



An  
Bord  
Pleanála

## Inspector's Report

### ABP-322138-25

<b>Development</b>	Construction of a dwelling house with effluent treatment system and polishing filter and associated works.
<b>Location</b>	Glen & Dromore, Mountcharles, Co. Donegal.
<b>Planning Authority</b>	Donegal County Council
<b>Planning Authority Reg. Ref.</b>	2461580
<b>Applicant(s)</b>	Caroline & Stewart Jervis
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	Transport Infrastructure Ireland (TII)
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	4 June 2025
<b>Inspector</b>	Claire McVeigh

## **1.0 Site Location and Description**

- 1.1. The appeal site, stated area of 0.42ha, is situated c. 700m east of Mountcharles, Donegal in the townland of Glen and Dromore. The subject site lies north of the N56 and is accessed via an existing lane which forks with one arm serving 3 no. existing dwellings (one of which has commercial coaches parked) and the northern section serves the applicant's farmhouse and lands. The subject site is in the 100kph speed limit zone.
- 1.2. The subject site sits immediately east of the existing farmhouse and comprises part of the front garden of same. There are a number of mature trees and shrubs at the location of the proposed extended laneway to serve the new dwelling.

## **2.0 Proposed Development**

- 2.1. Application for is for the construction of a dwelling house (166.4 sqm) with effluent treatment system and polishing filter and associated works. It is proposed that the new dwelling will connect to the existing public mains water supply and soakpit for surface water disposal.

## **3.0 Planning History**

None

## **4.0 Planning Authority Decision**

### **4.1. Decision**

- 4.1.1. On the 27 February 2025 the planning authority decided to grant permission for the development subject to 15 no. conditions.

## **4.2. Planning Authority Reports**

### **4.2.1. Planning reports**

- 18 November 2024 – The report recommends that further information is sought on the future plans for the family home and clarifying the applicant's specific rural housing need in accordance with RH-P-3 of the County Donegal Development Plan 2024-2030. Revised plans requested to relocate the dwelling to the northwest of the current location to avoid direct overlooking of the existing dwelling and relocation of access to facilitate same. Details sought in respect to surface water collection and disposal for the site and measures to prevent surface water flowing onto the public roadway.
- 25 February 2025 – Notes the comprehensive details submitted including solicitor letter and is satisfied that the applicant has demonstrated a rural housing need. Revised drawings submitted and proposals to include the planting of a beech hedge to prevent any direct overlooking. Subject to lowering the finished floor levels considers the revisions to be acceptable. Surface water proposals illustrate the water would discharge into the farmyard and disposal therein and additional drains to be installed at the bottom of the lane with discharge into the adjoining farmland in family ownership. The report recommends granting permission for the development subject to conditions.

### **4.2.2. Other Technical Reports**

- NRDO – This application does not affect the progression of any current national road/active travel project managed by Donegal NRO. The application is a direct access to the N56 National Secondary. Any application that directly impacts any element of the national road must demonstrate that any proposed change is compliant with TII standards and its approval documented.

## **4.3. Prescribed Bodies**

- TII (1 November 2024) The Authority has examined the above application and considers that it is at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial

Planning and National Roads Guidelines for Planning Authorities (2012) as the proposed development by itself, or by the precedent which a grant of permission for it would set, would adversely affect the operation and safety of the national road network for the following reason(s):

- Official policy in relation to development involving access to national roads and development along such roads is set out in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (January, 2012). The proposal, if approved, would create an adverse impact on the national road where the maximum permitted speed limit applies and would, in the Authority's opinion, be at variance with the foregoing national policy in relation to control of frontage development on national roads.
- Official policy in relation to development involving access to national roads and development along such roads is set out in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (January 2012). Section 2.5 of the Guidelines states that the policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kph apply. The proposal, if approved, would result in the intensification of an existing direct access to a national road contrary to official policy in relation to control of frontage development on national roads

#### 4.4. Third Party Observations

- None

### 5.0 Policy Context

#### 5.1. Donegal County Development Plan 2024-2030

The subject site is located within a 'Structurally Weak Rural Area'.

As such, **Policy RH-P-3 applies**. Rural Housing Policy 8.3 Policy RH-P-3 sets out 'To consider proposals for new one-off housing within 'Structurally Weak Rural

Areas' from any prospective applicants for a dwelling house, subject to siting and design considerations and compliance with all other relevant policies of this Plan including Policy RH-P-9. New holiday homes will not be permitted in these areas.'

Key Strategic Objectives of the County Development Plan:

**S-O-9** To maintain the strategic function, capacity and safety of the national roads network, and to ensure that the existing extensive transport networks, discrete sections of which have been enhanced are maintained to a high level to ensure quality levels of service, safety, accessibility and connectivity to transport users.

**Objective T-O-10** To safeguard the carrying capacity and safety of:

- i. National Roads and associated junctions in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities (DECLG, 2012) and
- ii. The R238 Bridgend to Buncrana Regional Road

**Objective T-O-14** To provide for high quality connectivity within the County in line with the Core

Strategy through the promotion of a quality Strategic Road Network as identified on Map 8.1.2.

On 26 June 2024 the Minister of State for Local Government and Planning issued a 'Notice of Intention to Issue a Direction' to the planning authority under Section 31 of the Planning and Development Act, 2000 (as amended). The draft direction addresses a key national road access policy in the County Development Plan (Policy T-P-12). I note that the development plan outlines that these matters in accordance with section 31 (6) of the act 'shall not have effect' notwithstanding their inclusion in the plan as adopted by the council pending the issuing of the Minister's Final Direction.

It is noted on the development plan webpage that: - "*The Minister is still considering the OPR's recommendation prior to making a decision on whether to issue the Direction with or without minor amendments*". I note also for the Board that a final direction is not available on the OPR's website.

For reference I am including **Policy T-P-12** \*including the Draft amendments (deletions in strikethrough red and additions in green)

- a. *"It is a policy of the Council not to permit developments requiring new accesses, or which would result in the ~~adverse intensification of existing access points onto:~~*
- i. intensification of existing access points onto National Roads where the speed limit is greater than 60 kph; or*
  - ii. Adverse intensification of existing access points onto the section of the R238 Bridgend-Buncrana Regional Road where the speed limit is greater than 60 kph.*

*Notwithstanding the foregoing, in exceptional circumstances, developments of national and regional strategic importance where the locations concerned have specific characteristics that make them particularly suitable for the developments proposed may be considered, subject to such developments being provided for through the Local Area Plan or Development Plan making process, including in consultation with the TII.*

~~*b. Within the section of the N56 National Secondary Road between the Five Points Junction (Killybegs) and the Mountain Top Letterkenny (identified on Map 8.1.3A), development of one-off rural houses impacting on the National Secondary Road may be considered subject to the following:*~~

- ~~*i. As a first preference, the applicant shall use an alternative access onto the public (County or Regional) road network where such an alternative is available and, in such circumstances a new access or intensification of an existing private access onto the National Secondary Road shall not be permitted;*~~
- ~~*ii. As a second preference, the applicant shall use an existing private access (either family owned, or in third party ownership) onto the National Secondary Road where such a practical and realistic*~~

~~alternative is available and in such circumstances, a new access onto the National Secondary Road shall not be permitted;~~

~~iii. A new access onto the National Secondary Road shall only be considered where the applicant has clearly demonstrated that the options identified in the immediately preceding paras. (a) and (b) are not available.~~

~~e. Proposals shall only be considered where:~~

~~i. the applicant can provide evidence that they, or their parents, have owned the subject lands for a period of at least 7 years;~~

~~• the applicant shall enter into a legal agreement under Section 47 of the Planning and Development Act, 2000 (As Amended), which agreement shall provide that the subject dwelling shall be occupied by the applicant as his/her principal place of residence for a minimum period of seven years commencing on the date of the first such use.~~

~~ii. Proposals shall be required to demonstrate compliance with the requisite national roads design standards including the provision of relevant national vision lines and stopping sight distances.”~~

5.1.1. Proposed Variation No. 1 to the County Donegal Development Plan 2024-2030  
(including) Pre-draft consultation report published May 2025

1. New Area Plans for An Clochán Liath (Dungloe), Ballyshannon, Bridgend, Carndonagh, Donegal Town, and Killybegs.
2. Residential Rezoning at Cockhill, Buncrana.
3. Potential Residential Zoned Land Tax Rezoning.

## 5.2. National and Regional Policy

- National Planning Framework First revision.

- Spatial Planning and National Roads Guidelines for Planning Authorities (DoECLG, 2012) (Chapter 2 and Sections 2.5 and 2.6).
- Regional Spatial and Economic Strategy 2020-2032. Northern and Western Regional Assembly (Section 6.3 and Policy RPO 6.5).

### **5.3. Natural Heritage Designations**

The subject site lies c. 400m north from the Special Area of Conservation: Donegal Bay (Murvagh) SAC (Site Code: 000133), proposed Natural Heritage Areas: Donegal Bay (Murvagh) (Site Code: 000133) and Special Protection Areas: Donegal Bay SPA (Site Code 004151).

## **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 The Appeal**

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

The appeal is made by Transport Infrastructure Ireland (TII):

- TII records indicate that the subject site has access to the N56, national road, via a direct private lane access which is not a public (local) road. A 100kph speed limit applies.
- TII seeks to ensure that official national objectives are not undermined and that the anticipated benefits of the investment made in the national road network are not jeopardised.



- The planner's report erroneously refers to 'local road'. Donegal County Council have subsequently confirmed to TII that the roads off the N56 at this location are private and not in charge by Donegal County Council.
- TII is concerned that critical national road policy and safety considerations and have not been appropriately addressed in the subject application, given that the assessment appears to relate to the incorrect designation of a direct private lane access to the N56 as a public (local) road.
- The section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities' state in relation to lands adjoining national roads to which speed limits greater than 60kph apply that the policy of the planning authority will be to avoid the creation of any additional access points or the generation of increased traffic from existing access to national roads. This applies to all categories of development including individual houses in rural areas, regardless of the housing circumstances of the applicant. Section 2.5 refers.
- Regional Policy Objective RPO6.5 of the Northern and Western Regional Assembly Regional Spatial and Economic Strategy (RSES) outlines that the capacity and safety of the region's land transport networks will be managed and enhanced to ensure their optimal use, thus giving effect to National Strategic Outcome 2 (of the National Planning Framework) and maintaining the strategic capacity and safety of the national roads network including planning for future capacity enhancements.
- The proposed development is at variance with the following objectives of the Donegal County Development Plan 2024-2030 plan policy Strategic Objective S-O-9 and Objectives T-O-10 and Objective T-O-14 to safeguard the carrying capacity and safety of national roads and provide for high quality connectivity within the County in line with the development plan strategic objectives.
- The intensification of use of this access onto and off the N56, national secondary road, will arise as a result of the proposed development of a new additional house and additional vehicular turning movements from the day-to-day occupation and patterns of activity associated with same and trips

generated by other services, utilities, deliveries, visitors etc. as well as the applicant's existing and future family (or families).

- TII considers that restricting direct access and intensification of use of direct access to the high-speed national road network can and does contribute to a reduction in collisions and fatalities.
- The section of the N56 concerned has a AADT of 11, 314 recorded for 2024 and would not be considered a lightly trafficked section. TII is of the opinion that no exceptional reason or evidence has been set out by Donegal County Council to justify such a significant adverse departure from official policy and road safety considerations which a grant of permission would represent in this instance.
- The RSA's Our Journey Towards Vision Zero Ireland's Government Road Safety strategy 2021-2030 indicates that the safe system approach emphasises the need to focus on all elements of the road traffic system to successfully improve road safety.
- The proposed development, in conjunction with other development accessing the N56 at this location by itself and by the precedent that a grant of permission would create would endanger public safety by reason of traffic hazard due to additional traffic, including turning movements, that would be generated the national N56 at a point where a speed limit of 100kph applies and would interfere with the free-flow of traffic on the road.

## **7.2. Applicant Response**

- The applicant responds to the appeal and the matters raised by TII. Largely rely on the decision by Donegal County Council to grant permission. It is stated that the application will not lead to an intensification of traffic on the existing junction as the proposed development is for a family member already resident on the overall lands served by the junction. The Jervis family have farmed these lands for three generations. The family are under housing pressure and there is a need for independent living space for both generations.

- Part of the existing lane/junction is in the ownership of Donegal County Council formed as part of the Mountcharles bypass scheme (Figure 1 illustrates DCC Folio DL36408F). As such, it is suggested that the access should be treated as a public access.

### 7.3. Planning Authority Response

- The planning authority has determined that there is a genuine rural housing need that complies with social and economic need based on family reasons. They note that the applicants wish to build in proximity to the original farmhouse on family-owned lands whereby childcare and help with the family farm can continue.
- They note the issue of intensification raised by TII in the appeal, however, consider that as all persons currently reside in the existing dwelling it is not considered that traffic has intensified at the junction with the N56. Moreover, improvements will be made as conditions of planning to prevent surface water flowing to the public roadway.

### 7.4. Observations

- None

## 8.0 Assessment

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

- *Access to the site and compliance with planning policy guidelines in respect of national roads and road safety*

**8.2. Access to the site and compliance with planning policy guidelines in respect of national roads and road safety**

- 8.2.1. The subject site lies on a stretch of the N56 where the 100kph speed limit applies outside of Mountcharles on the road towards Donegal Town.
- 8.2.2. The applicant's assert that an unregistered portion of the junction and the main road have been in the control of the local authority since the Mountcharles Bypass project was carried out. It is stated by the applicant's that the *'junction enjoys full vision lines that were established by Donegal County Council and are currently maintained by Donegal County Council'*. Figure 1 of the applicant's appeal response includes the outline of DCC Folio to illustrate Donegal County Council's ownership for lands to the east of the junction and subject laneway. In the interest of clarity, I note that the folio does not extend to the junction. From this submission TII state that their records indicate that the subject site's access from the N56 is via a private lane access. On the facts presented with the appeal and from my site visit I am of the view that the access is a private access and is not a junction or laneway that is in charge by Donegal County Council.
- 8.2.3. I note above the current development plan policy with respect to national roads Policy T-O-10, as detailed in section 5.1 above, seeks to safeguard the carrying capacity and safety of National Roads and associated junctions in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities (DECLG, 2012). Chapter 2 of the government's guidelines on Spatial Planning and National Roads deals with development planning. Section 2.5 deals with development plan policy on access to national roads and states for land adjoining national roads to which speed limits greater than 60kph apply, *'the policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads...This provision applies to all categories of development, including individual houses in rural areas, regardless of housing circumstances of the applicant'*. (my emphasis) Section 2.6 considers exceptional circumstances and states that notwithstanding Section 2.5, planning authorities may identify stretches of national roads where a less restrictive approach may be applied, but only as part of the process of reviewing or varying the relevant development plan and having

consulted with and taken on board the advice of the NRA (now TII) and having followed the approach set out in the guidelines for developments of national and regional strategic importance and lightly trafficked sections of national secondary routes.

- 8.2.4. The Donegal Development Plan 2024-2030 (the development plan) includes Policy T-P-12 which identifies circumstances where a less restrictive approach may be applied. I highlight to the Board that Policy T-P-12, at the time of writing my report, is subject to a draft Ministerial Direction and as such shall not have effect. The site is, therefore, not in a location which is identified in the County Development Plan as an area where exceptional circumstances apply.
- 8.2.5. My understanding of the Spatial Planning and National Roads guidelines is that exceptional circumstances arise in respect of developments of national and regional importance to the State and/or lightly trafficked sections of national secondary roads as stated policies in development plans, and subject to prior consultation with TII. I do not consider that either of these circumstances apply to the proposed development.
- 8.2.6. In their consideration of the response to the appeal, the planning authority sets out that traffic at the junction with the N56 has not intensified as all persons currently reside in the existing dwelling. I note the specific circumstances of the applicants, accept the bona fides of their current situation and agree that vehicular movement to facilitate childcare would not be a contributing factor to the overall traffic generation that would be attributable to an additional dwelling accessed off the private laneway. Notwithstanding, I would not agree with the planning authority's view that intensification of the existing access to the national road would not occur. I agree with TII's submission that intensification of use of this access would arise as a result of the proposed development and additional vehicular turning movements for the day-to-day occupation and patterns of activity associated with same and trips generated by other services, utilities, deliveries, visitors as well as the applicant's existing and future family (or families).
- 8.2.7. In the absence of supporting development plan policy permitting such access to national secondary roads I do not consider that exceptional circumstances exist which override the national and regional policy framework for development alongside

national roads, and I note that the policy to avoid the generation of increased traffic from existing access to national roads applies regardless of the housing circumstances of the applicant. I, therefore, consider that the proposed development, which would result in the intensification of use of a vehicular access onto the National Primary Road N56 at a point where a speed limit of 100 km/h applies, would endanger public safety by reason of traffic hazard, and the additional vehicular traffic generated by the proposed development would lead to conflicting traffic movements, which would interfere with the safety and free flow of traffic on the heavily trafficked national road.

## **9.0 Appropriate Assessment (AA) Screening**

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

This determination is based on:

- Nature of works
- Location-distance from nearest European site and lack of connections
- Appropriate Assessment Screening of the planning authority.

## **10.0 Water Framework Directive**

10.1. Please refer to Appendix 4. The river body Leitrim Hill Stream\_010 (IE\_NW\_37L370150) is approximately 400m west of the subject site (good water body status) and the groundwater body is Doorin Point (IE\_NW\_G\_069) (good water body status).

- 10.2. The proposed development is detailed in section 2.0 of my report. No water deterioration concerns were raised in the planning appeal.
- 10.3. I have assessed the proposed construction of a dwelling house with effluent treatment system and polishing filter and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development
  - Location-distance from nearest water bodies and/or lack of hydrological connections
- 10.4. 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.

## **11.0 Recommendation**

I recommend that permission for the development be refused for the reasons and considerations set out in section 12.0.

## **12.0 Reasons and Considerations**

1. The proposed development, which would result in the intensification of use of a vehicular access onto the National Primary Road N56 at a point where a speed limit of 100 km/h applies, would endanger public safety by reason of

traffic hazard, and the additional vehicular traffic generated by the proposed development would lead to conflicting traffic movements, which would interfere with the safety and free flow of traffic on the heavily trafficked national road.

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

19 June 2025



## Appendix 1: Form 1 - EIA Pre-Screening

<b>Case Reference</b>	322138-25
<b>Proposed Development Summary</b>	Construction of a dwelling house with effluent treatment system and polishing filter and associated works.
<b>Development Address</b>	Glen & Dromore, Mountcharles, 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>	N/A
<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	

<p>development under 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>Class 10. Infrastructure projects (b) (i) Construction of more than 500 dwelling units.</p>

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

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

## Appendix 2: Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	322138-25
<b>Description of works</b>	Construction of a dwelling house with effluent treatment system and polishing filter and associated works.
<b>Address</b>	Glen & Dromore, Mountcharles, 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 the construction of a single storey detached dwelling house with wastewater treatment system and polishing filter.</p> <p>The project due to its size and nature will not give rise to significant production of waste during both the construction and operation phases or give rise to significant risk of pollution and nuisance.</p> <p>The construction of the proposed development does not have potential to cause significant effects on the environment due to water pollution. The project characteristics pose no significant risks to human health.</p> <p>The proposed development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p>
<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 within a rural area designated as 'Structurally Weak Rural Area'.</p> <p>The subject site is not located in or immediately adjacent to ecologically sensitive sites.</p> <p>It is considered that, having regard to the limited nature and scale of the development, there is no real likelihood of significant effect on other significant environmental sensitivities in the area.</p>
<b>Types and characteristics of potential impacts</b>	The size of the proposed development is notably below the mandatory thresholds in respect of a

(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>Class 10 Infrastructure Projects of the Planning and Development Regulations 2001 as amended.</p> <p>There is no real likelihood of significant cumulative considerations having regard to other existing and/or permitted projects in the adjoining area.</p>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	N/A
There is a real likelihood of significant effects on the environment.	N/A

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

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

(only where Schedule 7A information or EIAR required)

### Appendix 3: Screening for Appropriate Assessment

#### Test for likely significant effects

##### Step 1: Description of the project and local site characteristics

<b>Brief description of project</b>	Construction of a dwelling house with effluent treatment system. Please see section 2.0 of my report for further detail.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The subject site comprises a greenfield site. Total area stated as 0.42ha.</p> <p>The site is bordered by the existing farmhouse and farmyard to the west/northwest.</p> <p>The nearest hydrological feature to the site is the Leitrim Hill Stream located c. 400m west of the site. The site is not located within or directly adjacent to any European Site.</p>
<b>Screening report</b>	N
<b>Natura Impact Statement</b>	N
<b>Relevant submissions</b>	None relating to AA

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

European Site (code)	Qualifying interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance from proposed	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
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		development (km)		
Special Area of Conservation: Donegal Bay (Murvagh) SAC (Site Code: 000133)	<a href="https://www.npws.ie/protected-sites/sac/000133">https://www.npws.ie/protected-sites/sac/000133</a>	Approximately 400m south of the subject site.	Indirect	N
Special Protection Areas: Donegal Bay SPA (Site Code 004151).	<a href="https://www.npws.ie/protected-sites/spa/004151">https://www.npws.ie/protected-sites/spa/004151</a>	Approximately 400m south of the subject site.	Indirect	N

<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
Special Area of Conservation: Donegal	Direct:  None	

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

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



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

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

No mitigation measures are required to come to these conclusions.

**Screening Determination**

**Finding of no likely significant effects**

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

This determination is based on:

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

#### Appendix 4: WFD IMPACT ASSESSMENT STAGE 1: SCREENING

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

<b>An Bord Pleanála ref. no.</b>	<b>322138-25</b>	<b>Townland, address</b>	Glen & Dromore, Mountcharles, Co. Donegal
<b>Description of project</b>		Construction of a dwelling house with effluent treatment system and polishing filter and associated works.	
<b>Brief site description, relevant to WFD Screening,</b>		Site is on an elevated sloping greenfield site located within a rural area adjacent to an existing farm.	
<b>Proposed surface water details</b>		Storm water is proposed to be piped to the existing yard system of the adjoining farmyard and new drainage channel are proposed at the laneway entrance to discharge into the existing field drainage system to the west of the subject site.	
<b>Proposed water supply source &amp; available capacity</b>		Uisce Eireann mains water connection.	
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>		Wastewater Treatment System proposed with polishing filter.	

##### Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

<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</b>	<b>Identified pressures on</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>

				risk, review, not at risk	that water body.		
River Waterbody	400m west	Leitrim Hill Stream_010 (IE_NW_37L37 0150)	Good	Review	None identified as under review.	No direct	
Groundwater Waterbody	Underlying site	Doorin Point (IE_NW_G_069 )	Good	Not at Risk	No pressures	No	
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if ‘screened’ in or ‘uncertain’ proceed to Stage 2.

1.	Surface	Leitrim Hill Stream_010 (IE_NW_37L 370150)	Surface water drainage will be directed through the drainage networks.	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice CEMP	No	Screened out
2.	Ground	Doorin Point (IE_NW_G_069)	Drainage	Spillages	As above	No	Screened out
<b>OPERATIONAL PHASE</b>							
3.	Surface	Leitrim Hill Stream_010 (IE_NW_37L 370150)	Surface water drainage will be directed through the drainage networks.	Hydrocarbon spillage	Surface Water to drain to separate system.	No	Screened out
4.	Ground	Doorin Point (IE_NW_G_069)	Drainage	Spillages	Surface Water to drain to separate system.	No	Screened out
<b>DECOMMISSIONING PHASE</b>							
5.	NA						