



An
Coimisiún
Pleanála

Inspector's Report

ABP-322600-25

Development	Construction of a dwelling with a separate domestic office, reflexology studio and all associated site works. Natura Impact Statement (NIS) accompanies this application
Location	Marble Hill, Portnablagh, Letterkenny, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2560116
Applicant(s)	Laura & Hugh Law
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant	Robert Keran Consulting Ltd
Observer(s)	None
Date of Site Inspection	12 th August 2025
Inspector	Matthew O'Connor

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Appendix 1: Form 1 - EIA Pre-Screening

Appendix 2: Form 2 - EIA Preliminary Examination

Appendix 3: AA Screening Determination - Test for likely significant effects

Appendix 4: Appropriate Assessment (AA) and Appropriate Assessment Determination.

Appendix 5: Water Framework Directive Screening and Assessment.

1.0 Site Location and Description

- 1.1. The appeal site is 0.17ha and located in the townland of Marblehill, adjacent to Sheephaven Bay some 6km to the east of the settlement of Dunfanaghy in Co. Donegal. The appeal site is situated on the western side of the L-1272-1 (Local Road) and is accessible from an existing serpentine vehicular driveway serving an established one-off dwelling. The appeal site comprises wooded lands of mature trees and other vegetation and the topography of the site rises steadily from the public road.
- 1.2. The surrounding area is characterised by a number of dispersed one-off rural dwellings on individual plots with varying styles, designs and configurations that are focused towards the coast. In addition, the area comprises guest accommodation and mobile home parks. There are no Protected Structures or National Monuments within or immediately adjoining the site and it is not located within a Flood Zone.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
- Construction of a dwelling house (244.4sq.m).
 - Domestic Office and Reflexology Studio (49.1sq.m)
 - Construction of a detached domestic garage (34.60sq.m).
 - Installation of a wastewater treatment system.
 - All other associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Grant permission for the subject development, subject to 18 no. conditions. I note that many of the conditions are standard however, the following are of particular relevance:
- Condition 1: Development carried out in accordance with plans and particulars
 - Condition 2: Occupancy condition for 7 (seven) years.
 - Condition 3: Dwelling restricted for use as private dwelling.
 - Condition 4: NIS mitigation measures.
 - Condition 5: Sightlines and visibility

- Condition 10 & 11: Surface water collection/ drainage.
- Condition 13: Use restriction on office/reflexology studio
- Conditions 14 & 15: Tree retention and planting
- Condition 17: Wastewater treatment
- Condition 18: Development contributions

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The first Planner's Report had regard to the submitted documentation, locational context of the site, planning history, policy framework of the Development Plan and any inter departmental/referral reports.
- In terms of assessment, the Planning Authority noted the proposed development is in an 'Area Under Strong Holiday Home Influence'. Application Form Part B (Rural Housing Form) was not submitted however a bona fide letter from an Elected Member of Donegal County Council was submitted as unsolicited information. It was also noted that one of the applicant's was previously approved a dwelling on the site. To fully assesses the principle of development, Application Form Part B is required.
- The Planning Authority note that the applicant confirmed via unsolicited information that the domestic office and reflexology studio is for domestic use only and will not be used for any commercial purposes. It is noted in the Planner's Report that the use of this building can be conditioned in the event of a grant.
- In terms of siting and design, it was noted the site is within an 'Especially High Scenic Amenity' area and that principle of constructing a dwelling was previously approved on this site.
- The Planning Authority noted that the site is covered with trees and the proposal has been designed to minimise physical impact on the landscape. In addition, the dwelling will be located in an area clear of trees and that it will not be necessary to fell or prune any trees.
- The dwelling will be placed on pad foundations to avoid extensive digging and prevent damage to tree roots. It was deemed that by placing the dwelling within a

clear and retaining existing mature trees it will integrate the proposal in the receiving landscape and provide partial screening when viewed from the public road.

- Further information is required in relation to trees in the location of the wastewater treatment system to fully assess the visual impact of the dwelling when viewed from the public road
- The dwelling is deemed to be contemporary in terms of design and finishes. It is noted that whilst the previous dwelling was more traditional in appearance, it would have had a greater visual impact.
- No concerns raised in relation to residential amenity.
- Access provision from the existing driveway was noted however details of sightlines was not included and further information was required to ensure that adequate vision lines can be achieved and maintained.
- The proposed wastewater treatment was noted and deemed acceptable, subject to details in relation to separation from trees. Water supply and surface water drainage was deemed to be acceptable.
- In terms of Appropriate Assessment, the site is located within the Sheephaven SAC and a Natura Impact Statement (NIS) was submitted with the application which includes a number of mitigation measures to address potential impacts. The Appropriate Assessment undertaking by the Planning Authority concludes that the development will have no likely or significant negative impact on the Natura 2000 site provided that all of the mitigation measures recommended within the NIS are implemented.
- No issues raised with respect to EIA.

Further Information was sought in relation to 3 no. items:

- Submit a completed Supplementary Rural Housing Application Form
- Confirm the proposed DWWTS meets all minimum separation distances, including from trees, of the EPA Code of Practice 2021. Details of any trees required to be removed to be provided in an updated tree constraints plan.

- Details how vision lines are to be provided to the nearside road edge in each direction at the junction/adjoining L-1272-1 in accordance with Development Plan standards.

The second Planner's Report provides an analysis of the applicant's Further Information response and forms the basis for the grant of permission with conditions.

- In respect of Item 1, the Planning Authority noted that completed Supplementary Rural Housing Application Form was received which confirmed the proposed dwelling will be the primary, principal and permanent residence of the applicants. The applicants currently reside in rented accommodation which demonstrates a need for the rural house.
- In relation to Item 2, a revised site layout plan was received satisfactorily demonstrating the location of the DWWTs within 3 metres separation distance from existing trees.
- In relation to Item 3, a revised site layout plan was received demonstrating vision lines of 90 metres in both directions. No comments were returned from the Area Roads Engineer and consent has been provided by adjoining landowners to achieve/maintain visibility splays permanently.

3.2.2. Other Technical Reports

- Area Roads Engineer – Comment returned, no objection.

3.3. **Prescribed Bodies**

- Uisce Eireann - No response received.
- An Taisce - No response received.
- The Heritage Council - No response received.
- Dept of Housing, Local Government and Heritage - No response received.

3.4. **Third Party Observations**

- 3.4.1. One third party observation was received by the Planning Authority from Robert Keran of RK Consulting Ltd. The concerns raised in observation are largely reflected in the grounds of appeal however, the observations are broadly summarised as follows:

- The render images can only be treated only as illustrative at best and are not verified views.
- Given the scenic nature of the site and significant height/scale/footprint of the proposal it is surprising that a Landscape and Visual Impact Assessment was not submitted for consideration of visual impacts.
- A tree survey and tree condition report of existing trees has been submitted but no Arboricultural Impact Assessment of the impact of the proposal on trees or the number/significance of trees to be removed has been provided.
- Although not stated, the reflexology studio may be a commercial proposition, rather than intended for ancillary use to main residence and there is concern in terms of zoning and car parking.
- The dwelling would appear as a three storey massing of some 10 metres in height,
- No information has been submitted in relation to sightlines at the proposed entrance.
- Whilst a bat survey has been carried out no other ecological surveys have been commissioned and this site may contain important ecological habitats which need to be considered.
- The accuracy of baseline information used in the NIS is raised in relation to conservation of trees and lighting.
- The applicant has not submitted any information to demonstrate compliance with local needs and there is no information as to who the proposed dwelling will be occupied by. In the absence of demonstrating a local housing need, the application is in contravention of Development Plan policy.

4.0 Planning History

4.1. The following planning history is associated with the subject site:

- 0831021** Permission GRANTED for the construction of a dwelling house, septic tank and associated site services. Applicant: Hugh Law.
- 1450232** EXTENSION OF DURATION approved for the construction of a dwelling house, septic tank and associated site services. Applicant: Hugh Law.
- This permission expired on 25th May 2019.

5.0 Policy Context

5.1. Development Plan

5.1.1. The County Donegal Development Plan 2024-2030 is the relevant Development Plan for the subject site.

5.1.2. The appeal site is located in a rural area of County Donegal which is not within a designated/zoned settlement. According to Map 6.3.1: Rural Area Types of the Development Plan, the appeal site is located in an 'Area Under Holiday Home Pressure'.

5.1.3. Chapter 6 of the Development Plan relates to 'Housing' and contains policies and objectives in respect of residential development. Section 6.3 of the Development Plan contains commentary on Rural Housing and the following objectives are considered relevant to the subject proposal:

RH-O-1 To ensure that new residential development in rural areas provides for genuine rural need.

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

RH-O-4 To ensure that rural housing is located, designed and constructed in a manner that does not detract from the character or quality of the receiving landscape having particular regard to Map 11.1: 'Scenic Amenity' of this Plan.

5.1.4. The following policy is applicable to residential type development in 'Areas Under Strong Holiday Home Influence':

RH-P-2 To consider proposals for new one-off rural housing within 'Areas Under Strong Holiday Home Influence' from prospective applicants that can provide evidence of a demonstrable economic or social need (see 'Definitions') to live in these areas including, for example, the provision of evidence that they, or their parents or grandparents, have resided at some time within the area under strong holiday home influence in the vicinity of the application site for a period of at least 7 years. The foregoing is subject

to compliance with other relevant policies of this plan, including Policies RH-P-9.

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

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

New holiday homes will not be permitted in these areas.

5.1.5. With respect to Location, Siting and Design and Other Detailed Planning Considerations, the following policy is relevant:

RH-P-9 (a) Proposals for individual dwellings (including refurbishment, replacement and/or extension projects) shall be sited and designed in a manner that is sensitive to the integrity and character of rural areas as identified in Map 11.1: 'Scenic Amenity' of this Plan, and that enables the development to be assimilated into the receiving landscape. Proposals shall be subject to the application of best practice in relation to the siting, location and design of rural housing as set out in Donegal County Council's 'Rural Housing Location, Siting and Design Guide'. In applying these principles, the Council will be guided by the following considerations:-

- i. A proposed dwelling shall avoid the creation or expansion of a suburban pattern of development in the rural area;*
- ii. A proposed dwelling shall not create or add to ribbon development (see definitions);*
- iii. A proposed dwelling shall not result in a development which by its positioning, siting or location would be detrimental to the amenity of the area or of other rural dwellers or would constitute haphazard development;*
- iv. A proposed dwelling will be unacceptable where it is prominent in the landscape;*

v. *A proposed new dwelling will be unacceptable where it fails to blend with the landform, existing trees or vegetation, buildings, slopes or other natural features which can help its integration. Proposals for development involving extensive or significant excavation or infilling will not normally be favourably considered nor will proposals that result in the removal of trees or wooded areas beyond that necessary to accommodate the development. The extent of excavation that may be considered will depend upon the circumstances of the case, including the extent to which the development of the proposed site, including necessary site works, will blend in unobtrusively with its immediate and wider surroundings.*

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

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

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

5.1.6. Chapter 8 of the Development Plan relates to 'Infrastructure' and contains policies and objectives in respect of residential development.

WW-P-2 Ensure that new developments: a. do not have an adverse impact on surface and ground water quality, drinking water supplies, Bathing Waters

and aquatic ecology (including Water dependent qualifying interests within Natura 2000 sites); and b. do not hinder the achievement of, and are not contrary to: i. The objectives of the EU Water Framework Directive. ii. EU Habitats and Bird Directives. iii. The associated Programme of Measures in the River Basin Management Plan 2022-2027 including any associated Water Protection or Restoration Programmes. iv. Drinking Water Safety Plan. v. The Guidelines on the Protection of Fisheries During Construction Works In and Adjacent To Waters (IFI, 2016).

WW-P-6 Facilitate development in urban or rural settings for single dwellings or other developments to be maintained in single ownership with a projected PE <10 in unsewered areas proposing the provision of effluent treatment by means of an independent wastewater treatment system where such systems:

- A. Demonstrate compliance with the EPA's Code of Practice for Domestic Waste water Treatment Systems (PE <10) (EPA 2021) or any subsequent or updated code of practice.*
- B. Would not result in an over concentration or over proliferation of such systems in an area which cumulatively would be detrimental to public health or water quality.*
- C. Otherwise comply with Policy WW-P-2*

5.1.7. Chapter 11 relates to 'Natural, Built and Archaeological Heritage' with the following sections and associated policy provisions considered relevant to the subject proposal:

BIO-P-1 To require all developments to comply with the requirements of the EU Habitats Directive and EU Bird Directive, including ensuring that development proposals: a. Do not adversely affect the integrity of any European/Natura 2000 site (i.e. Special Areas of Conservation and Special Protection Areas) including effects on ex-situ but functionally linked habitats, and species (e.g. Pearl Mussel) save where a plan must be carried out for imperative reasons of overriding public interest (IROPI). b. Provide for the protection of animal and plant species listed in Annex IV of the EU Habitats Directive and the Flora Protection Order. c. Protect and enhance features of the landscape (such as rivers, riverbanks, field boundaries, ponds and small woods) which are of major

importance for wild fauna and flora and the ecological coherence of the Natura 2000 network.

5.1.8. As detailed in Map 11.1: 'Scenic Amenity' of the Development Plan, the appeal site is situated in an 'Area of Especially High Scenic Amenity'. According to the landscape classification contained in Chapter 11, these are *'sublime natural landscapes of the highest quality that are synonymous with the identity of County Donegal. These areas have extremely limited capacity to assimilate additional development.'*

5.1.9. The following objective and policies are relevant:

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

L-P-1 To protect areas identified as 'Especially High Scenic Amenity' on Map 11.1 'Scenic Amenity'. Within these areas, only developments of strategic importance, or developments that are provided for by policy elsewhere in this Plan may be considered.

L-P-6 To safeguard prominent skylines and ridgelines from inappropriate development.

5.1.10. Chapter 16 relates to 'Technical Standards'.

5.2. Other Relevant Guidance

Rural Housing – Location Siting and Design Guide

'Building a House in Rural Donegal - A Location, Siting and Design Guide' is a guide to provide assistance to persons involved in the planning and development process of designing a house in the countryside. The document is specific to the character of Donegal and provides guidance on visual impacts and design elements.

EPA Code of Practice – Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), 2021

This document sets out a methodology for site assessment and selection and maintenance of Domestic Waste Water Treatment Systems including guidance on appropriate percolation values for different types of systems, setback distance and sizing of percolation areas.

5.3. Natural Heritage Designations

5.3.1. The appeal site is located within a designated Natura 2000 site, Sheephaven Special Area of Conservation (Site Code: 001190), which is also a proposed Natural Heritage Area (Sheephaven pNHA). The subject site is situated in proximity to a number of other designated sites which include Horn Head to Fanad Head Special Protection Area (Site Code: 004194) is approximately 0.47km to the north; Sessiagh Lough Special Area of Conservation (Site Code: 000185) which is approximately 1.53km to the west and is also a pNHA; Horn Head and Rinclevan Special Area of Conservation (Site Code: 000147) which is approximately 2.5km to the northwest and also a pNHA; Tranarossan and Melmore Lough Special Area of Conservation (Site Code: 000194) which is approximately 3.15km to the northeast and is also a pNHA; Muckish Mountain Special Area of Conservation (Site Code: 001179) which is approximately 5.85km to the southwest; Mulroy Bay Special Area of Conservation (Site Code: 002159) which is approximately 5.95km to the northeast; Cloghernagore Bog and Glenveagh National Park Special Area of Conservation (Site Code: 002047) which is approximately 6.44km to the south; Derryveagh and Glendowan Mountains Special Protection Area (Site Code: 004039) which is approximately 6.91km to the southeast; and, Lough Nagreany Dunes Special Area of Conservation (Site Code: 000164) which is approximately 8.27km to the northeast.

6.0 EIA Screening

6.1. The subject development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the subject 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 subject development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

A Third Party appeal has been received in relation to the Planning Authority's decision to grant permission. The grounds of appeal are submitted Robert Keran of RK

Consulting Ltd. The appeal reiterates a number of matters raised in the original planning submission to the Planning Authority. The grounds of appeal can be summarised as follows:

Contrary to Rural Housing Policy

- The applicant did not submit any information with the application to demonstrate compliance with local need.
- There was no reference or acknowledgement whatsoever of rural housing policies or requirements.
- Unsolicited information was submitted to and accepted by the Planning Authority after the closing date for submissions but third parties did not have a chance to comment on the unsolicited information and is considered contrary to fair procedure.
- Donegal County Council has accepted a single letter (not an affidavit or any form of sworn document) from elected as demonstrating full compliance with the rural housing policy.
- It is acknowledged that a Supplementary Rural Housing Application Form was submitted in response to a request for Further Information. The Planning Authority acceptance of the applicants' demonstration of a rural housing need is a low bar and risks a 'floodgates' scenario for rural housing.
- The contents of the Supplementary Rural Housing Application Form is not on the planning file and contrary to fair procedure.
- The proposal is in an 'Area Under Holiday Home Pressure' and there is no attempt by the applicant to demonstrate either an economic or social need to live at this location.
- The Planning Authority's decision to grant permission in the absence of any real attempt to demonstrate a local housing need is contrary to Policy RH-P-2 of the Development Plan.

Excessive Height, Scale and Massing

- Owing to significant level changes on the site, the dwelling would appear as a three storey massing of some 10 metres in height when viewed from side elevations (south and north) and in particular the east elevation.

- There are no existing trees/vegetation shown on the submitted drawings which would shield views of the eastern elevation from the road.
- The dwelling's width takes up the vast majority of the site and would appear as a dominant structure.
- Given the sensitive and scenic nature of the site along with the height, scale and footprint of the proposal, it is surprising that a Landscape & Visual Impact Assessment has not been submitted.
- The logic of the Planning Authority not seeking a Landscape & Visual Impact Assessment is queried given the site's location in an 'Especially High Scenic Area'.
- The development is contrary to Policy L-P-1 of the Development Plan which seeks to protect 'Especially High Scenic Areas'.
- The Planning Authority have justified compliance with Policy L-P-1 by considering the development of a Rural House in compliance with Policy RH-P-2. This is a restrictive policy and it is not correct to suggest the proposal is facilitated by Policy RH-P-2.

Impact on Trees

- The site is covered with trees which include a number of Category A and Category B trees. Whilst a tree survey and tree condition report of existing trees has been submitted, there is no Arboricultural Impact Assessment of the impact of the proposed development on trees, including the number and significance of trees to be removed to facilitate the development.
- It is beyond doubt that a number of significant trees will need to be removed to facilitate the development and the planning drawings show the dwelling to be in close proximity to a number of trees (including the crown spread of trees).
- The source information in the NIS regarding the conservation of trees is unclear.
- No lighting plan has been submitted regarding considerations for bat and bird populations and activity.
- It is questionable if the NIS has been based on best available scientific information.

7.2. Applicant Response

7.2.1. A response to the appeal has been received on behalf of the applicant and is summarised as follows:

Rural Housing Need

- Information regarding the rural housing need was submitted to the Planning Authority as sought in a Request for Further Information. For reasons of confidentiality, such information is not available to third parties.
- The applicant has the right to respond to issues raised by third parties during the planning process and did so in this case.
- The letter from the local Elected Member was submitted in support of the Part B Rural Housing Form and was not offered or accepted on its own as proof of compliance with RH-P-2 of the Development Plan.
- The information provided is correct that the applicants currently live in rented accommodation rather than a permanent house
- It is not suggested that this alone is reason for qualification be supports the applicants' qualification in that they do not own a permanent house nor have built one in the past.
- Compliance with the social need was demonstrated as part of the application and it is incorrect to assume because such compliance may not be visible to the public that it was not provided with the application.
- It is not proposed that the dwelling will be used as a holiday home.

Dwelling Design

- The design does not show three-storey massing and at no stage are three floors built on top of each other. The long side elevations will be all but invisible from any public vantage point due to the dense tree coverage surrounding the site.
- The difference in level between the house and the public road and setbacks in the house mean the eastern elevation will only read as two-storey from the road.
- Given the characteristics and overall context of the site, the house will be absorbed into the surrounding landscape. The width of the building in relation to the size of the site is hardly relevant in the context of the surrounding landscape.
- Visual impact will be lessened by the choice of finishing materials.
- The site appears to be in an Area of High Scenic Amenity as opposed to an Area of Especially High Scenic Amenity. Nevertheless, the house design was treated as if it is within an Area of Especially High Scenic Amenity.
- This type of development is provided for in policy elsewhere (namely RH-P-2) and as such is compliant with Policy L-P-1 of the Development Plan.

- It is not believed that there is a conflict between the terms of Policy L-P-1 (or L-P-2) and Policy RH-P-2.

Impact on Trees

- No trees will be cut or pruned to make way for the dwelling and the house has been designed with this core principle in mind.
- The building will sit between the trees and entirely below the tree canopy.
- The lighting plan for the site is indicated on Drawing 202102 PD02 as granted permission
- The NIS is based on a thorough and detailed understanding of the site on the part of several qualified professionals who contributed their expertise.

7.3. Planning Authority Response

- No response.

7.4. Observations

- None.

8.0. Assessment

Having examined the application details, the appeal and all other documentation on file, the reports of the Planning Authority, having conducted an inspection of the site, and having reviewed relevant planning policies and guidance, I am satisfied that the main issues to be considered are those raised by the Third Party. I am satisfied that no other substantive issues arise. This appeal can be addressed under the following relevant headings:

- Compliance with the Rural Housing Strategy
- Siting, Design and Visual Amenity
- Impact on Trees
- Site Services & Drainage
- Appropriate Assessment (Screening)

8.1. Compliance with the Rural Housing Strategy

- 8.1.1. The appellant has queried the applicants' local needs and claims that no information was submitted to demonstrate compliance with Policy RH-P-2 of the Development

Plan. It is further challenged that the letter from an elected member of Donegal County Council has been accepted as demonstrating compliance with the rural housing policy and that there has been no attempt by the applicant to demonstrate either an economic or social need to live in the area.

8.1.2. The appeal site is located approximately 6.2km to the west of Dunfanaghy and is adjacent to Marble Hill strand, in an area identified in Map 6.3.1: 'Rural Area Types' of the Development Plan as an 'Area Under Strong Holiday Home Influence'. Policy RH-P-2 of the Development Plan is applicable and informs that proposals for new one-off dwellings can be considered where applicants can provide evidence of a demonstrable economic or social need to live in the area (e.g. provision of evidence that they, or their parents or grandparents, have resided at some time within the vicinity of the application site for a period of at least 7 years). This policy does not apply if the individual already had the benefit of a dwelling on another site (except in exceptional circumstances) and new holiday homes will not be permitted.

8.1.3. In considering what constitutes an 'Economic' or 'Social' need, the Development Plan includes the following definitions:

'Economic Need'

Persons working full-time or part-time in rural areas including:

- *Full-time farming, forestry, or marine related occupations,*
- *Part time occupations where the predominant occupation is farming/natural resource related.*
- *Persons whose work is intrinsically linked to rural areas such as teachers in rural schools.*

'Social Need'

Persons who are Intrinsic part of the Rural Community including:

- *Farmers, their sons, and daughters and or any persons taking over the ownership and running of farms.,*
- *People who have lived most of their lives in rural areas.*
- *Returning emigrants who lived for substantial parts of their lives in rural areas.*

- 8.1.4. In response to a request for Further Information, the applicant submitted a Supplementary Rural Housing Application Form and one of the applicant's indicated that the proposed dwelling is to be a primary, principle and permanent residence. The applicant stated that they have not been previously granted permission for a dwelling house on another site and that they currently reside in rented some 34 km to the south east of the site. This applicant indicates previous residence in the Marble Hill area for a period of 3 years. In addition, the reason provided by this applicant to need to live in the area is based on a claim that they are originally from the area. According to the supplementary form, the adjacent dwelling is the family home. In terms of documentary evidence, the applicant has relied solely on a Bona Fide Letter from an Elected Member of Donegal County Council who indicated the applicant's family is known to them and claims that the applicant meets all the criteria under Policy RH-P-2 of the County Donegal Development Plan 2024-2030. No other evidence or documentation has been provided to corroborate the applicant's local or social need.
- 8.1.5. Having regard to the provisions of the Development Plan in relation to the Rural Area Type and applicable policy for rural housing, I consider that there is a fundamental requirement for an applicant to provide evidential/documentary evidence of a genuine housing need. To this end, I do not consider the applicants have demonstrated compliance with Policy RH-P-2 on the basis that no information or evidence has been submitted which substantiates either an 'Economic' or 'Social' need to live in this area. I am not satisfied that a Letter of Support from an Elected Member or a stated family connection to the area (without any supporting material) is an adequate basis to assess the proposed development against relevant Development Plan policies. While such a letter may be deemed acceptable to the Planning Authority, in my opinion this correspondence only constitutes an internal procedure/practice of Donegal County Council rather than an adopted policy context which is enshrined in the Development Plan. Therefore, I consider that the development of further one-off housing without adequate justification would only serve to further undermine this rural area.
- 8.1.6. Whilst I do acknowledge the contents of the Supplementary Rural Housing Application Form suggests one of the applicant's family ties to the area and indicates that permission for a dwelling was previously granted on this site in the past (although the applicant has left a specific section on this point blank); no definitive evidence has been supplied by the applicant to corroborate a social need. Therefore, I am not

satisfied that the applicants have demonstrated either an economic and social need for a dwelling, and the criteria as set out in Policy RH-P-2 of the operative Development Plan has not been fulfilled and therefore permission should be refused.

8.1.7. Notwithstanding the above, the Commission may seek to request further information from the applicants offering an opportunity to demonstrate that they meet the requirements of the Development Plan's rural housing policy.

8.2. Siting, Design and Visual Impact

8.2.1. The Third Party raises concern in terms of the proposed siting and design of the dwelling which would appear as having three-storey massing across the sloping site and that the long elevations would appear as a dominant structure in a sensitive location. The assessment of the Planning Authority is also queried as to why no Landscape & Visual Impact Assessment was submitted given the sensitive and scenic nature of the site. The applicant's response to the appeal counters by claiming that there is no three-storey massing as the floors are not on top of each other and states that the side elevations would be all but invisible due to the dense tree coverage across the site. The applicant further claims the subject site is within an 'Area of High Scenic Amenity' but was designed as if it was sited in an 'Area of Especially High Scenic Amenity'. The applicant also contends that the visual impact of the dwelling would be lessened on account of the finishing materials which correspond to the site characteristics.

8.2.2. From my review of the Development Plan, I am satisfied the appeal site lies extensively within an 'Area of Especially High Scenic Amenity'. This area is defined as '*sublime natural landscapes of the highest quality that are synonymous with the identity of County Donegal. These areas have extremely limited capacity to assimilate additional development*'. It is a Development Plan objective to protect, manage and conserve the character, quality and value of the Donegal landscape (L-O-1) whilst Policy L-P-1 seeks to protect these areas and only consider developments of strategic importance, or developments that are provided for by policy elsewhere in the Development Plan.

8.2.3. In addition to landscape provisions, Policy RH-P-9 of the Development Plan is also relevant in considering a rural house with this policy requiring individual dwellings to be sited and designed in a manner that is sensitive to the integrity and character of rural areas and enables development to be assimilated into the receiving landscape. I

note that supporting design criteria requires that dwellings are not detrimental to the amenity of the area or other rural dwellers by reason of its positioning, siting or location; would not constitute haphazard development; be unacceptable where it is prominent in the landscape; or, fails to blend with the landform, existing trees or vegetation, buildings, slopes or other natural features which can help its integration with its immediate and wider surroundings. Furthermore, proposals for rural dwellings must apply best practice in accordance with the Donegal County Council's Rural Housing Location, Siting, and Design Guide.

8.2.4. The proposed development is located in a sloping wooded site. The dwelling is generally centred within the appeal site and is to be orientated on an east-west axis. The appeal site rises steadily uphill (east to west) over roughly 55 metres and I note the incline/contours range from approximately 12.2m at the public road to 24m at the rear of the site. The dwelling will be set back approximately 20 metres from the public road. The proposed dwelling has a bespoke contemporary design with a total floor area of 278.11sq.m set across 3 no. levels. The lower ground floor is 20.17sq.m and contains a store room; the ground floor is 114.05sq.m and contains 3 no. bedrooms (including a master bedroom with balcony) and WC; and, the first floor level is 143.89sq.m and contains a kitchen/dining/living area; games room/bedroom; a WC and utility room. The proposed dwelling will have a total length of 27.5 metres and will be 9 metres in width. The heights of the two main floors is approximately 3.5 metres each and will contain shallow a sawtooth roof. The dwelling will be erected atop a series on stilts/beams which sit on foundation pads across the sloping site with the respective floors stepping/staggering to balance out the change in land levels. The stated finished floor levels (FFL) of the proposed dwelling are indicated as 17.38 at lower ground floor level; 20.18 at ground floor level and 22.98 at first floor level. The single storey reflexology studio/office (approx. 49sq.m) is to be sited some 11 metres to the north of the dwelling and broadly in line with the first floor level. This unit is rectangular in shape and orientated on a north-south axis. The submitted drawings indicate this building as containing an office, W/C & Wet Room and Reflexology Studio and it will be designed and finished similarly to the dwelling.

8.2.5. I am of the view that the layout of the dwelling set back from the public road and sited in a woodland setting would significantly limit the visual impacts from the proposed development. The extent of the 'front' (east facing) elevation would be limited in the

over all setting and I consider the stepped design would break down the massing. I further consider the overall design arrangement to be a measured one as it shows demonstrates the complexity of the site in terms of the sloping gradient, retention of existing trees/wooded setting and with finished with complimentary external materials to aid the dwelling from views in the wider locality.

8.2.6. Having conducted a visit of the site and inspected the northern and southern approaches, I do not consider that the appeal site is particularly exposed in the landscape on account of the mature trees coverage. From my observations of the appeal site from the public road, I note that the dense tree and vegetation coverage largely screens the appeal site at the front and the existing dwelling to the rear of the proposed dwelling, which is also on higher ground, was not visible from the public road. The public road adjacent to the site is narrow with a series of small bends as it straddles the coastline and the aspect is reduced, confined and limited. I also note that there is a stand of trees and associated vegetation on the opposing side of the public road (adjoining the beach) which, in my view, would limit views of the development from Marble Hill strand. As a point of clarity, the Commission should note that my inspection was carried out in August when vegetation/foliage is at its fullest. I also consider it important to note that there are no protected views, as identified in the Development Plan, in the vicinity of the appeal site which would be disrupted from the proposed dwelling.

8.2.7. Furthermore, having regard to the location of the proposed dwelling in the area of Marble Hill strand and Portnablagh, it is my opinion that the character of the 'Especially High Scenic Amenity' area has been eroded on account of pre-existing development. In the immediate vicinity of the appeal site, there are dwellings fronting onto the road with unobstructed views of Sheephaven Bay and in the wider locality, there are other residences, associated outbuildings, mobile home parks and a hotel dotted across this peninsula. As such, I do not consider that the general location of the appeal site could be considered as having an unspoiled character.

8.2.8. In conclusion, I consider that the contemporary design with narrow profile, stepped/tiered floors, set back on site and finishing materials will reduce the overall massing of the dwelling and correspond to the topography of the site. I am of the view that the proposed development has been sensitively considered with the interests of the sloping gradient and wooded setting of the site so as to assimilate into the receiving

landscape. I am also satisfied the proposed development would not detract from the quality or character of this 'Especially High Scenic Amenity' landscape area and would be largely screened from views in the surrounding locality of the Marble Hill area and Sheephaven Bay. Therefore, I consider that the proposal would not be contrary to the parameters of RH-P-9 of the Development Plan in terms of location, siting and design and would accord with the Rural Housing – Location Siting and Design Guide which seeks to encourage innovative design which is well informed, site specific, and contemporary in nature.

8.3. Impact on Trees

- 8.3.1. The appeal notes that the subject site is covered with trees and raises concern in respect of impacts on these trees as a result of the development. It is accepted by the appellant that a tree survey and a tree condition report was provided with the application but indicates that an Arboricultural Impact Assessment in terms of impacts on trees from the development, including the number and significance of trees to be removed to facilitate the development, has not been provided. It is contended by the appellant that a number of significant trees will need to be removed to facilitate the development and that the dwelling will be sited in close proximity to a number of trees (including the crown spread of trees). It is further claimed in the appeal that the source information contained in the NIS with respect to the conservation of trees is unclear. The applicant's response to the appeal has countered by stating that no trees will be cut or pruned to make way for the dwelling and that the dwelling has been designed with this core principle in mind. It is claimed by the applicant that the development will sit between the existing trees and will be entirely below the tree canopy. In addition, the applicant states that the NIS is based on a detailed understanding of the site with contributions from a number of qualified professionals.
- 8.3.2. Having inspected the subject site, it is clearly evident that the lands are densely covered with a variety of mature trees and the site is typical of a woodland setting with a sloping topography rather than a site which would be readily associated with the appropriate development of a one-off dwelling in a rural area. However, from review of the submitted particulars, I acknowledge the applicant's reference to the development concept – 'House in the Woods' and note the extensive commentary regarding the dwelling design whereby the wooded nature of the site forms a core principle. The applicant submitted a Tree Constraints Plan which provides a map of

the site and indicates the tree type, height, stem, crown spread, age approximation, structure, condition comments, recommendation as part of the development and categorisation (A: High Value & Conservation – U: Not Suitable for Retention). The report indicates 1 no. category C1 tree to be felled due to its proximity to the proposed dwelling. Some minor cutting/crowning of trees is also proposed on the site but it is indicated that the majority of trees will be retained as they exist. I acknowledge the detail provided by the applicant in terms of the retention of trees on the site and I am of the view that the applicant has not supported their claims to the contrary that a number of significant trees will need to be removed in order to facilitate the development.

8.3.3. I do accept however that the applicant has not submitted an Arboricultural Assessment & Impact Report. I am of the view that such a report would have aided assessment of the proposed development in terms of potential impacts on trees. I note that the proposed development, in addition to the foundation pads for the buildings, will result in the provision of a new vehicular access/parking area, circulation space, surface water drainage and wastewater treatment which will require the stripping back of the woodland floor and may impact on an unknown quantity of roots within the excavation area and impact on the vitality of the trees themselves. That said, I consider that the above site works would employ normal best practice actions/measures that would be undertaken to ensure that impacts on existing trees are reduced. Such measures in my view, could include (but may not be limited to) supervised excavation by an arborist, hand digging of foundation pads and other trenches or use of air spades, placement of root bridges, installation of root systems to enable growth below hard-surfacing and, tree protection fencing and post-construction tree care. Should the Commission be minded to grant permission for the subject development, I consider that these measures could be reasonable conditioned in the interests of tree protection.

8.3.4. In addition to the above, I acknowledge that it is possible for bats to potential commute and forage in the area and whilst no tree bat roost was identified in the area, it cannot be determined if the development would disturb roosting bats. I note that the mature woodland will be largely retained and lighting proposals have been submitted to mitigate impacts on bat species. I am satisfied that matters in relation to bats could be addressed by the Board by way of a planning condition which requires the monitoring

of bats by an ecologist during construction stage along with other relevant mitigation measures – if required, in the event that any bat species use the site for roosting.

8.3.5. Further to the above, I note that my assessment of this proposed development in terms of the impacts on trees is based on the existing site character of the area as an established wooded area and the information provided by the applicant in relation to tree retention on the site. As such, I am unable to speculate or have regard to potential tree felling which might occur at a future date and I have considered the subject development on its own merits. On this basis, I consider that the proposed development would not result in the significant loss or impacts on trees at this location so as to be deemed contrary to Policy RH-P-9 (Location, Siting and Design and Other Detailed Planning Considerations) of the Development Plan.

8.4. Site Services & Drainage (New Issue)

8.4.1. I note that matters in relation to wastewater and drainage have not been specifically raised as an issue in the appeal submission. However, in terms of the sensitivity of the site and its location, I am of the view that the Commission be satisfied that the subject site is suitable for wastewater treatment and drainage. As noted, the appeal site is a wooded location with a considerable number of trees and rises steadily uphill from the public road (in an east to west direction). The proposed dwelling is to be erected in such a manner so as to not significantly alter the existing ground levels of the sloping site.

Water Supply

8.4.2 In terms of water supply, the applicant has indicated that water supply will be via new connection to the public water mains. No response was received on file from Uisce Eireann in terms of capacity or constraints. I therefore consider that standard capacity and connection arrangements in line with Uisce Eireann best practice could be agreed in the event of a grant of permission.

Surface Water Drainage

8.4.3. In respect of surface and storm water drainage, the applicant has indicated that the approach is to maintain a spread to rainwater to ground soil and plant litter below the buildings. According to the Engineering Letter, rainwater will be collected from the valleys of the buildings and divided into downpipes on both sides connecting through

fixed chains to ground. It is also indicated that permeable gravel will be used on the driveway/parking area which will percolate to underlining surface. On balance, I consider the surface water drainage to be a satisfactory arrangement given the nature of the dwelling design and I do not consider that the drainage method would give rise to any significant flooding/run-off risk down gradient of the dwelling towards the public road or adjoining lands.

Wastewater Treatment

- 8.4.4. With respect to wastewater treatment, I note the applicant submitted a Site Characterisation Form (SCF) recommending the installation of a Secondary Treatment System and Soil Polishing Filter. In terms of the assessment, the SCF states that trial hole information has been taken from the site assessment report previously carried out on site to avoid unnecessary disturbance to the ground. While I acknowledge the results from the previous date to on or about 2008, I consider the rationale provided to be reasonable and practical given the site location in a European Site. To this end, I am of the view that it is unlikely that ground conditions in this area have changed significantly in the intervening period.
- 8.4.5. The SCF indicates the aquifer category as being (PI) with a 'High' groundwater vulnerability classification. The Groundwater Protection Response Category is identified as 'R2 1' which is detailed in Table E1 of the EPA's Code of Practice for Domestic Waste Water Treatment Systems (PE <10) (EPA 2021) as being '*acceptable subject to normal good practice. Where domestic water supplies are located nearby, particular attention should be given to the depth of subsoil over bedrock such that the minimum depths required in Chapter 6 are met and the likelihood of microbial pollution is minimised*'. The assessment states a 1.4 metre deep trial hole was dug and encountered bedrock at this level. The soil/sub-soil is classified as clay/loam at 0.1m – 0.4m and sandy/silt loam at 0.4m -0.7m and sandy/clay loam between 0.7m - 1.4m. Percolation test results have been provided which indicate a sub-surface percolation value 18.00. However, it is unclear as to whether the results presented in the current SCF are consistent with the 2008 results as these figures have not been provided/appended with the current SCF. I note the site planning history whereby a septic tank was permitted however, the subject development now seeks the 'installation of a new secondary wastewater treatment system consisting of a biological

aerated filter treatment plant together with a tertiary sand polishing filter bed of 13.5 m².

8.4.6. In considering the proposal, I am generally satisfied that a secondary treatment system would dispose of wastewater from a proposed 4-bedroom (3 +1) house (6PE), subject to standard conditions. That said, I note that there are items which need to be addressed in relation of wastewater treatment. The SCF states that the minimum plan for the sand polishing filter is to be 13.5sq.m which will be constructed over a soil polishing filter comprising a mixture of soil/sand/gravel. It is further stated that the polishing filter will be Option 1 – Direct Discharge Surface Area and/or Option 4 – Low Pressure Pipe Distribution as set out in the EPA's Code of Practice. The calculation for the sizing of this polishing filter has not been clearly demonstrated however I consider, having regard to the 6 PE, percolation values of the site and the treatment options that the polishing filter may be undersized and therefore not in accordance with the EPA's Code of Practice. Further to this point, I therefore cannot be satisfied that the separation distances of the wastewater treatment complies with Table 6.2: 'Minimum separation distances from the entire DWWTS' of the EPA's Code of Practice. The guidance states that separation distances from trees is 3 metres and these distances are set as a minimum requirement. I note that the proposed system is proximate to a number of trees on this wooded site and it is unclear, if a larger polishing filter is required, that the proposed system would comply with the requirements of the EPA's Code of Practice. Furthermore, I note the applicant has only detailed the wastewater treatment system on the Site Layout Plan and has provided no drawings, indicative or otherwise of the proposal. I further note that the topographical levels indicated on the Site Layout Plan suggest a slope/fall of over 1 metre from west to east across the area of the proposed polishing filter area. However, the applicant has not provided any drawings/sections in relation to the extent of land contouring/alterations required to facilitate the installation of the wastewater treatment system.

8.4.7. Therefore, based on the information on file, I consider that there is shortfall of information to adequately demonstrate that the proposed wastewater treatment system could appropriately treat effluent arising from the subject development and that minimum separation distances can be achieved in accordance with the EPA Code of Practice. I note the appellant has not raised concern in relation to wastewater

treatment in the appeal and that the proposal was considered by the Planning Authority but this is a 'new issue' in relation to this appeal. Therefore, the Commission may wish to seek the views of the parties. However, if the Commission is satisfied with all other aspects of the proposal, I am of the view that these items in relation to the wastewater treatment be addressed additional information or by means of a planning condition. Alternatively, the Commission may also be minded to refuse permission on the basis of inadequate information submitted demonstrating the appropriate treatment and discharge of wastewater and compliance with the requirements of the EPA's Code of Practice for Domestic Waste Water Treatment Systems (PE <10) (EPA 2021). On this particular point however, I do not consider that the above has inhibited my assessment in terms of Appropriate Assessment (Appendices 3 & 4) or the Water Framework Directive (Appendix 5). I have formed this view on the basis on the scale of development (i.e. the proposed individual wastewater treatment system) and given my opinion that the subject site could reasonably accommodate a secondary wastewater treatment system should the correct details be furnished.

Overall Conclusion

- 8.4.8. Having regard to the foregoing and based on the information provided, I am satisfied that the proposed surface water drainage and water supply arrangements are acceptable. I consider that full details have not been provided in respect of the proposed wastewater treatment arrangement. That said, given the limited scale and nature of the development on the subject site, I consider that wastewater can likely be treated on the subject site (if adequately presented) so as to not have an adverse impact on the environment and public health.

9.0 Appropriate Assessment

9.1. Screening Determination

Finding of likely significant effects

- 9.2. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that it is not possible to exclude that the proposed development alone, or in combination with other plans and projects, will give rise to significant effects on Sheephaven SAC and the Horn Head to Fanad Head SPA in view of the sites conservation objectives. It is therefore determined that Appropriate Assessment

(Stage 2) [under Section 177V of the Planning and Development Act, 2000, as amended] for the proposed development is required.

9.3. Appropriate Assessment Conclusion: Integrity Test

9.4. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Sheephaven SAC and the Horn Head to Fanad Head SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required.

9.5. Following an examination, analysis and evaluation of the NIS, all associated material submitted and taking into account any observations, I consider that adverse effects on site integrity of the Sheephaven SAC and the Horn Head to Fanad Head SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for Sheephaven SAC and the Horn Head to Fanad Head SPA or prevent or delay the restoration of favourable conservation condition of species.
- Effectiveness of mitigation measures proposed.
- Application of planning condition in respect of the implementation of all mitigation measures set out in the NIS.

10.0 Water Framework Directive

10.1. The subject development comprises the construction of a dwelling with a separate domestic office/ reflexology studio and all associated site works. The impact of the proposed development in terms of the Water Framework Directive is set out in Appendix 5 of this report. The appeal site is largely undeveloped and primarily comprises woodland with other vegetation. The site is sloping, rising steadily from the public road in the uphill in an east to west direction. The subject development is indicated as connecting to the existing services network in respect of water supply and that surface water will discharge to the ground by way of SUDs measures. In terms of

wastewater, the development will be served by a new on-site wastewater treatment system. The appellant has not raised any specific concern in relation to ground water pollution in the planning appeal.

- 10.2. The appeal site is situated in a coastal area and is approximately 45 metres from the coast at Sheephaven Bay. The WFD status of this coastal waterbody is 'High' and the risk is currently under review. The nearest watercourse is located approximately 465 metres to the site and is named on EPA data as the 'Rockhill_38'. This watercourse flows into Sheephaven and is indicated as having a 'Good' WFD status which is currently under review in terms of risk. The underlying groundwater body, Northwest Donegal has a 'Good' status and is indicated as being 'Not at Risk' of achieving its WFD status
- 10.3. In Appendix 5 of this report, I have outlined potential pathways to the relevant waterbodies and potential impacts at construction and operational stages. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project and the associated mitigation measures set out by the applicant, I am satisfied that it can be eliminated from further assessment because there is no residual risk to any surface and/or groundwater water bodies, either qualitatively or quantitatively.
- 10.4. The reasons for this conclusion are as follows:
- The nature and limited scale of the proposed works;
 - The distance between the proposed development and relevant bodies, and/or the limited hydrological connectivity;
 - The mitigation measures included as part of the application to address surface water, wastewater and construction activity.
- 10.5. Therefore, I conclude on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal), either qualitatively or quantitatively, or on a temporary or permanent basis, or otherwise jeopardise any water body in reaching its

WFD objectives. Accordingly, the proposed development can be excluded from further assessment.

11.0 Recommendation

11.1. I recommend that permission be REFUSED for the reason and consideration outlined below.

12.0 Reasons and Considerations

1. Having regard to the location of the site in an 'Area Under Strong Holiday Home Influence' and Policy RH-P-2 as set out in the County Donegal Development Plan 2024-2030, and, the documentation on file submitted as part of the application and appeal; the Commission considers that, in the absence of a demonstrable economic or social need at this location, the proposed development would result in a haphazard and unsustainable form of development, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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

Matthew O Connor
Planning Inspector

28th August 2025

Appendix 1: Form 1 - EIA Pre-Screening

Case Reference	ABP-322600-25
Proposed Development Summary	Construction of a dwelling with a separate domestic office, reflexology studio and all associated site works. Natura Impact Statement (NIS) accompanies this application
Development Address	Marble Hill, Portnablagh, Letterkenny, Co. Donegal
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1.	Class 10(b)(i)(iv) - Infrastructure Projects
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	Class 10 (b)(i) Construction of more than 500 dwelling units - The subject development is subthreshold as it relates to 1 no. dwelling.

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)?	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	ABP-322600-25
Proposed Development Summary	Construction of a dwelling with a separate domestic office, reflexology studio and all associated site works. Natura Impact Statement (NIS) accompanies this application.
Development Address	Marble Hill, Portnablagh, Letterkenny, Co. Donegal
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The development comprises the construction of a dwelling, domestic office/reflexology studio a DWWTS and associated services in a rural area. Water supply will be from the public mains and foul will be treated by way on an on-site DWWTS. The total area of works is 293.5sq.m on a site of 0.17ha.</p> <p>The size of the development would not be described as exceptional in the context of the existing environment.</p> <p>The subject development will not produce significant waste, emissions or pollutants. By virtue of its development type, it does not pose a risk of major accident and/or disaster or is vulnerable to climate change.</p>
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The subject development is situated on undeveloped lands in a rural area adjacent to the coast. The area of the subject site is designated as an Area of Especially High Scenic Amenity in terms of landscape.</p> <p>There are significant environmental sensitivities in the vicinity as the site is located within the Sheephaven Bay SAC and is also proximate to the Horn Head to Fanad Head SPA. As such, there may be potential for impacts on these particular ecologically sensitive sites/ locations.</p> <p>A Natura Impact Statement (NIS) has been submitted with the application and sets out mitigation measures to ensure that the proposal will not give rise to significant impacts on European sites or other sensitive receptors). It is not considered that the proposed development would give rise to waste, pollution or nuisances</p>

	that differ significantly from that arising from other rural developments.
	There are no other locally sensitive environmental sensitivities in the vicinity of relevance.
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).	Having regard to the limited nature and scale of the proposed development (i.e. 1 no. dwelling and associated works in a rural area), it is below the mandatory thresholds in respect of a Class 10 Infrastructure Projects of the Planning & Development Regulations 2001 (as amended). There is no potential for significant effects on the environment and there would be no significant cumulative considerations in terms of other existing/permitted projects in the area.
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 3: AA Screening Determination - Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project		Please refer to Section 2 of the Planning Report for a development description. In short, permission is sought for dwelling with a separate domestic office/reflexology studio, DWWTS and all associated site works.		
Brief description of development site characteristics and potential impact mechanisms		<p>The proposal comprises the construction of a dwelling, detached domestic office/reflexology studio and wastewater treatment system along with all ancillary site works. The subject site has an indicated area of 0.17 hectares which is located in a rural area adjacent to Marble Hill strand. The site is indicated as having access to water but there is no public foul or surface water sewer available.</p> <p>The proposed dwelling is located within the Sheephaven SAC and is approximately 450 metres from the Horn Head to Fanad Head SPA. Given the location of the appeal site in a sensitive location, there are potential impacts arising from development on these lands which cannot be ruled out without further analysis and assessment.</p>		
Screening report		No		
Natura Impact Statement		Yes		
Relevant submissions		The third party has raised concerns regarding the source information in the NIS in relation to tree conservation of trees and lack of a lighting plan in respect of bat and bird populations and their activity.		
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
The European Sites potentially within a zone of influence of the proposed development are listed in the table below.				
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
Sheephaven SAC (Site Code: 001190)	Sheephaven SAC National Parks & Wildlife Service	0km	Yes. Site is within SAC	Yes
Horn Head to Fanad Head SPA	Horn Head to Fanad Head SPA National	0.47km	Yes. Site is in close proximity and may	Yes

(Site Code: 004194)	<u>Parks & Wildlife Service</u>		cause disturbance to species.	
Sessiagh Lough SAC (Site Code: 000185)	<u>Sessiagh Lough SAC National Parks & Wildlife Service</u>	1.53km	It is not considered that there is a direct/ indirect connectivity between the proposal this SAC.	No
Horn Head and Rinclevan SAC (Site Code: 000147)	<u>Horn Head and Rinclevan SAC National Parks & Wildlife Service</u>	2.5km	It is not considered that there is a direct/ indirect connectivity between the proposal this SAC.	No
Tranarossan and Melmore Lough SAC (Site Code: 000194)	<u>Tranarossan and Melmore Lough SAC National Parks & Wildlife Service</u>	3.15km	It is not considered that there is a direct/ indirect connectivity between the proposal this SAC.	No
Muckish Mountain SAC (Site Code: 001179)	<u>Muckish Mountain SAC National Parks & Wildlife Service</u>	5.85km	It is not considered that there is a direct/ indirect connectivity between the proposal this SAC.	No
Mulroy Bay SAC (Site Code: 002159)	<u>Mulroy Bay SAC National Parks & Wildlife Service</u>	5.95km	It is not considered that there is a direct/indirect connectivity between the proposal this SAC.	No
Cloghernagore Bog and Glenveagh National Park SAC (Site Code: 002047)	<u>Cloghernagore Bog and Glenveagh National Park SAC National Parks & Wildlife Service</u>	6.44km	It is not considered that there is a direct/ indirect connectivity between the proposal this SAC.	No
Derryveagh and Glendowan Mountains SPA (Site Code: 004039)	<u>Derryveagh and Glendowan Mountains SPA National Parks & Wildlife Service</u>	6.91km	It is not considered that there is a direct/ indirect connectivity between the proposal this SPA	No
Lough Nagreany Dunes SAC (Site Code: 000164)	<u>Lough Nagreany Dunes SAC National Parks & Wildlife Service</u>	8.27km	It is not considered that there is a direct/ indirect connectivity between the proposal this SAC.	No

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

The proposed development is located within a designated European Site (Sheephaven SAC) and is in close proximity to another European Site (Horn Head to Fanad Head SPA) as identified in *Step 2* above.

The applicant's Screening Assessment contained in the NIS concludes that there is no potential for impacts on the QI habitats of the Sessiagh Lough SAC, Horn Head and Rinclevan SAC, Tranarossan and Melmore Lough SAC, Muckish Mountain SAC, Mulroy Bay SAC, Cloghernagore Bog and Glenveagh National Park SAC, Derryveagh and Glendowan Mountains SPA and Lough Nagreany Dunes SAC as there is no pathway for connectivity. I concur with the conclusions reached in this regard.

The Screening Assessment contained in the NIS indicates that potential direct/indirect impacts generated by the construction and operational phases of the proposed development include habitat loss through lost natural habitat, contamination/pollution of surface and/or ground waters and disturbance of connected species.

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
Site 1: Sheephaven SAC (Site Code: 001190) Mudflats and sandflats not covered by seawater at low tide [1140] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]	<u>Direct:</u> Habitat Loss Invasive species. <u>Indirect:</u> Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution. Increase human disturbance at this site, particularly during construction phase. Water pollution at operational stage via run-off of discharge and wastewater discharge.	<u>Examples:</u> The project is located within an SAC so the site development will result in a loss of available habitat on account of the building and supporting infrastructure. There is potential for direct and indirect effects on habitat loss/fragmentation, disturbance and pollution resulting in a deterioration in water quality and/or habitat degradation. Potential release of hydrocarbons and/or other chemicals during construction phase via spillage which may impact on water dependent habitats

<p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Machairs (* in Ireland) [21A0]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Petalophyllum ralfsii (Petalwort) [1395]</p>		<p>Potential spread of invasive species such as Himalayan honeysuckle and Rhododendron associated with ground disturbance activities during the construction phase.</p>
	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? N/A	
	Impacts	Effects
<p>Site 2: Horn Head to Fanad Head SPA (Site Code: 004194)</p> <p>Fulmar (Fulmarus glacialis) [A009]</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Shag (Phalacrocorax aristotelis) [A018]</p> <p>Barnacle Goose (Branta leucopsis) [A045]</p> <p>Peregrine (Falco peregrinus) [A103]</p> <p>Kittiwake (Rissa tridactyla) [A188]</p> <p>Guillemot (Uria aalge) [A199]</p> <p>Razorbill (Alca torda) [A200]</p>	<p><u>Direct:</u></p> <p>None</p> <p><u>Indirect:</u></p> <p>Increase human disturbance at this site, particularly during construction phase</p>	<p><u>Examples:</u></p> <p>Disturbance during construction from noise/dust/vibration.</p> <p>Lighting has potential to disturb species at both construction and operation phases.</p> <p>According to the applicant's NIS, the above effects on habitat and species as a result of project are not deemed significant having regard to proposed construction and operational measures and given the distance from SPA and that the listed species are primarily seabirds.</p>

Chough (Pyrrhocorax pyrrhocorax) [A346]		
Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]		
	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? N/A	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>I concur with the applicant's findings that the significance of many impacts at construction and operation stages are unlikely to result in significant impact on the stated conservation objectives of the Sheephaven SAC and Horn Head to Fanad Head SPA SPA when considered on their own and in combination with other projects and plans. I am also of the view that it could be deemed that many of the proposed construction stage measures are standard best-practice measures that would be implemented regardless of proximity to a European Site.</p> <p>However, based on the information provided in the Natura Impact Statement (NIS), having conducted a site visit, having reviewed of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in significant effects on the Sheephaven SAC and the Horn Head to Fanad Head SPA.</p>		

Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that it is not possible to exclude that the proposed development alone, or in combination with other plans and projects, will give rise to significant effects on Sheephaven SAC and the Horn Head to Fanad Head SPA in view of the sites conservation objectives. It is therefore determined that Appropriate Assessment is required.

This determination is based on:

- The nature and scale of the proposed works.
- The location of the appeal site with an SAC and potential connectivity between the site and European Sites.
- The nature and extent of the proposed mitigation measures, which may not be implemented in the absence of connectivity to a European Site.

Appendix 4: Appropriate Assessment (AA) and Appropriate Assessment Determination

Appropriate Assessment (ABP-322600-25)
<p>The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.</p>
<p>Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of a one-off dwelling in view of the relevant conservation objectives of the Sheephaven Special Area of Conservation (Site Code: 001190) and Horn Head to Fanad Head Special Protection Area (Site Code: 004194) based on scientific information provided by the applicant.</p> <p>The information relied upon includes the following:</p> <ul style="list-style-type: none"> • Natura Impact Statement prepared by Earthy Matters Environmental Consultants • The other plans and particulars submitted with the application. <p>I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am not satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.</p>
<p>Submissions/observations</p> <ul style="list-style-type: none"> • The third party raised concerns about the source information in the NIS regarding the conservation of trees as being unclear and that no lighting plan regarding considerations for bat and bird populations and activity. It is also questioned if the NIS has been based on best available scientific information. • The assessment of the Planning Authority noted the sites location within the Sheephaven SAC and noted the contents of the Natura Impact Statement (NIS) submitted with the application. The Appropriate Assessment undertaking by the Planning Authority concluded that the development will have no likely or significant negative impact on the Natura 2000 site provided that all of the mitigation measures recommended within the NIS are implemented.
<p>European Sites</p>
<p>Sheephaven SAC (Site Code: 001190):</p> <p>Summary of Key issues that could give rise to adverse effects:</p> <ul style="list-style-type: none"> (i) Water quality degradation (construction and operation) (ii) Habitat Loss (iii) Disturbances (iv) Invasive Species <p>See Table 3 and Table 4 in NIS</p>

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures (summary) (Please see Table 4 of the submitted NIS)
Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Sheephaven SAC	<p>This is a marine ecosystem sensitive to effluent discharge.</p> <p>Habitat is less than 50m from the site. No shore work is proposed and therefore no direct impact is possible. However there is risk of indirect degradation from pollution via surface run-off and diffuse pollution from DWWTS.</p>	<p>A suitably experienced and qualified Ecological Clerk of Works (ECoW) must be appointed to ensure that the environmental control measures are fully and properly implemented throughout the phases of the project.</p> <p>All works shall be undertaken within a framework of environmental protection practices defined and co-ordinated via a Construction Environmental Management Plan (CEMP).</p> <p>No importation of soil.</p> <p>Good construction site hygiene employed to prevent the spread of invasive species.</p> <p>Clearance work should follow best site practice regarding noise and dust emissions</p> <p>Invasive species (Himalayan honeysuckle and Rhododendron) located within excavation area must be carefully removed and disposed ex-situ in a registered landfill.</p> <p>Excavation works must be undertaken by hand</p> <p>Erection of a silt fence the area that will be excavated</p>

			<p>for the WWTS and where material will be temporarily stored.</p> <p>All works associated with the proposed onsite WWTS must be carried out in accordance with the EPA Code of Practice 2021 and installed by a suitably qualified professional.</p> <p>Site area to be clearly delineated by tape and site workers to be informed.</p> <p>Signs placed near trees of importance.</p>
<p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p>	<p>To restore the favourable conservation condition of Atlantic salt meadows (GlaucoPuccinellietalia maritima) in Sheephaven SAC</p>	<p>This is a coastal ecosystem sensitive to development and negative indicator species.</p> <p>Habitat occurs c. 2.2km south of site. There are no pathways so there is no risk to the habitat and it is deemed outside the zone of influence of the project.</p>	<p>As above.</p>
<p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p>	<p>To maintain the favourable conservation condition of Mediterranean salt meadows (Juncetalia maritimi) in Sheephaven SAC</p>	<p>This is a coastal ecosystem sensitive to development and negative indicator species.</p> <p>Habitat occurs c. 2.2km south of site. There are no pathways so there is no risk to the habitat and it is deemed outside the zone of influence of the project.</p>	<p>As above.</p>

Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]	To restore the favourable conservation condition of Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes') in Sheephaven SAC	<p>This is a coastal ecosystem sensitive to development and negative indicator species.</p> <p>Located c. 120m from site. No potential risks from project but they are connected. Mitigation measures together with dilution will deem risk as insignificant.</p>	
Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	To restore the favourable conservation condition of Fixed coastal dunes with herbaceous vegetation ('grey dunes') in Sheephaven SAC	<p>This is a coastal ecosystem sensitive to development and negative indicator species.</p> <p>Located c. 120m from site. No potential risks from project but they are connected. Mitigation measures together with dilution will deem risk as insignificant.</p>	As above.
Machairs (* in Ireland) [21A0]	To maintain the favourable conservation condition of Machairs in Sheephaven SAC	<p>This is a coastal ecosystem sensitive to development and negative indicator species.</p> <p>No distribution of this habitat within this SAC. Due to distance and lack of hydrological pathway, this habitat is deemed outside the zone of influence of the project.</p>	As above.
Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]	To maintain the favourable conservation condition of Old sessile oak woods	This is a terrestrial ecosystem sensitive to development, invasive species and fires.	As above.

	with Ilex and Blechnum in the British Isles in Sheephaven SAC	This habitat has been recorded 2.1km to south - due to distance and lack of pathways it is deemed outside the zone of influence of the project.	
Petalophyllum ralfsii (Petalwort) [1395]	To maintain the favourable conservation condition of Petalwort in Sheephaven SAC	<p>This species requires that open, low vegetation is maintained with a high percentage cover of bryophytes and bare ground.</p> <p>This species is recorded across Sheephaven Bay from the site and requires compacted sandy ground, which does not occur on or in the vicinity of the proposed site. It is deemed outside the zone of influence of this project.</p>	As above.

Horn Head to Fanad Head SPA (Site Code: 004194):

Summary of Key issues that could give rise to adverse effects:

(i) Disturbance of species

See Table 3 and Table 4 in NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures (summary) (Please see Tables 3 & 4 of the submitted NIS)
<p>Fulmar [A009]</p> <p>Cormorant [A017]</p> <p>Shag [A018]</p>	To MAINTAIN and RESTORE the Favourable conservation condition of the respective QIs in Horn Head to Fanad Head SPA.	The species are sensitive to habitat disturbance during site works and	<p>The project will result in short-term, low intensity localised construction activities.</p> <p>The implementation of mitigation measures</p>

Barnacle Goose [A045]		anthropogenic activities	(which will render impacts associated with dust and water quality negligible) will have non-negative impacts on sea birds.
Peregrine [A103]			
Kittiwake [A188]			
Guillemot [A199]			Lighting, as described, must be implemented in full to avoid disruption to wildlife
Razorbill [A200]			
Chough [A346]			
Greenland White-fronted Goose [A395]			Due to the woodland setting and extent of construction/operation activities, it would not interfere with these sea bird species.

The above tables are based on the documentation and information provided on the appeal file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

I note that the NIS has referred to a number of habitats in the SAC which do not occur in the vicinity of the proposed site and are therefore deemed to be outside the zone of influence of this project. Nevertheless, the majority of the mitigation measures are considered to be generally applicable in the protection of European Sites and would ensure the conservation status of these habitats will remain unchanged.

I further note that the subject site, due to its woodland setting, would be unlikely to result in significant impacts such as direct disturbance or damage to the habitat of these listed species but that measures in terms of construction works, noise/dust emissions and lighting have been outlined as part of the mitigation measures in the NIS.

Assessment of issues that could give rise to adverse effects view of conservation objectives of the abovenamed SAC and SPA.

(i) Water quality degradation

Poor and/or inadequate management of site run-off could result in sediment and/or pollutants reaching the downstream Qualifying Interest habitats within Sheephaven SAC.

Mitigation measures and conditions

- A suitably experienced and qualified Ecological Clerk of Works (ECoW) must be appointed to ensure that the environmental control measures are fully and properly implemented throughout the phases of the project.
- All works to be undertaken via a Construction & Environmental Management Plan (CEMP).

- The site boundary must be clearly outlined with high visibility tape and additional tape and signs to be placed near the mature trees of importance with signs.
- Erection of silt fence around the area that will be excavated for the WWTS and where material will be temporarily stored.
- All works associated with the proposed onsite WWTS must be carried out in accordance with the EPA Code of Practice 2021 and it must be installed by a suitably qualified professional.

(ii) Disturbance of species

Loss of habitat and damage to woodland habitat which make up part of the Sheephaven SAC complex.

Disturbance to local wildlife from human activity.

Mitigation measures and conditions

- Lighting (downward illuminating, low-lighting bollards) will be implemented as per Lighting Plan so as to avoid disruption to wildlife.
- Best site practices with regards to noise and dust emissions

(iii) Spread of invasive species

Himalayan honeysuckle and Rhododendron is present on the site.

Mitigation measures and conditions

- Careful removal and disposal ex-situ of existing invasives in a registered landfill using best practice guidelines for invasive species.
- Soil material from the site should not be placed outside the boundary of the site and if disposed should be done in a registered landfill.
- Good construction site hygiene must be employed to prevent the spread of invasive species, with vehicles thoroughly cleaned down prior to entering and exiting the site.

In-combination effects

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

Findings and conclusions

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

Based on the information provided with the appeal file, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

Reasonable scientific doubt

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

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Sheephaven SAC and the Horn Head to Fanad Head SPA. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Sheephaven SAC and the Horn Head to Fanad Head SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required.

Following an examination, analysis and evaluation of the NIS, all associated material submitted and taking into account any observations, I consider that adverse effects on site integrity of the Sheephaven SAC and the Horn Head to Fanad Head SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for Sheephaven SAC and the Horn Head to Fanad Head SPA or prevent or delay the restoration of favourable conservation condition of species.
- Effectiveness of mitigation measures proposed.
- Application of planning condition in respect of the implementation of all mitigation measures set out in the NIS.

Appendix 5: Water Framework Directive Screening and Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	322600	Townland, address	Marblehill, Portnablagh, Co. Donegal
Description of project		Construction of a dwelling with a separate domestic office, reflexology studio and all associated site works. Natura Impact Statement (NIS) accompanies this application.	
Brief site description, relevant to WFD Screening,		The site is located within the rural area of Marblehill. Land is wooded and rises steadily from east to west. The site is located within the Sheephaven SAC (European Site). The aquifer category is stated as being poor and as having a high groundwater vulnerability. There are no apparent drainage ditches within the site. The nearest watercourse is located approx. 465 metres to the south. The site is some 45 metres from the coast.	
Proposed surface water details		Surface water will be drained to a soakaway area and discharged to groundwater	
Proposed water supply source & available capacity		Mains water connection	
Proposed wastewater treatment system & available capacity, other issues		Provision of new on-site wastewater treatment System and infiltration/treatment area	
Others?		N/A	

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection							
Identified water body		Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody		465m to the south	Rockhill_38	Good	Review	None identified	Potential run-off from the wastewater treatment system and surface water.
Groundwater Waterbody		Underlying site	Northwest Donegal	Good	Not at risk	No pressures	Potential run-off from the wastewater treatment system and surface water
Coastal		45 metres to east	Sheephaven Bay	High	Review	None identified	Potential run-off from the site.
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	Rockhill_38	No identified link or pathway from site.	Run-off during site works, hydrocarbon spillages	Mitigation proposed in NIS submitted	No	Screened out

		Sheephaven Bay	Via sloping lands on site towards the coast adjacent to site.		with application. Standard Construction Measures / Conditions		
2.	Ground	Northwest Donegal Groundwater body	Pathway exists but poor drainage characteristics	Spillages	As above	No	Screened out
OPERATIONAL PHASE							
3.	Surface	Rockhill_38 Sheephaven Bay	No identified link or pathway from site. The watercourse is over 450 metres to the south of the site. The coast is adjacent to the subject site and will be proximate to the site works.	Potential transmission from inadequately treated waste water. Failure of SUDs features	Mitigation as proposed in the NIS submitted.	No	Screened out
4.	Ground	Northwest Donegal Groundwater body	Soil conditions indicate poor drainage characteristics, however a pathway exists to groundwater.	Potential transmission from inadequately treated waste water.	As above. Standard construction practice.	No	Screened out
DECOMMISSIONING PHASE							
5.	N/A	N/A	N/A	N/A	N/A	N/A	N/A