



An  
Bord  
Pleanála

## Inspector's Report ABP-321859-25

<b>Development</b>	Erection of a dwelling house with sewerage treatment system, and all associated site development works.
<b>Location</b>	Clarcarricknagun, Donegal Town, Co. Donegal
<b>Planning Authority</b>	Donegal County Council
<b>Planning Authority Reg. Ref.</b>	2461429
<b>Applicant(s)</b>	Adrian and Gail Walker
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Keith Wallace
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	9 April 2025
<b>Inspector</b>	Claire McVeigh

## **1.0 Site Location and Description**

- 1.1. The subject site, stated area of 0.102ha, is located just outside the designated urban area for Donegal Town and sits within a rural area designated as being under strong urban influence. The site is accessed off a local roadway (L20851-0) that has direct access onto the N18 close to the roundabout junction of the N15 and N56. The existing area is characterised by ribbon development in the form of single storey/ dormer bungalows of varying architectural design (c.1970s onwards), comprising a row of 6 no. detached dwellings along the northern side of the L20851.
- 1.2. The site is relatively flat with some rushes evident and drainage ditch running to the northern (rear) boundary and to the front. There is an inspection chamber with a run-off pipe to the rear of the site (as advised by the applicant in response to further information request) which is connected to the adjoining property northwest of the subject site (parent's property).
- 1.3. The water supply pipe for the appellant's property runs through the subject site to the connection point at the entrance to the site on the local road.

## **2.0 Proposed Development**

- 2.1. To construct a single storey detached 3 no. bedroom dwelling house (192 sq.m). Proposed packaged WWTS with an associated tertiary sand polishing filter (12.5 sq.m) with underlying soil polishing filter.
- 2.2. Following a request for further information the plans were revised to create a new vehicular entrance and driveway to the southwest of the site. The existing entrance to the site is proposed to be closed off. The WWTS is proposed to be repositioned to a more north westerly position within the front garden. Stormwater is proposed to discharge to an existing gully along the site frontage with final discharge to existing open drain on the opposite side of the road.

## 3.0 Planning Authority Decision

### 3.1. Decision

On the 16 January 2025 the planning authority granted permission subject to 16 no. conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- Initial report sought further information on evidence to demonstrate rural housing need, revised site layout plan to indicate the exact location of the proposed WWTS and percolation area, the exact proposed entrance to the site, details of stormwater/surface water collection and disposal across the site. Applicant to provide details of all main water pipes within and in the vicinity of the site. Applicant to clarify the nature of the existing holding tank to the rear of the site and final discharge of same.
- Further information received which relocated the proposed WWTS to the west of the site and a new site entrance created to the south/southeast of the site. The existing entrance is proposed to be decommissioned

#### 3.2.2. Other Technical Reports

- Roads and Transportation

The road abutting this site is a public road L20851-0.

Applicant to ensure that the public road is kept free from dirt arising from the site during the construction phase.

Applicant to ensure that any material being removed from the site is to be disposed of to a licenced tip site.

Application to ensure that the drainage measures are installed to prevent surface water running off the site onto the public road or off the public road onto the site. Where does the proposed ACO channel drain to?

A vehicle set back should be included: (a) Roadside boundary along the entire site frontage to be set back 5m from the centreline of the public road in line with the requirements of the CDP(b) Setback area to be excavated to a suitable depth (min 300mm) stoned and surfaced. (c) Any poles located within the setback area to be relocated to the edge of the setback area adjacent to the site.

- Environmental Health Service

1. A secondary packaged waste water treatment system shall be installed in accordance with The Environmental Protection Agency's 2021 Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ), meeting the standards of SR 66 & IS EN 12566 Part 3, and be suitable for a population equivalent (PE) of 5 No. persons.
2. All waste water shall be conveyed from the development to the secondary packaged waste water treatment system via pipework measuring 100 – 110mm in diameter, and shall achieve a minimum fall of 1:40 to 1:60 depending on the material used as per the requirements of Table 7.3 of the Code of Practice.
3. A sand polishing filter shall be created to further treat the secondary waste water. It shall comprise of no less than 12.5m<sup>2</sup>. The hydraulic loading should not exceed 60L/m<sup>2</sup>/day.
4. The sand polishing filter shall be created in accordance with Table 8.2, Chapter 8 of the Code of Practice. Gravel layers within the sand polishing filter must be vented to the open air. The internal vertical sides of the sand polishing filter must be lined with an impermeable material to prevent lateral migration of wastewater from the filter. The bottom of the filter must not be lined. The filter may be soil covered and sown with grass.
5. The final waste water from the tertiary sand polishing filter shall be evenly discharged to a 300mm deep gravel distribution area (pea gravel, 12-32mm) which shall be sized in accordance with Option 6 of Table 10.1, Chapter 10 of the Code of Practice. In this instance the gravel distribution area shall be no less than 37.5m<sup>2</sup>.

6. There shall be a minimum subsoil depth of unsaturated material beneath the infiltration pipework and the bedrock/water table. In this instance that required depth will be 0.9m.
7. Grey water (from washing machines, bath, showers etc.) shall be directed to the secondary packaged effluent treatment system.
8. Water mains, surface water pipes, access roads, driveways or paved areas shall not be located within the infiltration area.
9. Rainwater, surface water and run-off from paved areas shall not be discharged to the secondary packaged effluent system.
10. A gravel filled land drain shall be constructed around the perimeter of the polishing filter, set back at a distance of at least 2m in order to protect the area from surface water run-off. This land drain shall connect to existing storm water drains.
11. The secondary packaged waste water treatment system shall be at least 7m from the proposed dwelling (or any adjacent dwelling)
12. No part of the infiltration/treatment area is to be within:
  - a. 10m from neighbouring infiltration/treatment areas
  - b. 3m of the boundary of the adjoining site
  - c. 4m of the nearest road boundary
  - d. 10m of the nearest stream or drainage ditch
  - e. 3m of the nearest trees
  - f. 4m from any slope break or cut in slope.
  - g. 5m of the surface water soak away which should be located down gradient of the infiltration area.

The wastewater treatment system shall be operated and maintained in accordance with Chapter 12 of the Code of Practice. This is a legal requirement under The Water Services Acts of 2007 and 2012.

### 3.2.3. Conditions

- Condition 2 occupancy
- Condition 3 permanent visibility splays of 50m provided in each direction to the nearside road edge at a point 2.4 metres back from the road edge at the location of the vehicular entrance.
- Condition 4 roadside boundary.
- Condition 6 roadside drain.
- Condition 13 additional planting required along the northern and southern boundaries.
- Condition 15 DWWTS (incorporating all of those recommended by the Environmental Health Officer as noted in 3.2.2 above).

### 3.3. **Prescribed Bodies**

None.

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

One third party observation was received from Mr. Keith Wallace (the appellant). The issues raised are largely similar to those set out in the appeal.

I note for the Board that it is stated that the observer is concerned about the very small area available for the provision of a septic tank and percolation area as the ground in this location is extremely wet. They have concerns about smells and foul discharges into their property.

## 4.0 **Planning History**

- *Subject site*

98/313 outline permission was granted (May 1998) to Malcolm McDonald (applicant's father) for the erection of a dwelling at the subject site subject to 6 no. conditions.

- *Existing house immediately to the northwest of the subject site (parents' house).*

98314 grant of permission for an extension to house at Clarcarricknagun, Donegal Town, Co. Donegal (May 1998) to Malcom McDonald (applicant's father).

- *Applicant's dwelling house*

99/1724 Henneys, Donegal Town grant of permission (September 1999) for the construction of a single storey dwelling house, septic tank and garage and all associated site works.

## 5.0 Policy Context

### 5.1. Donegal Development Plan 2024-2030

Donegal Town is an identified County Growth Driver (Table 3.1) given the significant development and investment that has occurred in recent times. It is a key service and tourism destination.

The subject site sites outside the designated urban area and within an Area of High Scenic Amenity (Map 11.1).

**RH-0-2** To protect rural 'Areas Under Strong Urban Influence', rural Area Under Strong Holiday Home Influence' and rural areas immediately outside towns from intensive levels of unsustainable urban/suburban residential development.

**RH-P-1** To consider proposals for new one-off rural housing within 'Areas Under Strong Urban Influence' from prospective applicants that can provide evidence of a demonstrable economic or social need (see 'Definitions') to live in these areas including, for example, the provision of evidence that they, or their parents or grandparents, have resided at some time within the area under strong urban influence in the vicinity of the application site for a period of at least 7 years. The foregoing is subject to compliance with other relevant policies of this plan, including Policy RH-P-9.

**This policy shall not apply where an individual has already had the benefit of a permission for a dwelling on another site, unless exceptional circumstances**

**can be demonstrated. (My emphasis)**

An exceptional circumstance would include, but would not be limited to, situations where the applicant has sold a previously permitted, constructed and occupied dwelling, to an individual who fulfils the bonafides requirements of that permission.

New holiday homes will not be permitted in these areas.

**RH-P-9**

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



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

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

- i. the need to avoid any adverse impact on Natura 2000 sites or other designated habitats of conservation importance, prospects or views including views covered by Policy L-P-8;
- ii. the need to avoid any negative impacts on protected areas defined by the River Basin District plan in place at the time;
- iii. the site access/egress being configured in a manner that does not constitute a hazard to road users or significantly scar the landscape;
- iv. the safe and efficient disposal of effluent and surface waters in a manner that does not pose a risk to public health and accords with Environmental Protection Agency codes of practice;
- v. Compliance with the flood risk management policies of this Plan;

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

## **5.2. Rural Housing Location Siting and Design Guide County Donegal Development Plan 2024-2030.**

## **5.3. EPA Code of Practice: Domestic Wastewater Treatment Systems (Population Equivalent $\leq 10$ ).**

## **5.4. Natural Heritage Designations**

The Special Area of Conservation (SAC) Lough Eske and Ardnmona Wood SAC (Site Code 000163) is approximately 400m south/southeast of the subject site.

## **6.0 Environmental Impact Assessment (EIA) Screening**

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

## **7.0 Water Framework Directive (WFD) Screening**

- 7.1. I have assessed the proposed warehouse development (Please refer to Appendix 4 for detail) and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Nature of the development
- Location-distance from nearest Water bodies and/or lack of hydrological connections.

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

## **8.0 The Appeal**

### **8.1. Grounds of Appeal**

The third-party appeal submitted by Mr. Keith Wallace relates to the following issues of concern:

- The proposed development interferes with the existing rights of the Wallace property.
- It is proposed to discharge greywater from the proposed development via existing pipes passing through and under the Wallace property without permission being sought or given.
- The mains water supply pipe to the Wallace property passes through the application site. No proposals have been put forward in respect to protecting the water supply.
- No proposals have been put forward in relation to the proposed boundary treatments to protect the existing privacy and rights of the Wallace property.
- No vision line consent has been sought or given.
- No details provided on what proposals there are for the existing service pipes from the dwelling to the northwest of the subject site.

### **8.2. Applicant Response**

- The subject site is an 'infill site' and would always have been intended for development.
- The applicant wishes to build a house in the adjoining plot to her parents.
- Windows along the southern side were reduced to prevent any overlooking. Highlights that there are no windows along the northern side of the appellants property. The proposed dwelling is positioned closer to the northwestern boundary to provide greater separation between the proposed dwelling and that of the appellants.

- All stormwater is proposed to be diverted into an existing gully along the front of the site and into a roadside drain flowing in a southeast direction, which discharges into an existing open drain on the opposite side of the road. (Map attached to illustrate).
- The mains water runs along the front of the existing dwellings and stops at the proposed site. There are two no. connection points at the existing entrance. The connection to the appellants house runs through the subject site. Stated that there is no legal wayleave for this pipe. The applicants are happy to redivert the pipe along the front of their site and reconnect the appellants property to the mains water during the construction.
- Boundaries are proposed to be retained and new planting along the southern boundary of semi-mature hedgerow (native species).
- The front boundaries of the dwelling either side of the proposed site are set back and do not restrict the vision splays.
- There is an existing service pipe to the rear of the property (linked to the property north of the subject site) which is outside of the subject site red line boundary. It is stated that there is a legal wayleave through the appellants property for these pipes (Map attached).

### **8.3. Planning Authority Response**

- The general thrust of the appeal relates to existing rights with regard to water supply pipework, existing service pipes and the location of an Uisce Eireann mains supply meter.
- Through the connection process, any meters, pipes or similar may be relocated by Uisce Eireann and this is outside of the planning process.
- The boundary treatment proposed is shown on the submitted layout and this could be supplemented by conditions should the Board require.
- Vision lines of 50m are indicated at the entrance based on a submitted traffic survey and these can be achieved without third party consent.

#### 8.4. Observations

- None

#### 9.0 Assessment

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

- Principle of development and compliance with the rural housing policy RH-P-1
- Water supply
- Wastewater treatment
- Vehicular access
- Landscaping/boundary proposals

#### 9.2. *Principle of development and compliance with the rural housing policy*

9.2.1. The subject site, as already stated in section 5.0 of my report, is located within rural area defined as being under strong urban influence and the specific requirements for same are set out under Policy RH-P-1 and additional considerations include the proposed house design, whether it would integrate into the landscape and that it would not further erode the rural character of the area as specified under Policy RH-P-9. Rural housing policy RH-P-1 of the Donegal County Development Plan 2024-2030 requires applicants to have a demonstratable economic or social need to live in these areas and it is stated that this policy shall not apply where an individual has already had the benefit of a permission for a dwelling on another site, unless exceptional circumstances can be demonstrated. Further information was sought in respect to the applicant's rural housing need, I highlight for the Board that the subsequent planner's report on receipt of the FI does not directly engage with rural housing need.

- 9.2.2. Given that the applicant already owns a dwelling, as evidenced in the application documentation, I am of the opinion that they do not have a housing need. In respect to the rural housing policy I do acknowledge that RH-P-01 includes for an 'exceptional circumstances' provision, however, there is no evidence on file to determine whether the applicant meets with these exceptional circumstances under example provided of a limited situation provided for in the development plan. Accordingly, given that the applicant has had the benefit of a permission for a dwelling on another site (Please see planning history section 4.0) the proposed development would be contrary to the stated policy of Donegal County Development Plan 2024-2030 and would, therefore, be contrary to the proper planning and sustainable development of the area.
- 9.2.3. Whilst the landscape designation is 'Area of High Scenic Amenity' I highlight to the Board that the immediate context of this local laneway is suburban style ribbon development, and the subject site is positioned between two existing dwellings. As noted above outline permission was granted in May 1998 for the erection of a dwelling but there is no record of permission consequent. On balance I am of the view, taking into account the planning history of the site, that the landscape would have capacity to absorb the proposed infilling of a gap site within the row of established residential development with a dwelling house of similar proportions and scale.
- 9.2.4. In conclusion on this point, I consider that the proposed development of a dwelling house is acceptable in principle in this infill site location subject to the applicant's demonstration of exceptional circumstances.

### 9.3. *Water Supply*

- 9.3.1. The appellant is concerned that their mains water supply pipe, which passes through the subject site, will be directly impacted upon by the proposed construction of a dwelling and associated WWTS. From my site inspection and as confirmed in the applicant's response to the appeal there are two connection points at the existing entrance to the subject site. In response to this issue the applicant states that they

are happy to redivert the mains water pipe along the front of the subject site and to reconnect to the appellants property during the course of construction.

- 9.3.2. As noted, in section 8.3 of my report, the appeal response received from the planning authority states that *“through the connection process, any meters, pipes or similar may be relocated by Uisce Éireann and that this is outside of the planning process”*. I note that a report was not received from Uisce Éireann in respect to this application. In the absence of correspondence from Uisce Éireann in respect to the acceptability of connectivity of a new dwelling and conditional works in respect to the existing mains water infrastructure running through the subject site I am of the view that sufficient evidence has not been provided to demonstrate the detail and the acceptability of the proposed works. Given the potential direct impact on the third party, I am of the view that it would not be appropriate for this issue to be addressed by condition.

#### 9.4. Wastewater Treatment

- 9.4.1. The subject site is what appears as an infill site along a row of six no. existing dwellings. As such the proposed additional dwelling would result in seven dwellings in an approximate 1ha area. In my opinion this would be high density of dwellings reliant on DWWTS within a relatively small area. Notwithstanding, given the vulnerability of the groundwater is identified as ‘moderate’ on the submitted Site Characterisation Form, the consideration of an additional DWWTS is not precluded at the outset, having regard to the EPA Code of Practice for Domestic Wastewater Treatment Systems (DWWTS), which highlights concerns in relation to increasing risk of pollution when increasing the density of DWWTS in an area of extreme or high groundwater vulnerability (section 5.4.1 of the EPA code of practice).
- 9.4.2. I highlight to the Board that condition 15 of the planning authority decision to grant permission requires the final wastewater from the sand polishing filter to discharge to a gravel distribution area of no less than 37.5 sq. metres. Given the constrained nature of the site, I would have concerns that there is sufficient space to accommodate same within the front garden taking into account the necessary separation distances, the necessary provision of land drains for surface water and

the revised vehicle entrance splayed entrance to accord with Figure 16.1 of the development plan (as per condition 4). In the appellant's third-party observation to the planning authority submitted in respect of the application concerns were raised with respect to the size of the site (0.102ha) and the wet nature of the ground. I noted on site that rush growth was evident.

- 9.4.3. Therefore, I am of the opinion that insufficient information is available on file to determine whether condition no. 15 could be implemented on the subject site and that a suitable gravel distribution area be provided. In addition, I would concur with the appellant that there is a lack of detail in respect to the function and location of the "existing service pipes" that appear from the submitted Land Direct Map (attached with the applicant's response) to traverse the site. Taking into account the existing density of DWWTs within the immediate area, in the absence of these details, I am not satisfied that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial health.
- 9.4.4. The appellant is concerned that the proposed WWTS will directly impact the existing mains water supply pipes. This issue is addressed in section 9.3 above.
- 9.4.5. Separately I note that the appellant has concerns that the 'greywater' from the proposed development would be via existing pipes passing through and under their property. I note that condition 15 (g) requires that grey water (from washing machines, bath, showers etc.) to be directed to the secondary packaged effluent treatment system. In the event that the Board is minded to grant permission this issue could be addressed by condition.

## 9.5. *Vehicular access*

- 9.5.1. The existing access into the subject site is proposed to be decommissioned and a new vehicular access proposed to the opposite side (southeastern boundary) as per revised site layout plan P-002 Rev. A. I note that sightlines are indicated on the site layout plan of 50m in each direction. The planning authority in their response to the appeal are of the view that vision lines of 50m in each direction are indicated at the



entrance, based upon a submitted traffic survey, and that these can be achieved without third party consent.

- 9.5.2. From my site inspection the sightlines looking south are restricted by an existing fence line that projects forward of the roadway set back created by the existing houses, beyond this fence is the drainage ditch running alongside the appellants property. The submitted site plan does not clearly illustrate this structure which reduces visibility and would in my opinion not accord with the requirements of the development plan with respect to visibility splays. Whilst I note that the planning authority attached condition no. 3 requiring that the visibility splays of 50m are provided for it would appear that the fence line would be an issue in relation to achieving this condition. The appellant highlights that *“No vision line consent has been sought or given to take vision lines across the Wallace property”*. As such, it is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a substandard road at a point where sightlines are restricted in a - south/south-westerly direction.

#### 9.6. *Landscaping /boundary treatments*

- 9.6.1. The appellant's concerns relate to the lack of proposals in respect to boundary treatments to protect the existing privacy of their property. I note that the planning authority included in condition no. 13 a requirement for additional planting along both the northern and southern boundaries of the site.
- 9.6.2. From my site visit there is a level of screening between the subject site and the adjoining properties created by planted hedging and fencing. I would agree with the planning authority that the condition for additional planting would provide appropriate screening between the subject site and that of the appellants. In the event the Board is minded to grant permission this issue can be addressed by condition.

### 10.0 **AA Screening**

- 10.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I

conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Special Area of Conservation (SAC) Lough Eske and Ardnmona Wood SAC (Site Code 000163) in view of the conservation objectives these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature of works
- Location-distance from nearest European site and lack of connections
- The appropriate assessment screening of the planning authority.

## **11.0 Recommendation**

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

## **12.0 Reasons and Considerations**

1. The site of the proposed development is located within a rural area of strong urban influence in which Donegal County Development Plan policy objective RH-0-2 seeks to protect from intensive levels of unsustainable urban/suburban residential development. Rural housing policy RH-P-1 of the Donegal County Development Plan 2024-2030 requires applicants to have a demonstratable economic or social need to live in these areas and it is stated that this policy shall not apply where an individual has already had the benefit of a permission for a dwelling on another site, unless exceptional circumstances can be demonstrated. There is no evidence on file to determine whether the applicant meets with these exceptional circumstances under the example of a limited situation provided for in the development plan. Accordingly, given that the applicant has had the benefit of a permission for a dwelling on another site, the proposed development would be contrary to the stated policy of Donegal County Development Plan 2024-2030 and would,

therefore, be contrary to the proper planning and sustainable development of the area.

2. The Board is not satisfied that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial health.
3. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a substandard road at a point where sightlines are restricted in a south/south-westerly direction.

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

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Claire McVeigh  
Planning Inspector

20 May 2025

## Form 1 - EIA Pre-Screening

<b>Case Reference</b>	321859-25
<b>Proposed Development Summary</b>	Erection of a dwelling house with sewerage treatment system, and all associated site development works.
<b>Development Address</b>	Clarcarricknagun, Donegal Town, Co. Donegal.
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input type="checkbox"/> No, no further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	Class/Threshold: Part 2 Class 10 (b) Construction of more than 500 dwelling units. The proposal is for the erection of a single storey dwelling unit.

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

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	321859-25
<b>Proposed Development Summary</b>	Erection of a dwelling house with sewerage treatment system, and all associated site development works.
<b>Development Address</b>	Clarcarricknagun, Donegal Town, 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).	<p>The proposed development is for a detached single storey 3 no. bedroom dwelling within a rural area characterised by ribbon development.</p> <p>The project due to its size and nature would not give rise to significant production of waste during both the construction and operation phases or give rise to significant risk of pollution and nuisance.</p> <p>The project characteristics pose no significant risks to human health. The proposed development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p>
<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).	<p>The subject site is located approximately 400m north/northwest of the Special Area of Conservation: Lough Eske and Ardnamona Wood SAC (Site Code:000163).</p> <p>Noting the threshold that would trigger an AA is different to that of EIA I am of the opinion that the proposed development is not likely to have potential to significantly effect on other significant environmental sensitives in the area.</p> <p>It is considered that, having regard to the limited nature and scale of the development, there is no real likelihood of significant effect on other significant environmental sensitivities in the area.</p>
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	<p>The size of the proposed development is notably below the mandatory thresholds in respect of a Class 10 Infrastructure Projects of the Planning and Development Regulations 2001 as amended.</p> <p>There is no real likelihood of significant cumulative considerations having regard to other existing and/or permitted projects in the adjoining area.</p>
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>

There is no real likelihood of significant effects on the environment.	EIA is not required.
<del>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</del>	
<del>There is a real likelihood of significant effects on the environment.</del>	

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

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## Appendix 3: Screening for AA

<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>Brief description of project</b>	<p>Erection of a dwelling house with sewerage treatment system, and all associated site development works. Please refer to section 2.0 of my report for further detail.</p>
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The subject site is located between two existing dwellings within the rural area just outside of the designated urban area of Donegal Town.</p> <p>Drainage to the front and rear boundaries</p> <p>The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA).</p>
<b>Screening report</b>	<p>Y/N</p>
<b>Natura Impact Statement</b>	<p>Y/N</p>
<b>Relevant submissions</b>	<p>None</p>
<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>	



[List European sites within **zone of influence** of project in Table and **refer** to approach taken in the AA Screening Report as relevant- there is no requirement to include long list of irrelevant sites.

European Site (code)	Qualifying interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
Special Area of Conservation: Lough Eske and Ardmona Wood SAC (000163)	<a href="https://www.npws.ie/protected-sites/sac/000163">https://www.npws.ie/protected-sites/sac/000163</a>  Lough Eske is a large lowland oligotrophic lake. It lies approximately 5 km northeast of Donegal town at the junction of Carboniferous rocks with more resistant Dalradian gneiss and granite. The site also includes the River Eske and short stretches of the Lowerymore, Clogher and Drummenny Rivers, as well as a number of smaller tributaries (Site Synopsis)	400m	Indirect via surface water	Y

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

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

<sup>3</sup>if no connections: N

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

#### AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: Special Area of Conservation: Lough	Direct: None.	Examples: None.

<b>Eske and Ardmona Wood SAC (000163)</b>  Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]  Petrifying springs with tufa formation (Cratoneurion) [7220]  Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]  Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]  Salmo salar (Salmon) [1106]  Trichomanes speciosum (Killarney Fern) [1421]	Indirect:  Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution.	Undermine conservation objectives related to water quality.
	<b>Likelihood of significant effects from proposed development (alone):</b> Y/N	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b> No	
	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b> No	
<div>* Where a restore objective applies it is necessary to consider whether the project might compromise the objective of restoration or make restoration more difficult.</div>		
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>		
I conclude that the proposed development (alone) would not result in likely significant effects on Lough Eske and Ardnamona Wood SAC. The proposed development would have no likely significant effect in		

combination with other plans and projects on any European site(s). No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.

## **Screening Determination**

### **Finding of no likely significant effects**

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

This determination is based on:

- Nature of works
- Location-distance from nearest European site and lack of connections.

## Appendix 4 Water Framework Directive

### WFD IMPACT ASSESSMENT STAGE 1: SCREENING

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

<b>An Bord Pleanála ref. no.</b>	<b>321859-25</b>	<b>Townland, address</b>	Clarcarricknagun, Donegal Town, Co. Donegal.
<b>Description of project</b>		Erection of a dwelling house with sewerage treatment system and all associated site development works.	
<b>Brief site description, relevant to WFD Screening,</b>		As stated in the Site Assessment Report submitted with the application the “ <i>ground conditions are predominantly firm and solid underfoot on what is generally well maintained grassland</i> ”. From my site inspection I noted some rush growth evident.	
<b>Proposed surface water details</b>		It is proposed to divert all surface water from the proposed development into an existing gully along the front of the site and into a roadside drain flowing in a southeast direction. This drain discharges into an open drain on the opposite side of the road.	
<b>Proposed water supply source &amp; available capacity</b>		Main water supply, potential capacity (Amber - LoS Improvement required) indicated on Uisce Éireann’s water supply capacity register (Accessed May 2025).	
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>		Tertiary Treatment System and Infiltration/treatment area.	

<b>Others?</b>		None relevant.				
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>						
<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>
e.g. lake, river, transitional and coastal waters, groundwater body, artificial (e.g. canal) or heavily modified body.						

River Waterbody	884m	ESKE—020 IE_NW_37E05 0400 [ESKE-020 WFD Sub Basin]	Good	Not at Risk	No pressures	Yes – Multiple drainage ditches hydrologically connected to watercourse.	
Groundwater Waterbody	Underlying	Donegal South IE_NW_G_047	Good	Not at Risk	No pressures	Yes, surface run-off and drainage.	
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	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

							<b>'uncertain' proceed to Stage 2.</b>
1.	Site clearance/c onstruction	ESKE—020	Existing drainage ditches	Siltation, pH (Concrete), hydrocarbon spillages.	Standard constructi on practice CEMP	No	Screened out
2.	Site clearance/c onstruction	Donegal South	Pathway exists through infiltration	Spillages	Standard constructi on practice CEMP	No	Screened out
<b>OPERATIONAL PHASE</b>							
3.	Surface run-off	ESKE— 020	Existing drainage ditches/gullies	Hydrocarbon spillage	SUDs features	No	Screened out
4.	Discharges to ground	Donegal South	Pathway exists through infiltration	Spillages	SUDs features	No	Screened out
<b>DECOMMISSIONING PHASE</b>							
5.	N/A						