



An
Coimisiún
Pleanála

Inspector's Report ABP-322543-25

Development	Construction of 5 no. apartments and 2 no. retail units with associated site works
Location	Main Street, St. Johnston, Lifford PO, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	24/61333
Applicant(s)	Agit Singh
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant(s)	Martin Golden
Observer(s)	(1) Betty Holmes (2) Ray McGee (3) Emma Holmes & Others
Date of Site Inspection	8 th August 2025
Inspector	Philip Maguire

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1.0 Introduction

- 1.1. This case relates to an appeal by Martin Golden under the provisions of Section 37 of the Planning and Development Act 2000, as amended ('the Act'), following a grant of permission by Donegal County Council in accordance with Section 34 of the Act.
- 1.2. This Inspector's Report (IR) and recommendation is made pursuant to Section 146(2) of the Act. The Commission is required to consider both before determining the case.

2.0 Site Location and Description

- 2.1. Situated along and to the southern side of Main Street, the appeal site is located centrally in the village of St. Johnston, Co. Donegal. The posted speed limit through the village is 50kph. The River Foyle is c. 500m to the east. The surrounding area is characterised by a mix of commercial and residential uses typical to the village size.
- 2.2. The appeal site has a stated area of 0.09ha and is roughly rectangular shaped. It consists of a linear brownfield plot fronting onto Main Street and extending in a southerly direction where it adjoins the rear of properties along Church Street to the east. The site is currently vacant and overgrown with vegetation. Extensive stands of Japanese knotweed were evident along with various indications of recent earthworks.
- 2.3. The northern boundary, which extends to c. 15m of street frontage, is defined by palisade fencing with a double-gated opening to the western extent. The gates were locked at the time of inspection. The adjoining footpath is c. 3m wide and includes a pedestrian crossing point at the bus stop. An impaired mobility parking space adjoins this section of footpath. Other site boundaries include the gable end and external walls of adjoining houses on Main Street, and rear walls and fences of adjoining property.

3.0 Proposed Development

- 3.1. Planning permission is sought for 5 no. apartments and 2 no. retail units. The Commission should note that this is a digital case file i.e., digital plans and particulars.
- 3.2. The proposed development is described in the statutory notices as:

Construction of one commercial building, and one residential building, the commercial building is to the front of the site consisting of 2 retail premises and one self-contained

apartment, the second building is a residential building to the rear of site consisting of 4 self-contained apartments and all ancillary works with connection to all existing services.

3.3. In addition to the relevant maps and drawings, the application documents include:

- Sunlight / Overshadowing Report (anon., undated)
- Invasive Species Report (Gareth Austin, March 2024)

3.4. The following was also submitted in response to a Further Information request:

- Archaeological Report (Richard Crumlish, March 2025)

4.0 Planning Authority Decision

4.1. Decision

4.1.1. Permission was granted on 25th April 2025, subject to 13 no. conditions.

4.1.2. The conditions are standard to the nature of the proposal, but the following are of note:

Condition 2 – prohibits use of the apartments as holiday homes or short-term rentals.

Condition 4 – requires the provision of all infrastructure prior to occupation.

Condition 6 – controls the external lighting and digital displays on the premises.

Condition 13 – development completion bond.

4.2. Planning Authority Reports

4.2.1. The Planner's Report (22/10/24) can be summarised as follows:

Principle of Development

- Considers the principle acceptable in terms of policy within the urban fabric.

Part V

- Notes that a Part V exemption certificate has been issued in respect of the site.

Design Issues

- Notes the proposal comprises separate two-storey buildings rising to c. 8.166m (2 no. retail units and 1 no. apartment) and 7.749m (4 no. apartments) respectively.

- Indicates the apartments meet the various design and amenity space standards.

Fire Safety

- Notes previous concerns (PA ref. 23/51111) in relation to fire safety (escape etc.) and the requirement for a Fire Cert prior to commencement of works.
- Notes additional concerns in relation to emergency vehicle access and considers further information required in this regard.

Residential Amenity

- Considers the retail use does not give rise to any significant residential amenity issues given the town centre location and the mix of compatible uses.
- Accepts that whilst the proposal will increase footfall, considers the proposal acceptable subject to restrictions in terms of hours of operation.
- No concerns raised in terms of the proximity of the apartments to adjoining dwellings to the east.
- In terms of overshadowing, states that submitted details indicate minimal impact in the evening, noting that much of the proposal backs onto an existing shed.
- States that no habitable rooms are overlooked to the west of the site, noting that the adjacent property does not appear to be occupied.
- States that the proposed single-storey rear projection will not cause any significant overshadowing and suggests that there will be limited overlooking, noting the context within which ground floor windows are exempt under the Regulations.
- Considers the applicant is the registered owner of the site and states that there is no evidence of a registered burden on these lands, thus the subject lands are private, and no such public rights exist in a legal sense.
- Raises concerns regarding the lack of active and passive surveillance over the open space serving the apartments, suggesting that its relocation to the north in lieu of 2 no. parking spaces is acceptable.
- Due to the limited scale, considers the proposal will not result in an unacceptable degree of parking pressure, traffic congestion or trip generation, noting the availability of adequate on-street parking.

Access / Car Parking

- Considers the sightlines acceptable in accordance with DMURS noting a minimum requirement of 45m in both directions.
- Considers further information required in relation to parking spaces, the access point, turning circle and 'auto track' analysis.
- Notes that 8 no. parking spaces are proposed in accordance with Plan standards but indicates that a contribution can be applied in the event of a shortfall.
- Considers that the limited scale of the proposal will not result in an unacceptable degree of parking pressure, congestion or trip generation and the principle of apartments is supported in order to address vacant and underutilised space etc.
- Recommends a Construction Traffic Management Plan and an Environmental Waste Management Plan in the event of a grant of permission, with specific details in relation to dirt and dust control, and biosecurity measures.

Public Health

- Notes the requirement to upgrade 300mm clay pipe in Main Street and further information sought by Uisce Éireann in relation to the proposed 125mm watermain.
- Considers the surface water drainage proposals, including attenuation tank, acceptable with design and capacity details to be conditioned.

Archaeological Assessment

- Considers an archaeological assessment by way of further information is required given the site's location within a zone of archaeological potential and the provisions of policy AYH-P-1 of the Development Plan.

Appropriate Assessment (AA)

- Considers that screening for AA does not arise having regard to the urban location of the development connecting to municipal services and the absence of a pathway between the site or risk of effects.

Development Contribution

- States that the final charge and exemptions will be reviewed following 'FI request'.
- Suggests that there are no exemptions 'in terms of new build greenfield sites'.

Other Matters

- States that a completion bond will be conditioned in the event of a grant.

Environmental Impact Assessment (EIA)

- Considers there is no real likelihood of significant effects on the environment and screens out the need for EIA at preliminary examination stage.

Recommendation

- Recommends further information in relation to archaeology, site layout (open space and roads issues), access, fire safety issues, watermain issues and issues in relation to cables, vents, pipe etc. on the house to the east.

4.2.2. The Planner's Report (23/04/25) can be summarised as follows:

Further Information – Item 1 (archaeology etc.)

- Notes the submitted archaeological report found no material of interest.
- DAU-NMS ('DHLGH') have no objection.

Further Information – Items 2 and 3 (roads etc.)

- Notes revised layout showing re-location of communal open space to the north.
- States that re-location of the impaired mobility parking space can be conditioned.
- Notes revised layout with 'auto tracking' and states that refuse companies can conduct their work from the Main Street without entering the site.

Further Information – Items 4, 5 and 6 (fire tender, water etc.)

- States that fire tender access along the Main Street is adequate under Section 5.2.3 of the Technical Guidance Document B i.e., total floor area is less than 1000sq.m and building height is less than 10m.
- Notes installation of internal fire hydrants as per Section 5.1 of the Technical Guidance Document was also agreed.
- Notes revised layout showing location of new 125mm watermain which in turn will feed the proposed internal fire hydrants.
- Notes revised drawings showing the rerouting of the cables and vent pipes etc.

Other

- 50% contribution reduction applies in relation to brownfield site as per the DCS.

Recommendation

- Considers that the proposal would not injure the amenities of the area, would not be prejudicial to public health and would not endanger public safety by reason of a traffic hazard, having regard to the location of the subject site within the Settlement Framework for St. Johnston, outside of and removed from any sensitive designations, and to the nature and scale of the development etc.
- Recommends that permission be granted subject to conditions.

4.2.3. Other Technical Reports

- Building Control (17/09/24) Informatives
- Fire (24/09/24) Objection:

Regarding building to rear – inadequate access for fire service.
- Roads (07/10/24) No objection subject to condition
- Roads Design (22/04/25) No objection subject to condition

4.3. **Prescribed Bodies**

- DAU-NMS (14/04/25) No objection subject to condition
- Loughs Agency (07/10/24) No objection subject to condition
- Uisce Éireann (25/04/25) No objection subject to condition

4.4. **Third Party Observations**

- 4.4.1. Two third-party observations were received from Martin Golden and Martin Golden on behalf of St. Johnston Community etc.
- 4.4.2. The issues raised are similar to the grounds of appeal (see section 7.1 below).
- 4.4.3. I note that the Planner's Report outlines a response to each of the issues raised.

5.0 Planning History

5.1. Appeal Site

- 5.1.1. PA ref. 23/51111 – in August 2024, the planning authority confirmed the withdrawal of a planning application for 2 no. retail units and 5 no. self-contained apartments etc.
- 5.1.2. PA ref. 12/60108 – in June 2013, the planning authority refused permission for a commercial unit comprising 2 no. shops and 1 no. apartment etc. The Council considered that the proposal would be prejudicial to public health and would be seriously detrimental to the amenities of properties in the vicinity given it failed to comply with the relevant standards for the treatment and disposal of wastewater etc.
- 5.1.3. PA ref. 10/60210 – in October 2010, the planning authority refused permission for 2 no. shops and 2 no. apartments (reduced to 1 no. apartment at further information stage) etc. On the basis of the lack of sewage treatment capacity at the St. Johnston wastewater treatment plant (WwTP) and in the absence of any imminent upgrade proposals, the Council considered that to permit the proposal would present an unacceptable risk of surface water pollution of the receiving waters of the River Foyle, (a Special Area of Conservation), be detrimental to public health, and would be premature pending the upgrading of the St. Johnston wastewater treatment plant.

5.2. Surrounding Area

Western Corner of Main Street, St. Johnston, Co. Donegal

- 5.2.1. PA ref. 24/60575 – in July 2024, the planning authority granted permission for a new sewerage pumping station, rising main and gravity sewer etc. I note that a Natura Impact Statement (NIS) was submitted, and Appropriate Assessment (AA) carried out.

Junction of Main Street / Derry Road, St. Johnston, Co. Donegal

- 5.2.2. PA ref. 25/60166 – in June 2025, the planning authority granted permission to retain an extension etc. and change the use to a 1-bed apartment and 2 no. shops etc.

5.3. Other Relevant History

Cloughfin, Dundee (St Blaithin's) & St Johnston, Co. Donegal

- 5.3.1. PA ref. 20/50981 – in October 2020, the planning authority granted permission for works at Carrigans WwTP including pumping station and rising main (pumped main) from Carrigans to St. Johnston WwTP. An NIS was submitted and AA carried out.

6.0 Policy Context

6.1. Local Planning Policy

County Donegal Development Plan 2024-2030

- 6.1.1. The current Development Plan came into effect on 26th June 2024. The Plan was subject to a draft Ministerial Direction in July 2024 and is pending a final decision by the Minister following public consultation and OPR recommendations (Sept. 2024). The planning authority decision was made under the provisions of this current Plan.
- 6.1.2. I also note that the pre-draft public consultation report on proposed Variation No. 1 of the Plan was published in May 2025, the provisions of which do not affect the site.
- 6.1.3. The site is located within the rural settlement boundary of St. Johnston (Map 21.54) and is subject to the provisions of Chapter 21 relating to Settlement Frameworks. In this regard, whilst I note that the frameworks identify settlement envelopes and certain zoning objectives, they also consist of lands that, although not specified as being for a particular use, can be used for a variety of purposes on a case-by-case basis.
- 6.1.4. This applies to the appeal site which is not subject to any of the land use zoning objectives (Table 21.2). Nor is it subject to any of the land use zoning policies listed.
- 6.1.5. It does, however, lie within a zone of archaeological potential (ref. R185040).
- 6.1.6. Other noted policies and objectives are set out in chapters 3 (Core Strategy), 5 (Towns and Villages), 6 (Housing), 11 (Natural Heritage etc.) and 16 (Technical Standards).
- 6.1.7. The following sections are relevant to the proposed development:
- 3.3.4 – Rural Settlements and Open Countryside
 - 3.6 – Population Projections and Supply Targets etc. (Tables 3.5 and 3.7)
 - 5.2 – Prioritisation of Town and Village Cores
 - 6.2 – Urban Housing
 - 8.2.3 – Wastewater Infrastructure (Table 8.2.1)
 - 11.1.7 – Invasive Species
 - 11.4 – Archaeological Heritage

6.1.8. Summary of policies and objectives relevant to the appeal site:

- CS-P-2 Seeks to guide development of towns in a sequential manner, outwards from the core area etc. Similar provisions to policy UB-P-5 below.
- TV-O-1 Seeks to identify appropriate regeneration and renewal initiatives to strengthen communities in the County's villages including St. Johnston.
- TV-O-2 Seeks to support initiatives to strengthen and improve the physical environment of villages and encourage positive place-making.
- TV-O-3 Seeks to identify 'vacant' sites and 'regeneration sites' in urban areas.
- TV-O-5 Seeks to ensure quality design proposals for new development within towns and villages in order to contribute to positive place-making.
- TV-P-2 Seeks to encourage proposals for small scale residential development in towns and villages that will contribute to revitalisation and renewal.
- TV-P-3 Sets out criteria (a) to (h) relating to development proposals within town and village centres. The following are noted:
- (a) Seeks to provide for distinctive buildings of high architectural quality.
 - (b) Seeks to create strong street frontage by either, adhering to the established building line or establishing a new building line immediately adjoining the public road where opportunity exists.
 - (c) Seeks to respect, where appropriate, the context of the adjoining buildings, adjacent streetscape or buildings in the immediate area, in terms of design, height, scale and mass etc.
 - (d) Seeks to respect the architectural character, eaves height, roof pitch, roof line, and overall building form and height, as appropriate, in areas characterised by traditional vernacular streetscape.
- TV-P-5 Seeks to ensure that proposals make efficient use of land and do not otherwise hinder the future development potential of urban backlands.
- TV-P-6 Sets out criteria (a) to (e) relating to shopfronts. The following are noted:
- (a) Be of a high-quality design standard.
 - (b) Respect the architectural characteristics of the subject building.

(c) Respect the streetscape and traditional shop fronts in the area.

UB-O-1 Seeks to identify appropriate regeneration and renewal initiatives to strengthen communities in specific Settlement Framework rural towns including St. Johnston.

UB-P-1 The provision of multiple housing developments (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 to the principles of quality placemaking, compact growth and the sequential development from the centre out, the availability of supporting infrastructure and facilities, 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 having regard to the circumstances of the settlement.

UB-P-4 Seeks to ensure that new residential development is carried out in serviced areas or those areas where the provision of required planned infrastructure (e.g., wastewater etc.) is imminent.

UB-P-5 Seeks to guide urban residential development in a sequential manner, outwards from the core area in order to maximise the utility of existing and future infrastructure, avoid 'leap- frogging' to more remote areas and to make better use of underutilised land etc.

UB-P-6 Seeks to support residential development that will result in the regeneration and/or renewal of town centres or areas of vacancy etc.

UB-P-7 Requires proposals for new residential developments (2 or more units) in settlements demonstrate compliance with all relevant Planning Guidelines/Standards and give due regard to criteria (a) to (h). The following are noted:

(a) Public realm, open space and amenity

(c) High Quality Design – massing, form, scale, density and finishes

(d) Mix of house types

(h) Integration with neighbouring developments and uses

UB-P-9	Seeks 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.
BIO-P-4	Seeks to ensure that any development proposals do not lead to the introduction or spread of invasive species. Where invasive species are present, development proposals will be required to submit an appropriate control and management programme for the particular invasive species as part of the planning process etc.
AYH-P-1	Seeks to conserve and protect all forms of archaeological heritage etc. and conserve and protect Zones of Archaeological Protection located in Urban areas, including St. Johnston, through the carrying out of an archaeological assessment prior to the granting of permission and the undertaking of additional archaeological mitigation where required.
TS-P-1	Requires compliance with all the technical standards set out in Chapter 16 of the Plan including those relating to parking and signage.
ED-O-10	Seeks to encourage enterprise and employment developments to locate on brownfield sites or unoccupied buildings in town centres.
ED-O-12	Seeks to encourage and facilitate the activation of new town centre housing options etc.

6.2. National Planning Policy and Guidelines

National Planning Framework (NPF)

- 6.2.1. Project Ireland 2040, the National Planning Framework *First Revision* (DHLGH, April 2025), sets the national planning policy context. National Strategic Outcome (NSO) 1 promotes the concept of compact growth, noting that achieving effective density and consolidation, rather than more sprawl of urban development, is a top NPF priority.
- 6.2.2. Section 6.6 (Housing) of the revised NPF details a significant departure from its predecessor in terms of annual housing output. It considered that an average output of 25,000 new homes between 2018 and 2040 would be required in order to deliver 550,000 households to 2040 (NPO 32), whereas NPO 42 of the current revised NPF targets the delivery of approximately 50,000 additional homes per annum to 2040.

- 6.2.3. In this regard, NPO 43 prioritises the provision of new homes at locations that can support sustainable development and at an appropriate scale relative to location. NPO 45 seeks to increase residential density in settlements, through a range of measures including infill development schemes, regeneration and increased building heights.

NPF Implementation Guidelines

- 6.2.4. The purpose of the *NPF Implementation: Housing Growth Requirements Guidelines for Planning Authorities* (DHLGH, July 2025) is to assist with the appropriate integration of the strategic national and regional population parameters into the statutory planning processes, such as the preparation of the city / county development plan and the preparation of the housing strategy, informed by the Housing Need and Demand Assessment (HNDA) process outlined in NPO 47 of the *NPF First Revision*.
- 6.2.5. It is a policy and objective of these Guidelines that the housing growth requirements for each planning authority set out in Appendix 1 are reflected in the relevant Development Plan, subject to consistency with the *NPF First Revision*, relevant Section 28 Guidelines etc. Appendix 1 of the Guidelines notes a minimal increase in the number of new units per annum in County Donegal, from 1,280 to 1,283 units.

Compact Settlements Guidelines

- 6.2.6. The *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities* (DHLGH, 2024) sets out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. They are accompanied by a non-statutory Design Manual, albeit unpublished at time of writing.
- 6.2.7. Section 2.2 notes that these Guidelines should be read in conjunction with other guidelines where there is overlapping policy and guidance. Where there are differences between these Guidelines and other previously issued Section 28 Guidelines, it is intended that the policies and objectives and specific planning policy requirements (SPPR's) of the Compact Settlements Guidelines will take precedence.
- 6.2.8. In this regard, section 3.0 of the Guidelines deals with settlement, place and density. Section 3.3.5 relates to rural towns and villages with a <1,500 population. The key priorities for compact growth in rural towns and villages in order of priority are to:

- (a) strengthen the existing urban core through the adaptation, re-use and intensification of existing building stock,
- (b) realise opportunities for infill and backland development, and
- (c) provide for sequential and sustainable housing development at the edge of the settlement at suitable locations that are closest to the urban core and are integrated into, or can be integrated into the existing built up footprint of the settlement and can be serviced by necessary supporting infrastructure.

6.2.9. The Guidelines do not prescribe a density for rural towns or villages, and instead state that density should respond in a positive way to the established context. Table 3.7 also states that it is a policy and objective of the Guidelines that development in rural towns and villages is tailored to the scale, form and character of the settlement and the capacity of services and infrastructure, including transport and water services.

6.2.10. Section 5.0 of the Guidelines sets out the standards for new housing, including SPPR 1 (separation distances), SPPR 2 (private open space) and SPPR 3 (car parking).

Apartment Guidelines

6.2.11. The *Planning Design Standards for Apartments Guidelines for Planning Authorities* (DHLGH, July 2025) set out policy and guidance in relation to apartment development in all housing or mixed-use schemes that include apartments that may be made available for sale, whether for owner occupation, individual lease or rental purposes.

6.2.12. Section 3.0 of the Guidelines relates to apartment design standards. Design parameters include apartment mix, internal space standards for different apartment types, including amenity spaces etc. Many of these parameters are subject to SPPRs which take precedence over any conflicting Development Plan policies and objectives.

Retail Guidelines

6.2.13. The *Retail Guidelines for Planning Authorities* (DECLG, 2012) notes that the planning system must promote and support the vitality and viability of city and town centres thereby contributing to a high standard of urban design and encouraging a greater use of sustainable transport. The Guidelines set out five key policy objectives including the promotion of town centre viability through a sequential approach to development.

6.2.14. Section 4 relates specifically to retailing and development management. It notes that development proposals not according with the fundamental objective to support the

vitality and viability of town centre sites must demonstrate compliance with the sequential approach before they can be approved. Section 4.2.2 states that the order of priority for the sequential approach is to locate retail development in the city/town centre (and district centre if appropriate), and only to allow retail development in edge-of-centre or out-of-centre locations where all other options have been exhausted.

Development Management Guidelines

- 6.2.15. The *Development Management Guidelines* (DEHLG, 2007) are intended to promote best practice at every stage of the development management process. Section 3.6 of the Guidelines notes that whilst the onus is on the applicant to maintain the site notice on the application site for the required period, the application will not be deemed invalid if other persons remove it maliciously, provided that the planning authority is satisfied that the applicant has made a *bona fide* effort to maintain it where it has been erected.
- 6.2.16. Section 5.13 of the Guidelines states that the planning system does not resolve disputes about title to land or rights over land and this is ultimately a matter for the Courts. In this regard, it notes that a person is not entitled solely by reason of a permission to carry out any development as per Section 34(13) of the Planning Act.

6.3. Other National Policy and Guidance

Housing for All

- 6.3.1. *Housing for All*, a New Housing Plan for Ireland (DHLGH, 2021) is the government's housing policy to 2030. In this regard, it notes that Ireland needs an average of 33,000 homes built per annum until 2030 to meet the NPF targets. These homes need to be affordable, built in the right place, to the right standard and in support of climate action.
- 6.3.2. This Government policy has not been updated to reflect the NPF *First Revision*.

Climate Action Plans

- 6.3.3. The Climate Action and Low Carbon Development Act 2015, as amended, ('the Climate Act'), commits the State to a legally binding 51% reduction in overall GHG emissions by 2030 and to achieving net zero by 2050. Section 15 places an obligation on the Commission to make all decisions in a manner consistent with the Climate Act.
- 6.3.4. The *Climate Action Plan 2024* (CAP24) follows the commitment in the Climate Act, and sets out the range of emissions reductions required for each sector to achieve the

committed targets. Measures to reach a 50% reduction in transport emissions include a 20% reduction in total vehicle kilometres and a 50% increase in daily active travel.

- 6.3.5. The *Climate Action Plan 2025* (CAP25) was published in April 2025 (DECC) and builds upon CAP24 by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and states that it should be read in conjunction with CAP24. As with CAP24, the CAP25 Annex of Actions contains only new, high-impact actions for delivery in 2025 e.g., in terms of total vehicle kms reduction, Action TR/25/11 relates to the NTA's Connecting Ireland rural mobility plan.

National Sustainable Mobility Policy

- 6.3.6. The *National Sustainable Mobility Policy* (Dept. of Transport, 2022) sets out a policy framework to 2030 for active travel and public transport to support Ireland's overall requirement to achieve a 51% reduction in greenhouse gas emissions by 2030.

Design Manual for Urban Roads and Streets (DMURS)

- 6.3.7. Guidance relating to the design of urban roads and streets is set out in DMURS (DTTS and DHPLG, 2013, updated May 2019). Section 3.3.1 notes that new street networks should be based on layouts where all streets lead to other streets. Section 3.3.2 notes that on larger and/or irregular blocks short cul-de-sacs may be used to serve a small number of dwellings and to enable more compact/efficient forms of development.
- 6.3.8. Section 4.4.1 notes that the standard carriageway width on local streets should be between 5 and 5.5m (i.e., lane widths of 2.50-2.75m) and states that total carriageway width on local streets where a shared surface is provided should not exceed 4.8m.
- 6.3.9. Section 4.4.4 indicates that the stopping sight distance (SSD) for a road design speed of 50kph is 45m; 40kph is 33m; and 30kph is 23m. Section 4.4.5 notes that priority junctions in urban areas should have a maximum X-distance of 2.4m but this can be reduced to 2m where vehicle speeds are slow and flows on the minor arm are low.

National Biodiversity Action Plan 2023 – 2030

- 6.3.10. Ireland's 4th *National Biodiversity Action Plan* (NBAP) was launched on 25th January 2024. It sets the national biodiversity agenda until 2030 and aims to deliver the transformative changes required to the ways in which we value and protect nature.
- 6.3.11. The primary aim of Objective 2 is to act on the most urgent national conservation and restoration challenges whilst also focussing on invasive species management.

6.4. Natural Heritage Designations

6.4.1. Closest designated sites:

- River Finn SAC (IE002301) – c. 0.31km east
- River Foyle, Mongavlin to Carrigans pNHA (IE002067) – c. 0.31km east
- River Foyle and Tributaries SAC (UK0030320) – c. 0.85km east

6.4.2. European sites are considered further in the AA Screening (Section 9.0).

6.5. EIA Screening

6.5.1. The proposed development has been subject to preliminary examination for environmental impact assessment (Appendix 1). 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 proposal, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not therefore required.

6.6. WFD Screening

6.6.1. A screening for the purposes of the Water Framework Directive (WFD) has also been carried out (Appendix 2). On the basis of objective information, I conclude that the proposal 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 waterbody in reaching its WFD objectives. Consequently, it can be excluded from any further assessment.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. A third-party appeal has been lodged by Mr Martin Golden. At the outset, the appellant states that the site notice was not correctly erected in accordance with the statutory requirements and states that this was highlighted directly with the planning authority.

7.1.2. Concerns are also raised regarding the proposal on a long-disused site, suggesting that it would have an adverse impact on the enjoyment and value of his property.

7.1.3. The grounds of appeal can therefore be summarised as follows:

Overdevelopment injurious to residential amenity – overshadowing, loss of light

- No objection to a suitable infill building.
- New building must be proportionate and sensitive to surrounding area.
- Contends that the site is unable to accommodate the scale of the proposal, thus clearly overdevelopment, resulting in adverse impacts on neighbouring property.
- Development to come within 1 metre of kitchen/dining window, leading to a loss of light and adversely impacting on residential amenities and devalue the property.
- Development would have a detrimental overbearing impact and adversely affect residential amenities by reason of overshadowing and loss of daylight.
- Submits that the rear projection should be omitted and back of shop areas relocated to the first floor in lieu of the apartment.
- Considers that the location of parking spaces and turning area 3m from the kitchen window will be injurious to residential amenity due to noise, light and disturbance.

Overdevelopment – overlooking and lack of open space

- Considers the apartment building to the rear poorly designed and will give rise to overlooking of the rear gardens of adjoining properties to the west.
- Direct overlooking will adversely affect the residential amenities of neighbouring properties and compromise the development potential of these properties, contrary to the Compact Settlement Guidelines 2024.
- Considers the proposal deficient in amenity space for any future occupants, suggesting that token amenity space, of very limited quality, is proposed.
- Submits that the apartment building should be no more than single storey, suggesting development constraints that the design has not addressed / overcome.

Inappropriate design – no mix

- Considers the scheme, all 1-bed units, would not contain an appropriate mix.

- States that the scheme, which may be set for short-term letting, would be a poor addition to the housing stock in the town which requires more family units.

Invasive species

- Indicates that the presence of Japanese knotweed on the appeal site is the most concerning issue and suggests that its presence has been exacerbated by the actions of the applicant and the local authority.
- Notes the application was accompanied by an invasive species report and the test trenching carried out nonetheless as a result of the Council's further information request – referring to it as a careless and reckless action.
- Invasive species has been completely disturbed and spread throughout the site as a direct consequence of the Council's instruction, with potentially dire consequences for the structural stability of the appellants family home.
- Asks the Board to refuse permission on the basis that no further development may be considered upon this contaminated site until such time that all invasive species have been eliminated, notwithstanding the other deficiencies with the application.

Conclusion

- Submits the proposal represents an ill-conceived and intrusive overdevelopment of a confined site resulting in adverse impacts on residential amenity and property value by reason of overshadowing, loss of daylight and overlooking.
- Substandard development proposal contrary to the Compact Settlement Guidelines, SPPR 1 and SPPR 2, by reason of inadequate open space and separation distances, resulting in overlooking and loss of development potential.
- Submits that a proposal on a site contaminated with invasive species is contrary to the proper planning and sustainable development of the area and requests the Board to overturn the decision of the planning authority and refuse permission.

7.2. Applicant Response

None.

7.3. Planning Authority Response

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

- The issues raised relating to the site notices, overdevelopment/site density, design, third party amenities and invasive species are covered in the Planner's Report.
- Specifically notes that the applicant was alerted to the presence of Japanese knotweed at further information stage and Condition 1 ensures the recommendations of the submitted invasive species report.
- States that the planning authority has ensured that the 'existing' issue of invasive species was considered at all stages of the process and remains an issue.
- Requests the Board uphold the decision and grant permission.

7.4. Observations

7.4.1. The observations received from Betty Holmes can be summarised as:

- Supports the appeal against the decision to grant permission.
- Expresses serious concerns regarding the moving of the disabled parking bay.

7.4.2. The observations received from Ray McGee can be summarised as:

- Supports the appeal against the decision to grant permission.
- Expresses serious concerns regarding the hazardous access point, irrespective of the traffic calming measures proposed.
- Two-storey building is out of character with the original bungalow on the site.

7.4.3. The observations received from Emma Holmes on behalf of St. Johnston Community Residents and Property Owners, can be summarised as:

- Support the appeal against the decision to grant permission.
- Believe the proposal will negatively impact neighbouring homes and properties.
- Expresses serious concerns regarding recent disturbance of Japanese knotweed.
- Removal of the disabled parking bay is not in the interest of the community.
- Currently a surplus of vacant shops on Main St., 3 no. vacant units within 5-30m.

- Proposed bike rack is outside a window of a neighbouring property.
- Proposal will negatively impact adjacent properties by obstructing rights of way, impeding sunlight, invading privacy / overlooking and encroaching to the south.
- Submits that there are inconsistencies and inaccuracies in submitted documents in relation to the extent of Japanese knotweed and various times noted in the sunlight / daylight report.
- Raises concerns regarding the erection of the site notices.
- Evidence to suggest that the planning authority should have requested EIA screening documentation given the implications for biodiversity.
- Based on previous actions, there is legitimate concern that construction could commence without adequate regulatory compliance regarding contaminated soil.
- Seeks the Board overturn the decision and refuse permission.

8.0 Planning Assessment

8.1. Preliminary Points

- 8.1.1. Having examined the application details and all other documentation on the appeal file, including the appeal submissions and observations, and inspected the site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal.
- 8.1.2. The issues can be addressed under the following headings:
- Land Use and Development Principle
 - Residential Amenity
 - Apartment Design
 - Invasive Species
 - Other Issues
 - Procedural Matters

8.2. Land Use and Development Principle

- 8.2.1. Planning permission is sought for 5 no. 1-bed apartments and 2 no. retail units on a 0.09ha brownfield site located centrally in the village of St. Johnston, in east Donegal.
- 8.2.2. The appeal site is not zoned but is within a designated settlement framework where unzoned lands can be used for a variety of purposes and on a case-by-case basis.

Overdevelopment / Density

- 8.2.3. Overdevelopment of the subject site is the core argument presented by the appellant. Whilst this relates primarily to residential amenity impacts, as considered below, it is important to consider the principle of the proposal in land use terms, including density.
- 8.2.4. The planning authority submit that the issues raised in relation to 'over development / site density' are covered in the Planner's Report. In similar regard, this is addressed in terms of residential amenity, and I note that there is no explicit mention of density.
- 8.2.5. The proposed development would result in a residential density of c. 56dph. Whilst Table 3.7 of the Development Plan does include 'target densities' and 'potential brownfield yields', it is for the purposes of zoning land to meet the housing targets. The Development Plan does not therefore prescribe specific density to the various settlement types. I do, however, note that policy UB-P-7 requires new residential development to 'generally comply with all relevant' planning guidelines/standards and 'give due regard to' key considerations including massing, form, scale, density etc.
- 8.2.6. Similarly, the Compact Settlements Guidelines do not prescribe a density for rural towns or villages, and instead state that density should respond in a positive way to the established context, that being a vernacular streetscape with backland potential in this instance. I also note that strengthening the urban core through infill and backland development is amongst the key priorities for compact growth in such settlements.
- 8.2.7. In this context, I do not consider 5 no. apartments excessive at the appeal site, particularly where one is a 'living over the shop' infill unit and the remainder are to the rear of this brownfield plot where infill/backland development is actively encouraged.
- 8.2.8. Thus, there is no policy-basis to recommend refusal of the proposed development in terms of density or perceived overdevelopment, in general terms. Overdevelopment in relation to residential amenity impacts, is considered in detail below (section 8.3).

Oversupply of Retail Units

- 8.2.9. I also note that one of the observers raises concerns regarding the 2 no. proposed retail units, citing a surplus of vacant shops within close proximity of the appeal site.
- 8.2.10. Whilst I accept that there is a level of commercial vacancy in St. Johnston, the appeal site is centrally located along the Main Street and directly opposite a bus stop. The Development Plan explicitly supports such sequential development, outwards from the core area which will result in the regeneration of town centres or areas of vacancy.
- 8.2.11. Were the appeal site located on the periphery of the settlement then there would be a requirement to apply a sequential test and consider the existing levels of town centre vacancy. This is evidently not the case, and the principle of retail is thus acceptable.

Conclusion on Land Use and Development Principle

- 8.2.12. On balance, the proposed development is acceptable in principle and land-use terms, subject to further consideration of residential amenity, design and biodiversity issues.

8.3. Residential Amenity

- 8.3.1. As noted, the appellants core concerns relate to overdevelopment of the appeal site, citing particular concerns regarding overshadowing, overbearing and overlooking.
- 8.3.2. The planning authority submit that the issues raised in relation to 'design and third-party amenities are considered in detail in the Planner's Recommendation Report'.
- 8.3.3. Policy UB-P-9 sets out the relevant provisions. It seeks 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.

General Layout and Design

- 8.3.4. The commercial building containing the shops and apartment would fill an existing gap in the southern streetscape of the village and address Main Street. It has a FFL of 14.22mAOD and would tie into the gable walls of the adjoining houses on either side.
- 8.3.5. This two-storey building would have a footprint of 14.5m by 6.0m and a height of c. 8.2m above FFL, marginally above the existing ridgeline¹. It includes shopfronts with

¹ Illustrated dimensions on the digital drawings however the calibrated dimensions measure a building footprint of c. 15.5m by 6.4m, and a height of c. 8.7m above FFL. This margin of error is replicated throughout.

signage and an archway providing rear access at ground floor level with window openings, including a recessed balcony at first floor level. There is a single-storey projection to the rear. The projection has a footprint of 8.7m by 7.4m and a mono-pitched roof 2.974m above FFL, tapering to c. 2.6m above FFL. It includes storerooms and staff room associated with the shops. The apartment is located on the first floor and accessed via a door from street level. It is dual aspect with a floor area of 67sq.m.

- 8.3.6. The residential building to the rear is sited on a north-south alignment, some 15m south of the commercial building, and within 1.5m of the eastern site boundary. It is a standalone, pitched roof structure with a FFL of 14.52mAOD. There would be 6 no. parking spaces along the western boundary, to the front of the building, and 3 no. spaces to the north in addition to a turning head. Refuse storage is located on the opposite side, to the south, in addition to an area of open space for the occupants. There is also a bicycle parking stand and speed ramp west of the commercial building.
- 8.3.7. The residential building would have a footprint of roughly 17.2m by 7m, excluding the stairwells at either end, and a height of 7.7m above FFL. I note that the stairwells have glazing in the front and side elevations whereas glazing to the apartments is generally more limited to the recessed balcony windows and doors, and bedroom windows to the west elevation and bathroom windows with obscure glazing to the east.

Overbearing and Overshadowing

- 8.3.8. Overbearance is the extent to which a development impacts upon the outlook of the main habitable room in a home or the garden, yard or private open space serving a home. It is therefore a negative perception derived from the proximity of a building, whereas overshadowing relates to the extent of shadow cast and resultant loss of light.
- 8.3.9. As a rule of thumb, I note that significant loss of daylight to the window of the closest habitable room in a neighbouring house can be prevented by not locating a structure within the 45° angle of the centre point at 2m above ground level of the nearest main window or glazed door to a habitable room, measured on both plan and elevation.
- 8.3.10. The appellant states that the proposal will come within 1 metre of their kitchen/dining window and therefore have a detrimental overbearing impact and adversely affect residential amenities by reason of overshadowing and loss of daylight. The appellants kitchen/dining room window is not illustrated on the layout drawing, nor have dimensions been provided, and this is sub-optimal given the aforementioned margin

of error. It is unlikely, however, that the rear projection will come within 1 metre of the appellant's kitchen window. The actual separation is likely to be c. 2 to 2.5 metres.

- 8.3.11. The Commission may wish to request hard copies of the relevant drawings given the discrepancy between the illustrated dimensions and those scaling digitally, however given the rear projection is single-storey and the separation distance is greater than 1 metre, I do not consider it will lead to any significant overshadowing or overbearance.
- 8.3.12. Moreover, the nearest window does not overlook the appellants garden, yard or private open space; this would appear to be the south facing window in their kitchen, as per the photographs in their appeal submission (Photo 3 and Photo 5). This, in my opinion, is the main glazed window in this habitable room, albeit currently with a canopy above, and therefore there is no basis to omit the rear projection, as the appellant suggests.
- 8.3.13. I am also satisfied that the proposed apartment block will not result in significant overshadowing or overbearance on adjoining houses to the east along Church Street. This is generally demonstrated in the submitted sunlight / overshadowing report.

Overlooking

- 8.3.14. In terms of overlooking, the appellant suggests that the apartments to the rear are poorly designed and will result in overlooking of the rear gardens to the west, thus adversely affecting the amenities of these neighbouring properties. In this regard, they submit that the proposal is contrary to SPPR 1 of the Compact Settlements Guidelines.
- 8.3.15. I note that SPPR 1 states that a separation distance of 16 metres between opposing windows serving habitable rooms at the rear or side of houses or apartments above ground floor level shall be maintained, but it also states that this distance can be reduced where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed to prevent undue overlooking. This is evidently the case given the orientation and separation distances from the front elevation i.e., the front of the block does not directly oppose any habitable rooms. Moreover, the rear of the apartment block is limited to 4 no. obscure glazed openings.
- 8.3.16. SPPR 1 also states that there shall be no specified minimum separation distance at ground level or to the front of houses, duplexes and apartments in statutory plans with applications determined on a case-by-case basis to prevent undue loss of privacy. I have therefore no concerns regarding the separation distances from the apartment

block, including the balconies, to the rear of neighbouring houses. In such circumstances, I do not agree that the proposal gives rise to significant overlooking.

Noise

- 8.3.17. The appellant also submits that the location of the parking spaces and turning area c. 3m from their kitchen window will be injurious to residential amenity due to noise etc.
- 8.3.18. Whilst I note that the parking spaces illustrated as nos. 1-3 will be in relative proximity to the appellants rear kitchen window, the closest space will be more than 5 metres away and the turning area will be further removed (c. 15m). On this basis, and having regard to this village location, I do not consider any significant noise issues will arise.

Conclusion on Residential Amenity

- 8.3.19. On balance, I am satisfied that the proposed development will not adversely impact on the existing residential amenity of neighbouring properties by reason of overbearing, overlooking, overshadowing or noise. The residential amenity of the future occupants of the apartments is considered in terms of apartment design below.

8.4. Apartment Design

- 8.4.1. As noted, the appellant has raised concerns regarding the design, including apartment mix and amenity space, whilst one of the observers suggests that the proposal is out of character with the previous bungalow on the site. The appellant also submits that the design will compromise development potential to the rear of adjacent properties.
- 8.4.2. Objective TV-O-5 and policies TV-P-3, criteria (c) and (d), TV-P-5 and UB-P-7, criteria (c), set out the relevant provisions as summarised above (section 6.1). They seek high architectural quality that contributes to positive place-making, particularly in areas characterised by traditional vernacular streetscapes, that fully integrates with neighbouring buildings without hindering the possibility of backlands development.

Preliminary Issues

- 8.4.3. Whilst I do not have any concerns regarding the impact of the proposed apartment block on the residential amenity of neighbouring properties to the west, I do consider the solid-to-void ratios of the building would result in a jarring, incongruous feature that could negatively impact on the vernacular character of the area and nearby properties.

- 8.4.4. To my mind, a mews-type development of high architectural quality is a possible design solution and thus would be closer aligned with TV-P-5 and UB-P-7, criteria (c).
- 8.4.5. Similarly, the balcony to the apartment over the shops is an undesirable feature, although I accept that this could be conditioned to the rear in the event of a grant.
- 8.4.6. Moreover, I have significant concerns regarding the over-reliance on recessed balcony windows and doors to provide natural light to the kitchen / dining / living spaces, particularly in this west-facing scenario. In the absence of any internal analysis, I consider the residential amenity of future occupants would be adversely affected. To my mind, the use of clerestory windows in the rear elevation could address the issue.

Amenity Space

- 8.4.7. As noted, the appellant considers the proposed amenity space is deficient, suggesting that it is of very limited quality and would thus adversely impact on future occupants. This, they suggest, is contrary to SPPR 2 of the Compact Settlements Guidelines.
- 8.4.8. The proposed communal amenity space is located to the southwest corner of the appeal site, in an area illustrated on the layout drawings as the 'approximate location of Japanese knotweed'. It covers an area of c. 60sq.m. SPPR 2 of the Compact Settlements Guidelines defers to the Apartment Guidelines 'and any updates' thereof.
- 8.4.9. The latest Apartment Guidelines were published in July 2025 and state that urban infill schemes on sites of up to 0.25ha, communal amenity space may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality (Section 4.3). Since I am unconvinced of the overall design quality of the scheme, I consider that the recommended minimum areas for communal amenity space set out in Appendix 1 of those Guidelines should be applied i.e., 5sq.m for 1-bed units. In this case, the proposed communal amenity space exceeds the minimum (25sq.m) by c. 35sq.m.
- 8.4.10. Whilst I accept that the location of the amenity space, adjacent to the refuse storage area, is not particularly optimal, it is, on balance, acceptable in a village centre location.
- 8.4.11. The Commission may wish to consider conditioning a fully enclosed bin storage area, given its proximity to the communal open space, in the event of a grant of permission.

Apartment Mix

- 8.4.12. As detailed above, 5 no. 1-bed apartments are proposed; 4 no. in a self-contained apartment block to the rear of the site and 1 no. 'living over the shop' unit to the front.

- 8.4.13. The appellants considers that all 1-bed units would not result in an appropriate mix and suggests that the scheme could be intended for short-term letting (STL). In relation to the latter, I note that Condition 2 prohibits their use as holiday homes/STLs.
- 8.4.14. Section 3.2 of the Apartment Guidelines notes that unit mix requirements can impact on the viability of apartment schemes and therefore SPPR 1 of those Guidelines prohibits any restrictions in relation to the mix of unit sizes or types in such schemes.
- 8.4.15. Whilst I note that policy UB-P-7, criteria (d), requires new residential development proposals to give due regard to the 'mix of house types', it is secondary to the requirement to 'demonstrate compliance' with all relevant guidelines, including those mentioned above. Therefore, having regard to the limited quantum of units proposed and their accessible village centre location, I have no concerns regarding unit mix.

Conclusion on Apartment Design

- 8.4.16. On balance, I consider that the proposal would adversely affect the residential amenity of future occupants and fails to demonstrate a high architectural quality that contributes to positive place-making in an area characterised by a vernacular streetscape. To permit the apartments would, in my opinion, result in a design that fails to fully integrate with neighbouring buildings and would hinder the future development of the adjacent backlands, where mews-type design is better suited.

8.5. Invasive Species

- 8.5.1. Whilst the appellants core arguments relate primarily to residential amenity impacts arising from a perceived overdevelopment of the appeal site, as discussed above, the presence of Japanese knotweed is stated as 'the most urgent and concerning issue'.
- 8.5.2. Having inspected the site, I share these concerns, and whilst the site was locked at the time, the scale of infestation was evident and perhaps exacerbated by recent earthworks, as suggested by the appellant. In this regard, the appellant requests the Commission refuse permission until this species is eliminated from the appeal site.
- 8.5.3. I note that the planning application was accompanied by an invasive species report, and whilst this pre-dated the subsequent archaeological test-trenching sought by the planning authority under further information, it did note the presence of a Japanese knotweed infestation, including a 'thick stand occupying a large percentage of the site'.

- 8.5.4. The report states that the proliferation of these alien species damage local ecosystems and cause environmental degradation. The report also states that herbicide treatment can take 3 years or more, with monitoring and follow-up control for up to 5 years.
- 8.5.5. Amongst the conclusions set out in the report are recommendations for 7m radius control zones around visible shoots, within which no soils etc. are to be removed, and continual monitoring and herbicide application over 5 years. It is noted that such an approach could render any standard permission unimplementable, and the applicant has not requested a variation to the appropriate period under Section 41 of the Act.
- 8.5.6. Whilst I note the planning authority's submission in relation to the issue and I accept that Condition 1 of their decision notice ensures that the recommendations of this report are complied with, it does not account for the 5-year monitoring period nor the removal of soil around existing shoots, which evidently includes the building footprint. No other planning conditions were attached to the decision in relation to invasives.

Conclusion on Invasive Species

- 8.5.7. The Commission may wish to attach an invasive species management plan condition, however in light of the apparent spread following test-trenching, this may entail additional operations intended to avoid or reduce the harmful effects on a European site i.e., mitigation measures. In similar regard, I note that the spread of invasive species was one of a number of issues which triggered the requirement for Stage 2 Appropriate Assessment for the new sewerage pumping station proposed c. 140m northwest of the appeal site and permitted under PA ref. 24/60575, as per that NIS.
- 8.5.8. In such circumstances, and in the absence of information to demonstrate otherwise, I consider that the proposed development contravenes Development Plan policy BIO-P-4 which seeks to ensure that any development proposals do not lead to the introduction or spread of invasive species and where invasive species are present, development proposals are required to include an appropriate control and management programme for the particular species as part of the planning process etc.

8.6. Other Issues

- 8.6.1. Environmental impacts and traffic safety concerns are amongst the other issues raised by the appellant and observers. I will consider each of the issues raised as follows.

EIA

- 8.6.2. I note that one of the observers suggests that the planning authority should have requested EIA screening documentation given the implications for biodiversity. The substantive issue in relation to invasive species and biodiversity has been addressed in section 8.5 above and I have carried out my own screening for EIA (Appendix 1).
- 8.6.3. My EIA screening statement is set out in section 6.5 and in such circumstances, I do not consider the proposed development triggers the requirement for Schedule 7A information and I am satisfied that it can be screened out at preliminary examination.

Traffic and Transport

- 8.6.4. I note that the observers have expressed concerns in relation to the proposed access point and removal of the impaired mobility parking bay to the front of the appeal site.
- 8.6.5. The Council's roads section has not raised any concerns subject to conditions.
- 8.6.6. The appeal site is located in the village centre where the posted speed limit is 50kph. Vehicular access is via a 3m wide archway in the mixed-use building to the front of the site. The internal road extends in a southerly direction for c. 45m, albeit with slight deflection in the horizontal alignment. It is flanked by 3 no. parking spaces, a turning area and the apartment block to the east and 6 no. parking spaces, including an impaired mobility space, and bike rack to the west. Sightlines are shown as 2m x 70m.
- 8.6.7. The 3-metre wide, single carriage lane width accords with Section 4.4.1 of DMURS.
- 8.6.8. Section 4.4.4 of DMURS indicates that the stopping sight distance (SSD) for a road design speed of 50kph is 45m (49m on a bus route). Section 4.4.5 notes that priority junctions in urban areas should have a maximum X-distance of 2.4m but this can be reduced to 2m where vehicle speeds are slow and flows on the minor arm are low.
- 8.6.9. Vehicle speeds and volume was observed as low during my site inspection, and I am therefore satisfied that the proposed access is acceptable in terms of traffic safety.
- 8.6.10. I am also satisfied that sufficient parking is provided and whilst I am sympathetic to the observers concerns regarding the relocation of the impaired mobility space from the front of the appeal site, I cannot afford it any significant weight in planning terms.
- 8.6.11. I recommend the Commission attach standard roads conditions in the event of a grant. It is within the Council's remit to re-designate any impaired mobility on-street bays.

Wastewater Disposal – New Issue

- 8.6.12. Wastewater from the proposed development would be directed to the St. Johnston WwTP. Whilst connection appears feasible and Uisce Éireann has not raised any fundamental concerns, I note that there is no spare WwTP capacity at present², notwithstanding Section 8.2.3 (Table 8.2.1) of the Plan which would imply otherwise.
- 8.6.13. For clarity, Uisce Éireann's Annual Environmental Report (AER) 2024 notes that whilst the plant is compliant with the EPA licence, organic capacity is exceeded by c. 210 PE. The Commission should note that the aforementioned pumping station works, now commenced³, will not resolve the capacity issue, which only appears to have arisen since receiving effluent from the Carrigans agglomeration, permitted under PA ref. 20/50981. In this regard, there was 310 PE capacity remaining in the AER 2023.
- 8.6.14. This is a new issue, and the Commission may wish to seek the views of the parties, however I accept that a connection agreement is subject to a separate process. I therefore recommend standard Uisce Éireann conditions in the event of a grant of permission. I note that such express conditions are absent from the decision notice.

8.7. Procedural Matters

- 8.7.1. As noted, the appellant states that the site notice was not correctly erected in accordance with the statutory requirements and this issue has also been raised by an observer. This observer also suggests that the proposal will obstruct rights of way.
- 8.7.2. The claims regarding rights of way have not been substantiated and whilst I note a side door in the adjoining house to the west, and it does appear to have been there for a considerable period of time, access to it is not precluded by the proposed development. I also note a side gate to the rear of the appellant's house, in the vicinity of the proposed parking spaces (nos. 1-3). It is unclear from the layout drawing whether this gate would be removed and thus boundary treatments need clarification.
- 8.7.3. That said, claims over rights of way is a civil matter to be resolved between the parties, having regard to the provisions of Section 34(13) of the Act. In this regard, I note that

² Uisce Éireann. *Capacity Registers*. [Online] Available at <https://www.water.ie/connections/developer-services/capacity-registers/wastewater-treatment-capacity-register/donegal> [accessed 12th August 2025]

³ Uisce Éireann. *Local Projects*. [Online] Available at <https://www.water.ie/projects/local-projects/st-johnston-wastewater-network-upgrade> [accessed 12th August 2025]

Section 5.13 of the Development Management Guidelines states that the planning system does not resolve disputes about title to land or rights over land and this is ultimately a matter for the Courts. Thus, the Commission does not have jurisdiction.

- 8.7.4. In terms of procedural matters and the alleged irregularities in terms of the nature and timing of the erection of the site notice, I note that both matters were considered acceptable by the planning authority. I am satisfied that this did not prevent the concerned party from making representations. The above assessment represents my *de novo* consideration of all planning issues material to the proposed development.

9.0 AA Screening

9.1. Introduction

- 9.1.1. The planning authority appear to have screened out the proposed development on a *de minimis* basis, stating that:

“Having regard to the urban location of the development connecting to municipal services, to the absence of a pathway between the site or risk of effects, it is considered that consideration of Screening for Appropriate Assessment does not arise.”

- 9.1.2. The Commission is the competent authority for the purposes of AA in relation to plans or projects before it and can only permit the proposal after having ascertained that it would not adversely affect the integrity of a European site in view of the site's Conservation Objectives (unless the provisions of Article 6(4) are met). That is the case where no reasonable scientific doubt remains as to the absence of such effects.

9.2. Stage 1 Screening

- 9.2.1. I have carried out a full screening determination for the development and it is attached to this report (Appendix 3). The sites included in the screening exercise are:

- River Finn SAC (code IE002301)
- River Foyle and Tributaries SAC (code UK0030320)

Screening Determination – New Issue

- 9.2.2. 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 it is not possible to exclude that the proposal alone or in combination with other plans and projects will give rise to significant effects on the River Finn SAC and the River Foyle and Tributaries SAC in view of those sites conservation objectives.

- 9.2.3. This is a new issue, and the Commission may wish to seek the views of the parties, however this is not recommended given the other reasons for refusal noted previously.

10.0 Recommendation

I recommend that permission be **refused** for the reasons and considerations below.

11.0 Reasons and Considerations

1. Having regard to the paucity of information submitted with the application, including the full nature, extent and scale of the invasive species remediation works required to facilitate the development of this site as proposed, and within the appropriate period of a planning permission, and the possibility of the associated effects of these works requiring mitigation measures to protect the integrity of the River Finn SAC (code IE002301) and River Foyle and Tributaries SAC (code UK0030320), the Commission cannot be satisfied that the proposed development, individually, or in combination with other plans and projects would not be likely to have an adverse effect on these European sites in view of the sites conservation objectives. There remains significant reasonable scientific doubt that the proposed development would not adversely impact on the integrity of the River Finn SAC (code IE002301) and River Foyle and Tributaries SAC (code UK0030320), and these matters cannot be addressed by way of planning conditions. In such circumstances, the Commission is currently precluded from granting permission.
2. The proposed development, if permitted, would be contrary to policy BIO-P-4 of the County Donegal Development Plan 2024-2030 and would likely result in the further spread of Japanese knotweed, an invasive, non-native species subject to the restrictions under Regulations 49 and 50 of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended, as the applicant has failed to submit appropriate control measures reflective of current conditions and which could be implemented within the appropriate period of a planning permission.

3. Having regard to the design of the apartment block to the rear of the site, and in particular the solid-to-void ratios and the over-reliance on recessed balcony windows and doors to provide natural light to the kitchen / dining / living spaces, it is considered that the proposed development would adversely affect the residential amenity of future occupants and be contrary to objective TV-O-5 and policy TV-P-3, criteria (a) and (d), of the County Donegal Development Plan 2024-2030, in that it fails to demonstrate a high architectural quality that contributes to positive place-making in an area characterised by a traditional vernacular streetscape. To permit the apartments, as proposed, would result in a design that fails to fully integrate with neighbouring buildings and would hinder the future development of the adjacent backlands, where vernacular, mews-type design is better suited, thus contravening policies TV-P-5 and UB-P-7, criteria (h), of the Development Plan.

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.

Philip Maguire
Inspectorate
20th August 2025

Appendix 1 (EIA Screening)

Form 1 – EIA Pre-Screening

Case Reference	ABP-322543-25
Proposed Development Summary	5 no. 1-bed apartments and 2 no. retail units with connections to Uisce Éireann wastewater and drinking water infrastructure
Development Address	Main Street, St. Johnston, Lifford PO, Co. Donegal
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA? (For the purposes of the Directive, “Project” means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a ‘Project’. Proceed to Q2.
	☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ 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. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b)(i) 'more than 500 dwelling units'

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 ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 – EIA Preliminary Examination

Case Reference	ABP-322543-25
Proposed Development Summary	5 no. 1-bed apartments and 2 no. retail units with connections to Uisce Éireann wastewater and drinking water infrastructure
Development Address	Main Street, St. Johnston, Lifford PO, Co. Donegal
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Construction of 5 no. apartments and 2 no. retail units with a stated GFA of 395.41sq.m on a 0.09ha brownfield village centre site, adjacent to other such uses, is not considered to be exceptional in the context of this existing/receiving environment. The development will involve removal of some pre-existing demolition wastes at the site in addition to excavated soils, boulder clay, rock and vegetation. Standalone project; does not require the use of substantial natural resources. Construction activities will require the use of potentially harmful materials, such as fuels, concrete and other such substances and give rise to waste for disposal. Such wastes will be typical of construction sites. Significant wastes, emissions or pollutants are not anticipated although a Japanese knotweed infestation is present on the appeal site. Arisings containing these plants are classified as contaminated waste and, if mismanaged, could result in the spread of this invasive species to adjacent properties and nearby vectors. Noise and dust emissions during construction are likely but such construction impacts would be localised and temporary in nature. Connection to St. Johnston WwTP is feasible although there is no available capacity at present.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites,	There are ecologically sensitive locations in relative proximity, namely the Johnston Stream c. 120m north, albeit partly culverted, and the River Foyle c. 515m east. The nearest European sites are located c. 310m and 850m to the east – the River Finn SAC and the River Foyle and Tributaries SAC, respectively. I note that the River Foyle and Tributaries is also a UK designated Area of Special Scientific Interest (ASSI) because of the physical features of the river and its associated riverine flora and fauna.

densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	River Foyle, Mongavlin to Carrigans, c. 310m east, is a proposed Natural Heritage Area (pNHA). The appeal site is hydrologically connected to these sites via the surface water drainage network which outfalls to the Johnston Stream and enters the River Foyle to the east of the village. St. Johnston is also a designated Historic Town and a zone of archaeological potential (ref. R185040).
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Likely effects are limited to the construction phase through increased noise and dust from construction traffic and operations. Implementation of a CEMP would mitigate potential impacts substantially below the threshold of significance. Having regard to the scale of the proposal, intervening land uses and separation distance, the proposed SuDS measures and subject to site specific mitigation measures as discussed further in Appendix 3, there is no potential to significantly impact on environmental parameters or on the ecological sensitivities of the aforementioned European sites, including transboundary designations, or other significant environmental sensitivities in the area. In this regard, I note that wastewater disposal is not contingent on the recently commenced wastewater network upgrades due for completion in 2027.
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.

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 2 (WFD Screening)

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	ABP-322543-25	Townland, address	Main Street, St. Johnston, Lifford PO, Co. Donegal
Description of project		5 no. 1-bed apartments and 2 no. retail units with connections to Uisce Éireann wastewater and drinking water infrastructure	
Brief site description, relevant to WFD Screening		Vacant, flat brownfield site centrally located along Main Street. No habitats classification submitted – infestation of Japanese knotweed evident. No open watercourses on/adjacent appeal site – storm drain along adjoining footpath. No drainage report submitted by applicant. No trial holes excavated as part of the surface water drainage proposals. Test trenching as part of the archaeological pre-development testing (requested under further information) revealed topsoil overlying modern fills and natural subsoils in Trench B (1.2m deep). The topsoil had a depth of 0.15-0.5m. The first area of fill was located along the western side of the trench. It consisted of loose soil and rocks which contained red brick fragments and measured up to 0.6m deep. Below the fill was grey compact boulder clay. The second area of fill was located 15.5m from the northern end of the trench. It consisted of loose soil and measured up to 0.9m deep. Below the fill was grey compact boulder clay. No water ingress reported.	

Proposed surface water details			SUDs system proposed with attenuation prior to discharge to drainage network. No details provided in relation to flow control or hydrocarbon/pollution interceptors etc.			
Proposed water supply source & available capacity			Uisce Éireann mains water connection – capacity available with LoS improvement.			
Proposed wastewater treatment system & available capacity, other issues			Uisce Éireann wastewater connection – no spare capacity available at present at St. Johnston WwTP (D0538 - ‘red’). I note wastewater network upgrade works commenced in August 2025 and are due to be completed in 2027. Johnston Stream, the receiving waters for the effluent from the St. Johnston agglomeration, is at ‘good’ WFD status.			
Others?			4 no. water quality monitoring stations on the Johnston Stream and in proximity of the appeal site – the closest (‘Second Bridge u/s Foyle River’) being at the bridge on the L5354, c. 120m northwest and another (‘First Bridge u/s Foyle River’) c. 220m northeast at the R236 bridge.			
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)
River Waterbody	c. 115m (overland)	ST JOHNSTON_010 IE_NW_01S010 280	Good	Not at risk	No pressures	Yes – surface water run-off owing to proximity and topography; and public drainage outfall

Transitional Waterbody		c. 400m (overland)	Foyle and Faughan Estuaries UKGBNI5NW25 0010	Unassigned	Review	No pressures	Yes – surface water run-off owing to proximity and topography; and public drainage outfall
Groundwater Waterbody		Underlying site	River Foyle IEGBNI_NW_G_ 051	Good	Not at risk	No pressures	Yes – but evidence of compacted boulder clay and fill offer protection to groundwater
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	ST JOHNSTON_0 10	Surface water network	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction measures /	No	Screened out

		IE_NW_01S0 10280			Conditions, CEMP etc.		
2.	Transitional	Foyle and Faughan Estuaries UKGBNI5NW 250010	As above	As above	As above	No	Screened out
3.	Ground	River Foyle IEGBNI_NW_ G_051	Pathway exists but poor drainage characteristics	Hydrocarbon spillages	As above	No	Screened out
OPERATIONAL PHASE							
4.	Surface	ST JOHNSTON_0 10 IE_NW_01S0 10280	Surface water network	Hydrocarbon spillages	SUDs features	No	Screened out
5.	Transitional	Foyle and Faughan Estuaries	As above	As above	As above	No	Screened out

		UKGBNI5NW 250010S010 280					
6.	Ground	River Foyle IEGBNI_NW_ G_051	Pathway exists but poor drainage characteristics	Hydrocarbon spillages	SUDs features	No	Screened out
DECOMMISSIONING PHASE							
7.	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Appendix 3 (AA Screening)

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	5 no. 1-bed apartments and 2 no. retail units with connections to Uisce Éireann wastewater and drinking water infrastructure
Brief description of development site characteristics and potential impact mechanisms	A 0.09ha brownfield site in a village centre location. Construction of 5 no. apartments and 2 no. retail units on serviced lands and adjacent to other residential and commercial uses. The nearest European sites are located c. 310m and 850m east – the River Finn SAC and the River Foyle and Tributaries SAC, respectively. Riverine vector to these site c. 120m north (Johnston Stream). Surface water drainage vector immediately adjacent (adjoining footpath). The development will involve removal of some pre-existing demolition wastes at the site in addition to excavated soils, boulder clay, rock and vegetation. Construction activities will require the use of potentially harmful materials, such as fuels, concrete and other such substances and give rise to waste for disposal. Such wastes will be typical of construction sites. Noise and dust emissions during construction are likely but such construction impacts would be localised and temporary in nature. Significant wastes, emissions or pollutants are not anticipated although a Japanese knotweed infestation is present on the appeal site. Arisings containing these plants are classified as contaminated waste and, if mismanaged, could result in the spread of this invasive species to adjacent properties and nearby vectors.
Screening report	No – Donegal Co. Council screened out the need for AA.
Natura Impact Statement	No
Relevant submissions	Lough Agency – no objection subject to conditions.
Additional information	Whilst I note the Loughs Agency's submission – they did highlight the potential for the spread of aquatic invasive species and recommended that a biosecurity protocol be implemented by way of condition. Not attached by PA. I also note there is currently no capacity at the WwTP.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
River Finn SAC (IE002301)	Atlantic Salmon Otter Oligotrophic waters Wet heaths Blanket bogs (priority if active) Transition mires Conservation Objectives Link NPWS, 2017	310m	Yes, indirect via surface water drainage; and proximity.	Y
River Foyle and Tributaries SAC (UK0030320)	Atlantic Salmon Water courses of plain to montane levels Otter Conservation Objectives Link NIEA, 2024	850m	As above.	Y
¹ Summary description / cross reference to NPWS website is acceptable at this stage in the report ² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species ³ if no connections: N				

Further Commentary / Discussion

The River Foyle and Tributaries SAC (N. Ireland) and the River Finn SAC (Ireland) include the tidal stretch of the Foyle north of Lifford (Co. Donegal) to the border and join roughly at the centreline of the river. The ecological connection is therefore identical for both sites.

Due to the enclosed nature of the development site (fully serviced) and the presence of a significant buffer area (urban centre) between this brownfield site other European sites, I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors i.e., <1km is reasonable.

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

The proposed development will not result in any direct impact on either SAC as related to the River Foyle. However, due to the size, scale and proximity of the proposed development to the River Foyle and nearby tributary (Johnston Stream), impacts generated by the construction and operation of the development require consideration.

Sources of impact and likely significant effects are detailed in the Table below.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
River Finn SAC (IE002301)	Indirect pathway to SAC:	Potential damage to riverine habitats associated with
Otter <i>Lutra lutra</i>	Release of silt and sediment to drainage network during site works.	inadvertent spillages of hydrocarbons and/or other chemicals during construction phase.
Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae)	Release of construction related compounds including hydrocarbons to surface waters.	Potential damage to riverine habitats and freshwater QI species dependent on water quality, an impact of sufficient magnitude could undermine the sites conservation objectives.
Northern Atlantic wet heaths with <i>Erica tetralix</i>	Spread of invasive plant species, particularly Japanese knotweed, given the significant infestation recorded at the site.	
Blanket bogs (priority habitat if active bog)	Increased human disturbance at this site, particularly during the construction phase (including demolition).	Potential spread of invasive species associated with ground disturbance activities during the construction phase.
Transition mires and quaking bogs		

	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
River Foyle and Tributaries SAC (UK0030320) Atlantic Salmon <i>Salmo salar</i> Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachion</i> vegetation Otter <i>Lutra lutra</i>	As above.	As above.
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
Further Commentary / discussion (only where necessary)		
The applicant has not submitted an AA screening report to assist with this screening. They have, however, submitted an invasive species report as considered in section 8.5 of the IR. As noted, the report states that herbicide treatment can take 3 years or more, with monitoring and follow-up control for up to 5 years. Amongst the conclusions set out in the report are recommendations for 7m radius control zones around visible shoots, within which no soils etc. are to be removed, and continual monitoring and herbicide application over 5 years. It is noted that such an approach could render any standard permission unimplementable and whilst the Commission may wish to attach an invasive species management plan, this may inadvertently include mitigation measures designed to avoid or reduce the harmful effects on the River Finn SAC and River Foyle and Tributaries SAC. In similar regard, the Commission should note that the spread of invasive species was one of a number of issues which triggered the requirement for Stage 2 Appropriate Assessment for the new sewerage pumping station proposed c. 140m northwest of the appeal site and permitted under PA ref. 24/60575. In that particular case, whilst Japanese knotweed was recorded c. 22m from the application site and considered unlikely to spread as a result of the proposed works, it was considered that Himalayan balsam, located		

immediately adjacent to the works could be impacted and spread as a result of the proposal if any construction works were required in proximity to affected areas. It was therefore considered that in the absence of mitigation, the physical spread of Himalayan balsam could occur during the construction phase, with the Johnston Stream as a vector to the SAC, subsequently reducing the quality of QI species habitat (particularly otter) both within and outwith the SAC boundaries and likely significant effects couldn't be ruled out.

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

Based on the paucity of information provided by the applicant and having regard to my subsequent site visit and review of the relevant 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 River Finn SAC and the River Foyle and Tributaries SAC.

It is not, therefore, possible to exclude the possibility that the proposed development alone would result in significant effects on the River Finn SAC and River Foyle and Tributaries SAC from effects associated with the construction phase of the proposed development.

An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage, it is however noted that the operational phase of the proposed development is purely contingent on available capacity at St. Johnston WwTP. Whilst I accept that network upgrades are currently underway and scheduled for completion in 2027, and the permission authorising these upgrades, PA ref. 24/60575, was itself subject to AA, they will not provide additional capacity at the WwTP. Moreover, the works are designed to remove untreated discharges into the Johnston Stream from a number of properties in this area that are not connected to the network, thus adding to the PE.

Screening Determination

Significant effects cannot be excluded

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 it is not possible to exclude that the proposal alone or in combination with other plans and projects will give rise to significant effects on the River Finn SAC and the River Foyle and Tributaries SAC in view of the sites conservation objectives.

Appropriate Assessment is required.

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