



An
Coimisiún
Pleanála

Inspector's Report ABP-322626-25

Development	Retention of change of use of an existing dwelling from residential to office accommodation. Permission for pedestrian access, demolition of existing domestic garage, erection of a totem sign and all associated site works.
Location	Crossroads, Killygordon, Lifford, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2560349
Applicant	Nomadic Foods Ltd
Type of Application	Retention
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Denis McGill & Others
Observer(s)	None
Date of Site Inspection	12/08/2025
Inspector	Matthew O'Connor

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – Water Framework Directive Screening and Assessment

1.0 Site Location and Description

1.1. The appeal site is 0.6 ha and is located at Crossroads in the rural settlement of Killygordon, Co. Donegal. The site comprises a former detached 1.5 storey residence which has been partially converted into office use at ground floor level, detached garage building with rear garden space. The remainder of the site comprises an undeveloped field to the rear. The site is bounded to the north by an existing staff/visitor car park operated by the applicant (Nomadic Foods); to the south, a detached residence on its own plot; and to the west (rear) by a watercourse. On the opposite side of the road is this Aurivo creamery complex which is associated with the applicant. Given its location within the rural settlement, the prevailing uses include established houses, a variety of shops and pubs, local businesses and community infrastructure such as a school and church.

2.0 Proposed Development

2.1. The subject development comprises the following:

- Retention of change of use of existing dwelling house from residential to office;
- Permission for pedestrian access to adjacent carpark and public footpath;
- Demolition of existing detached domestic garage;
- Erection of a new totem sign; and,
- Replacement of existing septic tank with new waste water treatment system.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority granted retention for the subject development, subject to 12 no. conditions. I note that many of the conditions are standard in nature with the following of particular note:

- Condition 1: Development shall be carried out in accordance with submitted plans.
- Condition 3: Restriction to office use and confined to ground floor area.
- Condition 5: Opening hours of premises.
- Condition 6: Sightlines/Visibility Splays.
- Condition 7: Wastewater Treatment.

- Condition 9: Signage.
- Condition 11: Site works, development waste and landscaping.
- Condition 12: Financial contributions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planner's Report forms the basis for the decision to grant permission. Regard was had to the submitted documentation, locational context of the site, policy framework of relevant Development Plan; any inter departmental/referral reports; and, submissions received.
- In terms of assessment, the principle was deemed to be acceptable and consistent with Development Plan policies for economic development.
- It was noted that there would be no alterations to the existing access arrangement and that parking would be acceptable.
- The proposal for a wastewater treatment system was deemed to comply with the EPA's Code of Practice requirements.
- No concerns raised in respect of Appropriate Assessment.

3.2.2. Other Technical Reports

- Area Roads Engineer – No response received.
- Chief Fire Officer – No objection, regularisation of Fire Cert to comply with standards.
- Building Control – No objection, subject to standard conditions.

3.3. Prescribed Bodies

- Heritage Council - No response received.
- Dept of Housing, Local Government and Heritage (Architectural Heritage)- No response received.
- Uisce Eireann – No response received.
- An Taisce – No response received.

3.4. Third Party Observations

3.4.1 A total of 2 no. third party observations were received by the Planning Authority. The issues raised are similar to those raised in the appeal. Nevertheless, the following issues raised are broadly summarised as follows:

- Traffic safety concerns.
- Insufficient parking.
- Incorrect and misleading Site Notice.
- Planning particulars not accurate and disguise the facts of application.
- Applicant has not identified rights of maintenance and rights of purchase.
- Private Right of Way on lane being impacted by applicant.
- Environmental and Public health concerns.
- The septic tank/percolation area is situated in the corner of garden and in field to rear of house.
- Unpermitted Use and Impact on Residential Amenity.
- Impact on Property Values.
- Lack of comprehensive Planning Assessment.

4.0 Planning History

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

- 018239** Permission GRANTED for renovation and extension to existing dwelling house providing new ensuite shower room. Applicant: Frank Reid.
- 2461014** Siteworks to provide 48 no. car park spaces and 8 no. bicycle spaces for the use of the existing production & administration staff for the nomadic foods operation including associated storm drainage, lighting, landscaping, vehicular and pedestrian access. Applicant: Nomadic Foods Ltd. Status: WITHDRAWN.

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. Killygordon is designated as a 'Rural Settlement' which is layer four out of five in the Settlement Hierarchy of the Development Plan. Rural settlements are subject to the provisions of Chapter 21 which relate to Settlement Frameworks. Whilst I note that the frameworks identify settlement boundaries and in some instances, zoning objectives, they primarily include lands with no specified uses or policies/objectives.

5.1.3. The following Development Plan chapters and associated policies/objectives are considered to be most relevant in respect of the subject development:

5.1.4. Chapter 7 relates to 'Economic Development' and has a strategic objective *'to promote and build on the economic strengths and assets of the County as a competitive, innovative and attractive place for a range of sectors to locate and grow, based on the advantages of a robust economic base that is highly appealing to investors and employees'*. The following policies for settlements and rural areas are deemed relevant to the proposal:

ED-P-1 a. To direct office and light industrial developments to town centre sites, edge of centres locations, or appropriately zoned lands in Letterkenny, Growth Driver Settlements and Service Towns.
b. To consider such proposals on lands currently used for such purposes.

ED-P-3 It is a policy of the Council to consider proposals for the extension of an existing industrial or business use within a defined settlement provided the resultant scale and form of the enterprise is compatible with the character and scale of the settlement and locality and the proposal meets the criteria set out in Policy ED-P-10.

ED-P-9 It is a policy of the Council that any proposal for economic development use, in addition to other policy provisions of this Plan, will be required to meet all the following criteria;

- (a) It is compatible with surrounding land uses existing or approved;
- (b) It would not be detrimental to the character of any area designated as being of Especially High Scenic Amenity (EHSA);
- (c) It does not harm the amenities of nearby residents;

- (d) There is existing or programmed capacity in the water infrastructure (supply and/or effluent disposal) or suitable developer-led improvements can be identified and delivered;
- (e) The existing road network can safely handle any extra vehicular traffic generated by the proposed development or suitable developer-led improvements are identified and delivered to overcome any road problems;
- (f) Adequate access arrangements, parking, manoeuvring and servicing areas are provided in line with the development and technical standards set out in this plan or as otherwise agreed in writing with the planning authority;
- (g) It does not create a noise nuisance;
- (h) It is capable of dealing satisfactorily with any emission(s);
- (i) It does not adversely affect important features of the built heritage or natural heritage including Natura 2000 sites;
- (j) It is not located in an area at flood risk and/or will not cause or exacerbate flooding;
- (k) The site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;
- (l) Appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;
- (m) In the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape;
- (n) It does not compromise water quality nor conflict with the programme of measures contained within the current north western river basin management plan'.

5.1.5. Chapter 8 relates to 'Infrastructure' and contains the policies in respect of wastewater treatment and roads which are applicable to the subject 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-5 In areas with no public wastewater infrastructure, or where there is inadequate public wastewater treatment capacity or networks, larger developments (including commercial, retail, tourism and community developments) where they are to be maintained in single ownership with a projected PE>10 shall provide effluent treatment by means of an independent wastewater treatment system which comply with the EPA's Treatment systems for Small Communities, Business, Leisure Centres and Hotels manual or any subsequent or updated relevant code of practice. Where limited public wastewater infrastructure may be available, prior to the submissions of any planning application such developments shall be required to submit a pre-connection enquiry to Uisce Eireann to assess the feasibility of connecting to the public wastewater system.

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.

T-P-15 To implement the recommendations in the Design Manual for Urban Roads and Streets (DMURS), (Department of Transport, Tourism and Sport and the Department of Housing, Planning and Local Government) in relation to urban streets and roads in the 50/60 kph zone and TII Publications Standard DNCEO-03084 'The Treatment of Transition Zones to Towns and Villages on National Roads'.

5.1.6. Chapter 16 relates to 'Technical Standards' with Table 16.8 refers to Car Parking Standards and contains the requirements for bicycle parking also. This chapter also contains guidance on signage.

5.2. Natural Heritage Designations

5.2.1. The appeal site is not located within any designated Natura 2000 sites. The nearest designated site is the River Finn Special Area of Conservation (Site Code: 002301) which is located approximately 0.85km to the north of the appeal site.

6.0 EIA Screening

6.1. The subject development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

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 the subject development. Having reviewed the appeal, I am of the view that the grounds of appeal can be summarised as follows:

Traffic and Safety Concerns

- The surrounding road network is already overburdened, particularly at the Aurivo Dispatch Entrance. Introducing further vehicle movements without a Traffic Impact Assessment is negligent.

Inadequate Parking Provision

- The permission allows for a single car parking space. No staff cap was imposed and there is no clear plan for staff parking.
- Staff have been constantly parking on the public roads and footpaths disrupting local access and pedestrian safety.

Misleading Site Notice

- The site notice described the development as 'adjacent' to the Nomadic Foods factory. The building is in fact approximately 200 metres away and is situated among residential dwellings.
- This misrepresentation may have undermined public understanding and affected participation in the planning process.

Environmental and Public Health Concerns

- Notwithstanding wastewater treatment conditions, the proposal lacks a health impact report or an independent environmental assessment.
- The location of the polishing filter is too close to dwellings and residents have ongoing concerns regarding odour and groundwater pollution.

Unpermitted Use and Loss of Residential Amenity

- The premises has been operating since August 2024 without permission. Rather than enforcing against this breach, the Council granted retention which sets a precedent that undermines the integrity of the planning system.
- Noise complaints have been lodged by Aurivo regarding ongoing disturbances since May 2024.
- Nomadic Foods have been contacted regarding illegal parking on footpaths and obstructions to road users.

Impact on Property Values

- The extension of industrial operations into a residential setting has diminished the character of the area and property values will be affected due to increased noise, traffic and compromised safety and amenity.

Lack of Comprehensive Planning Assessment

- The Council made its decision without requiring a traffic impact assessment; environmental or amenity impact studies; or enforcement investigation regarding prior unauthorised use.

Conclusion

- The development has already disrupted local amenity and is incompatible with the residential character of the area.
- The approval sets a worrying precedent for unauthorised commercial expansion into residential zones.

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:

Background

The company background is provided and rationale for the procurement of the dwelling for use by staff is outlined.

Traffic and Safety Concerns

- There will be no additional traffic or movements associated with the development.
- The change of use allows for existing management and clerical staff to be relocated from the Nomadic Foods production site (in Aurivo Creamery) where production space is limited.
- Staff already park in the 48 no. space car park to the immediate north of the appeal site.

Insufficient Parking Spaces

- The application does not seek additional or new staff and so additional car parking is not required.

- The original agreement which separated Nomadic Foods from the Aurivo Creamery provided for 5 no. car parking spaces which was not sufficient for Nomadic Foods.
- Permission was granted for 48 no. car parking spaces to the north of the appeal site which was developed in 2015 and leased to Nomadic Foods before being purchased by Nomadic Foods in 2024.
- A maximum of 46 no. people work on any one shift. There are 48 no. spaces in the car park with 5 no. in the Aurivo Creamery and a further 3 no. spaces at the subject site.

Incorrect and Misleading Notice

- The statutory requirement to display the site notice visible from the public road in conjunction with the newspaper notice is designed to eliminate confusion as to the precise location of the development.
- The public notices clearly state that the developments relate to the existing and established Nomadic Foods operation.

Environmental and Public Health Concerns

- The application proposes the installation of a new wastewater treatment unit and the applicants engaged with Site Assessor as part of the application.
- The new wastewater treatment system is in accordance with EPA guidance and the existing system will be decommissioned resulting in a significant improvement of wastewater treatment at the property.

Conclusion

- The dairy and food production plants are established and form part of the socio-economic fabric of the area.
- The assertions of the appeal seem to be unrelated to what is proposed.

7.3. Planning Authority Response

7.3.1. A response has been received from the Planning Authority and the primary points are summarised as follows:

- The issues pertaining to parking/traffic to the overall factory is the subject of a separate enforcement case outside the remit of the application.
- Car parking for the change of use was assessed in the Planner's Report against car parking standards of the Development Plan and deemed to be satisfactory in

the context of the existing dwelling, change of use, site location in Killygordon and standards of the Development Plan.

- Condition 3(b) stipulates the use of the office shall be carried out on ground floor only.
- The wording of the site notices and their placement on the site were considered by the Planning Authority to be valid.
- The application was accompanied by a Site Suitability Assessment and it has been satisfactorily demonstrated the change of use will not give rise to increased odour or groundwater pollution issues.
- The unauthorised operation of the dwelling as an office was investigated by the Planning Enforcement Section and this application has sought to regularise the development.
- Issues regarding noise, parking and property values associated with the factory of outside the remit of the application and subject to enforcement investigations.
- The development was assessed in the context of the site location in the settlement envelope of Killygordon and the adjacent residential and commercial uses. It was considered that the development would have a minimal visual or amenity impacts on the setting of the area.
- Requests that the decision to grant be upheld.

7.4. Observations

- None.

8.0 Assessment

Having examined the application details and other associated documentation on file, the third party appeal, having conducted an inspection of the site, and having reviewed relevant local policies and guidance; I consider the main issues can be addressed under the following headings:

- Principle of Development.
- Impact on Residential Amenity
- Traffic, Transportation and Parking
- Wastewater Treatment

- Other Matters
- Appropriate Assessment (Screening).

8.1. Principle of Development

8.1.1. The subject development seeks retention of the change of use of an existing dwelling house from residential to office; and, permission for pedestrian access to the adjacent carpark and public footpath, demolition of an existing garage, a new totem sign, and replacement wastewater treatment system. The assessment of the Planning Authority considered the development to be acceptable. I note that given the designation of Killygordon in the settlement hierarchy, there is no implicit land use zoning or objective directly associated with the appeal site. Nevertheless, in my view, the principle of the change of use from residential to office in the envelope of a Rural Settlement is acceptable given the surrounding site context. Furthermore, I have considered the subject development against the parameters of Policy ED-P-9 of the Development Plan for economic development use and I consider the subject development comprehensively complies with items (a) through to (n) and would therefore be acceptable in principle. In noting the above however, regard is had to wastewater treatment which is assessed separately in section 8.4 below.

8.2. Impact on Residential Amenity

8.2.1. The appeal claims that the extension of industrial operations into a residential setting diminishes the character of the area and disrupts local amenity. According to the appellants', noise complaints have been lodged regarding ongoing disturbances and there has been contact in respect of illegal parking on footpaths and obstructions to road users. The grounds of appeal also state that approving the development sets an undue precedent for unauthorised commercial expansion into residential zones.

8.2.2. The Planning Authority's response to the appeal claims that the issues in relation to noise and parking are associated with the factory (Aurivo Creamery) and are outside the remit of the subject application and subject to separate planning enforcement investigations. Additionally, the Planning Authority informs that that the proposal was assessed in the context of the site's location in Killygordon and the adjacent residential and commercial uses whereby it considered the development would have a minimal visual or amenity impacts on the setting of the area.

8.2.3. In considering the subject development, I have already outlined my view on the principle of the development as being acceptable in the context of the rural settlement of Killygordon. I note that the change of use from residential to office is confined to the ground floor level of the dwelling and the internal area is indicated as containing 3 no. offices, a canteen and a bathroom. The first floor level is indicated as being unused floor space. In controlling the development, I note that the Planning Authority has restricted the use to 'Office Use' as defined in the Planning & Development Regulations 2001 and that the office use shall be carried out on the ground floor only. In addition, the Planning Authority has restricted the opening hours of the subject site to between 8.30hrs - 20.00hrs on Monday to Friday, 8.30hrs - 18.00hrs on Saturdays and 1400hrs – 1800hrs on Sundays. In my view, I consider that the various limitations/restrictions on the use and operating times to be acceptable and would protect the residential amenities of properties in the vicinity.

8.2.4. As a further point in relation to the appellants' claim that the Planning Authority granted retention rather than enforcing the unauthorised development, I would note that the Planning & Development Act 2000 makes provision for planning applications to be made for the retention of unauthorised development. To this end, I am satisfied that the applicant has sought to regularise the use of the subject site.

8.3. Traffic, Transportation and Parking

8.3.1. The grounds of appeal raise traffic and road safety concerns in terms of the road network being presently overburdened at the Aurivo Dispatch Entrance and that the introduction of further vehicle movements would be negligent in the absence of a Traffic Impact Assessment. It is further claimed in the appeal that the development allows for a single car parking space and that no cap on staff has been imposed. Furthermore, the appellants raise concern with regard to staff parking on the public road and footpaths which disrupt local access and pedestrian safety. The applicant's response to the appeal claims that there will be no additional traffic or movements associated with the subject development which seeks to allow Nomadic Foods staff be located off the site of the Aurivo Creamery. It is indicated in this respect that there is an existing staff/visitor's car park to the immediate north of the appeal site which is in the control of the applicant. The Planning Authority's response to the appeal states that the issues pertaining to parking/traffic to the overall factory is a separate enforcement case and is outside the remit of the application. The assessment of the

development by the Planning Authority considered that the parking provision was satisfactory.

- 8.3.2. In considering the development before the Commission, I would acknowledge that the nature of the change of use from residential dwelling to office would likely result in an intensification of the use of the site due to its office use and this would create a demand for car parking spaces. However, having carried out a site inspection, I note that the applicant has control of a staff/visitor car park to the immediate north of the site and part of the subject development seeks enhanced connectivity between these two sites. During my inspection, I parked in this car park and observed a number of vehicles arriving/departing. I also noted that there were other car parking spaces available. From the front of the appeal site, I observed the neighbouring Aurivo Creamery site and noted that there were a number of vehicles parked alongside the public carriageway outside the premises. I was unable to ascertain whether these vehicles are associated with the Aurivo Creamery or Nomadic Foods but I do accept that these vehicles were parked on the road front of the complex and not within the complex.
- 8.3.3. With respect to car parking, I note that car parking requirements are set out in Table 16.8 of the Development Plan and 'Offices and Professional Services' require 1 no. car parking space per 30sq.m and 1 no. bicycle space per 100sq.m. Taking these standards into consideration against the subject proposal which includes for 2 no. bicycle spaces and 1 no. car parking space, I note that there is a shortfall in parking provision for the subject development. That said, I note that the subject development relates to a change of use from an existing residence to an office on an existing plot where a limited number of vehicles could park in the front curtilage area. Moreover, I am satisfied that sufficient parking can be provided for the subject development in the applicant's dedicated staff/visitor car park neighbouring the site to the north.
- 8.3.4. In terms of vehicle movement and trip generation, I note that the appeal site is located on the L-2944-3 (local road) within the Rural Settlement. There is an established linear row of dwellings on the western side of this road whilst the Aurivo Creamery complex is on the eastern side of the road. I am of the opinion, based on the extent of the change of use, that the development would have a minimal impact on the local road network and would not result in significant amounts of additional traffic in this area.

Overall Conclusion:

8.3.5. Based on the nature and scale of the subject development and having conducted a site inspection of the subject lands, I am satisfied the subject development would provide for an acceptable level of car parking and would not result in excessive traffic generation or vehicle movements that would give rise to a traffic hazard or endanger the safety of other road users and pedestrians.

8.4. Wastewater Treatment

8.4.1. The appeal acknowledges the requirements of Condition No. 7 regarding the proposed replacement wastewater treatment system. However, according to the appellants, the subject development lacks a health impact report or independent environmental assessment. Additionally, the grounds of appeal claim the location of the polishing filter is too close to dwellings and has concerns in relation to odour and groundwater pollution.

8.4.2. During my site inspection, I observed the existing septic tank which is immediately adjacent to the northern (side) boundary in the rear garden area of the subject property. The tank is covered with a series of concrete slabs and is arranged as such that I could partially see between gaps into the tank below. The percolation area for the existing system is indicated as being in the adjoining field adjacent to the rear garden of the property however, I was unable to access this area to inspect it. From my observations of the septic tank, I have significant concerns regarding the adequacy of this system to effectively treat effluent currently arising from the subject development.

8.4.3. Additionally during my site inspection, I observed that there may be a hydraulic constraint on the site with water going to the ground as I noted extensive on-site vegetation (rushes) which I identify to be visual markers of wet ground conditions and poorly drained soil(s). I have reviewed the submitted Site Suitability Assessment Report (SSAR) which indicates the aquifer category as being Locally Important (LI) and having a 'High' groundwater vulnerability classification. The Groundwater Protection Response Category is identified as 'R1' which is detailed in Table E1 (Response Matrix for DWWTSs) 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 (i.e. system selection, construction, operation and maintenance in accordance with this CoP)'.

- 8.4.4. The SSAR states a 1.95 metre deep trial hole was dug, and the water table was encountered at 1.45 metres. The soil/sub-soil is classified as gravelly silt/clay which is soft and crumbly between 0.1m - 1.3m. The sub-surface test result for soil percolation is indicated at 49.44. The comments on the results recommend a mechanical aeration system (PE 7) and infiltration/treatment area to discharge to groundwater. This system is to be located some 50 metres to the northwest of the existing dwelling which has been converted to an office and will be sited to the rear (west) of the existing car park.
- 8.4.5. I considering the subject proposal, I am of the view that is it appropriate to have regard to the EPA's Code of Practice despite this document relating mainly to domestic treatment plants and given the subject development relates to a change of use to office use. Having regard to the SSAR, I note that the applicant has made an error in calculating the Population Equivalent (PE) in using Table 3 from the 1999 EPA Guidance Document and this has overestimated the loading. The maximum number of staff is stated as 14 no. people and I would consider this to be appropriate in a three-office environment.
- 8.4.6. The proposed system will send treated wastewater to a polishing filter which is indicated as being in in accordance with Section 10 (Tertiary Treatment Systems receiving Secondary Treated Effluent) of the EPA's Code of Practice. The SSAR indicates that this polishing filter would be sized at 17.5sq.m and the invert level would be set at the existing ground level. In accordance with the EPA's Code of Practice, 0.9 metres of unsaturated subsoil would be required between the water table and the invert of the polishing filter will be achieved in the subject case. Furthermore, in considering the 7 PE loading at 150l (1,050 litres per day) at the maximum rate of 60 l/m².d (as referred in Section 10.2.1 of the EPA's Code of Practice), I am of the view that the sand polishing filter at 17.5sq.m is sized correctly.
- 8.4.7. However, the SSAR has not provided details of an infiltration area which would be a necessary requirement for the polishing filter. Having regard to Table 10.1: 'Infiltration/treatment area and trench length design for tertiary treatment, per PE' of the EPA's Code of Practice, I calculate the required size of the gravel infiltration area to be 105sq.m (7 PE x 15 based on percolation values of between 40 and 50). Having

reviewed the SSAR, I see no rationale or reasoning presented as to why the details for this large infiltration area have not been included. In my view, this is a significant omission in consideration of the proposed wastewater treatment system as the polishing filter must discharge to a gravel infiltration area and this has not been demonstrated by the applicant. As a further point, I also note that the 'Discharge Route' segment of Section 6: Treatment System Details in the SSAR has also not been filled out correctly and this segment should contain the details of the proposed infiltration area and not the polishing filter.

- 8.4.8. In addition, in the absence of detail relating to the infiltration area, I cannot be satisfied that the separation distances of the DWWTS, periphery of tank/plant and treatment area comply with Table 6.2: 'Minimum separation distances from the entire DWWTS' of the EPA's Code of Practice. The guidance states that separation distances are set as a minimum requirement and I note that the proposal is proximate to site boundaries and dwellings which neighbour the subject site. As such, I am not satisfied that the proposed wastewater treatment system complies with the requirements of the EPA's Code of Practice for Domestic Waste Water Treatment Systems (PE <10) (EPA 2021).
- 8.4.9. In light of the foregoing, the ground conditions as observed and reported are indicative of poorly draining soils and a high water table. I note there has been a significant omission by the applicant in failing to provide details of an infiltration area which is a necessary requirement for the polishing filter proposed. Therefore, based on the information on file, I am not satisfied that it has been demonstrated that the proposed wastewater treatment system could appropriately treat effluent arising from the subject development or that minimum separation distances in accordance with the EPA Code of Practice can be achieved. As such, I have concerns that there would be a potential threat to public health and consequential impacts for contamination of groundwater along with overall water quality should permission be granted on the basis of the information provided.
- 8.4.10. I note that the appellants' have raised concern in relation to the pollution in the appeal and that both the applicant and Planning Authority responded to this grounds of appeal; therefore, I do not consider this matter to constitute a new issue in the consideration of the appeal. Accordingly, I am of the view that the subject development would be at a variance with the County Donegal Development Plan 2024-2030,

namely Policies ED-P-9 (d), WW-P-2, WW-P-5 and WW-P-6 respectively. I recommend that permission be refused. However, should the Commission be minded to grant permission for the subject development then a suitably worded condition should be imposed in relation to demonstrating correct details in relation to the infiltration area so that the Commission can be satisfied that the wastewater treatment system will operate in a satisfactory manner.

8.5. Other Matters

8.5.1. Having regard to a number of other matters raised in the appeal, I shall consider the following under the sub-headings below:

Procedural Considerations

8.5.2. The appellants have raised a procedural concern in relation to misleading information on the statutory site notice whereby the development is indicated as being adjacent to the Nomadic Foods factory and that the misrepresentation may have undermined public understanding and participation in the planning process. The applicant's response to the appeal claim that the statutory requirements in relation to the public notices were complied with and designed to eliminate confusion. Moreover, the Planning Authority's response to the appeal informs that the wording of the site notices and placement of same were deemed to be valid.

8.5.3. In respect to the above, I note that the Planning Authority is the appropriate validation authority and in relation to the subject proposal has determined the application to be valid. Furthermore, I am satisfied with the decision that the application was valid regarding site notices as the appeal site is, in my view, adjacent to the Aurivo Creamery Facility where Nomadic Foods production is conducted.

Devaluation of Property

8.5.4. I note the concerns raised by the appellants in respect of the devaluation of property in the vicinity of the appeal site from the subject development. No information or evidence has been provided to corroborate the appellants' claim. Having regard to my assessment, I am satisfied that the subject development, if approved, would not seriously injure the amenities of the area.

9.0 Appropriate Assessment (Screening)

- 9.1. I have considered the subject development in light of the requirements S177U of the Planning and Development Act 2000 (as amended). The subject proposal, in short, comprises the retention of a change of use of a dwelling from residential to office accommodation; the demolition of a detached domestic garage; and, erection of a totem sign on an existing property at Killygordon, Co. Donegal.
- 9.2. The subject site is not within any designated Natura 2000 sites. The subject site is approximately 0.85km or 850 metres from the nearest designated site which is the River Finn Special Area of Conservation (Site Code: 002301)
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any European site. The reason for this conclusion is as follows:
- The scale and nature of the development;
 - The distance to the nearest European site and the lack of direct connections; and,
 - Taking into account the screening determination of the Planning Authority.
- 9.4. I conclude on the basis of objective information, that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore a retrospective Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

10.0 Water Framework Directive

- 10.1. The subject development comprises the retention of change of use of existing dwelling house from residential to office; and, permission for pedestrian access to adjacent carpark and public footpath, demolition of an existing garage, a new totem sign and replacement wastewater treatment system in Killygordon, Co. Donegal. The subject development is indicated as connecting to the existing services network in respect of water supply and that surface water will connect to a drain/sewer. The existing septic tank is to be decommissioned and replaced with a wastewater treatment system. The appeal site is situated within a rural settlement on the site of an existing dwelling and the western site boundary is formed by a watercourse which flows northwards before

connecting with the River Finn . The appellant has raised concern in relation to ground water pollution in the planning appeal.

- 10.2. I have assessed the subject development by way of a screening assessment (see Appendix 2) 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.
- 10.3. Having considered the nature, scale and location of the project, I am of the view that the applicant has failed to demonstrate that the proposed replacement wastewater treatment system complies with the EPA's Code of Practice for Domestic Waste Water Treatment Systems (PE <10) (EPA 2021) as no details of an infiltration area have been provided to serve the polishing filter. As such, I consider that it cannot be ruled out that the subject development will not pose a risk to surface and ground water bodies. Accordingly, I recommend that permission be refused in relation to this issue.

11.0 Recommendation

- 11.1 I recommend that retention and permission be REFUSED for the reasons and considerations outlined below.

12.0 Reasons and Considerations

1. Having regard to the ground conditions on the site which has poorly draining soils along with a high water level and the absence of details regarding an infiltration area to serve the polishing filter of the wastewater treatment system and clarification that minimum separation distances can be achieved, the Commission is not satisfied that effluent from the recommended wastewater treatment system can be satisfactorily treated and disposed of on the site in accordance with provisions of the EPA's Code of Practice for Domestic Waste water Treatment Systems (PE <10) (EPA 2021). Furthermore, on the basis of the information provided, it is considered that there has been failure to adequately demonstrate that there would be no adverse impact on ground or surface waters which may result in the deterioration of existing water quality of the Killygordon watercourse and Killygordon groundwater body which would not be consistent with the Water Framework Directive. As such, it is considered that the subject development would be at a variance with Policies ED-P-9 (d), WW-P-2, WW-P-5 and WW-P-6 of the

County Donegal Development Plan 2024-2030 and would therefore be prejudicial to public health and would 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

Form 1 - EIA Pre-Screening

Case Reference	ABP-322626-25
Proposed Development Summary	Retention of change of use of an existing dwelling from residential to office accommodation. Permission for pedestrian access, demolition of existing domestic garage, erection of a totem sign and all associated site works.
Development Address	Crossroads, Killygordon, Lifford, 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 type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" 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 checked="" 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.	The development is not a Class.
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.	

EIA is Mandatory. No Screening Required	
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2 - 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.	322626	Townland, address	Crossroads, Killygordon, Co. Donegal
Description of project		Retention of change of use of an existing dwelling from residential to office accommodation. Permission for pedestrian access, demolition of existing domestic garage, erection of a totem sign and all associated site works.	
Brief site description, relevant to WFD Screening,		The site is located within the rural settlement of Killygordon. Land is generally flat with poorly draining soil in an area of high vulnerability. There are no apparent drainage ditches within the site. There is a watercourse forming the western site boundary.	
Proposed surface water details		Sewer/Drain	
Proposed water supply source & available capacity		Uisce Eireann mains water connection	
Proposed wastewater treatment system & available capacity, other issues		Decommissioning of existing septic tank and provision of new tertiary 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	0 m – the site adjoins a watercourse on its western boundary	Killygordon 01_1293	Poor	At risk	None identified	Potential run off from the wastewater treatment system.
Groundwater Waterbody	Underlying site	Killygordon IE_NW_01F0111 00	Good	Not at risk	No pressures	Potential run- off from the wastewater treatment system. However, poorly draining soils offer protection to groundwaters

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	Killygordon 01_1293	Watercourse forms western site boundary. No noted drainage ditches to the river.	Site works to construct WWTS, hydrocarbon spillages	Standard construction practice	No	Screened out
2.	Ground	Killygordon IE_NW_01F01 1100	Pathway exists but poor drainage characteristics	Spillages	As above	No	Screened out
OPERATIONAL PHASE							
3.	Surface	Killygordon 01_1293	Watercourse forms the western site boundary and is proximate to the site works.	Transmission from inadequately treated waste water. The on-site wastewater treatment system has not demonstrated an infiltration area for the polishing filter and is therefore considered to be in compliance with EPA CoP	Inadequate measures in relation to the omission of the infiltration area to serve the polishing filter could lead to transmission to the adjacent watercourse forming the western site boundary.	Yes	Screened In
4.	Ground	Killygordon IE_NW_01F01 1100	Soil conditions indicates poor drainage characteristics, however a pathway exists to groundwater.	Transmission from inadequately treated waste water. The on-site wastewater	None. No details of infiltration area have been provided.	Yes	Screened In

				treatment system has not demonstrated an infiltration area for the polishing filter and is therefore considered to be in compliance with EPA CoP			
DECOMMISSIONING PHASE							
5.	Ground	Killygordon IE_NW_01F01 1100	Pathway exists but poor drainage characteristics	Spillages and Seepage	Standard construction practice in demolishing/ removing tank	No	Screened out
STAGE 2: ASSESSMENT							
Details of Mitigation Required to Comply with WFD Objectives – Template							
Groundwater							
Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1: Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater		<u>Objective 2 :</u> <u>Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	<u>Objective 3:Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity		Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)	

	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	
Development Activity 1 : Operation phase, surface water	The applicant is required to demonstrate that the wastewater treatment system and polishing filter complies with the EPA CoP as there is potential run off to the adjacent watercourse on the western site boundary.	The applicant is required to demonstrate that the wastewater treatment system and polishing filter complies with the EPA CoP.	The proposed wastewater treatment system and polishing filter must comply with the EPA CoP.	No – the applicant has failed to demonstrate full compliance with the EPA CoP
Development Activity 2: Operation phase, groundwater	The applicant is required to demonstrate that the wastewater treatment system and polishing filter complies with the EPA CoP. There is potential as there is potential connection to the groundwater beneath the proposed system	The applicant is required to demonstrate that the wastewater treatment system and polishing filter complies with the EPA CoP.	The proposed wastewater treatment system and polishing filter must comply with the EPA CoP.	No – the applicant has failed to demonstrate full compliance with the EPA CoP