



An
Coimisiún
Pleanála

Inspector's Report ACP-322909-25

Development	Change of use and part retention and completion of existing commercial unit to facilitate a commercial vehicle roadworthiness test centre and all ancillary works.
Location	Tonyhabboc, Newtowncunningham, Lifford Po, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2560690
Applicant	David Mc Dermott
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellants	Donna McCorkell
Observers	None
Date of Site Inspection	22 nd September 2025
Inspector	Jim Egan

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1.0 Site Location and Description

- 1.1. The site, with a stated area of c. 1.390ha, is located at the eastern end of the L8141 local road, adjacent to its junction with the N13 national primary road in the townland of Tonyhabboc, c. 2km northeast of Newtowncunningham village centre, County Donegal.
- 1.2. Apart from the site itself, the surrounding area is rural in nature. The L8141 runs west and southwest from its junction with the N13, providing access to the appeal site along with farmland and rural dwellings, before connecting back onto the N13 c. 1km to the southwest, adjacent to the urban edge of Newtowncunningham village.
- 1.3. The site comprises two commercial buildings, the larger of the two, being the building that is subject to this appeal, is located at the rear / northeastern end of the site, with the smaller building fronting the L8141 at the southwestern corner. The remainder of the site comprises gravelled access ways and hardcore surfaces around the perimeter of the larger building. Access to the rear of the appeal site and larger commercial building is via a relatively narrow tract of land along the northern boundary.
- 1.4. The larger commercial building, subject to this appeal, comprises six bays, each with a front and rear roller shutter door. Whilst the application seeks permission to complete the building, I observed during a site inspection that the building is fully constructed as per the submitted drawings, albeit the area of hardcore surface appears to be much larger in area compared to that shown on the site layout plan. I observed that a vehicle roadworthiness test centre (VRCT) is operating out of the two bays on the eastern end of the building, with the remaining bays appearing to be in use for vehicle repair.
- 1.5. During the site inspection, I also observed that the smaller commercial building, fronting the L8141, is being used for vehicle repair / mechanics.
- 1.6. The site has two entrance points on the L8141, located either side of the smaller commercial building. During a site inspection, I observed that the entrance on the eastern end is used for both access and egress, whilst the western entrance had a locked gate, thus not in use.
- 1.7. The site is bounded to the east, north and west by agricultural land and to the south by the N13. Apart from a log cabin style dwelling located on land enclaved by the

appeal site, for which the planning status is unclear, the closest dwelling is c. 65m to the west. Boundaries to the appeal site comprise a mature hedge / tree line along the N13, hedgerow boundary to the east, post and wire fence to the west and an open boundary to the north.

2.0 Proposed Development

- 2.1. Planning permission is sought for a change of use and part retention and completion of an existing commercial unit to facilitate a Commercial Vehicle Roadworthiness Test (CVRT) Centre, and all ancillary works.
- 2.2. The extension comprises an additional c. 6.6m wide bay on the eastern end of the building with a reception / office and customer waiting room area annexed to the side, and a relatively minor extension to an existing annex on the western side of the building to provide additional office space and ESB / plant rooms. The extension has a total area of c. 285sq.m, bringing the building to a total floor area of c. 1,525sq.m.
- 2.3. Comparing the site plan with previously approved development on the site, the additional ancillary works in this case appear to comprise a network of footpaths along the existing internal access track and signage associated with the proposed CVRT use.
- 2.4. Whilst not included in the public notices, the applicant also proposes to increase the capacity of an existing septic tank, to comprise increasing the septic tank from a holding capacity of 3,500 litres to 7,000 litres and increasing the percolation area from 108 linear metres of percolation pipe to 180 linear metres, all to be installed within the same respective locations as the existing septic tank and percolation area.

3.0 Planning Authority Decision

3.1. Decision

- 3.2. By order, dated 12th June 2025, the planning authority decided to grant permission for the proposed development subject to 14 no. conditions.
- 3.3. Condition 3 restricts hours of business, Condition 5 restricts noise levels, Condition 7 relates to signage, Condition 8 relates to external lighting, Condition 10 relates to sight

lines / visibility splays, Condition 12 relates to car parking and Condition 13 relates to boundary planting.

3.4. Planning Authority Reports

3.4.1. *Planning Report*

The planners report made the following main points:

- Principle of development is considered acceptable on the basis that the commercial nature of the site already benefits from planning permission and is currently operational.
- The addition of one extra bay is not considered to be an excessive alteration to the existing building. The site is adequately screened from the roadside and public view. The shed is not readily visible from the N13.
- The relocation of the business is not possible as it is well established on the site.
- The development would improve the local economy by increasing the number of employed staff and would not have any further detrimental effect to the existing rural character and provide a service for the testing of HGV vehicles for Inishowen and wider afield.
- There is adequate separation distances between the proposed building and existing residential development.
- The site is located in an area of High Scenic Amenity and not an area of Especially High Scenic Amenity.
- The submitted Traffic and Transport Assessment concluded that the operational traffic levels will increase on the surrounding road network as a result of the development however the existing road network can accommodate this, and that the Statement indicates that the type and volume of traffic will not be excessive as a result of the part change of use of the existing commercial truck servicing facility to a commercial vehicle roadworthiness test centre.

- Refers to a Road Safety Report submitted under planning application P.A. Ref. 22/51914, under which details are provided of the junction between the L8141 and N18, including visibility splays and the presence of a right turning lane.
- The nature of the proposal and considering its commercial context is not considered to give rise to any adverse impacts in terms of loss of residential amenity.
- No concern with regards noise nuisance.
- It is not envisaged that the extension will place further strain on the existing wastewater or water systems. Refers to a Site Suitability Assessment submitted with planning application P.A. Ref. 22/51914. The results of the site assessment indicated that the ground is suitable to accommodate a septic tank system. The proposal to increase the size of the septic tank and percolation area is therefore considered acceptable and no further site suitability assessment of the ground is necessary. The increase in size of the septic tank will be conditioned accordingly.
- The site is not located within any designated European Natura 2000 sites and no monuments or heritage assets are in close proximity.
- The site is not within any flood zones.

3.4.2. *Other Technical Reports*

Road Design: Report, dated 30th May 2025, recommended that the applicant is to ensure that all items conditioned under previously granted planning permission 2351365 have been implemented at the development site.

Chief Fire Officer (CFO): Report, dated 5th June 2025 raises an objection stating that a fire safety certificate is to be obtained, adequate water supply to be agreed in writing with CFO, access and facilities for fire service to comply with TGD-B 2006 reprint edition section B5 and inadequate means of escape.

Donegal National Road Design Office: Report, dated 12th June 2025 (received outside 5 weeks consultation period), makes reference to the Bridgend to Buncrana and Newtowncunningham Greenway, noting that the scheme is at an early stage of project development, that a number of potential route corridors are being considered and this site falls within one of the potential route corridors.

3.5. Prescribed Bodies

Transport Infrastructure Ireland (TII): Report dated 23rd May 2025 requests that the Council has regard to the provisions of Chapter 3 of the DoECLG Spatial Planning and National Roads Guidelines in the assessment and determination of the subject planning application.

3.6. Third Party Observations

1 no. observation was received from Donna McCorkell, Carrowen, Burt, Co. Donegal. A number of issues were raised in the observation, with the substantive issue of road and traffic safety forming the basis of the subsequent third-party appeal. An Coimisiún is referred to Section 6 where the appeal is dealt with in more detail.

Other issues raised in the observation:

- Insufficient evidence to support the application to demonstrate how the proposal complies with rural economic policies ED-P-7 and ED-P-9. The proposal is not an extension of an existing business. It is a standalone proposal which is material in nature to the existing use onsite.
- Refers to exceptional circumstances in the context of rural economic development (Policy ED-P-7) and in the context of access to national primary roads (Policy T-P-12).
- Seeking retention permission for incremental extensions and a new change of use is an abuse of the planning system and establishes precedent for the rural area.
- No noise surveys submitted to show that the proposed use would not cause noise disturbance on local residents.
- Absence of information regarding the existing effluent treatment system which serves the development. Concerns as to whether the applicant has a legal right to use the existing wastewater treatment system as same is located outside the site boundary on third party lands. New dwelling / timber frame under construction on same landholding, no information on connection of same to wastewater treatment system.

- The proposed development would seriously injure the visual amenities of the area, would fail to adequately absorb the existing and extended structure into the landscape with a length in excess of 53m presenting onto the national Primary Road.

4.0 Planning History

4.1. Appeal Site

Smaller Commercial Unit fronting the L8141 Local Road

P.A. Ref. 025382 – refers to a 2003 grant of permission for a two-bay commercial unit (380sq.m). Condition 2 stated that the permission is for one commercial unit only to be used as an engineering works. Condition 3 stated that prior to the commencement of building of the permitted workshop, the site entrance off the county road and junction improvements of the county road with the National Primary Road shall be implemented in full. A one-year extension of duration was granted under P.A. Ref. 0870723. The development was completed.

P.A. Ref. 1350611 – refers to a 2013 grant of retention permission for a change of use of the commercial unit granted under P.A. Ref. 025382 to a food processing plant, specifically an oyster plant for growing / grading oysters from seedlings.

Larger Commercial Unit at rear / northeastern end of the site

P.A. Ref. 2251914 – refers to a 2023 grant of permission for the construction of a commercial unit (1,173sq.m) for the repair of all commercial vehicles as an extension to existing facility, with connection to existing septic tank and percolation area.

P.A. Ref. 2351365 – refers to a 2023 grant of permission for re-orientation of the proposed commercial unit granted under P.A. Ref. 2251914 and the construction of an extension (100sq.m) to same.

4.2. Surrounding Area

None considered relevant.

5.0 Policy Context

5.1. Revised National Planning Framework, 2025

National Strategic Outcome 2 relates to enhanced regional accessibility, under which it is an objective to maintain the strategic capacity and safety of the national roads network including planning for future capacity enhancements.

5.2. Northern and Western Regional Assembly - Regional Spatial and Economic Strategy (RSES) 2020

Regional Policy Objective RPO 6.5 The capacity and safety of the region's land transport networks will be managed and enhanced to ensure their optimal use, thus giving effect to National Strategic Outcome 2 and maintaining the strategic capacity and safety of the national roads network including planning for future capacity enhancements.

5.3. National Guidance – Spatial Planning and National Roads Guidelines for Planning Authorities (January 2012)

2.5 Required Development Plan Policy on Access to National Roads

With regard to access to national roads, all development plans and any relevant local area plans must implement the policy approaches outlined, including that for lands adjoining National Roads to which speed limits greater than 60 km per hour apply, the policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 km per hour apply.

3.2 Development Applications and National Roads

The network of national roads may be adversely affected by a proposed development even in circumstances where direct access is not required to the network as a consequence of the volume of traffic to be generated.

3.4 Traffic and Transport Assessment (TTA)

Development proposals may generate significant additional trips/travel, including road traffic, with potentially significant implications for national and non-national roads. This could, in some circumstances, necessitate changes to the road and/or junction layout in order to address capacity and road safety concerns and maintain a satisfactory level of service for road users.

Traffic and Transport Assessment (TTA) is a methodology used to assess the transport impacts of a proposed development, incorporating any subsequent measures necessary to ensure roads and junctions and other transport infrastructure in the vicinity of the development remain fit for purpose and encourage a shift towards sustainable travel modes.

5.4. Donegal County Development Plan 2024-2030

The Donegal County Development Plan 2024-2030 (CDP) took effect on the 26th June 2024 except for those parts of the Plan which are subject to a Draft Ministerial Direction. The Draft Ministerial Direction was issued on the 26th June 2024 and relates to zoning objectives within Buncrana and Ballybofey/Stranorlar; changes to a number of Settlement Framework boundaries, and Policy T-P-12, which relates to new or intensification of accesses onto a national primary road. A final direction from the Minister has yet to be issued.

The site is located in the rural area, within an Area of High Scenic Amenity and adjacent to the N13 national primary road. The site is also within the viewscape of preserved views from Greenan Mountain / Grianan Of Aileach to the northeast. The following are the relevant policies and objectives contained under Chapter 7 (Economic Development), Chapter 8 (Infrastructure) and Chapter 11 (Natural, Built & Archaeological Heritage) of the CDP:

Chapter 7 (Economic Development)

Rural Areas

ED-P-7 Consider proposals for the expansion or re-development of an existing economic development in the countryside provided the scale and nature of the resultant development will contribute positively to the long-term sustainability of the

existing enterprise, subject to compliance with all relevant provisions of Policy ED-P-10. A proposal which would not meet these criteria will only be permitted in exceptional circumstances where it can be demonstrated that: The proposal would provide for consolidation and/or remediation of the existing facilities:

- a. Where relocation of the enterprise would not be possible;
- b. The proposal would make a significant contribution to the local economy;
- c. The development would maintain the existing rural character of the area; and
- d. Where infrastructural improvements are required that a developer-led solution can be identified and delivered.

D-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.

ED-P-10 To consider commercial developments, excluding traditional High Street uses that would generate regular customer trips (e.g. retail, consumer services, café/restaurant, public house etc.), on the periphery of settlements where:

- a. such uses would be incompatible with, and detrimental to, the centres of such settlements by virtue of their inherent 'bad neighbour' characteristics, inclusive of the generation of industrial-scale vehicle trips that would be detrimental to the amenities of the centre; and/or
- b. the extent of land required for the effective functioning of such an enterprise in the centres would be prohibitive.

All such proposals shall also be considered against other relevant policies of the Plan including, inter alia, traffic and pedestrian safety and public health.

Convenience and comparison retailing will not be supported in such cases, and proposals shall be considered against the Retail Planning Guidelines and Policy RS-P-3 (sequential test) and RS-P-4 (retail impact assessment) where retailing is proposed. Exceptions to the general presumption against retail development may be considered in the case of developments where the sale of vehicles is the predominant use

Chapter 8 (Infrastructure)

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

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

Policy T-P-15A It is a policy of the Council for developments affecting the national road network to require the provision of Traffic and Transport Assessments in accordance with the requirements of the 'TII Traffic & Transport Assessment Guidelines (2014)' (refer to 'Requirement for Safety Audit', Chapter 16, 'Technical Standards').

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-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

Chapter 11 (Natural, Built & Archaeological Heritage)

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.

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

Policy L-P-7 To preserve the views and prospects of special amenity value and interest as identified on Map 11.1

5.5. Natural Heritage Designations

5.5.1. The site is not located within or adjacent to any designated sites. The closest European Sites are as follows:

- Lough Swilly SPA (Site Code: 004075), c. 250m west of the site
- Lough Swilly SAC (Site Code 002287), c. 2.2km northwest of the site

5.5.2. The Lough Swilly Including Big Isle, Blanket Nook & Inch Lake pNHA (Site Code: 000166) is located c. 150m west of the site.

6.0 The Appeal

A third-party appeal was received from Donna McCorkell, Carrowen, Burt, Co. Donegal, against the decision of the planning authority to grant permission.

6.1. Grounds of Appeal

6.1.1. The concerns raised in the appeal are broadly similar to the content of the observation made to the planning authority and are summarised below, noting that the appellant has appended the initial observation to the appeal.

Procedural Issues

- Unclear whether the application seeks permission or retention permission for a change of use.

Use of Buildings

- The existing commercial building which is subject of this appeal was approved under P.A. Ref. 2251914 on the basis that it was required for the expansion of an existing truck service and repair carried out in the smaller commercial building on the site, specifically the new / larger building was required to accommodate up to 5 no. 40ft lorries at any one time.
- Other smaller building on the site is vacant. Online advert refers to the availability of two units within that building. Concerns that the larger building will be used for testing centre and repairs, leaving the other smaller building available for a new use, thus creating a business park with 4 no. units in total in lieu of the one original commercial use. Traffic implications of same. Requests that conditions be imposed that prohibits the selling or leasing of the buildings separately.

Traffic and Road Safety

- Insufficient data has been submitted with the planning application to demonstrate that the proposed development will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site.
- Submitted Traffic and Transport Assessment is largely deficient in the following regard:
 - No details of the author / expertise.
 - Traffic count over 1 day does not adequately examine peak time traffic.
 - Cumulative effect of adjoining use within second building on the site not examined.
 - No operational capacity analysis of adjoining/nearby junctions which take all traffic coming from Derry.

- Limited / deficient details of traffic forecasting/trip generation, no details of service and delivery trips concerning proposed use and adjoining use of repairs which will exceed 100 trips per day.
- There is a great concern regarding the issue of intensification of use and substantial traffic generation as a result of the proposed development and the associated impact on nearby junctions with the N13, namely the L8141 and the R237.

Alternative Sites

Alternative sites have not been explored. The use would be more acceptable within the settlement boundary of nearby settlements

6.2. Applicant's Response

An Coimisiún has received a response to the third-party appeal from the project architect on behalf of the applicant. The relevant points of the response are summarised below.

Procedural Issues

- Public notices refer to what the application is seeking permission for.

Use of Buildings

- Online advert referred to by the appellant is an old ad from years ago. The smaller commercial building is not available to rent.
- The use of both buildings is part of the original permission for the maintenance and servicing of vehicles. It is planned that the smaller building is to be used for working on light goods vehicles.

Traffic and Road Safety

- Traffic survey / count was done on the busiest day of the week.
- Vehicles travelling to Letterkenny due east from Derry via Killea use the N13 junction with the R237 as an alternative to travelling through Newtowncunningham village, due to the installation of speed calming measures in the village.

- Build up of traffic at this N13 / R237 junction is attributed to peak hour commuters.
- N13 is the only route from Inishowen to the existing test centre in Letterkenny.
- The test centre at the same location as mechanics / repair garage offers convenience to customers.

Alternative Sites

- Bridgend village is not feasible due to availability of commercial zoned land, sewerage constraints and planned sterilisation of a 400m wide corridor to cater for a village bypass.
- Newtowncunningham is not feasible on account of recent road improvement works within the village and the avoidance of bad neighbour uses.
- CDP Policy ED-P-10 allows for the consideration of commercial development on the periphery of settlements. The proposed development is c. 90m outside the settlement boundary of Newtowncunningham.

6.3. Planning Authority Response

A response, received on the 25th July 2025, notes the content of the appeal and considers that the majority of matters raised were previously addressed in the planner's report. In the interest of clarity, the planning authority makes observations in relation some of the specific grounds of appeal. The observations of the planning authority are summarised as follows:

Traffic Safety / Intensification

- The planning authority had regard to CDP objective T-O10.
- The submitted Traffic and Transport Assessment indicates that the type and volume of traffic will not be excessive as a result of the part change of use of the existing commercial truck servicing facility to a commercial roadworthiness test centre.
- The submitted Road Safety Report highlighted that 215m visibility splays are in place at the junction of the county road serving the site and the N13, and that a right turning lane and road markings are already in place at the junction.

- The junction serves an existing permitted HGV and commercial vehicle facility and the information submitted indicates that the road network is already accommodating HGV and commercial traffic.
- Submitted information, including swept path analysis, demonstrates internal movements and safe access from local and national roads.
- Having regard to CDP policy ED-P-9, particularly points (e) and (f), sufficient information has been provided with the application.

Policy Compliance

- The principle of retention of change of use of one bay within the existing commercial truck servicing facility to become a commercial vehicle roadworthiness test centre is accepted.
- The proposal results in two separate commercial businesses but affiliated with one another and in this instance work better as one unit rather than as a stand-alone commercial business.
- The proposal is consistent with CDP policy ED-P-7 on the basis that the test centre contributes positively to the long-term sustainability of the existing business on the site.

Precedence

- Commercial nature of the site has already been granted and is currently operational. Retention application seeks to regularise any planning breaches.

Residential Amenity

- There is an existing permitted commercial facility on the site and there are adequate separation distances to existing dwellings. The proposal will not have a detrimental effect on neighbouring residential properties.

Alternative Sites

- There is an existing permitted commercial facility on the site and the proposal is affiliated with that permitted development.

Public Health

- The proposal to increase the size of the existing septic tank is considered acceptable and no further site suitability assessment of the ground is necessary.

Visual Impact

- Whilst the shed is large, it is not readily visible from the N13.

6.4. Observations

None

7.0 Assessment

Having examined the appeal details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant policies and guidance, I consider that the main issues in this appeal are as follows:

- Procedural Issues
- Principle of Development
- Visual and Residential Amenity
- Road and Traffic Safety
- Wastewater Treatment

The issues of EIA, Appropriate Assessment and Water Framework Directive screening also need to be addressed.

7.1. Procedural Issues

Public Notices

- 7.1.1. The appellant raises concern with regards the description of development, specifically the uncertainty as to whether the applicant is seeking permission or retention for the change of use. The public notices refer to permission for a change of use and retention permission for extensions already built. During a site inspection, I observed that the

commercial vehicle testing business has already commenced. Notwithstanding this, my assessment is based on the description of development as per the public notices. If there are breaches of planning, this is the responsibility of the planning authority through normal enforcement procedures.

Application Boundary and Wastewater Treatment System – New Issue

- 7.1.2. In her initial observation to the planning authority, the appellant raised a concern that the existing septic tank to be used to serve the proposed development is located on third-party land outside the application site boundary and queries the legal right of the applicant to use the septic tank. The submitted site layout plan shows the location of an existing septic tank including pipework connecting same to the development on the appeal site, but also clearly shows that the septic tank and percolation area are located outside the application red line boundary. An annotation on the submitted site location map states that the *'Area outlined in red is land owned by the applicant as his site.'* The absence of a blue line¹ on the submitted site location map would indicate that the applicant does not own or control land contiguous to the application site boundary. I also note that the application does not include a letter from the adjoining landowner giving consent to make an application with respect to the land on which the septic tank is located.
- 7.1.3. A submitted Septic Tank Report, prepared by the project architect, describes the existing septic tank as being block built with a capacity of 3,500 litres, along with 108 linear metres of percolation area, equating to a population equivalent (PE) of 10.
- 7.1.4. The Report further sets out that the proposed development would increase the demand for effluent treatment on the site to 20 PE, therefore, in effect, doubling the load demand.
- 7.1.5. The applicant proposes to increase the septic tank to a holding capacity of 7,000 litres, to be installed within the same location as the existing tank, and to increase the capacity of the existing percolation area to 180 linear metres, installed within the same location as that which currently exists

¹ Article 22 of the Planning and Development Regulation 2001, as amended – a blue line to be used on the site location map to identify clearly *any land which adjoins, abuts or is adjacent to the land to be developed and which is under the control of the applicant or the person who owns the land which is the subject of the application.*

- 7.1.6. The concern raised that the septic tank is potentially located on land that is not in the ownership or control of the applicant does not appear to have been addressed by the planning authority. The planner's report acknowledges the proposal to upgrade the existing system and refers to an intention to include a condition regarding same. However, I note that no such condition was recommended nor included on the decision.
- 7.1.7. Technically speaking, a third-party letter of consent to make the application was not required because the applicant owns the land within the red line boundary. However, in my view, the proposal to upgrade/ replace the septic tank is a material consideration in terms of surface and ground water quality and also a critical component in terms of evaluating the viability of the proposed development.
- 7.1.8. The issue of wastewater treatment is discussed under Section 7.6 below, however, the location of the septic tank and percolation area on land outside the ownership or control of the applicant is, in my view, significant. This is a new issue, and An Coimisiún may wish to seek the views of the relevant parties. However, I consider this to be a significant procedural issue in the context of the description of development, red line boundary and implications of same on landowner consent, public notice and the ability of the applicant to use or upgrade the septic tank. On this basis, I recommend that permission is refused.

7.2. Principle of Development

- 7.2.1. The development relates to the extension and change of use of an existing commercial development. The planning authority was satisfied that the proposal is acceptable in principle on the basis that the development is already granted and established on the site and the extension to the business is considered minor in terms of the overall site and property.
- 7.2.2. Chapter 7 of the CDP sets out a policy framework for economic development in the county. Policy ED-P-7 of the CDP allows for expansion of an existing economic development in the countryside subject to compliance with all relevant provisions of Policy ED-P-10. A proposal which does not meet the criteria of ED-P-10 will only be permitted in exceptional circumstances where it can be demonstrated that the proposal would provide for consolidation and/or remediation of the existing

facilities (a) where relocation of the enterprise would not be possible; (b) the proposal would make a significant contribution to the local economy; (c) the development would maintain the existing rural character of the area; and (d) where infrastructural improvements are required that a developer-led solution can be identified and delivered.

- 7.2.3. As a matter of clarity for the benefit of An Coimisiún, having reviewed CDP Policies ED-P-1 through to ED-P-10, I was of the view that the first part of Policy ED-P-7 should refer to Policy ED-P-9 rather than ED-P-10. Policy ED-P-9 lists 14 no. criteria that a proposal for an economic development use must meet while Policy ED-P-10 specifically relates to non-traditional commercial developments on the periphery of settlements. I contacted the forward planning section of Donegal County Council who confirmed that this is the case, that Policy ED-P-7 should refer to Policy ED-P-9 rather than ED-P-10 and that the error in cross-referencing followed the omission of another economic development policy at material alternations stage of the CDP process and advised that while the official CDP has been updated to address the error, the online version will be updated in due course.
- 7.2.4. Therefore, on the basis of the above, the correct reading of Policy ED-P-7 is to consider proposals for the expansion of an existing economic development in the countryside subject to compliance with the relevant provisions of Policy ED-P-9.
- 7.2.5. In terms of use, the application seeks permission to use part of the premises as a Commercial Vehicle Roadworthiness Test (CVRT) centre. During the site inspection, I observed that the use as such has already commenced, operating within two bays on the eastern end of the building, with the remaining bays being used for commercial vehicle repair. Permission granted for the building under P.A. Ref. 2251914 and 2351365 clearly showed an intent to use the building for the repair of Heavy Goods Vehicles (HGVs), also known as Heavy Commercial Vehicles (HCVs). The proposed use is not a significant departure from the permitted use and in this regard I concur with the applicant and the planning authority that there is an obvious synergy between the permitted use for heavy vehicle repair and testing of same for road worthiness.
- 7.2.6. On the basis of Policy ED-P-7 and having regard to the nature of the site and previously granted development, I consider that the proposal is acceptable in principle, subject to evaluation against the relevant provisions of Policy ED-P-7 and Policy ED-

P-9 of the CDP. It is my view that the 'relevant' provisions of Policy ED-P-9 in this case relate to visual impact, residential amenity of nearby residents, traffic / road safety and effluent disposal.

7.3. Visual and Residential Amenity

7.3.1. Policy ED-P-9, parts (a), (b), (c), (g), (l) and (m), relate to considerations regarding surrounding land uses and visual and residential amenity, with the following criteria to be met:

- 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*
- g. It does not create a noise nuisance*
- h. It is capable of dealing satisfactorily with any emission(s)*
- i. Appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view*
- j. In the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape*

7.3.2. The site is located in a rural area, adjacent to the N13 national primary road to the south and agricultural land to the north, east and west. Referring to Map 11.1 of the CDP, the site is not located within or close to an Area of Especially High Scenic Amenity but is within an Area of High Scenic Amenity and within the viewscape of a preserved view originating from Greenan Mountain to the northeast. Objective L-O-1 seeks to protect, manage and conserve the character, quality and value of the Donegal landscape, Policy L-P-2 seeks to protect areas identified as 'High Scenic Amenity' and 'Moderate Scenic Amenity' and 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, while Policy L-P-7 seeks to preserve the identified views and prospects of special amenity value and interest.

- 7.3.3. The planning authority considered that the addition of one extra bay is not an excessive alteration to the existing building and that due to the topography of the lands and landforms between the National Primary and site, the shed is not readily visible.
- 7.3.4. The proposal comprises the construction of an additional bay with a width of c. 6.6m to the eastern end of a c. 39.9m wide shed, together with a single storey level annex to the same elevation and extension of an existing single storey annex to the western elevation. The extensions are already built and during a site inspection, I observed that in the context of the building already permitted, the extension does not result in a significant change, visually. The part of the site on which the building is located, is backland in nature, removed from view from the L8141 and substantially screened from the N13 by existing roadside embankment and tree line / hedgerow. There are no public roads to the north, northeast or west. The closest dwelling is c. 65m to the west, therefore the bay extension, being to the eastern elevation, results in no impact from a visual perspective. Furthermore, I consider that by reason of distance, natural screening and relatively low roof profile of the building, the proposed extension does not cause adverse impact on the preserved views southwest from Greenan Mountain / Grianan Of Aileach. The submitted site layout plan includes further supplemental boundary planting. Condition 13 on the planning authority's decision relates to same. A similar condition could be attached if An Coimisiún is minded to grant permission.
- 7.3.5. The proposal also seeks permission to use the premises as a Commercial Vehicle Roadworthiness Test (CVRT) centre, which involves testing commercial vehicles including HGVs. Considering the distance between the building and the nearest residential property, the permitted use of the site for vehicle repair and the locational context of the N13 national primary road, I do not consider that the proposal would result in a level of noise that would cause detriment to residential amenity. I also note Condition 3 and on the planning authority's decision, which relate to hours of business and noise restrictions. Similar conditions could be attached if An Coimisiún is minded to grant permission.
- 7.3.6. On the basis of the above, subject to conditions, I consider that the proposal would unlikely cause an adverse impact on visual or residential amenity within the surrounding area.

7.4. Road and Traffic Safety

- 7.4.1. The main ground of appeal relates to traffic and road safety. The appellant contends that insufficient data has been submitted with the planning application to demonstrate that the proposed development will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site.
- 7.4.2. CDP Objective T-O-10 seeks to safeguard the carrying capacity and safety of National Roads and associated junctions in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities (DECLG, 2012), whilst Policy T-P-15A requires the submission of a Traffic and Transport Assessment for developments affecting the national road network in accordance with the requirements of the 'TII Traffic & Transport Assessment Guidelines (2014)'.
- 7.4.3. Policy ED-P-9, parts (e) and (f), also relate to road safety, access and parking, with the following criteria to be met:
- 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
- 7.4.4. The application includes a Traffic and Transport Assessment (TTA) which considers the receiving environment with reference to the road and junction layout including the right turning lane on the N13, and with further reference to a completed traffic survey / traffic count on the N13 (including turning movements to and from the L8141), the proposed development in terms of access / egress arrangements, internal circulation and parking and finally considers the impacts of the proposed development in terms of trip generation.
- 7.4.5. Based on information provided by the applicant, the TTA sets out that the commercial unit will generate 16 two way car movements and 6 two way HGV movements per day and peak at around 8 two way car movements and 1 HGV movement per hour and that the trips generated by the existing commercial unit are to comprise 8 two way car movements and 16 two way HGV movements per day and peak at around 4 two way

car movements and 2 HGV movement per hour. The TTA concludes that the development site will generate low levels of new traffic onto a road network that is operating well below capacity with no queuing, and therefore no junction capacity assessment is considered necessary.

- 7.4.6. As noted above, during a site inspection, I observed that the CVRT centre is already operating on the site, with associated signage at the N13 junction, site entrance and within the site. I also observed that the part of the building operating as a CVRT centre comprises two bays / lanes, one for HGVs / HVCs and the second for light commercial vehicles (LCVs), with the remaining bays being used for vehicle repair. The Road Safety Authority's CVRT website advises that tests for vans and jeeps (light commercial vehicles) can take between 30 and 60 minutes and that tests for HGVs, buses, ambulances, campervans and other mixed fleet vehicles can take between 45 and 120 minutes. On this basis, the CVRT centre on the appeal site has the capacity to test, on average, approximately one HGV and perhaps one to two light commercial vehicles per hour, which is generally consistent with the estimated trips upon which the submitted TTA is based.
- 7.4.7. The submitted site layout plan shows a path analysis for HGVs exiting the site on the L8141 and then turning left onto the N13. Another submitted, but untitled, layout drawing visually represents the traffic count information and also indicates sightlines of 215m in both directions on the N13 when exiting from the L8141. The same drawing also indicates good visibility for exiting the site at the western most access point on the frontage to the L8141. I would note however that the site plan proposes a one-way in, one-way out arrangement, under which vehicles would enter at the western access and exit at the eastern access, with associated traffic stop signs, etc. Therefore, it would be more beneficial to see sightlines for exiting from the eastern access point. However, based on the context of the access and gates set back from the roadway and alignment of the roadway, all as shown on the submitted drawings, and following a site inspection, I am satisfied that sightlines from the eastern access point are satisfactory.
- 7.4.8. On the basis of information submitted, I consider that the proposal would be unlikely to cause a road or traffic hazard by reason of additional trips generated by the use of part of the building as a CVRT centre.

7.5. Wastewater Treatment

- 7.6. Under Section 7.1 above, I outlined my concerns with regards the location of the septic tank and percolation area on land which appears to be outside the ownership or control of the applicant. I will now consider the proposal to upgrade / replace the septic tank from the perspective of public health and water quality.
- 7.7. As outlined already, a submitted Septic Tank Report, describes the existing septic tank as block built with a capacity of 3,500 litres, along with 108 linear metres of percolation area, equating to a population equivalent (PE) of 10. The report states that the treatment system has been designed and installed in compliance with the EPA code of practice for Urban Waste Water and Domestic Waste Water Treatment Systems.
- 7.8. The report further sets out that the proposed development would increase the demand for effluent treatment on the site to 20 PE, therefore, in effect, doubling the load demand.
- 7.8.1. CDP Policy WW-P-2 seeks to ensure that new developments do not have an adverse impact on water quality including in relation to surface and ground water, drinking water, Water Framework Directive and EU Habitats and Bird Directives. For unsewered / rural areas, CDP Policy WW-P-5 requires that commercial 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.
- 7.9. The applicant proposes to increase the septic tank to a holding capacity of 7,000 litres to cater for 20 PE load demand, to be installed within the same location as the existing tank. The same report recommends that the capacity of the existing percolation area is increased to 180 linear metres, installed within the same location as that which currently exists.
- 7.10. This is accepted by the planning authority, with the planner's report stating the following:

A site suitability assessment was carried out in respect of previous permission 22/51914, in March 2023, following a further information request

regarding the suitability of the existing septic tank. The results of the site assessment indicated that the ground is suitable to accommodate a septic tank system. The proposal to increase the size of the septic tank and percolation area is therefore considered acceptable and no further site suitability assessment of the ground is necessary. The increase in size of the septic tank will be conditioned accordingly.

- 7.11. The above commentary refers to planning application P.A. Ref. 225191. This is the parent permission for the construction of the larger commercial building, the use and extension of which is subject of this current appeal. Under P.A. Ref. 225191, there does not appear to have been a formal request for further information however a letter on file from the applicant, dated 2nd May 2023, refers to a site meeting during which it appears that the planning authority sought clarity on a number of issues including the suitability of the existing septic tank to serve the proposed development. The letter of 2nd May 2023 included further supporting documents, including a Site Suitability Assessment (including a Site Characterisation Form). An Coimisiún is advised that a copy of the file pertaining to P.A. Ref. 2251914, including the Site Suitability Assessment, is on the current appeal file.
- 7.12. The Site Characterisation Form concluded that the site was suitable for a septic tank system, and on the basis of 6 no. employees on the site, recommended a tank capacity of 4 cubic metres and 7 no. percolation trenches at 15m in length each. I note however that the Site Characterisation Form did not include a site plan to indicate the location of trial holes nor photographs of the trial holes, which is contrary to guidance contained in the EPA 2021 Code of Practice. The applicant concluded that the existing septic tank had capacity to serve the proposed development as applied for under P.A. Ref. 2251914 (with 6 no. employees). While the Environmental Health Service of the HSE did recommend a request for further information with regards the septic tank, a subsequent report from same advised that the submitted information could not be assessed due to lack of resources at that time.
- 7.13. The current application seeks to rely on the site suitability assessment carried out under the 2022 application to demonstrate that ground conditions are suitable for a larger replacement septic tank and percolation area, albeit the documentation in this respect has not been submitted with this current application (site characterisation form, etc.). Again, I consider the details submitted under this current application to be

extremely lacking with regards the proposed septic tank upgrade / replacement. There are no drawings such as survey plans / levels or cross-sections and no details of compliance with the EPA's Treatment systems for Small Communities, Business, Leisure Centres and Hotels manual. I note that with reference to the Validation Checklist on file, the application was not referred to the Environment Section / Environmental Health Officer of the local authority.

- 7.14. Having regard to the Site Characterisation Assessment submitted under the 2022 application, which, in my view, was substandard on account of the absence of tangible evidence of trial holes, and under the current application, the absence of plans and specifications of the proposed septic tank and percolation upgrades and details of compliance with the EPA's Treatment systems for Small Communities, Business, Leisure Centres and Hotels manual, I consider that the applicant has failed to demonstrate that wastewater from the proposed development can be properly treated and the application is therefore contrary to Policies WW-P-2 and WW-P-5 of the CDP.

8.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix 1 of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

9.0 Appropriate Assessment

Refer to Appendix 2. On the basis of information provided with the application in terms of wastewater treatment, in conjunction with the potential for hydrological connections to Blanket Nook Lough, Outer Swilly Estuary and the Terrestrial habitat type associated with the Lough Swilly SPA, I am not satisfied that the development individually, or in combination with other plans or projects, would not adversely affect the integrity of European Sites proximate to the site, namely the Lough Swilly SPA (Site Code: 004075) or Lough Swilly SAC (Site Code 002287) in view of the sites'

Conservation Objectives. In such circumstances An Coimisiún is precluded from granting permission. An Coimisiún may consider requesting the views of interested parties on the issue of AA however this issue is directly associated with the substantive issue of wastewater treatment on the site for which the recommended reasons of refusal relate.

10.0 Water Framework Directive

Refer to Appendix 3. On the basis of information provided with the application in terms of wastewater treatment, it cannot be determined 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. An Coimisiún may consider requesting the views of interested parties on the issue of the WFD however this issue is directly associated with the substantive issue of wastewater treatment on the site for which the recommended reasons of refusal relate.

11.0 Recommendation

I recommend that planning permission be refused for the reasons and considerations as set out below.

12.0 Reasons and Considerations

1. Submitted documentation refers to a proposal to increase the capacity of an existing septic tank and percolation area. The submitted site layout plan shows that the septic tank and percolation area is located outside the application red line boundary and therefore the upgrade of same is not included as part of the application for permission. Furthermore, on the basis of the submissions made in connection with the planning application and appeal, An Coimisiún is not satisfied that the land on which the existing septic tank and percolation area is located is in the ownership or control of the applicant, and therefore An Coimisiún is not satisfied that the applicant has sufficient legal estate or interest in the land on which the septic tank is located to enable the applicant to continue

the use of the septic tank or carry out the proposed upgrade works to same. In these circumstances, it is considered that An Coimisiún is precluded from giving further consideration to the granting of permission for the development the subject of the application.

2. Policy WW-P-2 of the Donegal County Development Plan 2024-20230 seeks to ensure that new developments do not have an adverse impact on water quality including surface and ground water and that new developments do not hinder the achievement of, and are not contrary to, relevant EU and national plans including the objectives of the EU Water Framework Directive. Policy WW-P-5 requires that commercial 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 complies with the EPA's Treatment systems for Small Communities, Business, Leisure Centres and Hotels manual or any subsequent or updated relevant code of practice. Having regard to the information on file, An Coimisiún is not satisfied that the applicant has demonstrated that the arrangements provided for dealing with wastewater disposal from the development are adequate to cater satisfactorily for the development, that the development would not contribute to surface or groundwater pollution at this location or that it would not be prejudicial to public health and would not cause pollution that would hinder the achievement of, and are not contrary to, the objectives of the EU Water Framework Directive, contrary to Policies WW-P-2 and WW-P-5 of the Donegal County Development Plan 2024-2030.

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.

Jim Egan
Planning Inspector

1st October 2025

Appendix 1 - Form 1

EIA Pre-Screening

Case Reference	ACP-322909-25
Proposed Development Summary	Change of use and part retention and completion of existing commercial unit to facilitate a commercial vehicle roadworthiness test centre and all ancillary works.
Development Address	Tonyhabboc, Newtowncunningham, Lifford Po, Co. Donegal
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part	

2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	10(b)(iv): Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

Inspector: _____

Date: _____

Appendix 1 - Form 2

EIA Preliminary Examination

Case Reference	ACP-322909-25
Proposed Development Summary	Change of use and part retention and completion of existing commercial unit to facilitate a commercial vehicle roadworthiness test centre and all ancillary works.
Development Address	Tonyhabboc, Newtowncunningham, Lifford Po, Co. Donegal
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Planning permission is sought for a change of use and part retention and completion of an existing commercial unit to facilitate a Commercial Vehicle Roadworthiness Test Centre, and all ancillary works, at an existing commercial development site in the rural area of County Donegal. The extension comprises an additional c. 6.6m wide bay on the eastern end of the building with a reception / office and customer waiting room area annexed to the side, and a relatively minor extension to an existing annex on the western side of the building to provide additional office space and ESB / plant rooms. The development comes forward as a standalone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. As detailed in the Inspector's Report and basis for recommended refusal, I consider the issue of the septic tank upgrade to be significant in the context of land ownership and absence of technical information. While sufficient information on the septic tank has not been provided, it is not considered that the development would result in the production of any significant waste, emissions or

	pollutants nor would it present a significant risk to human health.	
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The site is not located within or immediately adjacent to any designated site. The proposed development would be connected to a public water supply. Mains sewer is not available at this location therefore the proposal includes the upgrade of an existing septic tank. As noted above, while sufficient information on the septic tank has not been provided, it is not considered that the development would result in the production of any significant waste, emissions or pollutants. Stormwater is discharged to an open drain north of the site via an oil interceptor. It is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	
There is no real likelihood of significant effects on the environment.	EIA is not required.	

There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____

Date: _____

Appendix 2

AA Screening

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics Case Ref: ACP-322909-25	
Brief description of project	Change of use and part retention and completion of existing commercial unit to facilitate a commercial vehicle roadworthiness test centre and all ancillary works. See Section 2.0 of Inspector's Report.
Brief description of development site characteristics and potential impact mechanisms	Planning permission is sought for a change of use and part retention and completion of an existing commercial unit to facilitate a Commercial Vehicle Roadworthiness Test Centre, and all ancillary works, at an existing commercial development site in the rural area of County Donegal. The extension comprises an additional c. 6.6m wide bay on the eastern end of the building with a reception / office and customer waiting room area annexed to the side, and a relatively minor extension to an existing annex on the western side of the building to provide additional office space and ESB / plant rooms. The site is not located within or immediately adjacent to any designated site. The proposed development would be connected to a public water supply. Mains sewer is not available at this location. Application documentation refers to a proposal to upgrade an existing septic tank and percolation area albeit my concerns are noted with regards same with details set out in the Inspector's Report. There are no watercourses or other ecological features of note on or adjacent to the site that would connect it directly to European Sites in the wider area. The closest waterbody is a stream c. 240m to the west. Referring to the EPA mapping tool, the stream is part of a larger stream network in the area, generally flowing in a northwest direction and discharging into Blanket Nook Lough / Outer Swilly Estuary c. 2.1km to the northwest of the site.

	Stormwater from the site is discharged to an open field drain north of the site via an oil interceptor. The open drain runs north from the site alongside a field boundary ditch to connect to another land drain which runs in an east to west direction connecting to the aforementioned stream that runs north to the Blanket Nook Lough / Outer Swilly Estuary.			
Screening report	No. Donegal County Council screened out the need for AA. An Ecological Report was submitted as unsolicited further information under the parent application (P.A. ref. 22/51914) for the commercial building to which this appeal relates. A copy of this Ecological Report is on the current appeal file. The report concluded that the construction of the building would not have any likely significant impacts on the Lough Swilly SPA subject to implementation of construction and operational stage mitigation measures. The construction stage mitigation measures comprise industry standard controls such as silt fence, bunded storage areas, dust and erosion controls, refuelling and plant / machinery storage, while operational stage mitigation includes the installation of a hydrocarbon / oil interceptor as part of the storm water drainage system. Donegal County Council screened out the need for AA under that application. A condition on the grant of permission required that the development shall be carried out and completed in strict accordance with the mitigation measures outlined in the submitted Ecological Report.			
Natura Impact Statement	No			
Relevant submissions	None			
Step 2: Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests Link to conservation objectives (NPWS, 26 th September 2025)	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
Lough Swilly SPA (Site Code: 004075)	Wintering water birds (24 no. species). Wetland and waterbirds Conservation Objectives NPWS, 2011	c. 250m west of the site	No direct connection. Indirect surface and groundwater connection.	Y

Lough Swilly SAC (Site Code 002287)	Estuaries, lagoons, salt and molinia meadows, oak woods. Harbour porpoise and otter. Conservation Objectives NPWS, 2011	c. 2.2km northwest of the site	No direct connection. Indirect surface and groundwater connection.	Y
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Lough Swilly SPA (Site Code: 004075) Great Crested Grebe (Podiceps cristatus) [A005] Grey Heron (Ardea cinerea) [A028] Whooper Swan (Cygnus cygnus) [A038] Greylag Goose (Anser anser) [A043] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Mallard (Anas platyrhynchos) [A053] Scaup (Aythya marila) [A062] Goldeneye (Bucephala clangula) [A067] Red-breasted Merganser (Mergus serrator) [A069]	Direct: No direct impacts and no risk of habitat loss, fragmentation or any other direct impact. Indirect: <i>Construction</i> Risk of surface water runoff from construction reaching sensitive receptors. <i>Operation</i> Risk of untreated foul water reaching sensitive receptors via groundwater. Noise and external lighting.	The proposal relates to the construction of relatively minor extensions to a previously permitted commercial building. Referring to the applicant's cover letter, the extensions appear to have been constructed while the previously permitted building was itself being constructed. The proposed use comprises the testing the HGV and LCV type vehicles with the two bays on the eastern end of the building. Considering the nature of the permitted vehicle repair use and the locational context of the site adjacent to the N13, the proposed use is unlikely to cause significant additional noise or light pollution. Whilst not referred to in the public notices, the applicant proposes to upgrade an existing septic tank to a size

Coot (<i>Fulica atra</i>) [A125] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Greenshank (<i>Tringa nebularia</i>) [A164] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Common Tern (<i>Sterna hirundo</i>) [A193] Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] Wigeon (<i>Mareca penelope</i>) [A855] Shoveler (<i>Spatula clypeata</i>) [A857] Sandwich Tern (<i>Thalasseus sandvicensis</i>) [A863] Wetland and Waterbirds [A999]		suitable to cater for the existing and proposed uses on the site. As outlined in the Inspector's Report, I consider that insufficient information has been submitted to demonstrate that foul water would be adequately catered for.
	Likelihood of significant effects from proposed development (alone): Uncertain in the absence of sufficient information on the treatment of foul water.	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects
Lough Swilly SAC (Site Code 002287)	Direct:	The proposal relates to the construction of relatively minor extensions to a previously permitted

Estuaries [1130] Coastal lagoons [1150] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Phocoena phocoena (Harbour Porpoise) [1351] Lutra lutra (Otter) [1355]	No direct impacts and no risk of habitat loss, fragmentation or any other direct impact. Indirect: Low risk of surface water runoff from construction reaching sensitive receptors, noting the relatively <i>Construction</i> Risk of surface water runoff from construction reaching sensitive receptors. <i>Operation</i> Risk of untreated foul water reaching sensitive receptors.	commercial building. Referring to the applicant's cover letter, the extensions appear to have been constructed while the previously permitted building was itself being constructed. Whilst not referred to in the public notices, the applicant proposes to upgrade an existing septic tank to a size suitable to cater for the existing and proposed uses on the site. As outlined in the Inspector's Report, I consider that insufficient information has been submitted to demonstrate that foul water would be adequately catered for.
	Likelihood of significant effects from proposed development (alone): Uncertain in the absence of sufficient information on the treatment of foul water.	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
The Site Synopsis for Lough Swilly SPA includes the following: <i>The site supports an excellent diversity of waterfowl species in autumn and winter as well as breeding terns, gulls and ducks. The shallow waters provide suitable habitat for grebes and diving duck, while the intertidal flats are used by an abundance of wildfowl and waders. At high tide, the duck and wader species roost on the salt marshes and shorelines, with some species moving to the adjacent pasture and arable fields. The combination within this site of extensive feeding areas and safe resting and roosting sites makes this one of the most important wetlands in the north-west of the country for wintering waterfowl.</i> Submitted documentation indicates that foul water is to be treated by way of an upgrade to an existing septic tank and percolation area. I have raised concerns regarding the legal right of the applicant to use or upgrade the existing septic tank which appears to be located on land outside the applicant's ownership / control. By association, I have also raised concerns that the applicant has not demonstrated that the arrangements proposed for dealing with wastewater disposal from the development are adequate to cater satisfactorily for the development, therefore insufficient information has been submitted to demonstrate that the development would not contribute to surface or groundwater pollution at this location, which may undermine the achievement of conservation objectives for the SPA and SAC. See Inspector's Report.		

Screening Determination

On the basis of information provided with the application in terms of wastewater treatment, in conjunction with the potential for hydrological connections to Blanket Nook Lough, Outer Swilly Estuary and the and the Terrestrial habitat type associated with the Lough Swilly SPA, I am not satisfied that the development individually, or in combination with other plans or projects, would not adversely affect the integrity of European Sites proximate to the site, namely the Lough Swilly SPA (Site Code: 004075) or Lough Swilly SAC (Site Code 002287) in view of the sites' Conservation Objectives. In such circumstances An Coimisiún is precluded from granting permission.

Appendix 3 – WFD Stage 1: Screening

WATER FRAMEWORK DIRECTIVE IMPACT ASSESSMENT STAGE 1: SCREENING

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

Case Ref.	ACP-322909-25	Townland, address	Tonyhabboc, Newtowncunningham, Lifford Po, Co. Donegal
Description of project	Change of use and part retention and completion of existing commercial unit to facilitate a commercial vehicle roadworthiness test centre and all ancillary works. The proposal relates to the construction of relatively minor extensions to a previously approved commercial building, positioned on a previously approved concrete base. Whilst not include in the public notices, submitted documentation refers to a proposal to upgrade / replace an existing septic tank located outside the application red line boundary.		
Brief site description, relevant to WFD Screening,	• Existing commercial site in a rural area. • No watercourse within the boundary of the site. • The closest waterbody is a stream c. 240m to the west (EPA Name: GLAR_010, EPA Code: IE_NW_39G380790). Referring to the EPA mapping tool, the stream is part of a larger stream network in the area, generally flowing in a northwest direction and discharging into Blanket Nook Lough / Outer Swilly Estuary c. 2.1km to the northwest of the site. • The proposed development site is located within the Lough Swilly Catchment and the LeslieHill[Stream]_SC_010 sub-catchment.		

	• The site is located in the Lough Swilly ground waterbody, in an area of moderate groundwater vulnerability. • GSI Mapping shows that the site is underlain by poorly drained soil.
Proposed surface water details	Stormwater from the site is discharged to an open field drain north of the site via an oil interceptor. The open drain appears to run north from the site aligning with a field boundary before connecting into another land drain further north, with that drain connecting to the above mentioned stream that runs north to the Blanket Nook Lough / Outer Swilly Estuary.
Proposed water supply source & available capacity	The application states that mains water is available.
Proposed wastewater treatment system & available capacity, other issues	Proposal to upgrade an existing septic tank. No trade effluent generating activities.
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)
Unnamed Stream	c. 240m to the west of the site	GLAR_010 IE_NW_39G380790	The River Waterbody WFD Status 2016-2021 awarded the stream a status of 'Poor'	Review	-	Surface water Groundwater
Blanket Nook Lough	c. 2.1km to the northwest of the site	IE_NW_220_0200	The Transitional Waterbody WFD Status 2016-2021 awarded the Blanket Nook Lough a status of 'Moderate'	Review	-	Surface water Groundwater
Outer Swilly Estuary	c. 2.6km to the northwest of the site	IE_NW_220_0500	The Transitional Waterbody WFD Status 2016-2021 awarded the Blanket Nook Lough a status of 'High'	Not at Risk	-	Surface water Groundwater
Lough Swilly groundwater body, in an area	N/A	IEGBNI_NW_G_059	The Ground Waterbody WFD Status 2016-2021	Not at Risk	-	Surface water Groundwater

of moderate groundwater vulnerability			awarded Carrowmore West groundwater body a status of 'Good'			
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Step 3: 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	Water body 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.	Construction related contaminants entering ground water and surface water drain.	Unnamed Stream Blanket Nook Lough Outer Swilly Estuary Lough Swilly groundwater body	Existing	Water quality degradation. Site is underlaid by poorly drained soil therefore indicative of relatively slow percolation of water / pollutants.	Standard construction practices.	No	N/A

OPERATIONAL PHASE							
2.	Untreated surface water entering groundwater and surface water drain. Untreated foul water entering groundwater and surface water drain.	Unnamed Stream Blanket Nook Lough Outer Swilly Estuary Lough Swilly groundwater body	Existing	Water quality degradation. Site is underlaid by poorly drained soil therefore indicative of relatively slow percolation of water / pollutants	Installation of an oil interceptor. Application documentation refers to a proposal to upgrade an existing wastewater treatment system, albeit my concerns are noted with regards same with details set out in the Inspector's Report.	Cannot be determined on the basis of information submitted with regards the treatment of foul water.	Cannot be determined on the basis of information submitted with regards the treatment of foul water.