the landscape may be considered, subject to compliance with other relevant policies of the Plan.
- BIO-P-1 To require all developments to comply with the requirements of the EU Habitats Directive and EU Bird Directive, including ensuring that development proposals: a. Do not adversely affect the integrity of any

European/Natura 2000 site (i.e. Special Areas of Conservation and Special Protection Areas) including effects on ex-situ but functionally linked habitats, and species (e.g. Pearl Mussel) save where a plan must be carried out for imperative reasons of overriding public interest (IROPI). b. Provide for the protection of animal and plant species listed in Annex IV of the EU Habitats Directive and the Flora Protection Order. c. Protect and enhance features of the landscape (such as rivers, riverbanks, field boundaries, ponds and small woods) which are of major importance for wild fauna and flora and the ecological coherence of the Natura 2000 network.

- BIO-P-4 Ensure that any development proposals do not lead to the introduction or spread of invasive species. Where invasive species are present, development proposals will be required to submit an appropriate control and management programme for the particular invasive species as part of the planning process and to comply with the provisions of the European Communities Birds and Habitats Regulations 2011 (S.I. 477/2011).

5.1.8. Other Relevant Guidance:

- Rural Housing Location Siting and Design Guide.

5.2. National Planning Framework (First Revision 2025)

5.2.1. National Policy Objective 28 of the National Planning Framework (NPF) states the following in relation to one-off rural housing in the countryside:

Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory

guidelines and plans, having regard to the viability of smaller towns and rural settlements.

- 5.2.2. Additionally National Policy Objective 29 of the NPF states “Project the need for single housing in the countryside through the local authority’s overall Housing Need Demand Assessment (HNDA) tool and county development plan core strategy processes”.

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

- 5.3.1. An ambition of the RSES is that *“Compact growth will be pursued to ensure sustainable growth of more compact urban and rural settlements, supported by jobs, houses, services and amenities, rather than continued sprawl and unplanned, uneconomic growth”*. Smaller town, villages and rural areas are feature in the RSES in particular *“The careful management of development within rural areas is necessary to ensure that they remain and grow as vibrant communities and the issues of connectivity and accessibility are explored in more detail within Growth Ambition 3: Connected Region”*.
- 5.3.2. Growth Driver: Compact Growth states “In order to achieve the NPF targets and importantly to address the weak urban structure, the RSES growth strategy has taken a strategic approach to, in summary, develop urban places of regional-scale through:
- Delivering on the population targets for the Metropolitan and Regional Growth Centres through compact growth.
 - Delivering significant compact growth in Key Towns.
 - Developing derelict and underutilised sites, with an initial focus within the footprint of urban areas.
 - Delivering critical enabling infrastructure and services”.

5.4. **Water Framework Directive**

- 5.4.1. 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.

- 5.4.2. 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.

5.5. Section 28 Guidance

- 5.5.1. Sustainable Rural Housing – Guidelines for Planning Authorities
- 5.5.2. These guidelines state that development plans should facilitate the housing need of the rural community while directing urban generated housing to settlements. The guidelines go on to state that the housing requirements of persons with a link to the rural area should be facilitated in the area it arises subject to normal siting and design requirements.
- 5.5.3. Development Management Guidelines, 2007.

5.6. Natural Heritage Designations

- 5.6.1. 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
Mulroy Bay SAC 002159	200 metres
Sheephaven SAC 001190	1.27 km
Cloghernagore Bog and Glenveagh National Park SAC 002047	7.76 km
Lough Nagreany Dunes SAC 000164	2.35km
Tranarossan and Melmore Lough SAC 000194	2.09km

Kindrum Lough SAC 001151	6.21 km
Ballyhoorisky Point to Fanad Head SAC 001975	6.21km
Horn Head and Rinclevan SAC 00147	7.87km
Muckrish Mountain SAC 001179	10.97km
Sessiagh Lough SAC 000185	7.35km
Special Protection Areas	Distance
Greers Isle SPA 004082	6.63 km
Horn Head to Fanad Head SPA 004194	2.52 km
Derryveagh and Glendowan Mountains SPA 004039	8.54km
Fanad Head SPA 004148	10.15 km

5.7. EIA Screening

- 5.7.1. I refer the Coimisiún to the completed Form 1 and Form 2 in Appendix A.
- 5.7.2. 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 Micheal Carson. The appellant's site is located downhill, to the east of the application site (at a distance of approximately 185metres) and is accessed off the L1032. The issues raised can be summarised as follows: -
- The appellant's land is beneath the level of the applicant's site in southeasterly direction.

- The gradient of the adjoining lands run steeply from the top of Gania Mor mountain behind and through the applicant's land.
- Over the past 30 years an increasing number of dwellings have been constructed in and around the applicant's site which has resulted in a massive increase in surface rainwater being flushed through the appellants lands leading to flooding.
- Approximately 15 years ago an attempt was made to alleviate the problem in conjunction with the local authority by installing a catchment grid and a flood bank which was necessary especially during heavy rainfall.
- Despite these works, due to ongoing construction of dwellings above the appellants lands, the influence of climate change, the amount of surface water seeping through the appellants lands is increasing resulting in ponding and the gravel driveway being washed away.
- In 2020 the problem was exacerbated when the runoff surface water caused the septic tank serving the "adjacent dwelling" directly between my dwelling and the applicants' site to overflow resulting in foul effluent contamination on my land.
- This application is for a dwelling approximately 100 metres from the proposed site of a dwelling the subject of an application Planning Register number 2251775, made by the same applicants as this application, which was refused by the local authority on 15/12/2022. The grounds for that refusal included suburbanization, discharge of storm water and uncertainty about foul effluent disposal. These problems all remain in respect of this Application.
- By Order dated 15/3/2024 ABP-318381-23 reversing the local authority decision Planning Register Number 2351257 to grant permission in respect of a proposed dwelling approximately 50 metres north of the site the subject of this application, the Board stated "the proposed development would contribute to an excessive density of suburban type development in a rural landscape that is designated in the Development Plan as being of high scenic amenity and the development, if permitted, would result in the expansion and consolidation of a suburban type of development in the rural area, would

further erode the rural character of the area and be seriously injurious to the visual amenities of the area, and accordingly would be contrary to the provisions of policies RH-P-2 and NH-P-7 and be contrary to the proper planning and sustainable development of the area."

- It is submitted the proposed development will be clearly visible from the county road L-1032-2 and will be injurious to the visual amenities of the area.
- It is submitted the proposed development is contrary to the proper planning and sustainable development of the area.
- By letter of 15/2/24 the local authority requested from the applicant's written consents from all third party landowners to the piping of surface water across adjoining third party land. The existing open drain, as shown on the applicants' site drainage layout, leaves the applicants' lands to pass by culverts under L-10321-0 and then under L-1032-2 entering the appellants lands at the cattle-grid at the entrance and then becomes the boundary stream on my lands down to the sea. The appellants consent has neither been sought nor given.

6.2. Applicant Response

- 6.2.1. No response received within statutory timeframe.

6.3. Planning Authority Response

- 6.3.1. A response has been received from the planning authority's stating "*The Planning Authority considers that all matters raised in the appeal have previously been addressed in the Executive Planner's Reports dated 07/02/2024 and 09/09/2024 and endorsed and signed by the Senior Executive Planner which has already been forwarded to An Bord Pleanála. The Council wishes to rely on the content of same in response to this appeal. Having regard to the foregoing, the Planning Authority respectfully requests that An Bord Pleanála upholds the decision of the Planning Authority to in this case*".

6.4. Observations

6.4.1. None received within statutory timeframe.

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 local authority response received, the site inspection and having regard to the relevant policies, objectives, and guidance, I am satisfied that the main issues to be considered are those raised in the grounds of appeal, and no other substantive issues arise. The main issues in determining this appeal are as follows:

- I. Principle of Development
- II. Impact on Visual Amenity/Residential Amenity
- III. Surface Water/Flooding
- IV. Other Matters,
- V. Water Framework Directive, and
- VI. Appropriate Assessment.

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

7.2. Principle of Development

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

7.2.2. Therefore, the subject site is located within an area designated as a “‘Areas Under Strong Holiday Home Influence” under the 2024-2030 Plan. As such proposals for one off housing within these areas (i.e. Strong Holiday Home Influence) must comply with RH-P-2 *“To consider proposals for new one-off rural housing within ‘Areas Under Strong Holiday Home Influence’ from prospective applicants that have demonstrated a genuine rural need for a new dwelling house and who can provide evidence that they, or their parents or grandparents, have resided at some time within the area under strong holiday home influence in the vicinity of the application*

site for a period of at least 7 years. The foregoing is subject to compliance with other relevant policies of this plan, including Policies RH-P-9. This policy shall not apply where an individual has already had the benefit of a permission for a dwelling on another site, unless exceptional circumstances can be demonstrated. An exceptional circumstance would include, but would not be limited to, situations where the applicant has sold a previously permitted, constructed and occupied dwelling, to an individual who fulfils the bonafides requirements of that permission. New holiday homes will not be permitted in these areas”.

- 7.2.3. Policy RH-P-9 states “a. *Proposals for individual dwellings (including refurbishment, replacement and/or extension projects) shall be sited and designed in a manner that is sensitive to the integrity and character of rural areas as identified in Map 11.1: ‘Scenic Amenity’ of this Plan, and that enables the development to be assimilated into the receiving landscape. Proposals shall be subject to the application of best practice in relation to the siting, location and design of rural housing as set out in Donegal County Council’s ‘Rural Housing Location, Siting and Design Guide’. In applying these principles, the Council will be guided by the following considerations:-*
- i. A proposed dwelling shall avoid the creation or expansion of a suburban pattern of development in the rural area.*
 - ii. A proposed dwelling shall not create or add to ribbon development (see definitions).*
 - iii. A proposed dwelling shall not result in a development which by its positioning, siting or location would be detrimental to the amenity of the area or of other rural dwellers or would constitute haphazard development.*
 - iv. A proposed dwelling will be unacceptable where it is prominent in the landscape.*
 - v. A proposed new dwelling will be unacceptable where it fails to blend with the landform, existing trees or vegetation, buildings, slopes or other natural features which can help its integration. Proposals for development involving extensive or significant excavation or infilling will not normally be favourably considered nor will proposals that result in the removal of trees or wooded areas beyond that necessary to accommodate the development. The extent of excavation that may be considered will depend upon the circumstances of the case, including the extent to which the*

development of the proposed site, including necessary site works, will blend in unobtrusively with its immediate and wider surroundings.

b. Proposals for individual dwellings shall also be assessed against the following criteria:

i. the need to avoid any adverse impact on Natura 2000 sites or other designated habitats of conservation importance, prospects or views including views covered by Policy L-P-8.

ii. the need to avoid any negative impacts on protected areas defined by the River Basin District plan in place at the time.

iii. the site access/egress being configured in a manner that does not constitute a hazard to road users or significantly scar the landscape.

iv. the safe and efficient disposal of effluent and surface waters in a manner that does not pose a risk to public health and accords with Environmental Protection Agency codes of practice.

v. Compliance with the flood risk management policies of this Plan.

c. In the event of a grant of permission the Council will attach an Occupancy condition which may require the completion of a legal agreement under S47 of the Planning and Development Act 2000 (as amended)".

7.2.4. It is considered in the third party appeal that the proposed development is contrary to the proper planning and sustainable development of the area.

7.2.5. I note that the planning application is supported by a Supplementary Rural Housing Application Form, which states that the proposed dwelling will be the applicant's primary, principal and permanent residence; that they have not been granted planning permission previously on another site; and that they and their families have had a vital link to the rural area for at least 7 years. I am satisfied that the applicants have demonstrated their need to live in the area. I also note that the planning authority were satisfied in this regard. I recommend the inclusion of a condition to any grant of permission in respect to the occupancy of the dwelling.

7.2.6. I also note that while some development has taken place in the immediate vicinity of the site, I do not consider the addition of one dwelling at this location to be intensive levels of unsustainable urban/suburban residential development.

7.2.7. Having regard to the nature and scale of the proposal and the surrounding rural context, I am satisfied the proposal meets the relevant locational and specific development management criteria listed above for RH-P-2 and RH-P-9. As such I consider the principle of the proposed development to be appropriate in this 'Area Under Strong Holiday Home Influence' location.

7.3. Impact on Visual Amenity/Residential Amenity

7.3.1. Concern was raised in respect to the location of the proposed dwelling on this elevated site and its visual impact due to overall height.

7.3.2. I do consider that the design of the proposed development exhibits some sensitivity towards their rural environment in terms of height, form, and materials. I also note the position of the proposed dwelling, towards the eastern boundary of the site, will in my opinion, assist in its visual dominance when viewed from the adjoining roads/sites. The existing boundary treatments and hedgerows will also be retained. From the perspective of visual amenity, and based on the information submitted with the application, it is my assessment that the finished dwelling, associated garage and driveway are unlikely to result in a significant negative impact on the visual amenity of neighbouring properties or the rural area overall.

7.3.3. As such, I am satisfied that the dwelling proposed does not impact negatively on adjoining residential or visual amenity and complies with the Rural Housing Location Siting and Design Guide.

7.3.4. While not specifically raised in the appeal, I note the overall landholding associated with the proposed development and the position and orientation of the proposed dwelling within the lands. As such, I am satisfied that the proposed dwelling will not detract from adjoining residential amenity in respect of potential overlooking, loss of privacy or overshadowing impacts.

7.4. Surface Water/Flooding

7.4.1. As a result, the gradient of the site, which runs steeply to the appellants, and the extent of construction over the past number of years, the appellant considers that this has resulted in an increase in surface water runoff and flooding of the adjoining lands.

- 7.4.2. As part of the further information request the applicant was requested to clarify the route and point of discharge of surface water drainage.
- 7.4.3. The applicant submitted a revised site layout (Drawing no. 23/121/251-PL), which details that surface water is to be collected in gullies around the site and to pass through a bypass interceptor located towards the south-east corner of the site, prior to discharge to an open road side drain to the east and on the northern edge of the road (L-10321-0). The surface water then crosses under an existing drainage channel under the road to an existing roadside drain.
- 7.4.4. The applicant also detailed drainage calculations and pipe sizes, and these indicate that the capacity of the existing 100mm diameter drainage pipe and the capacity of the existing open drain network. Based on the information submitted I am satisfied that there is adequate capacity to accommodate the proposal and that the proposal will not cause any flooding issues during normal rainfall.
- 7.4.5. I note that no part of the proposed development is located within a flood zone area.
- 7.4.6. I have reviewed the flood maps, in particular the past flood events (source: [Flood Maps - Floodinfo.ie](https://floodinfo.ie) – accessed 02/09/2025). There is no historic flooding event recorded in the vicinity of the application site or 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.
- 7.4.7. I consider the drainage design put forward by the applicant, coupled with the detailed landscape plan to be sufficient drainage and management of surface water run off proposed within the site and will mitigate any additional impacts, which were raised as a concern by the third appellant.
- 7.4.8. I also note the proposed mitigation measures presented in the Natura Impact Statement, referenced in Section 8 of this report, in respect of surface water drainage, specifically the management of surface water within the site.
- 7.4.9. I note the Area Road Engineer of Donegal County Council raised no objection to the subject proposal, subject to conditions. Condition 10 and Condition 11 of the planning authority grant of permission are relevant in this regard. I recommend the inclusion of similar conditions in the event of a grant of permission.

7.5. Other Matters:

Legal and Procedural Issues

- 7.5.1. 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.
- 7.5.2. The appellant states that the applicant has not obtained his consent to pipe surface water across adjoining third party lands. I note that further consents that may have to be obtained are essentially a subsequent matter and are outside the scope of the planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the Planning and Development Act, 2000, as amended.

Planning History and Precedent:

- 7.5.3. I note the concerns raised in the grounds of appeal in respect of the applicant previous application, which was refused permission on a different site, and the adjoining planning history in the vicinity in particular permissions refused on sites in the vicinity.
- 7.5.4. However, all appeal cases should be assessed and determined on their own merits having regard to the sensitivity of the receiving environment and the specifics of the proposed development as per the forgoing assessment.

Wastewater Treatment

- 7.5.5. Having regard to the detail submitted with regard to site suitability, I am of the opinion that the development is unlikely to pose any adverse impact on groundwater quality at this location, provided that correct installation procedures are followed, and ongoing maintenance is carried out. I recommend that a condition be included in this regard.

Sight Lines and Traffic Impact

- 7.5.6. In respect of sight lines, I am satisfied that adequate sight lines can be achieved. Moreover, in respect to additional traffic on the rural road, I do not consider that the provision of one additional dwelling at this location would result in an unacceptable level of traffic generation at this location. I note the Planning Authority Conditions 5 and 6 in respect to sightlines and roadside boundary and I would recommend the inclusion of similar conditions in the event of a grant of permission.

7.5.7. Occupancy:

Reference is made in the third party submission to the occupancy of the dwelling. I recommend that an occupancy condition be attached to any grant of permission.

7.6. **Water Framework Directive**

- 7.6.1. The subject site is not located adjacent to a water body.
- 7.6.2. The proposed development comprises the erection of a dwelling house with septic tank and domestic garage including all associated site works.
- 7.6.3. I have assessed the construction of a dwelling, garage and associated site works 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.
- 7.6.4. 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.
- 7.6.5. The reason for this conclusion is as follows :
- Small scale and nature of the development.
 - Lack of hydrological connections.

Conclusion

- 7.6.6. 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.

8.0 **Appropriate Assessment**

8.1. **Introduction**

- 8.1.1. As part of the further information the applicant was requested to submit a Natura Impact Statement given to the site's proximity to the nearest Natura 2000 site (being the Mulroy Bay SAC located 200m away).
- 8.1.2. The applicant submitted a NIS as part of the further information submission, and the Planning Authority considered that "The Planning Authority has determined that the proposed development will have no likely or significant negative impact on the Natura 2000 site Mulroy Bay SAC (Site code 002159), providing all mitigating actions outlined in the Natura Impact Statement submitted to the planning authority on the 29th July 2024 are implemented in full".
- 8.1.3. The NIS is assessed in full in Appendix B of my report.

8.2. Conclusion

- 8.2.1. 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.
- 8.2.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the Mulroy Bay SAC (Site Code: 002159). 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.
- 8.2.3. 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 Mulroy Bay SAC (Site Code: 002159), or any other European site, in view of the site's conservation objectives.

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 Mulroy Bay SAC (Site Code: 002159).

9.0 Recommendation

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

10.0 Reasons and Considerations

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

11.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application, received by the planning authority on the 20th day of December 2023, as amended by the further information received on 29th day 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>(i) The premises the subject of this permission shall (when constructed) be used for the purposes of a dwelling and subject to paragraph (iii) below the following restrictions shall apply during the period of seven years commencing on the first such use -</p> <p>(a) The dwelling shall be used as the principal place of residence of the applicant or with the written consent of the Planning Authority by persons who belong to the same category of housing need as the applicant as described in Policy RH-P-2 in the County Donegal Development Plan 2024-2030, and</p> <p>(b) This permission will inure only for the benefit of the land and such persons entitled to use the dwelling as per paragraph (a) above, and</p> <p>(c) The above restrictions will be embodied in an agreement under Section 47 of the Planning and Development Act, 2000 (as amended) to be entered into on the first application being made for written consent per paragraph (a) above and where a consent is granted the entry into the agreement will be a condition precedent of such consent.</p> <p>Within two months of the first use/occupation of the dwelling, the applicant shall submit to the Planning Authority written confirmation of the person(s) using/occupying the dwelling in accordance with paragraph (a) and the date of commencement of such use/occupation.</p> <p>(iii) The above restrictions shall cease to apply (earlier than the seven year period stipulated) on a sale of the dwelling by a mortgagee in possession but excluding the use of the dwelling house as a holiday home.</p> <p>Reason: In order to define the terms of the permission and to comply with the Rural Housing Policy of the County Donegal Development Plan, 2024-2030.</p>
4.	<p>The dwelling shall be occupied as a single residential unit and shall not be used for any other purpose, including short-term letting, unless authorised by a prior grant of planning permission. The principal use of the application site shall remain in private residential use.</p>

	Reason: In the interests of the proper planning and development of the area.
5.	<p>The proposed domestic garage shall be used for purposes incidental to the enjoyment of the dwelling and shall not be used for any commercial/trade/industrial or residential use shall be established therein.</p> <p>Reason: In the interests of orderly development.</p>
6.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only, the colour of the ridge tile shall be the same as the colour of the roof. The stone shall comprise of locally sourced natural stone.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>Prior to commencement of development, permanent visibility splays of 50 metres shall be provided in each direction to the nearside road edge at a point 2.4 metres back from road edge at location of vehicular entrance. Visibility in the vertical plane shall be measured from a driver's eye- height of 1.05 metres and 2 metres positioned at the setback distance in the direct access to an object height of between 0.26 metres and 1.05 metres.</p> <p>Reason: In the interests of traffic safety.</p>
8.	<p>The existing roadside boundary shall be removed along entire road frontage of site and new dark stained tanalised timber fence, back planted with a hedgerow of species native to the area, shall be located along a line at least 5 metres from centre line of public road. Said fence and hedgerow shall incorporate an entrance with a minimum width at road fence to line of gates of 9.15m minimum depth from road fence to line of gates of 2.45m and a minimum width on line of gates of 4.9m.</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 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p>

	<p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
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 and the applicant shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: To protect the amenities of the area.</p>
11.	<p>Full frontage or roadside drain (whichever is appropriate) shall be piped with concrete pipes of adequate size in accordance with details to be agreed in writing with the Planning Authority.</p> <p>Reason: In the interests of sustainable drainage.</p>
12.	<p>(a) Area between old and new front boundaries shall be soiled to a height no higher than 100mm above the level of the adjacent carriageway and shall be seeded with grass.</p> <p>(b) The access road serving the subject site shall not be black topped and shall not be defined by concrete kerbing but left with a natural edge finish. The road shall be surfaced with natural or coloured aggregate gravel and shall not be bound by bituminous or concrete material.</p> <p>(c) Mounding of an earthen embankment to a height not exceeding 1m shall be carried out along both sides of the access road from the public road. This work shall be completed, and the embankments planted with thick hedgerow of native species, including gorse and black thorn within the first planting season following first occupation of the dwelling. Any species dying within subsequent three years shall be replaced.</p> <p>(d) Private lighting shall not be constructed along the private access road from the public road to the site without the prior written agreement of the Planning Authority.</p>

	<p>(e) Retaining walls shall not exceed a height of 1.2m and shall be faced with locally sourced natural stone. All areas of excavation shall thereafter be collapsed or graded to a slope not more than 1:3 and shall be soiled and sown with grass.</p> <p>Reason: In the interest of amenity.</p>
13.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: In the interests of sustainable drainage.</p>
14.	<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, rock outcroppings, stone 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 Fearnog (Alder/<i>Alnus glutinosa</i>), Crann Creathach (Aspen/<i>Populus tremula</i>), Draighean (Blackthorn/<i>Prunus spinosa</i>), Crann Fia-Ull (Crab apple/<i>Malus sylvestris</i>), Coll (Hazel/<i>Corylus avellana</i>), Sceach Gheal (Hawthorn/<i>Crataegus monogyna</i>), Cuileann (Holly/<i>Ilex aquifolium</i>), Dair Ghallda (Pedunculate Oak/<i>Quercus robur</i>), Dair Ghaelach (Sessile Oak/<i>Quercus petraea</i>), Caorthann (Rowan/Mountain Ash (<i>Sorbus</i></p>

	<p>aucuparia), Fionncholl (Whitebeam/Sorbus spss), Saileach (Willow/Sallys/ Salix spss), Leamhan Sleibhe (Wych Elm/Ulmus Glabra).</p> <p>(iv) All site boundaries shall be planted with hedgerow of semi-mature species native to the area and at least 7 no. semi-mature broadleaf trees shall be planted on site within first planting season following commencement of development.</p> <p>(v) Details of roadside/street planting.</p> <p>(vi) Hard landscaping works, specifying surfacing materials, and finished levels.</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>
15.	<p>(a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) ” – Environmental Protection Agency, 2021.</p> <p>(b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021. (c) Within</p>

	<p>three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.</p> <p>Reason: In the interest of public health and to prevent water pollution</p>
16.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and [residential] amenity.</p>
17.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiun Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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

Emma Nevin
Planning Inspector

11th September 2025

Appendix A - Form 1 - EIA Pre-Screening

Case Reference	ABP-320867-24
Proposed Development Summary	Construction of a dwelling house with domestic garage, waste water treatment system and all other associated site development works
Development Address	Kinnalargy, Downings, Letterkenny, Co. Donegal
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.	N/A

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) Proposed development for 1 residential unit, therefore sub-threshold. Preliminary examination required.

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)

Appendix A - Form 2 - EIA Preliminary Examination

Case Reference	ABP-322064-25
Proposed Development Summary	Construction of a dwelling house with domestic garage, waste water treatment system and all other associated site development works
Development Address	Kinnalargy, Downings, Letterkenny, Co. Donegal
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The development involves the construction of a single storey dwelling house, detached garage, wastewater treatment system and percolation area along with site entrance and boundary treatments, all on land located in a rural area.</p> <p>During the construction phase, the proposed development would generate waste during excavation and construction.</p> <p>However, given the moderate size of the proposed development, I do not consider that the level of waste generated would be significant in the local, regional, or national context.</p>
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The site is not located in a European Sites; however it is in close proximity to the Mulroy Bay SAC (Site Code: 002159).</p> <p>A Natura Impact Statement has been submitted with the planning application.</p> <p>I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites within the area namely, Mulroy Bay SAC (Site Code: 002159), or any other European site.</p>
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent,	<p>Localised construction impacts will be temporary. The proposed development would not give rise to waste, pollution or nuisances beyond what would normally be deemed acceptable.</p>

nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	
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: 11th September 2025

Appendix B – Screening for Appropriate Assessment

Context:

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

Compliance with Article 6(3) of the Habitats Directive:

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.

The proposed development at Kinnalargy, Downings, Letterkenny Co. Donegal, comprising construction of a dwelling house with domestic garage, waste water treatment system and all other 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).

Description of the Plan or Project:

The proposed development comprises construction of a dwelling house with domestic garage, waste water treatment system and all other associated site works.

Information received with application

The application included submission of a Natura Impact Statement (dated 16th July 2024).

The submitted NIS outlines the methodology used for assessing potential impacts on the habitats and species within the following Natura site, i.e. Mulroy Bay 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.

The submitted NIS concluded that *“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 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. 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”*.

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 in Section 7, and they are summarised in Section 7.1 (pages 27 – 29) of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development.

Set out below is my own independent assessment.

Screening for Appropriate Assessment

Natura 2000 Sites:

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).

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

Special Areas of Conservation	Distance
Mulroy Bay SAC 002159	200 metres
Sheephaven SAC 001190	1.27 km
Cloghernagore Bog and Glenveagh National Park SAC 002047	7.76 km
Lough Nagreany Dunes SAC 000164	2.35km
Tranarossan and Melmore Lough SAC 000194	2.09km
Kindrum Lough SAC 001151	6.21 km
Ballyhoorisky Point to Fanad Head SAC 001975	6.21km
Horn Head and Rinclevan SAC 00147	7.87km
Muckrish Mountain SAC 001179	10.97km
Sessiagh Lough SAC 000185	7.35km
Special Protection Areas	Distance
Greers Isle SPA 004082	6.63 km
Horn Head to Fanad Head SPA 004194	2.52 km
Derryveagh and Glendowan Mountains SPA 004039	8.54km
Fanad Head SPA 004148	10.15 km

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, 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.

I note that the applicant considered the following Natura sites i.e. Sheephaven SAC 001190, Cloghernagore Bog and Glenveagh National Park SAC 002047, Lough Nagreany Dunes SAC 000164, Tranarossan and Melmore Lough SAC 000194, Kindrum Lough SAC 001151, Ballyhoorisky Point to Fanad Head SAC 001975, Horn Head and Rinclevan SAC 00147, Muckrish Mountain SAC 001179, Sessiagh Lough SAC 000185, Greers Isle SPA 004082, Horn Head to Fanad Head SPA 004194, Derryveagh and Glendowan Mountains SPA 004039, and Fanad Head SPA 004148 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 8.1 below.

- 11.9.1. A source-receptor pathway exists to the qualifying interests of this SAC in the form of storm/surface runoff which drains towards Mulroy Bay. An existing open drain flows along the southern boundary, post construction it is proposed to connect the new storm drainage network into the existing open drain which discharges into the Mulroy Bay, which is designated under the Mulroy Bay SAC.
- 11.9.2. 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, namely the Mulroy Bay SAC (Site Code: 002159).

Table 8.1 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 8.1: 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
Mulroy Bay SAC 002159	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</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>Site specific cons obj</p>	200m	<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.</p> <p>Excessive noise from construction activities may provide potential for disturbance to QI species within the SAC.</p>	Yes
Sheephaven SAC 001190	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</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>ConservationObjectives.rdl</p>	1.27 km	No avenue for direct effects or indirect effects.	No

	<p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p>Machairs (* in Ireland) [21A0]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p><i>Euphydryas aurinia</i> (Marsh Fritillary) [1065]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>				
Cloghernagore Bog and Glenveagh National Park SAC 002047	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and</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	7.76 km	No avenue for direct effects or indirect effects.	No

	<p>Callitricho-Batrachion vegetation [3260]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinia caerulea</i>) [6410]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Vandenboschia speciosa</i> (Killarney Fern) [6985]</p>	ConservationObjectives.rdl			
Lough Nagreany Dunes SAC 000164	Embryonic shifting dunes [2110]	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II	2.35 km	No avenue for direct effects or indirect effects.	No

	<p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Decalcified fixed dunes with <i>Empetrum nigrum</i> [2140]</p> <p>Atlantic decalcified fixed dunes (Calluno-Ulicetea) [2150]</p> <p>Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170]</p> <p>Humid dune slacks [2190]</p> <p>Machairs (* in Ireland) [21A0]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]</p> <p><i>Najas flexilis</i> (Slender Naiad) [1833]</p>	<p>species for which the SAC has been selected for</p> <p>ConservationObjectives.rdl</p>			
Tranarossan and Melmore Lough SAC 000194	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II	2.09 km	No avenue for direct effects or indirect effects.	No

	<p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Decalcified fixed dunes with <i>Empetrum nigrum</i> [2140]</p> <p>Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170]</p> <p>Humid dune slacks [2190]</p> <p>Machairs (* in Ireland) [21A0]</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. [3140]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>	<p>species for which the SPA has been selected for</p> <p>ConservationObjectives.rdl</p>			
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Kindrum Lough SAC 001151	Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] Najas flexilis (Slender Naiad) [1833]	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 ConservationObjectives.rdl	6.21 km	No avenue for direct effects or indirect effects.	No
Ballyhoorisky Point to Fanad Head SAC 001975	Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Najas flexilis (Slender Naiad) [1833]	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 ConservationObjectives.rdl	6.21 km	No avenue for direct effects or indirect effects.	No
Horn Head and Rinclevan SAC 00147	Embryonic shifting dunes [2110]	To maintain or restore the favourable conservation condition of the Annex I	7.87 km	No avenue for direct effects or indirect effects.	No

	<p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170]</p> <p>Humid dune slacks [2190]</p> <p>Machairs (* in Ireland) [21A0]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]</p> <p><i>Vertigo geyeri</i> (Geyer's Whorl Snail) [1013]</p> <p><i>Halichoerus grypus</i> (Grey Seal) [1364]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p> <p><i>Najas flexilis</i> (Slender Naiad) [1833]</p>	<p>habitat(s) and/or the Annex II species for which the SPA has been selected for</p> <p>CO000147.pdf</p>			
Muckrish Mountain SAC 001179	<p>Alpine and Boreal heaths [4060]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p>	To maintain or restore the favourable conservation condition of the Annex I	10.97 km	No avenue for direct effects or indirect effects.	No

		<p>habitat(s) and/or the Annex II species for which the SPA has been selected for</p> <p>ConservationObjectives.rdl</p>			
Sessiagh Lough SAC 000185	<p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</p> <p>Najas flexilis (Slender Naiad) [1833]</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>ConservationObjectives.rdl</p>	7.35 km	No avenue for direct effects or indirect effects.	No
Greers Isle SPA 004082	<p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Common Gull (Larus canus) [A182]</p> <p>Sandwich Tern (Thalasseus sandvicensis) [A863]</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>CO004082.pdf</p>	6.63 km	No avenue for direct effects or indirect effects.	No
Horn Head to Fanad Head SPA 004194	<p>Fulmar (Fulmarus glacialis) [A009]</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Shag (Phalacrocorax aristotelis) [A018]</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>	2.52 km	No avenue for direct effects or indirect effects.	No

	<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>Pyrrhocorax pyrrhocorax</i>) [A346]</p> <p>Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]</p>	CO004194.pdf			
Derryveagh and Glendowan Mountains SPA 004039	<p>Red-throated Diver (<i>Gavia stellata</i>) [A001]</p> <p>Merlin (<i>Falco columbarius</i>) [A098]</p> <p>Peregrine (<i>Falco peregrinus</i>) [A103]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Dunlin (<i>Calidris alpina schinzii</i>) [A466]</p>	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SPA has been selected for</p> <p>CO004039.pdf</p>	8.54 km	No avenue for direct effects or indirect effects.	No
Fanad Head SPA 004148	Corncrake (<i>Crex crex</i>) [A122]	To restore the Favourable conservation condition of	10.15 km	No avenue for direct effects or indirect effects.	No

		<p>Corncrake in Fanad Head SPA, which is defined</p> <p>CO004148.pdf</p>			
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Screening Determination

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 Mulroy Bay SAC (Site Code:002159).

This conclusion is consistent with the documentation submitted by the applicant.

Appropriate Assessment of Implications of the Proposed Development

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.

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:

- **Water Resource Quality Degradation**
Increased sedimentation stemming from site clearance/preparation.
Pollution incidents stemming from accidental spillages, hazardous material mismanagement, improper storage leading to pollutant suspending in surface water entering pathway to the European Sites
- **Dust Generation**
A build-up of dust in and around the subject site has the potential to be washed/blown into the Natura 2000 sites during heavy rains which could contribute to nutrient enrichment and sedimentation, causing a decline in water quality and habitat quality.
- **Invasive Species**
Fragments of Invasive species (rhizomes, seeds etc.) could be imported on-site. This could be attached to uncleaned machinery. Importation of material containing viable invasive species fragments could lead to establishment of invasives on site or in adjacent habitats.

Operational Impacts:

- **Water Resource Quality Degradation**

Failure of surface water drainage infrastructure could lead to uncontrolled run-off of captured waters resulting in sediment or oil laden runoff entering the pathways to European Sites. Such run-off could negatively affect aspects of water quality in the European Sites

Failure of foul water drainage pipework could lead to leaks of high nutrient wastewater which due to proximity could enter Mulroy Bay through the identified drainage channels. This could affect water quality within European Sites.

The information contained in the following Table 8.2 is a summary of the objective scientific assessment of the implications of the proposed development on the qualifying interest features of the Mulroy Bay SAC (Site Code:002159) 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 8.2 - 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?
Mulroy Bay SAC (Site Code: 002159)	Mudflats and sandflats not covered by seawater at low tide [1140] Large shallow inlets and bays [1160] Reefs [1170] Lutra lutra (Otter) [1355]	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 degradation of water resource quality.	Mitigation for the stages (clearance/construction/operational) of the proposed development is outlined in Section 7.1, specifically Sections 7.1.1 and 7.1.2 of the NIS. Mitigation will aim to avoid and effectively minimise deleterious effects from the construction and operation of the proposed development. This includes management of surface waters at all stage of development to avoid water exiting the site which could cause physical or chemical pollution of receiving	Having reviewed the information submitted and also having considered any possible residual impacts as outlined in the NIS, I am satisfied that no in-combination effects will occur as a result of the proposed development.	Yes – There is no doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects on integrity.

			<p>ecosystems, and measures to reduce pollution, 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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Potential In-Combination Effects

In combination effects are examined within the submitted NIS report (Section 7.2) and have been also considered under Table 8.2 above. The proposed development was considered in combination with other developments within the vicinity of the site, the Donegal County Development Plan 2018-2024 and the Draft Donegal Development Plan, 2024 - 2030. Section 7.2.2 reviews other projects in the vicinity of the site. I consider the information presented in the screening report (Table 7.1 – pages 29 – 33 of NIS, and Table 7.2: Cumulative Impact with Other Projects page 34 of NIS) adequate for the purpose of the assessment.

It is concluded that “cumulative impact assessment found that the project considered in combination with other plans/projects will not culminate in effect on European Sites”.

I am satisfied that there would be no potential in combination effects as a result of the proposed development.

Mitigation Measures

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 Section 7.1.1. and 7.1.2 of the NIS.

A source-receptor pathway exists to the Mulroy Bay SAC (Site Code: 002159) in the form of the surface water pathways on site, failure of surface water infrastructure could lead to uncontrolled run-off. Potential disturbance to wildlife due to water resource quality degradation and noise/dust associated with the construction and operational phase cannot not be definitively ruled out under the precautionary principle.

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 sediment control, pollution control, and dust control. 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.

These can be summarised as follows:

Construction Phase -

Sediment Control:

- Silt fencing must be employed to avoid diffuse pollution of sediment during site clearance and construction works.
- A dual barrier silt fence must be erected in the location shown in Figure 7.1. The silt fencing must be affixed to 1.2m high post and rail fence (or equivalent) c.2.5m from the site boundary. The silt fencing must be inspected regularly for tears by the site foreman and repairs carried out immediately.
- A mesh of Terrastop Gr180 or equivalent must be used in a dual layer fashion with a c.0.5m spacing between fences.
- A temporary attenuation pond must be constructed in the location shown in Figure 7.1 (of NIS report). All surface water from the excavation area is to be directed to the attenuation pond by means of capture drains. Outflow from the attenuation pond must be through the double silt fence.
- The amount of time stripped ground and soil stockpiles are exposed must be limited to only when required. When not in use stockpiles must be covered with a membrane.
- Clearance works must cease in periods of high rainfall denoted by a Met Eireann orange advisory warning for rainfall.

Pollution Control:

- Bunded storage areas must be located onsite. These areas must provide a 110% capacity.
- Refuelling must take place in designated area near site entrance.
- Spill kits must be kept on-site.
- Personnel must be trained in spillage response.

- Cement and concrete usage must be subject to careful management to ensure no accidental spillage and entry to watercourse occurs.

Dust Control:

- Dust suppression techniques must include water spraying of stockpiles and temporarily curtailing specific operations when unfavourable weather conditions are prevailing (eg during dry, windy weather when the prevailing winds may cause dust to be blown towards local receptors).
- 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.

Biosecurity:

- Follow best practice with regard to Biosecurity.
- Validate the source of imported material is free from known infestations of Invasive Species.
- Visually check machinery is clean prior to entry on site. Prohibit entry of uncleaned machinery or equipment on site.
- No invasives where recorded on-site during walkovers, however if invasives become evident at commencement, the site manager must commission an invasive species management plan to be produced by a qualified ecologist. This plan must be implemented to control the invasives and a record of all activities retained for inspection by the Planning Authority, if requested.

Operational Phase –

Storm Water Drainage:

- Surface water from the areas of hardstanding must be collected via drains and directed towards the existing watercourse which must be fitted with a

class 1 bypass separator with specification (equivalent to Kingspan NSBP003 which is sized for areas of up to 1650m²).

- The bypass separator must be of Class 1 specification as outlined in standard document BS EN 858. This is designed to achieve a discharge concentration of less than 5 mg/litre of oil under standard test conditions. Silt storage capacity of up to 300 litres is provided.
- Storm water infrastructure must be inspected regularly by suitably qualified personnel.

Foul Water:

- A site-specific wastewater treatment facility is proposed to ensure no effect on the groundwater aquifer and the Natura 2000 site. All tanks, filters, etc. must be installed in accordance with the manufacturer's guidelines and the EPA Code of Practice. The details and location of the packaged wastewater treatment system and polishing filter are provided in the Site Suitability Assessment reports by Oliver McGeady which accompanies this planning application.
- All works associated with the proposed onsite wastewater treatment systems must be carried out in accordance with the EPA Code of Practice 2021 and current Building Regulations.
- All works associated with the proposed onsite wastewater treatment system must be installed by a suitably qualified professional. The installation of the wastewater treatment system must be supervised by a chartered engineer at time of installation and installed by an experienced contractor.

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.

Residual Effects

Table 8.1 of the NIS identifies a residual impact assessment of the proposed development on the Mulroy Bay SAC (Site Code: 002159). No adverse effects on the

conversation objectives likely to occur from the project, post mitigation for each qualifying interest of the Mulroy Bay SAC (Site Code: 002159).

I am satisfied that the proposed development will not have any residual effects on the Mulroy Bay SAC (Site Code: 002159).

Integrity Test

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 Mulroy Bay SAC (Site Code: 002159), 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.

Conclusion

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.

Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the Mulroy Bay SAC (Site Code: 002159). 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.

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 Mulroy Bay SAC (Site Code: 002159), or any other European site, in view of the site's conservation objectives.

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 Mulroy Bay SAC (Site Code: 002159).