



An
Coimisiún
Pleanála

Inspector's Report

ACP-323050 -25

Development	Extension to Existing Dwelling House and Associated Site Works.
Location	33C Old Golf Course Road, Tullaghcullion Donegal Town Co. Donegal F94 X7X0
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	25/60715
Applicant(s)	Carol Lyster
Type of Application	Permission.
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	Sharon McGinty.
Observer(s)	None
Date of Site Inspection	2 nd September 2025.
Inspector	Una Smyth

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1.0 Site Location and Description

- 1.1. The rectangular dog legged shaped site with a given area of 0.07Ha is located in the Old Golf Course Road area, in the south of Donegal Town, with views in a south/southwestern direction towards Donegal Bay and east/south easterly towards a wooded area (designated as local environment and visually vulnerable land in the Seven Strategic Towns (Donegal Town) Local Area Plan 2018-2024). The existing dwelling is a road fronting detached dormer property. The sloping site has the Old Golf Course Road located above and rear (north) and is accessed by a cul de sac/ spur from this road to the front (southeast) which leads to a number of other dwellings and the seashore. The rear boundary is defined by a high retaining wall and fence; side boundaries are low fences on top of retaining walls and low boundary wall and fence to front. Donegal Bay is located to the to the east and south. The property has ample parking space and lawn to front.
- 1.2. The dwelling is located in a residential development characterised by dwellings of similar scale, design and finishes. Nos 31 to 33 (including the appeal site) are the same house type and have frontages facing south on to a spur/cul de sac of the Old Golf Course Road, with rear elevation facing north. The dwellings are staggered with No 33 sitting furthest forward of the three properties. Adjacent and northwest of the appeal site and continuing this row of dwellings sits no's 34 – 37 while located south and below (due to steeply sloping topography) and is a further row of dwellings No's 48, 49 and 54. Of note is that dwellings 34 to 37 face and access onto the (upper/northern) Old Golf Course Road, while the adjacent 3 dwellings in the row face and access on to the (lower/southern) Old Golf Course Road hence the appeal property No 33 and its neighbour No 34 are reverse orientations of each other. While No's 34 and 48 of different house types to Nos 31 – 33, are of similar scale and finishes, as are all dwellings in the development.
- 1.3. No 34 features a small rear sunroom extension with pitched roof visible from the (lower/southern) Old Golf Course Road, of smaller proportions than that subject to this appeal. The rear wall of the sunroom is roughly in line with the front wall of No 33 (the appeal site).
- 1.4. The surround area has an open nature feeling due to the lack of boundary fences or vegetation between properties, enabling views towards Donegal Bay and the vegetated area opposite.

- 1.5. The site is not located within any designated European Natura 2000 sites, however, is located approximately 100m North of Donegal Bay SAC/SPA. The site is located within an area of High Scenic Amenity.

2.0 Proposed Development

- 2.1. Planning permission is sought for an extension with a given area of 15.12 Sqm to existing dwelling in the form of a single storey flat roof extension to the property frontage. Alterations to the rear of the property in the form of reduction in size of window and replacing door with smaller window are also proposed to accommodate changes to the internal layout of the property with an additional window on western gable for proposed kitchen. It measures approximately 4 metres in length and 3 metres in height.

3.0 Planning Authority Decision

3.1. Decision

On 20th June 2025, Donegal Co. Co. granted permission for the development, subject to conditions.

3.1.1. Conditions

1 The development shall be carried out strictly in accordance with lodged plans and details, received on 06/05/2025, save as hereinunder otherwise required.

Reason: To define the permission.

2 All external finishes shall match those of the existing dwelling save as hereinunder otherwise agreed

Reason: In the interests of residential amenities.

3 No surface water from site shall be permitted to discharge to public road and applicant shall take steps to ensure that no public road water discharges onto site.

Reason: To prevent flooding.

4 All waste associated with the development shall be disposed of in an environmentally friendly manner and off site at an authorised/licensed facility

Reason: To ensure the preservation of residential amenities.

3.2. Planning Authority Reports

3.2.1. The planning report dated 13/06/2025 forms the basis for the decision by the PA to grant permission. In making this recommendation, the planning officer assessed the information submitted by the applicant against the relevant policy objectives as well as considering the third -party concerns. The planning officers report included the following comments:

- The principle of an extension to an existing residential property is considered acceptable.
- Given the separation distance between the site and neighbouring properties no issues arise in relation to loss of privacy or residential amenity.
- The design, height and finish of the proposed extension is acceptable, and the development is deemed to comply with County Donegal Development Plan 2024- 2030 as it is not considered to give rise to adverse impacts on the High Scenic Amenity Area.

3.3. Other Technical Reports

None

3.4. Prescribed Bodies

No responses received from The Manager Development Applications Unit or the Roads Engineer in Ballyshannon.

3.5. Third Party Observations

None

4.0 Planning History

4.1. 03/1089: Construction of 3 No Dormer dwelling houses of Phase 2.

5.0 Policy Context

5.1. Development Plan

5.1.1. The County Donegal Development Plan 2024-2030 is the statutory plan for the area. The plan sets the local planning policy context including provision of residential development.

- 5.1.2. The Seven Strategic Towns (Donegal Town) Local Area Plan 2018-2024 is statutory local plan for Donegal Town. Within this Local Plan the subject site is located within an area designated as Established Development whereby the zoning objective is 'To conserve and enhance the quality and character of the area, to protect residential amenity and to allow for development appropriate to the sustainable growth of the settlement.' Within this Established Development zone, Policy UB-P-27 Proposals for extension to a dwelling applies.

The purpose of Policy UB-P-27 is to ensure that new development meets the following criteria:- a) The development reflects and respects the scale and character of the dwelling to be extended and its wider settlement; (b) Provision is made for an adequate and safe vehicular access and parking; and (c) The proposal would not adversely affect the amenity of adjoining properties

The subject site also falls within an area of 'High Scenic Amenity' (HSA): HAS's 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. Policy L-P-2 of the Plan states 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.

Chapter 16 of the County Donegal Development Plan 2024-2030 sets out the relevant development controls and technical guidelines are set out in 'Technical Standards'. Policy TS-P-1 specifically requires developments to following technical standards, where applicable, in addition to all other relevant policy provisions of this Plan and relevant Governmental guidance and standards.'

5.2. Natural Heritage Designations

- 5.2.1. The subject site is located approximately 100m North of the Donegal Bay SAC/SPA

6.0 EIA Screening

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001.

No mandatory requirement for EIA therefore arises and there is 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 was received from Allan Curran Architects on behalf of his client Ms S McGinty, occupier of the neighbouring property, No 32 Old Golf Course Road. The appeal against the planning authority's notification of decision to grant permission can be summarised as follows:

- Contrary to Established Development zoning objective
- The development will have a strongly detrimental effect on No 32.
- Loss of privacy due to window and front door looking directly onto her personal space.
- Visual amenity compromised by loss of medium and long-distance views of Donegal Bay.
- Affect value of the property due to loss of views.

7.2. Applicant Response

None

7.3. Planning Authority Response

7.3.1. The Planning Authority's response to the grounds of appeal can be summarised as follows: -

- Views are not protected in the County Donegal Development Plan 2024-2030 and therefore no right to a view in this instance.
- The scale and nature of the proposed extension is appropriate. The doorway is into a porch area, and the small side window is in a dining room where constant occupation is not anticipated.
- The appeal site is set at a lower level than the third-party property to the east and therefore overlooking is not determined to be significant.

8.0 Assessment

8.1. I have reviewed the planning history on site and the site zonings in relation to the County Donegal Development Plan 2024-2030 and The Seven Strategic Towns (Donegal Town) Local Area Plan 2018-2024. The Third-Party references in their submission that they consider the proposed extension will have a detrimental impact on their property by way of overlooking/loss of privacy and loss of view and associated impact on value of the property. I will deal with each matter in turn.

8.2. Loss of Privacy/Overlooking

8.2.1. The proposal features a flat roof, front extension comprising of a small porch extension just under 2m in length and a larger 'dining room' extension, approximately 4 metres in length with an overall height of approximately 3 metres. The dining room has full length patio doors on western elevation, two windows on the southern elevation and a narrow window on the eastern elevation. The porch contains the third southern window and a front door on the east. The Third Party has raised concerns with the window and door on the eastern elevations which face their property and overlook their 'personal' space.

8.2.2. The personal space to which the Third Party refers is to the front of their property, which, due to the lack of any boundary screening is clearly visible from the public road. Private amenity space is located to the rear of this property, albeit there are no views of Donegal Bay from this location. I therefore do not consider the front of the dwelling to be a private, hence overlooking from any windows/front door will not lead to an increased loss of amenity. The appeal site is also slightly lower than that of the Third Party and I agree with the PA in their submission that this will reduce overlooking further. I also consider the larger windows on the other elevations with more scenic views will also minimise any overlooking in the direction of the Third Party.

8.2.3. I note the PA 's comments regarding residential amenity and their consideration that the development will not impact negatively on residential amenity, as the scale is relatively minimal and does not cause overlooking of private rear amenity space. I note the proposed extension lies close to the boundaries of Nos 34 and 48 (approximately 2 metres) with a kitchen window proposed in the existing western gable and patio doors, (full height and approximately 3m wide) in the western boundary of the proposed extension. The appeal dwelling currently sits slightly

forward on site than its neighbour at No 34 (by over two metres), hence the proposed windows on this western elevation, not only directly overlook the rear amenity space of No 34; but also provide direct views into the windows of the sunroom and kitchen. thereby having a detrimental impact on the amenity of the residents of this dwelling. Unlike the appeal property, No 34 does not benefit from private amenity space on its northern elevation, as this is road frontage.

- 8.2.4. I acknowledge that the existing open nature of the development, with low walls and fencing, does little to protect private amenity, with the rear amenity space of No 34 visible from public viewpoints from the lower/southern Old Golf Course Road and from private amenity space of adjacent properties. The public views are mid to long range, with sufficient separation distance between the road and the elevated rear of this property, and I do not consider this area be heavily trafficked. In relation to overlooking from private viewpoints, the level difference between No 34 and 48 ensures limited back-to-back overlooking, other than views from a rear dormer window, with a separation distance of over 14m to the sunroom. The other private viewpoint is from the hardstand area to the front of No 33, where there are clear views into the adjacent property. Even in the scenario where there is little privacy currently for the residents of No 34, I consider the proximity of the proposed windows and patio doors on the western elevation would cause an unacceptable degree of overlooking, thereby having a detrimental impact on the residents of this property. In coming to this conclusion, I have considered that the area to the front of the property will be occupied for more frequent and longer periods of time if enclosed (i.e. via the extension) rather than as the existing outdoor front open space. I note the PA consider the use of the proposed dining room to be 'occasional', however, I would anticipate this would be the most occupied room in the property, given the considerable views over Donegal Bay from this part of the site/dwelling, thereby giving rise to prolonged overlooking of the adjacent property, not previously experienced. The policy applicable for extensions in this land use zoning policy and Policy UB-P-27 of the Local Plan state the need to protect residential amenity. I consider the proposal fails in this regard and is therefore an unacceptable form of development. The insertion of permanently retained, obscured glazing in these windows/doors would however, overcome any issues with overlooking, and should the Commission be minded to approve the development, such condition should be included.

8.3. Loss of view and associated impact on value of the property.

- 8.3.1. The Third Party has raised concerns regarding the loss of view and impact on their property. The Council have addressed this matter in their report for the planning application, and I would agree with their assessment that private views are not protected in the County Donegal Development Plan 2024-2030. As such, there is no right to a view for the Third Party. I note the concerns raised in respect of devaluation of the neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenity of the Third Party to such an extent that it would adversely affect the value of their property.

8.4. Character of the Area

- 8.4.1. The PA raised no issues regarding the proposed extension to the front of the dwelling given its scale. Having viewed the site and surround area however, I consider the proposal would have a detrimental impact on character of the residential development, contrary to the policies contained in the Development and Local Area Plans and its setting in an area of High Scenic Amenity. The area is characterised by dwellings of similar scale and finishes but varying design. A defining feature of the development is its open nature, with low walls and fencing between properties - to the detriment of private amenity. There is also a waving but defined building line along both the front and rear of the upper and lower rows of properties, which, due to the topography of the site has been reasonably well maintained as ground levels are not favourable for extensions to front or rear. The result is an attractive residential development with views between and through properties thereby enabling all residents in the area to benefit from and maximise views of Donegal Bay from both private dwelling and public viewpoints. Side and rear extensions of properties in the area follow the rough building line, with the rear extension at No 34 not protruding further forward than the southern elevation of its neighbour No 33. I consider the front extension to No 33 will result in a protrusion forward some 4 metres of the building line thereby creating an unacceptable form of development which fails to integrate or reflect the open natured character of this area and contrary to the Local Plan policies which are to reflect and respect the scale and character of the wider settlement. I also consider the proposal fails to integrate with and reflect the character and amenity of this visually attractive built and natural landscape as required by policy for developments in areas of High Scenic Amenity.

9.0 AA Screening

- 9.1. I have considered the proposal for the single storey front extension and alterations to rear fenestration to the existing dwelling in light of the requirements of S177U of the Planning and development Act 2000 as amended.
- 9.2. The subject site is not located within, adjoining, or neighbouring any designated site, the Donegal Bay SAC/SPA is located over 100m south.
- 9.3. The proposed works are modest in scale and are domestic in purpose.
- 9.4. No nature conservation concerns were raised in the planning appeal.
- 9.5. Having considered the modest nature and scale of the project, its location, lack of a hydrological or other pathway between the site and European sites, and the screening report of the LPA, I can conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 9.6. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177 V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1. The subject site is located approximately 100m north of Donegal Bay SAC/SPA
- 10.2. The proposed development is for single storey front extension and alterations to rear fenestration to an existing domestic dwelling in an urban area.
- 10.3. No water deterioration concerns were raised in the planning application or appeal.
- 10.4. I have assessed the proposal 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, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater bodies either qualitatively or quantitatively.

10.5. The reason for this conclusion is as follows

- the modest nature, limited scale and domestic use of the development sought,
- the distance from the nearest Water body
- the nil concern from the LPA,

10.6. I conclude that 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 and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. I recommend that planning permission be refused subject to the reasons and considerations set out below.

12.0 Reasons and Considerations

12.1. Having regard to the pattern of development in the area, the proposed development by virtue of its nature as a front extension protruding forward of the established building line, in an area of High Scenic Amenity would negatively impact on the established character and visual amenities of the area result and its proximity to the neighboring boundary would result in a detrimental impact on the residential amenity of adjacent residents. While the insertion of obscured glazing on proposed windows on the southwestern elevation may alleviate the issue of overlooking, the front projection is out of character with the surrounding development. The proposed development would therefore be contrary to the policies contained in the County Donegal Development Plan 2024-2030, and The Seven Strategic Towns (Donegal Town) Local Area Plan 2018-2024 and would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has

influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.


U Smyth
Planning Inspector

17th September 2025

Appendix 1 - Form 1 EIA Pre-Screening

Case Reference	ACP323050-25
Proposed Development Summary	Single storey front extension to existing dwelling and associated site works
Development Address	33C Old Golf Course Road, Tullaghcullion Donegal Town Co. Donegal F94 X7X0
	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 <u>Part 1</u>, 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	The proposed 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

prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	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.
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
☐ 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)	State the Class and state the relevant threshold

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 ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: M. Smyth

Date: 17th September 2025

Appendix C: Standard AA Screening Determination Template

Test for likely significant effects

(For use in all cases where de minimis Screening Determination (Template 1) is used in
body of Report)

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project	The proposed development is for single storey front extension and alterations to rear fenestration to an existing domestic dwelling in an urban area. The flat roof front projection has a given floor area of 15.12sqm			
Brief description of development site characteristics and potential impact mechanisms	The proposed development site is the residential curtilage of a domestic dwelling, located within an area of High Scenic Amenity and falls within the urban area of Donegal Town. The host dwelling is a dormer dwelling situated on a sloping site in the residential development of Old Coast Road, overlooking Donegal Bay. The subject site is located approximately 100m north of Donegal Bay SAC/SPA			
Screening report	No – Donegal County Council screened out the need for an AA			
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 ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Donegal Bay SPA (004151)	Great Northern Diver (Gavia immer) Light-bellied Brent Goose (Branta bernicla hrota) Common Scoter (Melanitta nigra) Sanderling (Calidris alba) Wetland and Waterbirds	Approx 100m	No direct connection	N
Donegal Bay (Murvagh) SAC (000133)	Mudflats and sandflats not covered by seawater at low tide	Approx 100m	No direct connection.	N

	Fixed coastal dunes with herbaceous vegetation (grey dunes) Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) Humid dune slacks <i>Phoca vitulina</i> (Harbour Seal)			
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¹ Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³if no connections: N

Further commentary/discussion

Due to the modest nature and scale of the project, its location, lack of a hydrological or other pathway between the site and European sites, and the screening report of the LPA, I consider, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

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
Site Donegal Bay SPA (004151) Great Northern Diver (<i>Gavia immer</i>) [A003] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Common Scoter (<i>Melanitta nigra</i>) [A065] Sanderling (<i>Calidris alba</i>) [A144] Wetland and Waterbirds [A999]	[Direct: None Indirect: Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution.	The minor nature of the proposed development, the contained nature of the serviced development site and lack of direct ecological connections or pathways make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA. There would be no significant disturbance to any species. Conservation objectives would not be undermined.
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Possibility of significant effects (alone) in view of the conservation objectives of the site* No	

	Impacts	Effects
Site 2: Donegal Bay (Murvagh) SAC (000133) Mudflats and sandflats not covered by seawater at low tide [1140] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170] Humid dune slacks [2190] <i>Phoca vitulina</i> (Harbour Seal) [1365]	Direct: None Indirect: Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution.	The minor nature of the proposed development, the contained nature of the serviced development site and lack of direct ecological connections or pathways make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA and SAC. There would be no significant disturbance to any species or feature Conservation objectives would not be undermined.
	Likelihood of significant effects from proposed development (alone) : No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
Step 4: Conclude if the proposed development could result in likely significant effects on a European site		
I conclude that the proposed development (alone) would not result in likely significant effects on The Donegal Bay SPA and SAC. The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. No further assessment is required for the project. No mitigation measures are required to come to these conclusions.		
Screening Determination		
Finding of no likely significant effects In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on The Donegal Bay SPA and SAC or any other European site in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on: • The proposed works are modest in scale and are domestic in purpose • The subject site is not located within, adjoining, or neighbouring any designated site, the Donegal Bay SAC/SPA is located over 100m south with no direct connections. • No nature conservation concerns were raised in the planning application or appeal.		