



An
Coimisiún
Pleanála

Inspector's Report

ABP-322694-25

Development

(1) Teach cónaí atá ann cheana a leathnú agus a athchóiriú le leasuithe ingearchlónna agus (2) an dabhach séarachais atá ann cheana a dhíchoimisiúnú agus córas nua cóireala séarachais a shuiteáil agus na hoibreacha forbartha go leir a bhaineann leo

Location

Mínacathan, Inbhear, Co. Dhún Na Ngall

Planning Authority

Donegal County Council

Planning Authority Reg. Ref.

2461934

Applicant

Órlaith Nic Suíbhne

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Daniel Arnold

Observer(s)

None.

Date of Site Inspection

13th August 2025

Inspector

Matthew O Connor

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Appendix 1: Form 1 - EIA Pre-Screening

Appendix 2: AA Screening Determination - Test for likely significant effects

Appendix 3: Appropriate Assessment (AA) and Appropriate Assessment Determination.

Appendix 4: Water Framework Directive Screening and Assessment.

1.0 Site Location and Description

- 1.1. The appeal site is 0.34ha and is located in the townland of Meenacahan some 9.6km to the north of Inver and some 10km to the south of Glenties, Co. Donegal. The site comprises a cottage with a number of some small outbuildings which is slightly elevated above the eastern side of the R-262 which runs between the settlements of Inver and Glenties.
- 1.2. The front boundary of the appeal site is largely open from the roadside with a low-level dry-stone wall consumed by grass. The remaining front extent of the site is overgrown with scrub and contains a post and wire fence. The rear boundary is not clearly defined but contains scrub and grasses with the land rising abruptly from the back of the cottage. The northern (side) boundary is formed by a row of evergreen trees and the southern boundary is also undefined and contains an overgrown area of grass and rushes. The appeal site is bounded to the north and south by residential properties.
- 1.3. The surrounding locality is gently undulating and mainly comprises expansive peatland planted coniferous forestry and some agricultural pasturelands. There is a small concentration of residential dwellings in the immediate vicinity of the site with the wider area having a dispersed pattern of one-off rural dwellings. There are no Protected Structures or National Monuments within or adjoining the appeal site. The site is not located within a Flood Zone.

2.0 Proposed Development

- 2.1. The subject development comprises the following:
 - Renovation and extension and internal modifications of existing dwelling; and,
 - Decommissioning of the existing sewage system and installation of new wastewater treatment system.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority granted permission for the subject development, subject to 15 no. conditions. I note the conditions relate to the following:
 - Condition 1: Development shall be carried in accordance with submitted plans.
 - Condition 2: Visibility splays from entrance.

- Condition 3: Remove of roadside boundary and provision of fence.
- Condition 4: Poles and wires set back to new fence line.
- Condition 5: Provision of roadside drain.
- Condition 6: Finishes of front boundary area.
- Condition 7: Surface water discharge.
- Condition 8: Incorporation of a drainage trap to prevent discharge.
- Condition 12: Boundary treatment/planting
- Condition 13: Potable water supply shall be from public mains.
- Condition 14: DWWTS specification.
- Condition 15: Mitigation measures of NIS shall be implemented.

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, policy framework of relevant Development Plan; any inter departmental/referral reports; and, the submission received.
- In terms of assessment, the principle of the residential extension was deemed to be acceptable and would make use of an existing vacant house. No concerns were raised in relation to impacts on residential amenity.
- It was noted the finished floor levels of the extension were not provided and further information was required.
- In relation to access, the Planning Authority noted that 70 metre sightlines from the existing entrance were proposed on an 80kmph road where 160 metre sightlines are required. Further information was required for provision of adequate sightlines and upgrade of the existing entrance.
- The Planning Authority noted the replacement of the septic tank and deemed the proposed new system and findings of the Site Suitability Assessment satisfactory.
- The Planning Authority considered was the site's proximity to the Natura 2000 network and based on their screening it was determined that Appropriate Assessment was required.
- No concerns were raised in respect of EIA.

- Further Information was sought in relation to a number of items - 1. Revised Site Layout Plan denoting finished floor level of extension; 2. Revised plans showing revision to existing entrance as per Technical Standards of CDP; 3. Comprehensive proposals demonstrating vision lines of 180 metres in both directions to nearside edge of road and consent, if required, from third parties. Schedule 2 and 3 of the Request for Further Information noted location of development proximate to European Sites and request that a NIS be furnished.
- The second Planner's Report provides an analysis of the applicant's Further Information response and forms the basis for the grant retention. With respect to Item 1 of the Further Information Request, the Planning Authority noted the finished floor levels of the extension. In terms of Item 2, the Planning Authority noted that the proposal to upgrade the entrance to comply with Technical Standards of the CDP. In respect of Item 3, the applicant submitted a traffic survey detailing a requirement of vision lines of 120m in both directions and that maximum achievable distance is 110m (north) and 85m (south). The Planning Authority noted the entrance is existing and that the dwelling is habitable and could be lived in without any improvements. The Planning Authority concluded, having regard to the vision lines which can be achieved and upgrades proposed that the proposed development can be accommodated and will not impact negatively on traffic safety. In relation to the submitted NIS, the Planning Authority concurred with the findings of the report in their own assessment.
- The Planning Authority was satisfied that the response to the Request for Further Information was acceptable.

3.2.2. Other Technical Reports

- Area Roads Engineer - No response received.
- Environmental Health Officer – No objection, subject to conditions in relation to wastewater, water supply and drainage.

3.3. **Prescribed Bodies**

- An Taisce - No response received.
- Dept of Housing, Local Government and Heritage (Natural Heritage) - No response received.
- Heritage Council - No response received.

- Uisce Eireann - No response received.

3.4. Third Party Observations

3.4.1. One third party observation was received and the issues raised are similar to those in the appeal. Nevertheless, the issues raised are broadly summarised as follows:

- Refers to previous decisions to refuse permission.
- Vision line letters of consent are consistently required by Planning Authority to facilitate safe entrances onto the public road.
- There is a requirement for sightline permission letters of easement over property and this has not been provided to the applicant or this development.
- The extension is not in line with the current traditional character of the dwelling, especially its location in an Area of High Scenic Amenity.
- Third Party has use of a water well and a registered Right of Way within the site and close to the rear of the existing house.
- Pollution is a distinct possibility and there are public health concerns from the development.
- Existing service pipes over third party property are liable to damage and existing legal wayleaves will be compromised.
- The entrance is on a sweeping bend controlled with a continuous white line and is a danger to other road users.
- The site notice is not at the location stated on the Site Layout map.

4.0 Planning History

4.1.1. There is no planning history associated with the subject site. However, the following valid planning history is associated with the adjoining lands:

- 16/51162** Permission GRANTED for the construction of a new dwelling house with sewage treatment system and separate domestic garage and all associated site development works. Applicant: Colin Arnold.
- 18/51374** Application for the erection of a dwelling house with attached domestic garage, sewage treatment system and all associated site development works. Applicant: Stephen Arnold. Status: WITHDRAWN.

18/51375 Application for the erection of a dwelling house with attached domestic garage, sewage treatment system and all associated site development works. Applicant: Paul Arnold. Status: WITHDRAWN.

ABP-306050-19 (D.C.C. Ref. 19/50869) Permission REFUSED by An Bord Pleanála who overturned the decision of Donegal County Council for the erection of a dwelling house with attached domestic garage, sewage treatment system and all associated site development works. Applicant: Paul Arnold.

ABP-311109-21 (D.C.C. Ref. 21/51099) Permission REFUSED by An Bord Pleanála who overturned the decision of Donegal County Council for the construction of a dwelling with connected garage and septic tank. Applicants: Órlaith Nic Suibhne & Pól Mc Ártgal.

23/51072 Application for dwelling and garage with wastewater treatment system and all associated site works. Applicant: Pól Mc Ártgal. 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. 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 'Structurally Weak Rural Area'.

5.1.3. Chapter 6 relates to 'Housing' with section 6.3 having regard to Rural Housing. The following objectives and policies are considered to be relevant:

Objective 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.

Objective RH-O-5 To facilitate the positive re-use of existing vacant rural housing stock in the County to seek to prevent further deterioration and dereliction.

Policy RH-P-6 To consider proposals for the refurbishment, or replacement, or extension of an existing non-vernacular habitable dwelling for use as either a permanent dwelling or as a holiday home, subject to compliance with the terms of Policy RH-P- 9 below. The design, size, height and finishes of the finished dwelling must be of a scale and form such that the development integrates effectively into the host landscape.

Policy 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).

5.1.4. Chapter 8 of the Development Plan relates to 'Infrastructure' and contains policies and objectives in respect of residential development which are as follows:

Policy 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).

Policy 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*

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

Policy 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.

5.1.6. Map 11.1: 'Scenic Amenity' indicates the appeal site as being situated in an 'Area of High Scenic Amenity'. According to the definition contained in Chapter 11 of the Development Plan, these are *'landscapes of significant aesthetic, cultural, heritage and environmental quality that are unique to their locality and form a fundamental element of the landscape and identity of County Donegal. These areas have the capacity to absorb sensitively located development of scale, design and use that will enable assimilation into the receiving landscape and which does not detract from the quality of the landscape, subject to compliance with all other objectives and policies of the plan'*.

5.1.7. The following landscape objectives and policies are relevant to the proposal:

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

Policy L-P-2 To protect areas identified as 'High Scenic Amenity' and 'Moderate Scenic Amenity' on Map 11.1 'Scenic Amenity'. Within these areas, only development of a nature, location and scale that integrates with, and reflects the character and amenity of the landscape may be considered, subject to compliance with other relevant policies of the Plan.

5.1.8. Chapter 16 relates to 'Technical Standards' and contains specifications for dwellings such as surface water and roadside drainage, entrances and visibility.

5.2. Natural Heritage Designations

5.2.1. The appeal site is not located within any designated Natura 2000 sites. However, the appeal site is proximate to two designated sites, Lough Nillan Bog (Carrickatlieve) Special Area of Conservation and the Lough Nillan Bog Special Protection Area (Site Code: 004110) which are approximately 65 metres to the west. A number of other Natura 2000 sites are of note and include the following: the West of Ardara/Maas Road Special Area of Conservation (Site Code: 000197) located approximately 6.25km to the northwest; the Meenaguse/Ardbane Bog Special Area of Conservation (Site Code: 000172) which is located approximately 7.35km to the east; the Meenaguse Scragh Special Area of Conservation (Site Code: 001880) which is approximately 8.95km to the northeast; the Slieve Tooey/Tormore Island/Loughros Beg Bay Special Area of Conservation (Site Code: 000190) which is approximately 8.95km to the west; the Sheskinmore Lough Special Protection Area (Site Code: 004090) which is approximately 12.10km to the northwest; the Donegal Bay Special Protection Area (Site Code: 004151) which is approximately 12.15km to the south; the Donegal Bay (Murvagh) Special Area of Conservation (Site Code: 000133) which is approximately 12.20km to the southeast; the Tamur Bog Special Area of Conservation (Site Code: 001992) which is approximately 13km to the southeast; the Durnesh Lough Special Area of Conservation (Site Code: 000138) which is approximately 14.40km to the south; the Ballintra Special Area of Conservation (Site Code: 000115) which is approximately 14.60km to the south; the Lough Eske and Ardnamona Wood Special Area of Conservation (Site Code: 000163) which is approximately 14.85km to the southeast; the River Finn Special Area of Conservation (Site Code: 002301) which is approximately 14.85km to the northeast; and, the West Donegal Coast Special Protection Area (Site Code: 004150) which is approximately 14.95km to the west. In addition, the Lough Nillan Bog (Carrickatlieve) is also a pNHA (Site Code: 000165).

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

7.1.1. One Third Party appeal has been received in relation to the Planning Authority's decision to grant permission. The grounds of appeal are summarised as follows:

Sightlines

- Vision line consent letters are required by Planning Authority to facilitate safe entrances onto the public road.
- Given the road speed designation of 80km on the R-262, 160 metre sightlines are required in both directions. The Planning Authority reduced the requirements to 110 metres (north) and 84 metres (south) which will pose a major risk to traffic safety on this bend with a continuous white line.
- The dangers of this bend were flagged in previous applications with Reg. Ref. 18/51375 being withdrawn and ABP Refs. 306050 and 311109 being refused.
- There is a nearby Y-junction which is also dangerous, but nothing has been done to alleviate hazards.
- Regardless of vision line requirements, letters of consent would be required to allow maintenance of the vision line to the north over appellant's property.
- The subject dwelling has not been inhabited for a number of years and traffic movements have been non-existent.

Impact on Well and Pollution

- The GreenTrack report submitted at Further Information stage states that there are no wells with risk to this development but there is a drinking water well which appellant has use of along with a registered Right of Way on the site and pollution is a distinct concern due to proximity of development.
- The open land drain used from this site with a natural watercourse, flows directly toward the SAC and SPA with the previous risk, and greater, remaining. This concern was raised by An Bord Pleanála in a previous direction.
- The Planning Authority names 'Stephen Arnold in a report who has no connection with the above application or GreenTrack report.

Dwelling Design

- The nature of the extension and its size in relation to the original dwelling is not in keeping with the current traditional character, especially given its location in an Area of High Scenic Amenity long the Bluestack Way.

7.2. Applicant Response

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

Background

- The cottage was originally stone built with a thatched roof. Although currently vacant, the property has electricity, mains water and a septic tank.
- The cottage is on family lands and surrounded by family members which are close supports from a social and economic perspective.
- The basis of the objection centres on a family dispute.

Sightlines

- Maintenance of vision lines has been dealt with in previous applications. Consent was provided to the applicant's brother-in-law which cannot be removed and these vision lines are already maintained across the same extent of land. By default, there is no legal basis for the appellant to stop the maintenance of sight lines which already exist.
- The existing entrance has served the property for 150 years and would not cause a traffic hazard from to the extension/renovation. Requiring all existing housing stock in the country to comply with modern requirements is illogical.
- The nearby road junction has not had an incident in living memory. The implication that a junction for a 60kmph limit road 180 metres from the site would impact on an existing access is indefensible.
- The subject site is accessed regularly to enter sheds used for storage. The development would not result in an intensification of use of the entrance.

Well and Pollution

- The cottage was supplied from the well to the rear until connection to the public water supply. The appellant was given an easement for supply of water from this well should they wish to use it. This easement has never been acted upon as appellant also has an easement to a deep bored well.
- The appellant cleaned and restored the well in 2021 subsequent to a planning appeal. The well has been cleaned and painted subsequent to this current appeal. A photo from the Site Suitability Report, dated 2024, shows a poorly maintained well.
- The well had not been in use since 2001 when mains water became available and was not maintained until 2021 when the appellant cleaned and painted it despite making no use of it - except to include it with planning submissions.
- Due to well size, it could only serve the cottage with limited water. The applicant has no wish to cause any harm to the well and are content to retain it as a feature.
- The detached shed close to the well will be removed however, all other development will take place further from existing buildings. The replacement wastewater treatment system will be situated further from the well than existing septic tank. The NIS includes a robust set of mitigation measures to ensure best practice and protection for the well.
- The appellant's assertion that the replacement of an 80 year old septic tank with a modern wastewater treatment system will put the well and SAC at risk is without substance.
- The appellant's access to the well is currently the matter of a legal challenge and the appellant was prosecuted for criminal damage to the cottage in 2024.

Design

- The design brief was to utilise as much of the property as possible. The extension was sited to the south to avoid the well to rear of cottage. The design maximises southern aspect, increased separation distance from well and minimises site excavation.

- The extension is necessary to provide a home capable of housing a family to modern standards. While the cottage is habitable, it is not of scale or design which lends itself to house a family. The extended dwelling will have 3 no. bedrooms and provide adequate living and cooking space.
- The design is both considered and sympathetic to the cottage and consistent with Development Plan policy for re-use of vacant buildings.

7.3. Planning Authority Response

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

- This is the third application made by the applicant and the third to be appealed by the third party.
- The applicant and family wish to reside in proximity to parents and other family members. Land is limited and deemed unsuitable for effluent treatment so the proposal is to renovate the existing dwelling and upgrade the wastewater treatment.
- The dwelling is habitable and could be resided in without the need for planning permission. An extension could be built as exempted development to the rear and no improvements made to the entrance, effluent treatment or potential impacts on the Lough Nillan Bog SPA and Lough Nillan Bog (Carrickatlieve) SAC.
- The proposed extension provides for the re-use of the dwelling and it is anticipated that little of the extension will be seen from public view.
- The septic tank will be decommissioned and a packaged wastewater treatment system will be installed. The EHO examined the proposal and found it to be appropriate.
- A Natura Impact Statement (NIS) was carried out and screening was conducted by the Planning Authority which concurred with the outcome of the NIS. The Commission is asked to accept an incorrect name as a typing error.
- In relation to visibility, it is noted that this is an existing dwelling that can be inhabited without change. A traffic survey carried out as part of the application indicates that 120 metre sightlines are required. The application details vision lines

of 110 metres to the north and 104 metres to the south. The Planning Authority is satisfied that visibility is acceptable and the entrance improvements enhance safety for all road users.

- The proposal complies with rural housing policies RH-P-6 and RH-P-9 of the Development Plan.
- The applicant and family are considered to have clearly demonstrated a need to live at this location – a social need to be close to family members and an economic need based on family business.
- In an area of rural deprivation, the opportunity to create a permanent family home is essential to maintain rural community and business. In any case, the family could reside in the subject dwelling immediately.

7.4. Observations

- None.

8.0 Assessment

Having examined the application details and other associated documentation on file, the third party appeal, the response of the applicant, the response of the Planning Authority, 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:

- Siting & Design
- Access & Sightlines
- On-site Well
- Drainage & Wastewater Treatment
- Appropriate Assessment (Screening).

8.1. Siting and Design

8.1.1. The appellant considers that the nature and size of the extension in relation to the original dwelling is not in keeping with the current traditional character and notes the setting of the site in an Area of High Scenic Amenity along the Bluestack Way.

- 8.1.2. In considering the policy provisions of the Development Plan, I note that Policy RH-P-6 relates specifically to the 'Refurbishment/Replacement/Extension of Existing Non-Vernacular Dwellings'. This policy states that proposals for the refurbishment or extension of existing non-vernacular habitable dwellings for use as a permanent dwelling will be considered subject to the terms of Policy RH-P-9 (Location, Siting and Design and Other Detailed Planning Considerations) and that the design, size, height and finishes must be of a scale and form such that the development integrates effectively into the host landscape. In accepting the relevance of Policy RH-P-9, I note policy is primarily guided towards individual dwellings but encompasses refurbishment, replacement and/or extension projects. Proposals shall be designed in a manner that is sensitive to the integrity and character of rural areas and that the development assimilates into the receiving landscape through best practice regarding siting, location and design of rural housing. The key criterion seeks to avoid the creation/expansion of a suburban pattern of development; shall not be detrimental to the amenity of the area or of other rural dwellers or constitute haphazard development; and shall not be prominent in the landscape. Additionally, parameters for assessment include avoiding adverse impact on Natura 2000 sites or designated habitats/protected areas and views/prospects; site access/egress; the safe and efficient disposal of effluent and surface waters; and, compliance with flood risk management.
- 8.1.3. The proposal seeks to renovate and modify the existing cottage (62.4sq.m). The cottage will be revised from an indicated 2-bed house with sitting room, kitchen and bathroom to an en-suite bedroom, utility and lobby. The proposed single storey extension is situated entirely to the south/southeast of the cottage and will have a floor area 166sq.m which will result in an overall total floor area of 228.4sq.m. The extension is generally rectangular in shape with two small projections. Internally, the extended area will comprise a kitchen/dining/living area, sitting room, office, bathroom and two bedrooms (including an en-suite). The extension will have a pitched roof with a height of 5.96 metres.
- 8.1.4. While I note the floor area of the proposed extension represents a significant increase of the floor area of the existing cottage, I am cognisant that the existing cottage is quite modest in size and I further note that there are no prescribed floor area limitations on domestic extensions contained in the Development Plan. The proposal will refurbish the existing cottage with the original style, height and form being unchanged. The

single storey extension will enable the new works to be read in association with the cottage whilst the layout/orientation of the extension will be largely confined to the rear (south-east) of the cottage.

8.1.5. Accordingly, it is my opinion that the proposed extension would secure the viability of the dwelling into the future in a manner that is conducive to modern family living. I further consider that the principle of the residential extension to be acceptable and consistent with the parameters pertained in the County Donegal Development Plan 2024-2030 insofar as it relates to residential-type development. As a further point, I am also satisfied, having regard to the location, design and layout that the proposed development would not give rise to any undue diminishment of the landscape or impact on residential amenities of existing neighbouring properties, particularly in terms of overlooking, loss of privacy or overshadowing/loss of light.

8.2. Access & Sightlines

8.2.1. The appellant considers that Letters of Consent are required to facilitate safe entrances onto the public road and that such consent has not been provided over their property. The appeal also states that the Planning Authority reduced the sightline requirements from 160 metres in both directions. It is also the contention of the appellant that the development would pose a major risk to traffic safety on the road network. The applicant's response to the grounds of the appeal states that the maintenance of vision lines has been dealt with previously as consent was provided to a brother-in-law of the applicant (to the south of the appeal site) which is already maintained across the same lands and therefore cannot be removed. It is also contended by the applicant that the entrance is long established at this cottage and the extension works would not result in an intensification of use.

8.2.2. In considering the subject development, I firstly refer to the planning history in the immediate vicinity of the appeal site and note that An Bord Pleanála refused planning permission to the applicant(s) for a new dwelling under ABP-306050-19 and ABP-311109-21 on the basis of endangerment to public safety by reason of traffic hazard. It was deemed in both cases that the proposed dwelling and new vehicular entrance would result in a material intensification of traffic movements onto the regional road network which has a speed limit of 80kmph and is served by a continuous white line. Notwithstanding the previous decisions in relation to traffic safety considerations, it is

my view the subject development is materially different to the previous applications on adjoining lands insofar as it relates to the renovation/extension/modifications of an existing dwelling which is served by an existing entrance and therefore, the subject development must be considered on its own merits.

8.2.3. In respect of the matter of consent for sightlines, I note the contents of the appeal file which indicates that the appellant previously gave consent to the applicant's brother-in-law to provide/maintain unobstructed sightlines in relation to their vehicular access to the immediate south of the appeal site. The development subject to this appeal is situated between the appellant's property (to the north) and the house of the applicant's brother-in-law (to the south). As such, the northward sightlines for the neighbouring property to the south already traverse over the appeal site and has been agreed to previously. I am of the view that the appellant cannot oppose the subject proposal in terms of consent for sightlines when they have agreed to providing/maintaining unobstructed sightlines for a development which is within this same line of vision.

8.2.4. The appeal site is currently served by an existing vehicular entrance onto the R-262 and the applicant seek to improve this existing entrance to enhance access. Chapter 16 of the Development Plan relates to Technical Standards and provides details on entrances and sightlines. There is provision for deviations from the vision lines/stopping sight distance requirements to be considered once entrances can be designed and constructed in accordance with the DMRB/DMURS as appropriate. The Traffic Study submitted on foot of the Request for Further Information states that the maximum achievable vision lines are 110 metres to the north and 84.6 metres to the south (nearside of the road) which increase to 104 metres on farside of road (for oncoming traffic). The study contains records of the speeds and traffic count (25 no. vehicles over a 1-hour period on Friday 14th March) at the site. The report states an average speed of 58.85kmph which translates to an average speed of 69.23 kmph when taking into account the 85th percentile. According to the study, the average speed indicates that vision lines of between 90 metres -120 metres are acceptable. The Planning Authority deemed the achievable vision lines to be acceptable given that the existing dwelling is fit for occupation and that the existing entrance is to be upgraded as part of general improvements.

8.2.5. During my inspection of the appeal site, I observed the R-262 along the site and noted that the road follows an elongated bend which sweeps from north to south. There are 5 no. vehicular entrances serving 5 no. residences (including the subject site) over a distance of approximately 160 metres. I acknowledge that visibility from the existing entrance on the appeal site is limited on account of this long bend which prohibits the achievement of 160 metre sightlines in both directions to the nearside of the road edge. Notwithstanding, I note that the vehicular entrance serving the cottage is existing and I am satisfied that visibility to the front of the appeal site would be improved by reason of the altered access arrangement proposed. In this regard, I would have no objection to a relaxation of sightlines and that the residential extension to the existing cottage would not generate any significant intensification that would result in a traffic hazard. As a further point, I note that the Y-junction as referred by the appellant is some 200 metres to the south of the existing site entrance. Given the arrangement of this junction as a local road meeting a regional road and given that vehicles are required to stop prior to turning onto the R-262, I do not consider that the proposal would create any traffic issues or impacts on this road junction.

8.3. On-Site Well

8.3.1. The grounds of appeal refer to a water well located to the immediate rear of the existing cottage which the appellant has a registered Right of Way/easement to use. The appellant also raises concerns about potential risks of pollution to this well on account of the proximity of the proposed works. The applicant's response to the appeal acknowledges that the appellant has an easement to use the well but states that the appellant's access to the well is currently the matter of a legal challenge. It is further claimed by the applicant that the well has not been in active use since mains water supply was provided in the area but that the appellant has cleaned and painted the well so as to refer to it as part of planning submissions. In terms of pollution risks, the applicant has countered by indicating that the extension works have been sited to the south, away from the well, so as to not impact on it and that the replacement wastewater treatment system will be sited further away from the well than the existing septic tank.

8.3.2. In considering the grounds of appeal, I note that any legal disputes arising over existing rights of easement or access to the well is a civil matter to be resolved between the respective parties, having regard to the provisions of Section 34(13) of the Planning

and Development Act 2000, as amended. To this end, I also refer to Section 5.13 of the Development Management Guidelines for Planning Authorities (2007) which states that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land and these are ultimately matters for resolution in the Courts. As such I do not consider that it is necessary for the Commission to comment further on the well in this specific context.

8.3.4. Having regard to the proposed works and potential impacts on the existing well, I acknowledge that the design of the extension is such that there are no new works proposed works at the location of the well and the new build is sited to the southeast of the cottage which is away from the well. I also note that the applicant has indicated that the well is to be retained on site as a feature so as to not interfere with it. Additionally, I am satisfied that the proposed wastewater treatment system is to be located to the southwest of the well and will be beyond the extended area as well as being downgradient of the existing well. Moreover, as indicated by the applicant, the new wastewater treatment system will be further from the well than the existing septic tank which is to be decommissioned. Having regard to the above, I am satisfied that the proposed development would not have an adverse impact on the existing well.

8.4. Drainage & Wastewater Treatment

8.4.1. I note that pollution concerns have been raised by the appellant in relation to the existing well and the Natura 2000 network from the proposed wastewater treatment and site drainage. The appellant has referred to previous decisions by An Bord Pleanála to refuse permission on these matters.

Water Supply

8.4.2 In terms of water supply, the applicant has indicated that water supply will be via connection to the public water mains. No response was received on file from Uisce Eireann in terms of capacity or constraints. Therefore, I 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/storm water drainage, the applicant has indicated that surface water from hardstanding areas will be collected by new drains and directed into

existing open land drain. In addition, silt/petrol separators through which surface water will pass before discharge to the land drain will reduce sediments and oils. On balance, I consider the proposed surface water drainage is a satisfactory arrangement given the nature of the proposed works and I do not consider that the drainage method would give rise to any significant run-off risk down gradient towards the public road or adjoining lands, including the Natura 2000 network to the west.

Wastewater Treatment

- 8.4.4. With respect to wastewater treatment, the existing septic tank is to be decommissioned, and a new system will be installed on the site. A Site Suitability Assessment Report (SSAR) was submitted with the appeal file and I have had regard to same. In terms of assessment, the SSAR indicates the aquifer category as being 'Poor' and having a 'Moderate' 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'*.
- 8.4.5. The SSAR states a 2.0 metre deep trial hole was dug and that the water table was encountered at 1.40 metres and the bedrock was encountered at 2.0 metres. The soil/sub-soil is classified as gravelly silt/clay (with small cobbles and silt) at between 0.1m – 0.6m, gravelly silt/clay (with peat and silt gravel) at between 0.6m – 1.4m. The soil structure was detailed as structureless in the top layer before becoming blocky. The surface test result is indicated at 49.45 and no sub-surface result is listed. The comments on the results recommend a Tertiary Treatment System and Infiltration/Treatment Area with discharge to groundwater. This system is to be located to the southwest of the existing dwelling and septic tank, proposed new extension and will also be some 25-30 metres from the existing well which is located to the rear of the cottage.
- 8.4.6. The proposed system will send treated wastewater to a tertiary treatment unit before discharging to a gravel distribution layer which is indicated as being in accordance with 'Tertiary Treatment Systems receiving Secondary Treated Effluent' of the EPA's

Code of Practice. The SSAR details that the infiltration area is 75sq.m 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 consider the sizing of the infiltration area to be in accordance with the EPA's Code of Practice. The SSAR also indicates that additional measures such as discharge of surface water beyond the proposed system and the creation of new land drains upgradient of the system to protect it from run-off.

8.4.7. Overall, the ground conditions as observed and reported are indicative of poorly draining soils and a high water table. In my view, there may be a hydraulic constraint on the site with water going to the ground which demonstrates complexities with treatment of domestic wastewater in these conditions. I also note that previous applications for new dwelling(s) on adjoining lands have been refused by An Bord Pleanála in part due to concerns in respect of effluent treatment. That said, I note that this development, which relates to the renovation and extension of an existing dwelling, seeks to upgrade the existing septic tank on the lands with a modern wastewater treatment system. Based on the information on file, I am satisfied that the proposed wastewater treatment system could appropriately treat effluent arising from the subject development in accordance with the EPA Code of Practice and would not result in threat to public health or the environment. Accordingly, I am of the view that the subject development would be in accordance with the County Donegal Development Plan 2024-2030, namely Policies WW-P-2 and WW-P-6.

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. On balance, I also consider that the proposed wastewater treatment arrangement is acceptable given that the proposal seeks to decommission an existing septic tank and replace it with a new tertiary treatment system.

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 the Lough Nillan Bog (Carrickatlieve) SAC and Lough Nillan Bog 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 Lough Nillan Bog (Carrickatlieve) SAC and Lough Nillan Bog 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 Lough Nillan Bog (Carrickatlieve) SAC and Lough Nillan Bog 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 Lough Nillan Bog (Carrickatlieve) SAC and Lough Nillan Bog 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 renovation, extension and internal modifications of an existing dwelling; and the decommissioning of an existing sewage system and installation of new wastewater treatment system. The impact of the proposed development in terms of the Water Framework Directive is set out in Appendix 4 of this report. The appeal site contains a modest cottage with associated

curtilage. The site slightly elevated above the public road and the lands rise gently from west to east. The subject development is indicated as connecting to the existing services network in respect of water supply and that surface water will discharge to an open drain via a series of drainage measures. In terms of wastewater, the development will decommission an existing septic tank and provide a new tertiary treatment system. The appellant has raised concerns in relation to pollution in relation to the existing on site well and impacts on the nearby SAC and SPA via drains on the site.

- 10.2. The appeal site is situated in a rural area and is approximately 65 metres from the Lough Nillan Bog (Carrickatlieve) SAC and Lough Nillan Bog SPA. The nearest watercourse is located approximately 65 metres to the west of site and this outflows close by to another watercourse named on EPA data as the 'Tamur 38'. This watercourse flows northward approximately 750 metres before joining the Meenacahan and subsequently joins a watercourse named the 'Owentocker_10'. The watercourses are indicated as having a 'High' WFD status which is indicated as being 'Not at 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 4 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 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 GRANTED for the reasons and considerations outlined below.

12.0 Reasons and Considerations

12.1. Having regard to the provisions of County Donegal Development Plan 2024-2030, the location of the subject development in a rural area, the nature and scale of the proposed development and its relationship with the existing cottage on the site and the surrounding area, it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable and would be in keeping with the pattern of development in the area, would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of design, public health and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 27th November 2024 and 31st March 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS) shall be implemented.

Reason: To protect the integrity of European Sites.

3. The existing dwelling and extensions shall be jointly occupied as a single residential unit and the extensions shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

4. The amended vehicular access, including provision of visibility splays, setbacks and roadside drainage, shall comply fully with the requirements of the planning authority for such works and services and the details of which shall be agreed in writing prior to the commencement of development.

Reason: In the interest of traffic safety and to prevent flooding and pollution

5. The disposal of surface water shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

6. Prior to the commencement of development, the applicant shall enter into a Connection Agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and include any specific requirements if appropriate.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

7. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with the application on 27th November 2024 and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) " – Environmental Protection Agency, 2021.

(b) Treated effluent from the wastewater treatment system shall be discharged to the infiltration area which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.

(c) Within three months of the completion of the development, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the EPA document referred to above.

(d) The existing septic tank shall be decommissioned and removed in accordance with the standards set out in the EPA document referred to above

Reason: In the interest of public health and to prevent water pollution.

8. A comprehensive landscaping and boundary scheme shall be submitted to and agreed in writing with the Planning Authority, prior to commencement of development. This scheme shall include the following:

(a) Details of all landscaping along with proposed locations of trees and/or other landscape planting in the development, including details of proposed species, settings and any trees to be removed/retained; and,

(b) Details of boundary treatments at the perimeter of the site.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme. All landscaping works shall be completed, within the first planting season following commencement of development, in accordance with landscape drawings submitted to the Planning Authority. Any trees and hedging which die, are removed or become seriously damaged or diseased, within a period of 2 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interest of visual amenity.

9. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

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

11th September 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-322694-25
Proposed Development Summary	(1) Teach cónaí atá ann cheana a leathnú agus a athchóiriú le leasuithe ingearchlónna agus (2) an dabhach séarachais atá ann cheana a dhíchoimisiúnú agus córas nua cóireala séarachais a shuiteáil agus na hoibreacha forbartha go leir a bhaineann leo
Development Address	Mínacathan, Inbhear, Co. Dhún Na Ngall
	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: 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 the renovation, extension and internal modifications of existing dwelling and decommissioning of the existing sewage system and installation of new wastewater treatment system.
Brief description of development site characteristics and potential impact mechanisms	<p>The proposal comprises the extension and modification of a cottage and replacement wastewater treatment system along with all ancillary site works. The subject site has an indicated area of 0.34 hectares which is located in a rural area of County Donegal. The site is indicated as having access to water but there is no public foul or surface water sewer available.</p> <p>The proposal is located in proximity to the Lough Nillan Bog (Carrickatlieve) SAC and the Lough Nillan Bog SPA are approximately 65 metres to the west. Given the location of the appeal site, 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 open land drain from the site which flows directly toward the SAC and SPA and therefore results in risks of pollution.
Step 2. Identification of relevant European sites using the Source-pathway-receptor model	
<p>The European Sites potentially within a zone of influence of the proposed development are listed in the table below.</p>	

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
Lough Nillan Bog (Carrickatlieve) SAC (Site Code: 000165)	Lough Nillan Bog (Carrickatlieve) SAC National Parks & Wildlife Service	65m	Yes. Potential source-pathway-receptor from site	Yes
Lough Nillan Bog SPA (Site Code: 004110)	Lough Nillan Bog SPA National Parks & Wildlife Service	65m	Yes. Site is in close proximity and may cause disturbance to species. There is also a potential source-pathway-receptor from site.	Yes
West of Ardara/Maas Road SAC (Site Code: 000197)	West of Ardara/Maas Road SAC National Parks & Wildlife Service	6.25km	Tenuous S-P-R connection via surface water to watercourse. Hydrological connection is c. 13km.	No
Meenaguse/Ardbane Bog SAC (Site Code: 000172)	Meenaguse/Ardbane Bog SAC National Parks & Wildlife Service	7.35km	It is not considered that there is direct or indirect connectivity.	No
Meenaguse Scragh SAC (Site Code: 001880)	Meenaguse Scragh SAC National Parks & Wildlife Service	8.95km	It is not considered that there is direct or indirect connectivity.	No
Slieve Tooley/Tormore Island/Loughros Beg Bay SAC (Site Code: 000190)	Slieve Tooley/Tormore Island/Loughros Beg Bay SAC National Parks & Wildlife Service	8.95km	It is not considered that there is direct or indirect connectivity.	No
Sheskinmore Lough SPA (Site Code: 004090)	Sheskinmore Lough SPA National Parks & Wildlife Service	12.10km	It is not considered that there is direct or indirect connectivity.	No
Donegal Bay SPA (Site Code: 004151)	Donegal Bay SPA National Parks & Wildlife Service	12.15km	It is not considered that there is direct or indirect connectivity.	No
Donegal Bay (Murvagh) SAC (Site Code: 000133)	Donegal Bay (Murvagh) SAC 	12.20km	It is not considered that there is direct	No

	National Parks & Wildlife Service		or indirect connectivity.	
Tamur Bog SAC (Site Code: 001992)	Tamur Bog SAC National Parks & Wildlife Service	13km	It is not considered that there is direct or indirect connectivity.	No
Durnesh Lough SAC (Site Code: 000138)	Durnesh Lough SAC National Parks & Wildlife Service	14.40km	It is not considered that there is direct or indirect connectivity.	No
Ballintra SAC (Site Code: 000115)	Ballintra SAC National Parks & Wildlife Service	14.60km	It is not considered that there is direct or indirect connectivity.	No
Lough Eske and Ardnamona Wood SAC (Site Code: 000163)	Lough Eske and Ardnamona Wood SAC National Parks & Wildlife Service	14.85km	It is not considered that there is direct or indirect connectivity.	No
River Finn SAC (Site Code: 002301)	River Finn SAC National Parks & Wildlife Service	14.85km	It is not considered that there is direct or indirect connectivity.	No
West Donegal Coast SPA (Site Code: 004150)	West Donegal Coast SPA National Parks & Wildlife Service	14.95km	It is not considered that there is direct or indirect connectivity.	No

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

The proposed development is located in close proximity to two designated European Sites, the Lough Nillan Bog (Carrickatlieve) SAC (Site Code: 000165) and Lough Nillan Bog SPA (Site Code: 004110) 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 West of Ardara/Maas Road SAC, Meenaguse/Ardbane Bog SAC, Meenaguse Scragh SAC, Slieve Tooley/Tormore Island/Loughros Beg Bay SAC, Sheskinmore Lough SPA, Donegal Bay SPA, Donegal Bay (Murvagh) SAC, Tamur Bog SAC, Durnesh Lough SAC, Ballintra SAC, Lough Eske and Ardnamona Wood SAC, River Finn SAC and West Donegal Coast SPA 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 through 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: Lough Nillan Bog (Carrickatlieve) SAC (Site Code: 000165) Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Blanket bogs (*if active bog) [7130]	<p>Negative impacts on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution.</p> <p>Water pollution at operational stage via run-off of discharge and wastewater discharge.</p>	<p><u>Examples:</u></p> <p>Potential for indirect effects on habitat loss/fragmentation, disturbance and pollution resulting in a deterioration in water quality and/or habitat degradation.</p> <p>Potential release of hydrocarbons and/or other chemicals during construction phase via spillage which may impact on water dependent habitats.</p> <p>Potential spread of invasive species associated 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
Site 2: Lough Nillan Bog SPA (Site Code: 004110) Merlin (Falco columbarius) [A098] Golden Plover (Pluvialis apricaria) [A140] Greenland White-fronted Goose (Anser albifrons flavirostris) [A395] Dunlin (Calidris alpina schinzii) [A466]	<p>Water pollution at operational stage via run-off of discharge and wastewater discharge.</p> <p>Increased disturbance at this site from human activity particularly during construction phase.</p>	<p><u>Examples:</u></p> <p>Potential S-P-R via surface water run-off which likely discharges into the Meenacahan stream</p> <p>Disturbance during construction from noise/dust/vibration.</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	

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

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 Lough Nillan Bog (Carrickatlieve) SAC and Lough Nillan Bog 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.

Based on the information provided in the submitted Natura Impact Statement (NIS), having conducted a site visit, having reviewed of the conservation objectives, 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 Lough Nillan Bog (Carrickatlieve) SAC and Lough Nillan Bog SPA.

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 Lough Nillan Bog (Carrickatlieve) SAC and Lough Nillan Bog 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 in proximity to the Lough Nillan Bog (Carrickatlieve) SAC and Lough Nillan Bog SPA and potential connectivity between the site and these 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 3: Appropriate Assessment (AA) and Appropriate Assessment Determination

Appropriate Assessment (ABP-322694-25)

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.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of the renovation, extension and modifications of an existing dwelling and decommissioning of existing sewage system and installation of new wastewater treatment system in view of the relevant conservation objectives of the Lough Nillan Bog (Carrickatlieve) SAC and Lough Nillan Bog SPA based on scientific information provided by the applicant.

The information relied upon includes the following:

- Natura Impact Statement prepared by Greentrack Environmental Consultants.
- The other plans and particulars submitted with the application.

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am 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.

Submissions/observations

- The third party raised concerns about risks from the open land drain to be used by the site which flows directly toward the SAC and SPA and refers to previous determinations made by An Bord Pleanála in assessing proposals for a dwelling on adjoining lands.
- The assessment of the Planning Authority noted the sites location in proximity to the the Lough Nillan Bog (Carrickatlieve) SAC and Lough Nillan Bog SPA and noted the contents of the Natura Impact Statement (NIS) submitted with the application. The Appropriate Assessment Screening undertaken by the Planning Authority concluded that subject to compliance with all proposed mitigation measures, the proposed development individually or in combination with other plans/projects will have not a significant effect on the abovenamed European Sites.

European Sites

Lough Nillan Bog (Carrickatlieve) SAC (Site Code: 000165):

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

- (i) Water quality degradation (construction and operation)

See Section 7 in NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures (summary) (Please see Section 7 of the submitted NIS)
Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]	To maintain the favourable conservation condition of Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) in Lough Nillan Bog (Carrickatlieve) SAC	<p>Habitat is approximately 65m from the site.</p> <p>Potential surface water pathway exists from site to SAC as surface water follows topography. There is a secondary pathway via groundwater.</p> <p>These pathways could introduce water bearing silt, nutrients or pollutants which could negatively affect water quality.</p> <p>Construction stage run-off (including physical disturbance of soil, surface water and foul water run-off) resulting in sediment entering the SAC complex with associated changing water quality.</p> <p>At operation stage, there are two sources – operational surface water run-off and percolated wastewater from the DWWTS.</p>	<p>Best construction methods to prevent spillages of fuel/oils/concrete/cement etc.</p> <p>Good construction site hygiene employed to prevent introductions of invasive species.</p> <p>Best site practice regarding noise limits and dust emissions.</p> <p>Erection of silt fencing the area that will be excavated and protective management of material storage.</p> <p>Surface water run-off will be treated via serviced sediment/oil interceptor trap prior to discharge into drainage channel that flows toward/into the Natura 2000 sites.</p> <p>Appropriate decommissioning of septic tank.</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>
Blanket bogs (* if active bog) [7130]	To restore the favourable conservation	As above.	As above.

	condition of Blanket bogs in Lough Nillan Bog (Carrickatlieve) SAC		
Lough Nillan Bog SPA (Site Code: 004110): Summary of Key issues that could give rise to adverse effects: (i) Water quality degradation (construction and operation) (ii) Disturbances (iii) Invasive Species See Section 7 in NIS			
Qualifying Interest features likely to be affected	Conservation Objectives Targets attributes and	Potential adverse effects	Mitigation measures (summary) (Please see Section 7 of the submitted NIS)
Merlin (Falco columbarius) [A098] Golden Plover (Pluvialis apricaria) [A140] Greenland White-fronted Goose (Anser albifrons flavirostris) [A395] Dunlin (Calidris alpina schinzii) [A466]	To MAINTAIN and RESTORE the Favourable conservation condition of the respective QIs in Lough Nillan Bog SPA.	Potential risk to water quality in SPA from pollution via surface run-off and diffuse pollution from DWWTS. The species are sensitive to disturbance during site works. Introduction of invasive species.	Mitigation measures as listed in previous section are also all applicable to this SPA.
<p>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.</p> <p>I note that 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.</p> <p>I further note that the subject site, due to its setting as an existing residence, would be unlikely to result in significant impacts such as direct disturbance or damage to the habitat of listed</p>			

bird species but that measures in terms of construction works and noise/dust emissions 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 Qualifying Interests habitats and species within the European Sites.

Failure of surface water drainage infrastructure could lead to uncontrolled run-off of captured waters resulting in sediment or oil laden runoff entering the pathways to European Sites.

Failure of foul water drainage pipework could lead to leaks of high nutrient wastewater which due to proximity could enter the Meenacahan stream through the identified drainage channels.

Pollution incidents from spillages, hazardous material mismanagement, improper storage leading to pollutants suspended in surface water entering pathway to the European Sites.

Dust build-up in/around the site has potential to be washed/blown into the European Sites during heavy rains which could contribute to nutrient enrichment and sedimentation, causing a decline in water quality and habitat quality.

Mitigation measures and conditions

- Erection of silt fencing around areas to be excavated to avoid diffuse pollution of sediment. Trapped silt to be removed regularly during construction.
- Provision of bunded storage areas, spoil materials to be covered, refuelling to occur in designated space with spill kits available on site and training for personnel.
- Cement and concrete to be carefully managed to avoid spillage and entry to water-courses.
- Utilisation of dust suppression techniques.
- Surface water from hardstanding areas must be collected via drains and directed towards the proposed storm drain which must be fitted with a class 1 bypass separator as specified. Storm water infrastructure must be inspected regularly by suitably qualified personnel.
- Existing septic tank to be desludged by licenced professional contents removed off-site to a licenced waste facility. The existing septic tank to be removed off-site to a licenced waste facility once desludged.
- 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

Disturbance to local wildlife and nuisances to species from human activity.

Mitigation measures and conditions

- Plant used at the site must have noise emission levels that comply with the limiting levels defined in EC Directive 86/662/EEC.
- Any plant that is used intermittently must be shut down when not in use to minimise noise levels.
- Best site practices with regards to noise (hours of operation and sound reduction)

(iii) Spread of invasive species

No species were identified on the site. However, the importation of material containing viable invasive species fragments (via fill material or machinery) could lead to establishment of invasives on site or in adjacent habitats.

Mitigation measures and conditions

- Follow best practice with regard to biosecurity.
- Validate the source of material so that it is free from invasive species.
- 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 during the construction phase would be temporary in nature and mitigation measures as described will prevent impact to water quality. 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 Lough Nillan Bog (Carrickatlieve) SAC and Lough Nillan Bog 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 Lough Nillan Bog (Carrickatlieve) SAC and Lough Nillan Bog 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 Lough Nillan Bog (Carrickatlieve) SAC and Lough Nillan Bog 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 Lough Nillan Bog (Carrickatlieve) SAC and Lough Nillan Bog 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 4: 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.	322694	Townland, address	Meenacahan, Inver, Co. Donegal
Description of project		The subject development comprises the renovation and extension and internal modifications of existing dwelling; and, the decommissioning of the existing sewage system and installation of new wastewater treatment system.	
Brief site description, relevant to WFD Screening,		The site is located at an existing cottage within the rural area of Meenacahan in Co. Donegal Land is slightly elevated above the public road and slope gently in an east to west direction. The site is located approximately 65 metres to the east of the Lough Nillan Bog (Carrickatlieve) SAC and Lough Nillan Bog SPA (European Sites). The aquifer category is stated as being poor and as having a moderate groundwater vulnerability. There is an open drain (indicated as a sheough) along the front (western) boundary of the site. The nearest watercourse is located approximately 65 metres to the west of site.	
Proposed surface water details		Surface water will be collected via drains and directed to a storm drain which will discharge to open drain.	
Proposed water supply source & available capacity		Mains water connection	
Proposed wastewater treatment system & available capacity, other issues		Decommission existing septic tank and install new packaged wastewater treatment system with percolation area and infiltration 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	65m to the west	Tamur 38/ Owentocker _10	High	Not at risk	None identified	Potential run-off from the wastewater treatment system and surface water drainage.	
Groundwater Waterbody	Underlying site	Northwest Donegal	Good	Not at risk	No pressures	Potential run-off from the wastewater treatment system and surface water.	
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	Tamur 38/ Owentocker _10	Via sloping lands and open drains on site which outflow towards the watercourse.	Run-off during site works, hydrocarbon spillages	Mitigation proposed in NIS submitted with application. Standard Construction	No	Screened out

					Measures / Conditions		
2.	Ground	Northwest Donegal Groundwater body	Pathway exists but poor drainage characteristics	Spillages	As above	No	Screened out
OPERATIONAL PHASE							
3.	Surface	Tamur 38/ Owentocker _10	Open drains exist on site which likely connect to watercourses The nearest watercourse is approx. 65 metres to the west of the site.	Potential transmission from inadequately treated waste water. Failure of SUDs/drainage features	Mitigation as proposed in the NIS submitted.	No	Screened out
4.	Ground	Northwest Donegal Groundwater body	Soil conditions indicates poor drainage characteristics, however a pathway exists to groundwater.	Potential transmission from inadequately treated wastewater.	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