



#### Development

Construction of a dwelling house, a new vehicular entrance/access road and all associated site works. A Natura Impact Statement (NIS) accompanies this application. An amended NIS was submitted with Further Information.

#### Location

Magheracar, Bundoran, Co. Donegal

#### Planning Authority

Donegal County Council

#### Planning Authority Reg. Ref.

2351941

#### Applicant

Iarla and Mary Cartys

#### Type of Application

Permission

#### Planning Authority Decision

Grant Permission

#### Type of Appeal

Third Party

#### Appellant

Andrew O'Byrne White

#### Observers

None

#### Date of Site Inspection

10<sup>th</sup> February 2025

#### Inspector

Jim Egan

# Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	6
3.1.    Decision .....	6
3.2.    Planning Authority Reports .....	6
3.3.    Prescribed Bodies .....	8
3.4.    Third Party Observations .....	8
4.0 Planning History .....	10
5.0 Policy Context .....	10
5.1.    National Guidance .....	10
5.2.    Donegal County Development Plan 2024 – 2030 .....	10
6.0 Natural Heritage Designations .....	15
7.0 The Appeal .....	16
7.1.    Grounds of Appeal .....	16
7.2.    Applicant Response .....	16
8.0 Assessment .....	17
8.1.    Principle of Development .....	17
8.2.    Visual Impact .....	21
8.3.    Residential Amenity .....	22
9.0 EIA Screening .....	23
10.0 Appropriate Assessment Screening .....	23
11.0 Water Framework Directive .....	25
12.0 Recommendation .....	25
13.0 Reasons and Considerations .....	25

Appendix 1 - Form 1.....	28
Appendix 1 - Form 2.....	30
Appendix 2 – Appropriate Assessment Screening .....	33
Appendix 2 - Appropriate Assessment .....	44
Appendix 3 – WFD Stage 1: Screening.....	58

## **1.0 Site Location and Description**

- 1.1. The appeal site, with a stated area of 0.996ha, is located on the eastern end of the urban settlement of Bundoran, southwest County Donegal. The site is backland / infill in nature, generally contained between residential properties fronting the R267 to the south and the Atlantic coastline to the north.
- 1.2. The surrounding area is characterised by low density housing developments. The appeal site has a frontage of c. 24m to the R267 to the south, while the remaining southern boundary of the site is shared with the rear boundaries of 3 no. detached single storey dwellings which themselves front the R267. To the east is a relatively large, detached two-storey dwelling on a backland site of a similar nature to the appeal site. To the west is Lissadell Avenue, a cul-de-sac development of 11 no. detached single storey and dormer dwellings. The eastern end of the road within Lissadell Avenue terminates at the boundary with the appeal site, with access to same via a farm style gate. Part of the western boundary is also shared with a vacant infill site to the southwest and open grassland to the northwest. To the north, the site shares its boundary with the West End Cliff Walk, a public walkway which follows the Atlantic coastline.
- 1.3. The appeal site is currently vacant of any buildings and is characterised by open grassland. Submitted plans show that the site rises by c. 3.5m over a distance of c. 40m from the northern boundary and from there falls gently southwards.

## **2.0 Proposed Development**

- 2.1. The proposal comprises the construction of a part single, part two-storey split level four-bedroom detached house, with a floor area of c. 417sq.m. In terms of form, the house has three distinct elements, each with its own mono-pitch roof. As noted above, the house is split level. On the southern elevation, the house would appear as single-storey with a maximum mono-pitch roof height of c. 4.567m, whilst on the northern elevation, facing the coast, the house would be two-storey with a maximum mono-pitch flat roof height of c. 7.4m. The (upper) ground level (c. 298sq.m) would comprise the main entrance and hallway, four bedrooms and kitchen / living areas, whilst the lower ground level (c. 119sq.m) would comprise a garage, office and 'covered open area'.

- 2.2. The northern building line of the house would generally align with the northern / rear building line of existing houses on the northern side of Lissadell Avenue, with a separation distance of c. 13.7m between the proposed house and the side property boundary of the eastern most house within Lissadell Avenue. The house would be set back c. 61m from the northern / rear boundaries of residential properties fronting the R267 to the south and with a minimum setback of c. 37m from the coastal cliff walk to the north.
- 2.3. Vehicular access would be via a new entrance on the R267 with a new driveway meandering from the southwest corner to the northeast corner to provide access to a lower ground floor level garage on the northern side of the house.
- 2.4. Mains sewerage and water are available. Surface water run-off from the house and southern part of the site is to be discharged to an existing public storm mains on Lissadell Avenue, whilst surface water run-off from the driveway and northern part of the site is to be attenuated on site through a petrol interceptor and then through a clean stone baffle drain.
- 2.5. External material finishes to the house are to include grey limestone cladding and smooth plaster to the walls, slate grey alu-clad windows and doors, and standing seam cladding to the mono-pitch roofs. External amenity space would include a c. 1.4m deep balcony running along the northern elevation of the upper ground level edged with a glass balustrade, expanding out to a larger terrace on the western end.
- 2.6. The application included a Natura Impact Statement.

#### Further Information

- 2.7. Further information received by the planning authority on 16<sup>th</sup> July 2024 included an amended site layout plan showing the proposed house relocated southwards by c. 13.5m within the site, to take the footprint of the house out of the Zone of Coastal Conservation (discussed further under Section 6.0 of my report). The amended site layout plan also showed that access to the house would be via the eastern end of the estate road serving Lissadell Avenue rather than the creation of a new entrance on the R267.
- 2.8. The proposal otherwise remained unchanged. Of note, and in response to an item on the request for further information, the applicant submitted a site section to

demonstrate the degree of ground excavation required on the northern side of the house to construct the lower ground floor level. Also, and again in response to an item on the request for further information, the applicant submitted an additional site layout plan showing an indicative layout for future infill housing within the southern half of the site.

Further information also included a revised Natura Impact Statement.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority granted permission subject to 15 no. conditions. Of note, Condition 2 prohibits the use of the house as a holiday house or short-term letting unless further planning permission is granted. Condition 9 relates to the planting of the western and eastern site boundaries. Condition 12 requires the implementation of mitigation measures contained in the submitted Natura Impact Statement. Condition 13 relates to the control of external lighting. Condition 15 requires the payment of a development contribution.

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

#### **3.2.1. *Planning Reports***

A planner's report, dated 7<sup>th</sup> February 2024, makes the following main points:

- Observations received are noted.
- Donegal County Development Plan 2018-2024 applies.
- The site is partially zoned Residential (Phase 1), therefore capable of accommodating a multi-residential scheme. To be addressed by way of further information.
- The site has two zoning designations – Residential (Phase 1) and Coastal Conservation Zone. The proposed house is predominantly located within the Coastal Conservation Zone. To be addressed by way of further information.

- Submitted drawings would indicate extensive ground excavation required to construct the dwelling. No cross-sectional drawings submitted. To be addressed by way of further information.
- Whilst the current dwelling has a relatively large floor area from the public road it has a low profile and will not create as strong a visual impact as the existing dwellings.
- Considering the physical separation distances between the subject site and the neighbouring dwellings no issues arise in relation to loss of privacy, overlooking or residential amenity.
- An existing lane traverses the site. Also, the part of the site adjoining the R267 appears to be used for the parking of cars associated with the adjoining dwelling. To be addressed by way of further information.
- No details provided for the proposed entrance on the R267, including drainage. To be addressed by way of further information.
- Donegal Bay SPA is located 66m from the site. The assessment of birds within the site in the submitted NIS is short in detail. To be addressed by way of further information.

Further information was requested on the above items. A response was received on 16<sup>th</sup> July 2024.

A second planner's report, dated 23<sup>rd</sup> August 2024, makes the following main points:

- Donegal County Development Plan 2024-2030 now in effect.
- Proposed house is located on part of the site now zoned 'New Residential – Phase 2', a zoning objective which requires applications for multi-housing developments to include evidence to demonstrate a market failure of Phase 1 land. The current application was lodged prior to rezoning of the lands and it is considered to be reasonable to continue to assess it as submitted.
- Through revisions, the applicant has demonstrated that there is land available for future development that would comply with the relevant policies and that the current proposal is for a permanent home. The policy does not preclude development of a single unit. It is further considered that the proposed

development does not materially contravene the land use policies of the Development Plan.

- Relocation of the house, relocation of the entrance and submitted cross sections are noted. No further concerns are raised.
- It is considered that there are adequate mitigation measures in place to overcome any potential impact on the Special Protection Area (SPA).
- Revised public notices required.

A third planner's report, dated 21<sup>st</sup> October 2024, recommended a grant of permission, subject to 15 no. conditions.

### 3.2.2. *Other Technical Reports*

None.

### 3.3. **Prescribed Bodies**

- An Taisce – No response received.
- Department of Housing, Local Government and Heritage in respect of Natural Heritage – No response received.
- Uisce Eireann – No response received.

### 3.4. **Third Party Observations**

2 no. observations were received by the planning authority. The issues raised are summarised below:

#### Andrew O'Byrne White, Benwiskin, West End, Bundoran

The observer's dwelling fronts the R267 and backs onto the appeal site.

- Dwelling, by reason of overlooking, would result in a loss of privacy to the back garden and bedrooms.
- Use of the driveway would result in loss of privacy and light pollution from cars.
- Dwelling would block natural light to back garden and rooms
- Proposal would reduce the value of the observer's property.

- Impact on property value together with loss of light and privacy would impact the observer's mental health.
- The proposal, by reason of design and positioning within the Coastal Conservation Zone, is out of character with the area and would cause a significant negative impact on the beauty of the landscape and coastline, particularly noting the amenity of the adjoining coastal walkway.
- Curlews, an endangered species, have been observed feeding on the site (photos attached to observation). Legal obligation to protect this species.
- The site is zoned 'Residential Phase 2' under the draft County Development Plan 2024-2030, under which it is intended that housing would only be allowed where there is a market failure in respect of Phase 1 residential land.
- Proposal is not consistent with draft CDP density target of 35 dwellings per hectare.
- Observer identifies the southwest corner of the site as being an alternative location for the house.

Sarah Kelliher, 1 Dinglei Coush, Bundoran

- The site constitutes an important pollinator habitat.
- The site adjoins an SPA. The submitted appropriate assessment fails to identify the impact of the construction related noise on bird species in the area. Eurasian Curlew, a red-listed species, has been observed feeding on the site during the winter months. NPWS report a 98% decline in Curlew with an 86% decline in range. Holding onto important fragments of feeding ground for such red listed birds should be a priority.
- By reason of size and design, the proposal will tower over the adjoining West End walkway, detracting from the visual amenity of this walkway and other such coastal routes.
- Relocating the house to within the part of the site zoned residential would allow a better buffer between the house and the adjoining coastal walkway.

Further information received on 16<sup>th</sup> July 2024 was deemed to be significant and revised public notices were received by the planning authority. No further observations were received.

## **4.0 Planning History**

### **4.1. Appeal Site**

None.

### **4.2. Surrounding Area**

None considered relevant.

## **5.0 Policy Context**

### **5.1. National Guidance**

- Section 28 Guidelines - Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, Department of Housing, Local Government and Heritage, 2024

### **5.2. Donegal County Development Plan 2024 – 2030**

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

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

Chapter 20 of the CDP contains the Bundoran Area Plan 2024-2030, which includes polices, objectives and actions for the town along with a land use zoning matrix, which should be read alongside CDP Map 20.1 (Bundoran Land Use Zoning Map). Appendix

A of the Area Plan contains the infrastructure assessment matrix completed for Bundoran as part of the preparation of the CDP.

Of further relevance to the appeal, from a housing perspective, are CDP Chapters 3 (Core Strategy), Chapter 6 (Housing) and Chapter 17 (Introduction to Area Plans and which sets out a broader policy base for the towns of Ballybofey/Stranorlar, Buncrana and Bundoran. CDP Chapter 11 is also relevant to the appeal in terms of natural heritage.

### **Chapter 3 – Core Strategy**

Under Chapter 3, Bundoran is identified as a level 3 settlement (Service Town) in the settlement hierarchy for the County. The Core Strategy (Table 3.7) outlines a housing allocation of 172 no. units for Bundoran to 2030 to be delivered at a target residential density of 25 units per hectare, to cater for c. 17.6% target population growth over the 2022 Census figure.

### **Chapter 6 – Housing**

Policy UB-P-1      It is a policy of the Council that the provision of multiple housing developments (defined as 2 or more units and excluding holiday homes) will generally be acceptable in principle within those towns/settlements identified in the Core Strategy/Settlement Structure, subject in all cases to the principles of quality placemaking, compact growth and the sequential development of settlements from the centre out, the availability of supporting infrastructure and facilities (including school provision), sustainable wastewater treatment solutions and relevant zoning objectives. The scale of any such development shall be in line with the provisions of the Core Strategy, shall have regard to the circumstances of the specific settlement and shall be in accordance with all relevant objectives and policies of this Plan.

Policy UB-P-8      It is a policy of the Council to determine appropriate residential densities for housing sites having regard to the provisions of all relevant departmental guidelines, the provisions of Circular Letter: NRUP 02/2021, the specific nature of the development proposed and the site location and context.

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

## **Chapter 17 – General Introduction to Area Plans**

Policy GENDM-1 It is a policy of the Council to support the principle of development proposals that are:

- (a) Generally consistent with the zoning objectives as set out in Table 17.1 below and the corresponding zones identified on Map 19.1 entitled 'Ballybofey/Stranorlar Land Use Zoning Map', Map 18.1 entitled 'Buncrana Land Use Zoning Map', and Map 20.1 entitled 'Bundoran Land Use Zoning Map'; and
- (b) Supported in the zoning matrix contained in the Tables contained in each Plan. Such proposals will also be considered against the wider policy framework contained in both this Plan and the CDP where relevant, and relevant guidelines.

Obj. GEN-H-O-1 Facilitate an adequate supply, range and mix of high-quality housing at serviced, sustainable, accessible, and socially inclusive locations to meet anticipated housing need.

Policy GEN-H-3 Consider the development of multiple residential developments on 'New Residential, Phase 2' sites where it can be demonstrated that there is market failure in relation to the development of Phase 1 residential development lands. In this regard, the onus will be on applicants to demonstrate a bona fide case of evidenced market failure which shall include, *inter alia*, the following:

- (i) Evidence of market failure on Phase 1 land within the settlement;
- (ii) (A supporting case-specific report from a suitably qualified property/valuation/estate agency expert; and
- (iii) other evidence, to the satisfaction of the Planning Authority.

## **Chapter 20 – Bundoran Area Plan 2024-2030**

On the Zoning Map for Bundoran, the appeal site is subject to two separate land use zonings. The majority of the site (c. 0.62ha) is zoned ‘*New Residential (Phase 2)*’, the objective of which is to ‘*Provide for new residential development in tandem with the provision of the necessary social and physical infrastructure where it is evidentially demonstrated that all alternative New Residential (Phase 1) sites are unavailable or unsuitable for development.*’. The Zoning Matrix for Bundoran (Table 20.1) shows that ‘Residential’ is ‘Acceptable in Principle’ on land zoned New Residential (Phase 2).

The rest of the site (c. 0.37ha), extending to the northern boundary, is zoned ‘*High Amenity*’, the objective of which is to ‘*Protect and enhance high amenity areas*’. The Zoning Matrix shows that ‘Residential’ is ‘Not Acceptable’ on land zoned High Amenity.

The zoning map identifies the residential zoned part of the site as ‘NR 2.2’, which corresponds with the phase 2 designation. With reference to the infrastructure assessment contained in Appendix A of the Area Plan, the appeal site is identified as being ‘*Tier 1 – All services available*’, and with an area of 0.6ha, has a potential yield of 15 units (25 dwellings per hectare). Section 20.8.2 of Chapter 20 further relates to phase 2 land in Bundoran and outlines that should there be evidential market failure in respect of housing delivery on lands zoned for first phase residential development (zoned New Residential Phase 1), the Planning Authority may consider development of second phase housing lands (zoned New Residential Phase 2) in accordance with the provisions of Policy GEN-H-3 (as contained in Chapter 17 – see above). Policy BD-H-P-1 outlines the key considerations for the development of such land, with the relevant section as follows.

Policy BD-H-P-1 (where it relates to the appeal site)

- b. Ensure that development proposals for NR 2.2 comply with the following:
  - Include analysis of the local surface water drainage network will be required. Sustainable Urban Drainage Systems (SuDS) and nature-based solutions shall be employed on site for the management of surface water.
  - Footpath along site frontage to be upgraded and additional public lighting installed.

The Bundoran Area Plan contains the following relevant policies and objectives:

Obj. BN-CZ-O-1 To protect and enhance the character, setting and natural heritage of the coastal zone in Bundoran, which is identified as a High Amenity Area on the Bundoran Land-Use Zoning Map, in order to secure its existing and future amenity, and tourism and ecological value.

Policy BN-CZ-P-1 To support the principle of the following development proposals within the High Amenity Area along the seafront, subject to compliance with all other relevant policies of this Plan and the County Development Plan:

- a. The redevelopment of brownfield sites.
- b. Development ancillary to existing established uses that support the tourism product in Bundoran.
- c. Small-scale tourism development.
- d. Public realm interventions that serve to enhance the streetscape/landscape and offer demonstrable amenity value.
- e. Community-based recreation projects.
- f. The development of marinas, jetties, facilities for outdoor water-based activities and harbour facilities for maritime leisure developments.

Proposals shall only be permitted where they:

- a. would not significantly impact on the visual amenities, character and environmental quality of the High Amenity Area.
- b. would not intrude significantly on seaward views.
- c. are of a scale and character appropriate to the host environment and are of an enduring high-quality design.

Policy BN-CZ-P-2 To protect the coastal walkways in Bundoran as important tourism, recreation and amenity resources for the town.

## **Chapter 11 – Natural, Built and Archaeological Heritage**

Objective L-O-1 To protect, manage and conserve the character, quality and value of the Donegal landscape.

Policy 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.
Policy BIO-P-1	<p>To require all developments to comply with the requirements of the EU Habitats Directive and EU Bird Directive, including ensuring that development proposals:</p> <ol style="list-style-type: none"> <li>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).</li> <li>Provide for the protection of animal and plant species listed in Annex IV of the EU Habitats Directive and the Flora Protection Order.</li> <li>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.</li> </ol>

## 6.0 Natural Heritage Designations

The appeal site is not located within or adjacent to any designated sites. The closest European Sites are as follows:

- Donegal Bay SPA (Site Code: 004151), c. 10m north of the site
- Lough Melvin SAC (Site Code: 000428), c. 650m southwest of the site

The Lough Melvin SAC pNHA (Site Code 000428) is located c. 650m southwest of the site.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

A third-party appeal has been received from Andrew O'Byrne White, Benwiskin, West End, Bundoran, against the planning authority's decision to grant permission for the proposed development. The appellant's property, which comprises a single storey detached house, shares its rear / northern boundary with the appeal site. The grounds of appeal can be summarised as follows:

- Amended plans, including a cross-section drawing, submitted to the planning authority at further information stage show that the site would be filled and raised, resulting in the house and driveway being elevated above the appellant's back garden, resulting in a loss of privacy and light pollution to the rear of the appellant's property.
- Indicative layout of future housing development on the site would cause loss of residential amenity to the appellant's property by reason of overlooking and overshadowing. Any indicative proposal in this regard should be realistic. Notwithstanding, the proposal remains a single dwelling which does not support housing targets set out in the county development plan.
- CDP policy allows the release of Phase 2 land only where it has been demonstrated that Phase 1 land is unavailable or unsuitable for development. CDP is only within its first year, therefore unlikely that the applicant could demonstrate that Phase 1 sites are not viable.
- Proposed excavation works should be examined in the context of the high amenity zone and also in the context of coastal erosion.

### **7.2. Applicant Response**

A response was received on behalf of the applicant on 11<sup>th</sup> December 2024, with the main points summarised as follows:

- Proposal has no impact on the privacy or enjoyment of surrounding properties other than would be normal standard for a built-up area.

- Land was zoned Residential Phase 1 in the previous CDP and Residential Phase 2 in the current CDP. Land is identified as being in-scope for Residential Zoned Land Tax (RZLT) therefore available for immediate development.
- Reasonable approach to an indicative future housing layout for the remainder of the site.
- Specific housing need for a family member at this location.
- Submitted NIS addresses planning authority concerns.

### **7.3. Planning Authority Response**

No response received.

### **7.4. Observations**

None.

## **8.0 Assessment**

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

- Principle of Development
- Visual Impact
- Residential Amenity

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

### **8.1. Principle of Development**

- 8.1.1. For the purposes of assessment, I will refer to the amended plans submitted to the planning authority at further information stage.

### New Residential (Phase 2) Zoning Objective

- 8.1.2. The site is covered by two land use zoning objectives. The proposed house is substantially located within the part of the site zoned 'New Residential (Phase 2)'. The purpose of this zone is to provide for new residential development, albeit delayed in favour of Phase 1 lands to allow sequential growth from the town centre outwards. By association, CDP Policy GEN-H-3 allows the consideration of multiple residential developments on sites zoned New Residential (Phase 2) where it can be demonstrated that there is market failure in relation to the development of Phase 1 residential development lands.
- 8.1.3. In my view, the provision of one dwelling on a site zoned New Residential (Phase 2) is not contrary to the zoning objective nor contrary to Policy GEN-H-3, for the reason that one dwelling on a site does not compete with the delivery of houses on Phase 1 land in the town from a supply perspective or sequential growth perspective. However, being cognisant of CDP Policy UB-P-1, Policy UB-P-8 and Objective GEN-H-O-1 in terms of densities and the supply of housing, I consider that the siting and layout of the dwelling is an important consideration to ensure that the proposal is not prejudicial to the sustainable development of the residual site area in the future.
- 8.1.4. In terms of density, CDP Policy UB-P-8 seeks to determine appropriate residential densities for housing sites having regard to the provisions of all relevant departmental guidelines. The most relevant guidelines are the Sustainable Residential Development and Compact Settlements Guidelines 2024, under which Table 3.6 sets out that residential densities in the range 25 to 40 dwellings per hectare shall generally be applied for sites at the edge of small / medium sized towns (1,500 - 5,000 population). Bundoran had a population of 2,599 persons at Census 2022 so the appeal site would fall into this category. I also note that the infrastructure assessment for Bundoran (Appendix A to the Bundoran Area Plan contain in Chapter 20 of the CDP) identifies a target density of 25 dwellings per hectare for the site.
- 8.1.5. The site layout plan submitted to the planning authority at further information stage showed an indicative layout for a further 4 no. dwellings. With a residential zoned area of c. 0.62ha and at a target density of 25 dwellings per hectare, a total of 5 no. dwellings equates to a density of 8 dwellings per hectare, which is significantly less than the target of the CDP and Compact Settlement Guidelines.

- 8.1.6. Whilst this application is not for a multi-unit housing development, in my view, the most efficient layout of the site is dictated by the context of Lissadell Avenue. The roadway, including footpaths on both sides, ends at the boundary with the appeal site, indicative of the future function of this roadway to serve further development eastwards into the appeal site. In my view, the most orderly and efficient form of development on the appeal site would comprise the continuation of the roadway of Lissadell Avenue eastwards with north facing houses along its southern side and with perhaps an area of open space along the northern side of the road interfacing with the high amenity zone. In my view, the southwest corner of the site, fronting the R267, constitutes an infill site in its own right. This infill site measures c. 0.1ha and is most likely conducive to the development of 2 no. dwellings fronting the R267, as indicated on the submitted site layout plan. I consider that such an arrangement would generate a suitable layout and facilitate a density range reflective of the surrounding context and consistent with the CDP zoning objective and core strategy.
- 8.1.7. Having regard to the above, and with reference to the site layout plan (as submitted at further information stage), it is my view that by reason of the siting of the house and internal access arrangement, the proposed development would be prejudicial to the orderly development of the residual site, contrary to CDP Policy UB-P-1, Policy UB-P-8 and Objective GEN-H-O-1. I recommend a refusal on this basis.
- 8.1.8. The Commission might consider that the residual site has greater potential for a more sustainable density / layout of housing in a scenario where the lower ground floor of the house was removed and thus the internal driveway was contained to the western and southern sides of the house, however in my view, the proposal, by reason of the positioning of the house, would remain inconsistent with CDP Policy UB-P-1, Policy UB-P-8 and Objective GEN-H-O-1.
- 8.1.9. As a matter of clarity, in the appeal response, the applicant makes a point that the appeal site is identified as being in-scope for the Residential Zoned Land Tax (RZLT), therefore available for immediate development. The appeal response was received on 11<sup>th</sup> December 2024. At that time, the draft 2025 RZLT map had been published (1<sup>st</sup> February 2024) with the final 2025 map subsequently published on 31<sup>st</sup> January 2025. I have reviewed the Final 2025 Map and note that the appeal site, at that time, was zoned as per the 2018-2024 CDP, thus part of the appeal site that is currently zoned New Residential (Phase 2) was, at that time, zoned Residential (Phase 1) and

identified as being in-scope for the tax. I have also reviewed the 2026 draft map, published on 1<sup>st</sup> February 2025, which would have taken account of the 2024-2030 CDP coming into effect in June 2024, and note that the appeal site is not identified as being in-scope for the RZLT, thus not liable to the tax, which would appear to be on the basis that the site is now zoned New Residential (Phase 2). A final map for 2026 is due to be published on 31<sup>st</sup> January 2026.

#### High Amenity Zoning Objective

- 8.1.10. Approximately a third of the site is zoned 'High Amenity', being the part of the site that extends to the site's northern boundary with the coastal / cliff walk. The amended proposal, as submitted at further information stage, includes development on the land zoned high amenity. Cross referencing the floor plans with the amended site layout plan shows that while the upper ground floor would appear to be fully contained within the residential zoned land, part of the lower ground floor level, where it extends below the full width balcony and associated terrace on the northern side of the house, would be located within the high amenity zone. Other works include the excavation of the ground to a depth of c. 3m to facilitate the lower ground floor and excavation of the ground on the north side of the house to create an outdoor interface at the lower ground level and to provide access to the proposed integral garage.
- 8.1.11. Under the CDP, 'Residential' is 'Not Acceptable' in the High Amenity zone. Furthermore, CDP Objective BN-CZ-O-1 seeks to protect and enhance the character, setting and natural heritage of the coastal High Amenity zone in Bundoran in order to secure its existing and future amenity, and tourism and ecological value. Of further note is that Policy BN-CZ-P-1 seeks to support the principle of a limited type of development within the high amenity zone, namely the redevelopment of brownfield sites, development ancillary to existing established uses that support the tourism product in Bundoran, small-scale tourism development, public realm interventions, community-based recreation projects and the development associated with outdoor water-based leisure activities. The element of the proposed development located within the high amenity zone, which comprises development associated with a new private dwelling would, in my view, materially contravene the high amenity zoning objective and Policy BN-CZ-P-1. I recommend a refusal on this basis.

8.1.12. The Commission might consider it an option to condition out all works within the high amenity zone which would include the omission of the lower ground floor level and, by association, all associated works that would occur within the high amenity zone, which would potentially include omission of the baffled drain to the north. The Commission may wish to seek the views of relevant parties on this matter however having regard to the substantive reason for refusal set out above with respect to the future orderly development of the part of the site zoned residential, it may not be considered necessary to pursue the matter.

8.1.13. In terms of the planning authority's assessment, and with reference to the second planner's report, dated 23<sup>rd</sup> August 2024, I would note that whilst the planning authority acknowledged that the new CDP had taken effect and by association the proposed house was to be located on part of the site now zoned 'New Residential – Phase 2', the planning authority considered it to be reasonable to continue to assess the application as lodged. As such, the planning authority has not indicated its opinion either way as to whether the application is contrary to the current zoning objectives.

## **8.2. Visual Impact**

- 8.2.1. A ground of appeal relates to the impact of the development, including excavation of the ground, on the visual amenity of the coastal area.
- 8.2.2. Referring to the CDP Landscape Characterisation Map, the site is located within an Area of High Scenic Amenity. For such areas, CDP Policy L-P-2 states that only development of a nature, location and scale that integrates with, and reflects the character and amenity of the landscape may be considered. Furthermore, and as outlined above, part of the site is zoned 'High Amenity' in the CDP to which Objective BN-CZ-O-1 relates, seeking to protect and enhance the character, setting and natural heritage of the coastal zone in Bundoran, which is identified as the high amenity area on the zoning map.
- 8.2.3. The proposal comprises the construction of a split-level house with the two-storey element facing north towards the coast. As outlined in the previous section, part of the lower ground floor level is located within the high amenity zone. The cross-section drawing submitted at further information stage shows the lower and upper finished floor levels in the context of the natural ground level. The dwelling would sit across the

highest contour (c. +13.5m) of the site, with the site gradually sloping downwards towards the northern boundary, and a gentler fall to the south. The cross section would suggest that by reason of the level drop and nature of the proposed excavation, the lower ground floor level would not be readily visible from the coastal walkway to the north. However, in my view this is not conclusive and I have concerns that by reason of the sheer width and bulk of the structure and nature of the access driveway that meanders around the east side of the house, the structure as a whole would be visible along the coastal walkway, and by reason of its scale and bulk, would cause an adverse impact on the high amenity zone, contrary to Objective BN-CZ-O-1, and, by association, and in the context of the amenity of the adjacent public cliff walk, an adverse impact on the Area of High Scenic Amenity, contrary to CDP Policy L-P-2.

- 8.2.4. As outlined under the previous section, the Commission might consider it an option to condition the omission of the lower ground floor level and, by association, the omission of the access road and necessity to excavate within the high amenity zone, a measure which would have the effect of reducing the bulk and, by association, the visual impact of the proposal including when viewed from the cliff walk to the north. The Commission may wish to seek the views of relevant parties on this matter however having regard to the substantive reasons for refusal set out above with respect to the future orderly development of the part of the site zoned residential and the nature of development contained within the high amenity zone, it may not be considered necessary to pursue the matter.

### **8.3. Residential Amenity**

- 8.3.1. The main ground of appeal relates to residential amenity. The appellant's dwelling is the middle of three single storey dwellings that back onto the southern boundary of the appeal site. The appellant contends that by reason of the finished floor level and driveway level, the proposal would result in a loss of amenity due to loss of privacy and light pollution to the rear garden and rear bedroom windows of his dwelling.
- 8.3.2. The proposed house is split level with the southern element being single storey. Referring to the drawings submitted on 16<sup>th</sup> July 2024, including the cross section, the finished floor level of the single storey element is c. +13.8m which is approximately 300mm above the existing ground level at that location, and approximately 800mm

above the ground level at the boundary with the appellant's property. Most noteworthy is that the separation distance between the southern elevation of the proposed house, which comprises the front door entrance and 2 no. bedroom windows, and the appellant's rear property boundary would be c. 43m. In this regard, SPPR 1 of the Compact Settlement Guidelines 2024 look for a minimum of 16m between opposing first floor level rear habitable room windows. By reason of the c. 43m separation distance, I consider that the proposal is unlikely to result in an adverse loss of amenity to the appellant's property.

- 8.3.3. The appellant also refers to the potential for light pollution on his rear garden and bedroom windows caused by cars using the proposed driveway. By reason of the alignment of the driveway on the east side of the proposed house, in my view there might be some nuisance caused on the appellant and adjoining dwellings by headlights from cars exiting through the appeal site. If the Commission is minded to grant permission, I recommend a condition which requires hedge or tree planting on the southern edge of the driveway where it turns from due south to due west within the site.

## **9.0 EIA Screening**

Refer to Form 1 in Appendix 1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination.

## **10.0 Appropriate Assessment Screening**

Refer to Appendix 2.

### Appropriate Assessment Screening

I have completed a screening for Appropriate Assessment (Stage 1). In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Donegal Bay SPA (Site

Code: 004151), Durnesh Lough SPA (Site Code:004145), Lough Melvin SAC (Site Code: 000428), Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC (Site Code:00625), Durnesh Lough SAC (Site Code:000138), St. John's Point SAC (Site Code: 000191) and Streedagh Point Dunes SAC (Site Code: 001680) in view of the conservation objectives of a number of qualifying interest features of those sites. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

### Appropriate Assessment

I have considered the Natura Impact Statement submitted by the applicant and all other relevant documentation accompanying the application and completed an Appropriate Assessment (Stage 2) of the implications of the project on the Donegal Bay SPA (Site Code: 004151), Durnesh Lough SPA (Site Code:004145), Lough Melvin SAC (Site Code: 000428), Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC (Site Code:00625), Durnesh Lough SAC (Site Code:000138), St. John's Point SAC (Site Code: 000191) and Streedagh Point Dunes SAC (Site Code: 001680) in view of the sites' conservation objectives. I consider that the information submitted was adequate to allow the carrying out of an Appropriate Assessment.

Following an Appropriate Assessment, it has been ascertained that, subject to the proposed mitigation measures, the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Donegal Bay SPA (Site Code: 004151), Durnesh Lough SPA (Site Code:004145), Lough Melvin SAC (Site Code: 000428), Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC (Site Code:00625), Durnesh Lough SAC (Site Code:000138), St. John's Point SAC (Site Code: 000191) and Streedagh Point Dunes SAC (Site Code: 001680), or any other European site, in view of the sites' Conservation Objectives.

This conclusion has been reached following a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects. More specifically, this conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of the Donegal Bay SPA (Site Code: 004151), Durnesh Lough SPA (Site Code:004145), Lough Melvin SAC (Site Code: 000428), Bunduff Lough and

Machair/ Trawalua/ Mullaghmore SAC (Site Code:00625), Durnesh Lough SAC (Site Code:000138), St. John's Point SAC (Site Code: 000191) and Streedagh Point Dunes SAC (Site Code: 001680).

- Detailed assessment of in-combination effects.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Donegal Bay SPA (Site Code: 004151), Durnesh Lough SPA (Site Code:004145), Lough Melvin SAC (Site Code: 000428), Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC (Site Code:00625), Durnesh Lough SAC (Site Code:000138), St. John's Point SAC (Site Code: 000191) and Streedagh Point Dunes SAC (Site Code: 001680).

If the Commission is minded to grant permission then I recommend that a condition is included that requires the implementation of all mitigation measures as set out in the NIS submitted to the planning authority on 16<sup>th</sup> July 2024, with an additional requirement for an increased buffer / works exclusion zone.

## 11.0 Water Framework Directive

Refer to Appendix 3. On the basis of objective information, I consider 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.

## 12.0 Recommendation

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

## 13.0 Reasons and Considerations

1. With reference to the amended plans submitted to the planning authority on 16<sup>th</sup> July 2024, the proposed dwelling is, for the most part, sited on land zoned 'New Residential (Phase 2)', as per the Donegal County Development Plan 2024-2030. The objective of the zone is to '*Provide for new residential development in*

*tandem with the provision of the necessary social and physical infrastructure where it is evidentially demonstrated that all alternative New Residential (Phase 1) sites are unavailable or unsuitable for development'. Objective GEN-H-O-1 of the Donegal County Development Plan 2024-2030 seeks to facilitate an adequate supply, range and mix of high-quality housing at serviced, sustainable, accessible, and socially inclusive locations to meet anticipated housing need, whilst Policy UB-P-8 of the county development plan seeks to determine appropriate residential densities for housing sites having regard to the provisions of all relevant departmental guidelines, which includes the Sustainable Residential Development and Compact Settlements Guidelines published by the Department of Housing, Local Government and Heritage in 2024. Having regard to the location of the dwelling on the site and nature and alignment of the internal driveway, the Commission is not satisfied that the proposed development would not be prejudicial to the future orderly and sustainable development of the residual site area, contrary to the New Residential (Phase 2) zoning objective, Objective GEN-H-O-1 and Policy UB-P-8 of the Donegal County Development Plan 2024-2030. The proposal would therefore be contrary to the proper planning and sustainable development of the area.*

2. With reference to the amended plans submitted to the planning authority on 16<sup>th</sup> July 2024, part of the lower ground floor level of the proposed dwelling along with ground excavation works to facilitate same and ground excavation works to facilitate driveway access, are located on land zoned 'High Amenity' as per the Donegal County Development Plan 2024-2030. The objective of the zone is to '*Protect and enhance high amenity areas*', and, with reference to the zoning matrix contained in Table 20.1 of the county development plan, 'Residential' is 'Not Acceptable' in the High Amenity zone. Furthermore, Policy BN-CZ-P-1 of the county development plan seeks to support the principle of a limited type of development within the high amenity zone, namely the redevelopment of brownfield sites, development ancillary to existing established uses that support the tourism product in Bundoran, small-scale tourism development, public realm interventions, community-based recreation projects and the development associated with outdoor water-based leisure activities. The Commission is not satisfied that the proposed development is a type of development that is

supported by Policy BN-CZ-P-1. On the basis of the foregoing, by reason that part of the dwelling and associated works are located on land zoned 'High Amenity' and by reason of the nature of the development for a new private residential dwelling and associated works, it is considered that the proposed development would materially contravene the High Amenity zoning objective and Policy BN-CZ-P-1 of the Donegal County Development Plan 2024-2030. The proposal would therefore be contrary to the proper planning and sustainable development of the area.

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

---

Jim Egan  
Planning Inspector

20<sup>th</sup> November 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

<b>Case Reference</b>	ABP-321287-24
<b>Proposed Development Summary</b>	Construction of a dwelling house, a new vehicular entrance/access road and all associated site works
<b>Development Address</b>	Magheracar, Bundoran, Co. Donegal
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under	

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

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 1 - Form 2

### EIA Preliminary Examination

<b>Case Reference</b>	ABP-321287-24
<b>Proposed Development Summary</b>	Construction of a dwelling house, a new vehicular entrance/access road and all associated site works
<b>Development Address</b>	Magheracar, Bundoran, Co. Donegal
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (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).	The proposed development comprises the construction of a new dwelling within an urban area. The development comes forward as a standalone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
<b>Location of development</b>  (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).	The northern boundary of the site, which adjoins a cliff walk adjacent to the coast, is within c. 10m from the Donegal Bay SPA. The proposed dwelling would be c. 55m from the SPA while the ground to be excavated on the north side of the house is c. 34m from the SPA.  The proposed development would be connected to a public water supply and mains sewer. Surface water run-off from the house and southern part of the site is to be discharged to an existing storm drain on Lissadell Avenue, whilst surface water run-off from the northern part of the site is to be attenuated on site through a petrol interceptor and then through a clean stone baffle drain.  A submitted AA Screening Report identifies that the construction and operational phase of the proposed development may result in the deterioration of water quality in Donegal Bay via pollution to groundwaters at construction and operational stages, which in turn

	<p>may result in adverse impacts to the water quality associated with Donegal SPA.</p> <p>A submitted Natura Impact Statement sets out mitigation measures to safeguard ground and surface water quality in this regard including through the implementation of a CEMP at construction stage and surface water attenuation at operation stage.</p> <p>This screening process concluded that subject to the proposed mitigation measures, the project would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.</p> <p>Accordingly, I consider it reasonable to conclude that on the basis of the information submitted in the NIS report, including the recommended mitigation measures, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of any European Site.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<b>Conclusion</b>	
<p><b>Likelihood of Significant Effects</b></p>	<p><b>Conclusion in respect of EIA</b></p>
<p><b>There is no real likelihood of significant effects on the environment.</b></p>	<p>EIA is not required.</p>
<p><b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b></p>	

<b>There is a real likelihood of significant effects on the environment.</b>	
--	--

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 2 – Appropriate Assessment Screening

<b>Screening for Appropriate Assessment</b> <b>Test for likely significant effects</b>	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Ref:</b> ABP-321287-24	
<b>Brief description of project</b>	<p>Construction of a dwelling house, a new vehicular entrance/access road and all associated site works.</p> <p>See Section 2.0 of Inspector's Report.</p>
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The proposed development comprises the construction of a new dwelling which includes the excavation below ground to accommodate a lower ground floor level.</p> <p>From the location of the proposed dwelling, the site slopes downwards towards the coast with a level difference of c. 3.5m. The northern boundary of the site, which adjoins a cliff walk adjacent to the coast, is within c. 10m from the Donegal Bay SPA. The proposed dwelling would be c. 55m from the SPA while the ground to be excavated on the north side of the house is c. 34m, at its closest point, from the SPA.</p> <p>The proposed development would be connected to a public water supply and mains sewer. Surface water run-off from the house and southern part of the site is to be discharged to an existing storm drain on Lissadell Avenue, whilst surface water run-off from the northern part of the site is to be attenuated on site through a petrol interceptor and then through a clean stone baffle drain.</p> <p>There are no water courses or other ecological features of note on or directly adjacent to the site, however the Bundoran Bay (Coastal Waterbody) is located within c. 10m of the northern boundary, providing a direct connection, by reason of proximity, to the Donegal SPA (Site Code: 004151).</p> <p>The site is located within the Erne Catchment and within the Bundoran ground waterbody, in an area of high groundwater vulnerability (middle part of the site where the house would be located) and extreme vulnerability (area of site within c. 20m of the northern boundary). Extreme groundwater vulnerability is indicative of relatively quick percolation of water / pollutants</p>

	<p>A submitted AA Screening Report / NIS included details of a walkover survey of the site by an ecologist, conducted on 12<sup>th</sup> October 2023. The purpose of the survey was to detect the presence or likely presence of a range of protected species and habitats.</p> <p>Findings are summarised as follows:</p> <ul style="list-style-type: none"> <li>• The main habitat type present is the Improved Agricultural Grassland (GA1), with other habitat types identified being Amenity Grasslands (GA2), Dry Meadows and Grassy Verges (GS2), Scrub (WS1), Treeline (WL2), Stone Wall and Other Stonework (BL1), Hedgerows (WL1), Buildings and Artificial Surfaces (BL3), Ornamental / Non-Native Shrub (WS3) and Artificial Underground Habitats (EU2).</li> <li>• A single Snipe (<i>Gallinago Gallinago</i>) was flushed from the area of Improved Agricultural Grassland on the site. No nests or breeding birds were identified on the site.</li> <li>• A red-listed Eurasian Curlew (<i>Numenius Arquata</i>) was identified in the area of Improved Agricultural Grassland by a local resident. The Eurasian Curlew typically nests on the ground in upland areas of rough pasture, heather moorland and wetland. It is not a common breeder but can be found in most parts of the country. Whilst the Improved Agricultural Grassland offers some suitability for the species, it is not typical of the favourable nesting habitats for the species. The wider availability of the Improved Agricultural Grassland habitat type in the area ensures that the Eurasian Curlew will have multiple areas to feed and potentially nest. Although an EU Annex II species, the Eurasian Curlew is not listed as a qualifying species for any of the European designated sites within the zone of impact of the development.</li> <li>• No buildings on the site.</li> <li>• All trees within the site were assessed as having assigned a negligible bat roosting potential.</li> <li>• No invasive species listed on the Third Schedule of Regulations 49 and 50 of the European Communities (Birds and Natural Habitats) Regulations 2011, were identified.</li> <li>• No evidence of the presence of otter or badger on the site or on land within the extended survey area (30m).</li> </ul>
--	--

	<ul style="list-style-type: none"> <li>• The site and land within the extended survey area (30m) are considered suboptimal for smooth newt, red squirrel and pine marten.</li> </ul>			
<b>Screening report</b>	<p>The AA Screening Report provides a description of the proposed development and identifies the European Sites within a likely zone of impact, along with a likely zone of impact determination.</p> <p>In respect of the following European Sites, the report finds that there is a potential pathway for indirect effects:</p> <ul style="list-style-type: none"> <li>• Donegal Bay SPA (Site Code: 004151)</li> <li>• Durnesh Lough SPA (Site Code: 004145)</li> <li>• Lough Melvin SAC (Site Code: 000428)</li> <li>• Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC (Site Code: 00625)</li> <li>• Durnesh Lough SAC (Site Code: 000138)</li> <li>• St. John's Point SAC (Site Code: 000191)</li> <li>• Streedagh Point Dunes SAC (Site Code: 001680)</li> </ul> <p>On the basis of the above, the report concludes that Appropriate Assessment is required.</p>			
<b>Natura Impact Statement</b>	Yes			
<b>Relevant submissions</b>	An observation to the planning authority in respect of the application as initially lodged contended that the submitted appropriate assessment failed to identify the impact of the construction related noise on bird species in the area. Further noted that a Eurasian Curlew, a red-listed species, has been observed feeding on the site during the winter months.			
<b>Step 2: Identification of relevant European sites using the Source-pathway-receptor model</b>				
European Site (code)	Qualifying interests Link to conservation objectives (NPWS, 11 <sup>th</sup> November 2025)	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
Donegal Bay SPA (Site Code: 004151)	Wintering water birds (4 no. species) Wetland and waterbirds	c. 10m to the north	Likely hydrological connections via groundwater and via surface water run-off in	Y

	<u>Conservation Objectives</u> NPWS, 2012		Bundoran Bay coastal waterbody, which is hydrologically connected to the SPA.	
Durnesh Lough SPA (Site Code:004145)	Wintering water birds (2 no. species)  <u>Conservation Objectives</u> NPWS, 2025	c. 11.7km to the northeast	Likely hydrological connections via groundwater and via surface water run-off in Bundoran Bay coastal waterbody, which is hydrologically connected to the SPA.	Y
Lough Melvin SAC (Site Code: 000428)	Standing waters with vegetation, meadows. Salmon, Otter  <u>Conservation Objectives</u> NPWS, 2021	c. 560m to the southwest	Likely hydrological connections via groundwater and via surface water run-off in Bundoran Bay coastal waterbody, which is hydrologically connected to the SAC.	Y
Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC (Site Code: 000625)	Mudflats and sandflats, inlets and bays, reefs, dunes, machairs, juniperus communis formations, grasslands, fens, Marsh fritillary (butterfly), Harbour Porpois, Petalwort  <u>Conservation Objectives</u> NPWS, 2015	c. 4.6km to the west	Likely hydrological connections via groundwater and via surface water run-off in Bundoran Bay coastal waterbody, which is hydrologically connected to the SAC.	Y
Durnesh Lough SAC (Site Code:000138)	Lagoons, meadows	c. 10.9km to the north	Likely hydrological	Y

	<p><u>Conservation Objectives</u> NPWS, 2016</p>		connections via groundwater and via surface water run-off in Bundoran Bay coastal waterbody, which is hydrologically connected to the SAC.	
St. John's Point SAC (Site Code: 000191)	<p>Inlets and bays, reefs, vegetated sea cliffs, grasslands, meadows, fens, limestone pavements, sea caves.</p> <p>Marsh Fritillary, Common Bottlenose Dolphin</p> <p><u>Conservation Objectives</u> NPWS, 2015</p>	c. 13.6km to the northwest	Likely hydrological connections via groundwater and via surface water run-off in Bundoran Bay coastal waterbody, which is hydrologically connected to the SAC.	Y
Streedagh Point Dunes SAC (Site Code: 001680)	<p>Mudflats and sandflats, vegetation of stony banks, salt meadows, dunes.</p> <p>Narrow-mouthed Whorl Snail</p> <p><u>Conservation Objectives</u> NPWS, 2015</p>	c. 14.1km to the southwest	Likely hydrological connections via groundwater and via surface water run-off in Bundoran Bay coastal waterbody, which is hydrologically connected to the SAC.	Y
<b>Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites</b>				
<b>AA Screening matrix</b>				

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<b>Donegal Bay SPA (Site Code: 004151)</b> Great Northern Diver ( <i>Gavia immer</i> ) [A003] Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046] Common Scoter ( <i>Melanitta nigra</i> ) [A065] Sanderling ( <i>Calidris alba</i> ) [A144] Wetland and Waterbirds [A999]	<u>Direct:</u> No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.  <u>Indirect:</u> Risk of untreated surface water runoff from construction stage reaching sensitive receptors via surface water to Bundoran Bay and ground water.  Risk of untreated surface water runoff from operational stage reaching sensitive receptors via surface water to Bundoran Bay and ground water.  Risk of untreated foul water from operational stage reaching sensitive receptors via surface water to Bundoran Bay and ground water.	A decline in water quality would undermine the conservation objectives set for qualifying interests.
	Likelihood of significant effects from proposed development (alone): <b>Yes</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Impacts	Effects
<b>Durnesh Lough SPA (Site Code: 004145)</b> Whooper Swan ( <i>Cygnus cygnus</i> ) [A038] Greenland White-fronted Goose ( <i>Anser albifrons flavirostris</i> ) [A395]	<u>Direct:</u> No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.  <u>Indirect:</u> Risk of untreated surface water runoff from construction stage reaching sensitive receptors via surface water to Bundoran Bay and ground water.  Risk of untreated surface water runoff from operational stage reaching sensitive receptors via surface water to Bundoran Bay and ground water.  Risk of untreated foul water from operational stage reaching sensitive	A decline in water quality would undermine the conservation objectives set for qualifying interests.

	receptors via surface water to Bundoran Bay and ground water.	
	Likelihood of significant effects from proposed development (alone): <b>Yes</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
Impacts	Effects	
<b>Lough Melvin SAC (Site Code: 000428)</b>  Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoetion-Nanojuncetea [3130]  Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]  Salmo salar (Salmon) [1106]  Lutra lutra (Otter) [1355]	<u>Direct:</u> No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.  <u>Indirect:</u> Risk of untreated surface water runoff from construction stage reaching sensitive receptors via surface water to Bundoran Bay and ground water.  Risk of untreated surface water runoff from operational stage reaching sensitive receptors via surface water to Bundoran Bay and ground water.  Risk of untreated foul water from operational stage reaching sensitive receptors via surface water to Bundoran Bay and ground water.	A decline in water quality would undermine the conservation objectives set for qualifying interests.
	Likelihood of significant effects from proposed development (alone): <b>Yes</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
Impacts	Effects	
<b>Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC (Site Code: 000625)</b>  Mudflats and sandflats not covered by seawater at low tide [1140]  Large shallow inlets and bays [1160]	<u>Direct:</u> No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.  <u>Indirect:</u> Risk of untreated surface water runoff from construction stage reaching sensitive receptors via surface water to Bundoran Bay and ground water.	A decline in water quality would undermine the conservation objectives set for qualifying interests.

Reefs [1170] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Machairs (* in Ireland) [21A0] Juniperus communis formations on heaths or calcareous grasslands [5130] Semi-natural dry grasslands and scrubland facies on calcareous substrates ( <i>Festuco-Brometalia</i> ) (* important orchid sites) [6210] Alkaline fens [7230] <i>Euphydryas aurinia</i> (Marsh Fritillary) [1065] Phocoena phocoena (Harbour Porpoise) [1351] <i>Petalophyllum ralfsii</i> (Petalwort) [1395]	Risk of untreated surface water runoff from operational stage reaching sensitive receptors via surface water to Bundoran Bay and ground water.  Risk of untreated foul water from operational stage reaching sensitive receptors via surface water to Bundoran Bay and ground water.	
Likelihood of significant effects from proposed development (alone):		
<b>Yes</b>		
If No, is there likelihood of significant effects occurring in combination with other plans or projects?		
Impacts	Effects	
<b>Durnesh Lough SAC (Site Code: 000138)</b> Coastal lagoons [1150] Molinia meadows on calcareous, peaty or clayey-silt-laden soils	<u>Direct:</u> No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.  <u>Indirect:</u>	A decline in water quality would undermine the conservation objectives set for qualifying interests.

(Molinion caeruleae) [6410]	<p>Risk of untreated surface water run-off from construction stage reaching sensitive receptors via surface water to Bundoran Bay and ground water.</p> <p>Risk of untreated surface water runoff from operational stage reaching sensitive receptors via surface water to Bundoran Bay and ground water.</p> <p>Risk of untreated foul water from operational stage reaching sensitive receptors via surface water to Bundoran Bay and ground water.</p>	
	<p>Likelihood of significant effects from proposed development (alone):</p> <p><b>Yes</b></p>	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p>	
Impacts	Effects	
<p><b>St. John's Point SAC (Site Code: 000191)</b></p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Submerged or partially submerged sea caves [8330]</p>	<p><u>Direct:</u> No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.</p> <p><u>Indirect:</u> Risk of untreated surface water run-off from construction stage reaching sensitive receptors via surface water to Bundoran Bay and ground water.</p> <p>Risk of untreated surface water runoff from operational stage reaching sensitive receptors via surface water to Bundoran Bay and ground water.</p> <p>Risk of untreated foul water from operational stage reaching sensitive receptors via surface water to Bundoran Bay and ground water.</p>	<p>A decline in water quality would undermine the conservation objectives set for qualifying interests.</p>

Euphydryas aurinia (Marsh Fritillary) [1065]		
Tursiops truncatus (Common Bottlenose Dolphin) [1349]		
	Likelihood of significant effects from proposed development (alone): <b>Yes</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
Impacts	Effects	
<b>Streedagh Point Dunes SAC (Site Code: 001680)</b>  Mudflats and sandflats not covered by seawater at low tide [1140]  Perennial vegetation of stony banks [1220]  Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]  Mediterranean salt meadows (Juncetalia maritimi) [1410]  Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]  Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]  Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]	<u>Direct:</u> No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.  <u>Indirect:</u> Risk of untreated surface water runoff from construction stage reaching sensitive receptors via surface water to Bundoran Bay and ground water.  Risk of untreated surface water runoff from operational stage reaching sensitive receptors via surface water to Bundoran Bay and ground water.  Risk of untreated foul water from operational stage reaching sensitive receptors via surface water to Bundoran Bay and ground water.	A decline in water quality would undermine the conservation objectives set for qualifying interests.
	Likelihood of significant effects from proposed development (alone): <b>Yes</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	

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

Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in significant effects on the Donegal Bay SPA (Site Code: 004151), Durnesh Lough SPA (Site Code: 004145), Lough Melvin SAC (Site Code: 000428), Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC (Site Code: 00625), Durnesh Lough SAC (Site Code: 000138), St. John's Point SAC (Site Code: 000191) and Streedagh Point Dunes SAC (Site Code: 001680).

The Planning Authority also determined that an appropriate assessment is required to be undertaken.

I concur with the applicants' findings that such impacts could be significant in terms of the stated conservation objectives of the SPAs and SACs when considered on their own and in combination with other projects and plans in relation to pollution related pressures and disturbance on qualifying interest habitats and species.

#### **Screening Determination**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Donegal Bay SPA (Site Code: 004151), Durnesh Lough SPA (Site Code: 004145), Lough Melvin SAC (Site Code: 000428), Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC (Site Code: 00625), Durnesh Lough SAC (Site Code: 000138), St. John's Point SAC (Site Code: 000191) and Streedagh Point Dunes SAC (Site Code: 001680) in view of the conservation objectives of a number of qualifying interest features of those sites.

It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 of the proposed development is required.

## Appendix 2 - Appropriate Assessment

### Appropriate Assessment

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

Taking account of the preceding screening determination, and based on scientific information provided by the applicant, the following is an appropriate assessment of the implications of the proposed development in view of the relevant conservation objectives of the following European sites:

- Donegal Bay SPA (Site Code: 004151)
- Durnesh Lough SPA (Site Code: 004145)
- Lough Melvin SAC (Site Code: 000428)
- Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC (Site Code: 00625)
- Durnesh Lough SAC (Site Code: 000138)
- St. John's Point SAC (Site Code: 000191)
- Streedagh Point Dunes SAC (Site Code: 001680)

The information relied upon includes the Natura Impact Statement submitted with the application and updated by way of further information.

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

### Submissions/observations

An observation to the planning authority in respect of the application as initially lodged contended that the submitted appropriate assessment failed to identify the impact of the construction related noise on bird species in the area. Further noted that a Eurasian Curlew, a red-listed species, has been observed feeding on the site during the winter months.

<b>NAME OF SAC/ SPA (SITE CODE):</b> Donegal Bay SPA (Site Code: 004151) <b>Summary of Key issues that could give rise to adverse effects (from screening stage):</b> (i) Water quality degradation (construction and operation) See Table 5-1 and Section 6 of the submitted NIS.			
Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures (summary)
Great Northern Diver ( <i>Gavia immer</i> ) [A003]	To maintain the favourable conservation condition. Population Trend Distribution	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives.	<u>Construction Phase:</u> Implementation of a Construction and Environmental Management Plan (CEMP). Appendix A to the NIS comprises a list of specific mitigation measures to be included in a CEMP. Such measure includes site supervision by ECOW, silt and sediment management, control of oils etc., storage of material and dust and noise minimisation. The NIS also recommends the implementation of a 20m buffer / works exclusion zone from the Bundoran Bay Coastal waterbody.
Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046]	To maintain the favourable conservation condition. Population Trend Distribution		<u>Operational Phase:</u> Storm water will be managed by on-site SuDS measures and use of a Class 1 interceptor. Foul water will be connected to the mains.
Common Scoter ( <i>Melanitta nigra</i> ) [A065]	To maintain the favourable conservation condition. Population Trend Distribution		
Sanderling ( <i>Calidris alba</i> ) [A144]	To maintain the favourable conservation condition. Population Trend Distribution		
Wetland and Waterbirds [A999]	To maintain the favourable conservation condition of the wetland habitat in Donegal Bay SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.  Wetland habitat area.		

**NAME OF SAC/ SPA (SITE CODE):**

Durnesh Lough SPA (Site Code: 004145)

**Summary of Key issues that could give rise to adverse effects (from screening stage):**

- (i) Water quality degradation (construction and operation)

See Table 5-1 and Section 6 of the submitted NIS.

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures (summary)
Whooper Swan ( <i>Cygnus cygnus</i> ) [A038]	<p>To restore the favourable conservation condition.</p> <p>Disturbance at wintering site.</p> <p>Forage spatial distribution, extent and abundance.</p> <p>Roost spatial distribution and extent.</p> <p>Supporting habitat: area and quality.</p>	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives.	<p><u>Construction Phase:</u> Implementation of a Construction and Environmental Management Plan (CEMP). Appendix A to the NIS comprises a list of specific mitigation measures to be included in a CEMP. Such measure includes site supervision by ECOW, silt and sediment management, control of oils etc., storage of material and dust and noise minimisation. The NIS also recommends the implementation of a 20m buffer / works exclusion zone from the Bundoran Bay Coastal waterbody.</p>
Greenland White-fronted Goose ( <i>Anser albifrons flavirostris</i> ) [A395]	<p>To restore the favourable conservation condition.</p> <p>Disturbance at wintering site.</p> <p>Forage spatial distribution, extent and abundance.</p> <p>Roost spatial distribution and extent.</p> <p>Supporting habitat: area and quality.</p>		<p><u>Operational Phase:</u> Storm water will be managed by on-site SuDS measures and use of a Class 1 interceptor.</p> <p>Foul water will be connected to the mains.</p>

<p><b>NAME OF SAC/ SPA (SITE CODE):</b> Lough Melvin SAC (Site Code: 000428)</p> <p><b>Summary of Key issues that could give rise to adverse effects (from screening stage):</b></p> <p>(i) Water quality degradation (construction and operation)</p> <p>See Table 5-1 and Section 6 of the submitted NIS.</p>			
Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures (summary)
Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]	To restore the favourable conservation condition. Hydrological regime: water level fluctuations. Lake substratum quality. pH and Alkalinity. Nutrients. Attached algal biomass.	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives.	<p><u>Construction Phase:</u> Implementation of a Construction and Environmental Management Plan (CEMP). Appendix A to the NIS comprises a list of specific mitigation measures to be included in a CEMP. Such measure includes site supervision by ECOW, silt and sediment management, control of oils etc., storage of material and dust and noise minimisation. The NIS also recommends the implementation of a 20m buffer / works exclusion zone from the Bundoran Bay Coastal waterbody.</p> <p><u>Operational Phase:</u> Storm water will be managed by on-site SuDS measures and use of a Class 1 interceptor.</p> <p>Foul water will be connected to the mains.</p>
<i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils ( <i>Molinion caeruleae</i> ) [6410]	To restore the favourable conservation condition. Habitat distribution.		
<i>Salmo</i> <i>salar</i> (Salmon) [1106]	To maintain the favourable conservation condition. Salmon fry abundance. Water quality.		
<i>Lutra</i> <i>lutra</i> (Otter) [1355]	To maintain the favourable conservation condition. Fish biomass available.		

**NAME OF SAC/ SPA (SITE CODE):**

Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC (Site Code: 000625)

**Summary of Key issues that could give rise to adverse effects (from screening stage):**

- (i) Water quality degradation (construction and operation)

See Table 5-1 and Section 6 of the submitted NIS.

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures (summary)
Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide. Community distribution.	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives.	<p><u>Construction Phase:</u> Implementation of a Construction and Environmental Management Plan (CEMP). Appendix A to the NIS comprises a list of specific mitigation measures to be included in a CEMP. Such measure includes site supervision by ECOW, silt and sediment management, control of oils etc., storage of material and dust and noise minimisation. The NIS also recommends the implementation of a 20m buffer / works exclusion zone from the Bundoran Bay Coastal waterbody.</p>
Large shallow inlets and bays [1160]	To maintain the favourable conservation condition of Large shallow inlets and bays. Community distribution.		
Reefs [1170]	To maintain the favourable conservation condition. Distribution.		<p><u>Operational Phase:</u> Storm water will be managed by on-site SuDS measures and use of a Class 1 interceptor.</p>
Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]	To restore the favourable conservation condition of Shifting dunes along the shoreline. Habitat distribution. Physical structure: functionality and sediment supply.		<p>Foul water will be connected to the mains.</p>
Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	To restore the favourable conservation condition. Habitat distribution.		

	Physical structure: functionality and sediment supply		
Humid dune slacks [2190]	No information.		
Machairs (in Ireland) [21A0]	To maintain the favourable conservation condition.  Habitat distribution.  Physical structure: functionality and sediment supply.  Physical structure: hydrological and flooding regime.		
Juniperus communis formations on heaths or calcareous grasslands [5130]	To restore the favourable conservation condition.  Habitat distribution.		
Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]	To maintain the favourable conservation condition.  Habitat distribution.		
Alkaline fens [7230]	To maintain the favourable conservation condition.  Habitat distribution.  Hydrological regime.  Water quality: nutrients.  Physical structure: drainage.		

Euphydryas aurinia (Marsh Fritillary) [1065]	No information.		
Phocoena phocoena (Harbour Porpoise) [1351]	No information.		
Petalophyllum ralfsii (Petalwort) [1395]	To maintain the favourable conservation condition.  Hydrological conditions: soil moisture.		
<b>NAME OF SAC/ SPA (SITE CODE):</b>			
Durnesh Lough SAC (Site Code: 000138)			
<b>Summary of Key issues that could give rise to adverse effects (from screening stage):</b>			
(i) Water quality degradation (construction and operation)			
See Table 5-1 and Section 6 of the submitted NIS.			
Qualifying Interest features likely to be affected	Conservation Objectives  Targets and attributes	Potential adverse effects	Mitigation measures (summary)
Coastal lagoons [1150]	To restore the favourable conservation condition.  Water quality.	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives.	<u>Construction Phase:</u> Implementation of a Construction and Environmental Management Plan (CEMP). Appendix A to the NIS comprises a list of specific mitigation measures to be included in a CEMP. Such measure includes site supervision by ECOW, silt and sediment management, control of oils etc., storage of material and dust and noise minimisation. The NIS also recommends the implementation of a 20m buffer / works exclusion zone from the Bundoran Bay Coastal waterbody.
Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]	To restore the favourable conservation condition.  Habitat distribution.		

			<p><b>Operational Phase:</b> Storm water will be managed by on-site SuDS measures and use of a Class 1 interceptor.</p> <p>Foul water will be connected to the mains.</p>
<b>NAME OF SAC/ SPA (SITE CODE):</b>			
St. John's Point SAC (Site Code: 000191)			
<b>Summary of Key issues that could give rise to adverse effects (from screening stage):</b>			
(i) Water quality degradation (construction and operation)			
See Table 5-1 and Section 6 of the submitted NIS.			
Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures (summary)
Large shallow inlets and bays [1160]	To maintain the favourable conservation condition. Community structure.	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives.	<u>Construction Phase:</u> Implementation of a Construction and Environmental Management Plan (CEMP). Appendix A to the NIS comprises a list of specific mitigation measures to be included in a CEMP. Such measure includes site supervision by ECOW, silt and sediment management, control of oils etc., storage of material and dust and noise minimisation. The NIS also recommends the implementation of a 20m buffer / works exclusion zone from the Bundoran Bay Coastal waterbody.
Reefs [1170]	To maintain the favourable conservation condition. Community structure.		
Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]	No information.		
Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]	To restore the favourable conservation condition. Habitat distribution.		<p><u>Operational Phase:</u> Storm water will be managed by on-site SuDS measures and use of a Class 1 interceptor.</p> <p>Foul water will be connected to the mains.</p>

Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]	To restore the favourable conservation condition. Habitat distribution.		
Alkaline fens [7230]	To maintain the favourable conservation condition. Water quality.		
Limestone pavements [8240]	To maintain the favourable conservation condition. Habitat distribution.		
Submerged or partially submerged sea caves [8330]	To maintain the favourable conservation condition. Community structure.		
Euphydryas aurinia (Marsh Fritillary) [1065]	No information.		
Tursiops truncatus (Common Bottlenose Dolphin) [1349]	No information.		

**NAME OF SAC/ SPA (SITE CODE):**

Streedagh Point Dunes SAC (Site Code: 001680)

**Summary of Key issues that could give rise to adverse effects (from screening stage):**

- (i) Water quality degradation (construction and operation)

See Table 5-1 and Section 6 of the submitted NIS.

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures (summary)
Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain the favourable conservation condition. Community distribution.	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives.	<u>Construction Phase:</u> Implementation of a Construction and Environmental Management Plan (CEMP). Appendix A to the NIS comprises a list of specific mitigation measures to be included in a CEMP. Such measure includes site supervision by ECOW, silt and sediment management, control of oils etc., storage of material and dust and noise minimisation. The NIS also recommends the implementation of a 20m buffer / works exclusion zone from the Bundoran Bay Coastal waterbody.
Perennial vegetation of stony banks [1220]	To maintain the favourable conservation condition. Habitat distribution.		
Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]	To restore the favourable conservation condition. Habitat distribution.		
Mediterranean salt meadows (Juncetalia maritimi) [1410]	To maintain the favourable conservation condition. Habitat distribution.		<u>Operational Phase:</u> Storm water will be managed by on-site SuDS measures and use of a Class 1 interceptor.
Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]	To restore the favourable conservation condition. Habitat distribution.		Foul water will be connected to the mains.
Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	To restore the favourable conservation condition. Habitat distribution.		

Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]	To maintain the favourable conservation condition. Optimal soil wetness. Habitat extent.		
<p>The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.</p>			
<p>Assessment of issues that could give rise to adverse effects view of conservation objectives.</p> <p><b>(i) Water quality degradation</b></p> <p>Water quality degradation is the main risk from unmanaged site works where silt laden surface water reaches Bundoran Bay via surface water or groundwater, noting particularly that the northern end of the site is underlaid by groundwater with an extreme vulnerability, indicative of relatively quick percolation of water / pollutants. Decrease in water quality would compromise conservation objectives for Annex II species listed and increase sedimentation could alter habitat quality. Water quality degradation is also a risk from contaminated surface or foul water at operational stage entering Bundoran Bay.</p>			
<p><b>Mitigation measures and conditions</b></p> <p><u>Construction Phase</u></p> <p>The proposed mitigation measure is through the implementation of a Construction and Environmental Management Plan (CEMP) to be agreed with the planning authority prior to commencement of development. The submitted NIS sets out site-specific mitigation measures, including:</p> <ul style="list-style-type: none"> <li>• Use of silt fencing and sediment traps.</li> <li>• Management of pumped water, if necessary, from excavated area. Supervision of works by Ecological Clerk of Works</li> <li>• Control of fuels, oils, chemicals, liquids and hazardous materials</li> <li>• Management of cement, concrete and grout</li> <li>• Washing facilities</li> <li>• Air quality / dust minimisation.</li> <li>• Noise minimisation.</li> <li>• Implementation of a 20m buffer / works exclusion zone from the Bundoran Bay Coastal waterbody.</li> </ul> <p><u>Operational Phase</u></p> <ul style="list-style-type: none"> <li>• Foul water from the dwelling to be connected to the sewer mains.</li> <li>• Surface water to be managed via on-site SuDS measures and use of a Class 1 interceptor.</li> </ul>			

I am satisfied that the preventative measures which are aimed at interrupting the source pathway-receptor are targeted at the key threats to protected aquatic habitats and species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. If the Commission is minded to grant permission, a condition can be included to require implementation of the mitigation measures outlined in the NIS.

However, I do note that the submitted NIS identifies that groundwater at the southern end of the site to be of moderate vulnerability and on the northern end to be of high vulnerability. I have reviewed the Geological Survey Ireland (GSI) mapping and note that the groundwater at the southern end of the site is of moderate vulnerability, groundwater towards the middle of the site is of high vulnerability but that groundwater in the area within c. 20m of the northern boundary is of extreme vulnerability, thus groundwater that readily and quickly receives water (and contaminants) from the land surface.

Plans submitted to the planning authority on 16<sup>th</sup> July 2024 show that apart from works to construct a soakaway system, excavation works on the north side of the dwelling would come within c. 30m of the northern site boundary and c. 40m of the coast.

Whilst the mitigation measures in the submitted NIS are based on a high groundwater vulnerability, the presence of an extreme groundwater vulnerability within the northern end of the site, in my view, would justify a greater buffer zone, of perhaps c. 20m from the northern site boundary, within which no construction activity (including site compound, storage of materials, etc.) is permitted apart from the works pertaining to the proposed soakaway / baffled drain system. If the Commission is minded to grant permission, I recommend a condition to this effect be included.

## **(ii) Disturbance**

The walk-over survey carried out by the project ecologist found no evidence of nests or breeding birds on the site. The NIS does however acknowledge that an Annex II red-listed Eurasian Curlew (*Numenius Arquata*) was identified on the site by a local resident. The NIS notes the following in respect of the Eurasian Curlew:

- The species typically nests on the ground in upland areas of rough pasture, heather moorland and wetland.
- It is not a common breeder but can be found in most parts of the country.
- Whilst the Improved Agricultural Grassland offers some suitability for the species, it is not typical of the favourable nesting habitats for the species.
- The wider availability of the Improved Agricultural Grassland habitat type in the area ensures that the Eurasian Curlew will have multiple areas to feed and potentially nest.
- Although an EU Annex II species, the Eurasian Curlew is not listed as a qualifying species for any of the European designated sites within the zone of impact of the development.

## **Mitigation measures and conditions**

To further safeguard the Eurasian Curlew and other protected bird species, the NIS recommends that a pre-construction nesting bird check is conducted by a qualified ecologist prior to any works commencing on the site. The check will assess the site for nesting birds and, where advisable, provide appropriate mitigation measures to ensure no negative impacts upon Eurasian Curlew or other bird species as a result of development works.

The NIS concludes that as a result of the survey, the impact of the development upon Eurasian Curlew and other breeding birds is considered negligible.

Whilst not a qualifying interest associated with any European Site within the study area, I am satisfied that the measures proposed to safeguard the Eurasian Curlew are adequate and in line with the NPWS's Curlew Conservation Programme. If the Commission is minded to grant permission, a condition can be included to require implementation of this cited mitigation measure.

### **In-combination effects**

Section 7 of the NIS considers 'In-combination Effects' with data verified as of 20<sup>th</sup> October 2023. The NIS concludes that there is no potential for the proposed development to contribute to any cumulative adverse effects on any European Site when considered in-combination with other plans and projects.

I have reviewed the planning portal of Donegal County Council and consider that there have been no further permissions of note granted in the vicinity of the site in the intervening period.

I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

### **Findings and conclusions**

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of any European site.

Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the Donegal Bay SPA (Site Code: 004151), Durnesh Lough SPA (Site Code:004145), Lough Melvin SAC (Site Code: 000428), Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC (Site Code:00625), Durnesh Lough SAC (Site Code:000138), St. John's Point SAC (Site Code: 000191) and Streedagh Point Dunes SAC (Site Code: 001680). No direct impacts are predicted. Indirect impacts associated with the construction stage would be temporary in nature and mitigation measures are described, including implementation of a buffer zone, to prevent ingress of silt laden surface water and other construction related pollutants. Indirect impacts associated with the operational stage would be mitigated by way of connection to foul mains and the incorporation of SuDS measures to attenuate surface water run-off. Noting my recommendation with regards an increased buffer / works exclusion zone, I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

### **Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

### **Site Integrity**

The proposed development will not affect the attainment of the Conservation objectives of the Donegal Bay SPA (Site Code: 004151), Durnesh Lough SPA (Site Code:004145), Lough Melvin SAC (Site Code: 000428), Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC (Site Code:00625), Durnesh Lough SAC (Site Code:000138), St. John's Point SAC (Site

Code: 000191) and Streedagh Point Dunes SAC (Site Code: 001680). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

### **Appropriate Assessment Conclusion: Integrity Test**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Donegal Bay SPA (Site Code: 004151), Durnesh Lough SPA (Site Code:004145), Lough Melvin SAC (Site Code: 000428), Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC (Site Code:00625), Durnesh Lough SAC (Site Code:000138), St. John's Point SAC (Site Code: 000191) and Streedagh Point Dunes SAC (Site Code: 001680) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the Donegal Bay SPA (Site Code: 004151), Durnesh Lough SPA (Site Code:004145), Lough Melvin SAC (Site Code: 000428), Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC (Site Code:00625), Durnesh Lough SAC (Site Code:000138), St. John's Point SAC (Site Code: 000191) and Streedagh Point Dunes SAC (Site Code: 001680) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed.
- Where permission is granted, the application of planning conditions to ensure application of mitigation measures.

The proposed development will not affect the attainment of conservation objectives or, where relevant, delay the restoration of favourable conservation condition, for the Donegal Bay SPA (Site Code: 004151), Durnesh Lough SPA (Site Code:004145), Lough Melvin SAC (Site Code: 000428), Bunduff Lough and Machair/ Trawalua/ Mullaghmore SAC (Site Code:00625), Durnesh Lough SAC (Site Code:000138), St. John's Point SAC (Site Code: 000191) and Streedagh Point Dunes SAC (Site Code: 001680).

## Appendix 3 – WFD Stage 1: Screening

### WATER FRAMEWORK DIRECTIVE IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality			
Case Ref.	ABP-321287-24	Townland, address	Magheracar, Bundoran, Co. Donegal
<b>Description of project</b>		<p>Planning permission is sought for the construction of a dwelling and associated site works including the excavation of the ground to facilitate a lower ground floor level and driveway access.</p> <p>The proposed development would be connected to a public water supply and mains sewer. Surface water run-off from the house and southern part of the site is to be discharged to an existing storm drain on Lissadell Avenue, whilst surface water run-off from the northern part of the site is to be attenuated on site through a petrol interceptor and then through a clean stone baffle drain.</p>	
<b>Brief site description, relevant to WFD Screening,</b>		<ul style="list-style-type: none"> <li>• The site is located in an urban area.</li> <li>• No watercourse within the boundary of the site.</li> <li>• The closest waterbody is Bundoran Bay Coastal Waterbody (Code: IE_NW_020_0000). C. 10m to the north.</li> <li>• The proposed development site is located within the Erne Catchment and the Drowes_SC_010 sub-catchment.</li> <li>• The submitted NIS identifies that groundwater at the southern end of the site to be of moderate vulnerability and on the northern end to be of high vulnerability. I have reviewed the Geological Survey Ireland (GSI) mapping and note that the groundwater at the southern end of the site is of moderate vulnerability, groundwater towards the middle of the site is of high vulnerability and that groundwater in the area within c. 20m of the northern boundary is of extreme vulnerability, thus groundwater that readily and quickly receives water (and contaminants) from the land surface.</li> </ul>	

	<ul style="list-style-type: none"> <li>• GSI Mapping shows that the site is underlain by 'made ground'.</li> </ul>
<b>Proposed surface water details</b>	Surface water run-off from the house and southern part of the site is to be discharged to an existing storm drain on Lissadell Avenue, whilst surface water run-off from the northern part of the site is to be attenuated on site through a petrol interceptor and then through a clean stone baffle drain.
<b>Proposed water supply source &amp; available capacity</b>	Mains water.
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	Mains sewer.
<b>Others?</b>	N/A

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g. at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
Bundoran Bay	c. 10m to the north.	Code: IE_NW_020_0000	The Coastal Waterbody WFD Status 2019-2024 awarded Bundoran Bay a status of 'High'	Review	-	Surface water Groundwater
Bundoran ground waterbody, in an area of moderate, high and extreme groundwater vulnerability	N/A	European Code: IEGBNI_NW_G_013	The Ground Waterbody WFD Status 2019-2024 awarded the Bundoran ground waterbody a status of 'Good'	Not at Risk	-	Surface water Groundwater

<b>Step 3: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.</b>							
<b>CONSTRUCTION PHASE</b>							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Construction related contaminants entering ground water and surface water.	Bundoran Bay  Bundoran ground waterbody	New	Water quality degradation.  Site is underlaid by groundwater with high and extreme vulnerability therefore indicative of relatively quick percolation of water / pollutants.	Mitigation with regards management of surface water as set out in the submitted NIS. Referring to the Appropriate Assessment (see Appendix 2 of this report) I recommend an increased buffer / works exclusion zone.	No	N/A

OPERATIONAL PHASE							
2.	Untreated surface water entering groundwater and surface water.	Bundoran Bay Bundoran ground waterbody	New	Water quality degradation. Site is underlaid by groundwater with high and extreme vulnerability therefore indicative of relatively quick percolation of water / pollutants	SuDS measures as detailed in the application.	No	N/A
3.	Untreated foul water entering groundwater and surface water.	Bundoran Bay Bundoran ground waterbody	New	Water quality degradation. Site is underlaid by groundwater with high and extreme vulnerability therefore indicative of relatively quick percolation of water / pollutants	Connection to mains sewer.	No	N/A