



An  
Coimisiún  
Pleanála

## Inspector's Report PL-500277-DL-25

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<b>Development</b>	Demolition of existing holiday home and construction of replacement holiday home and all associated site works
<b>Location</b>	27 The Sycamores, Rathmullan, Co. Donegal
<b>Planning Authority</b>	Donegal County Council
<b>Planning Authority Reg. Ref.</b>	25/61481
<b>Applicant(s)</b>	Robert & Nuala Disney
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Jim Craig
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	20 <sup>th</sup> February 2026
<b>Inspector</b>	Philip Maguire

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## 1.0 Introduction

- 1.1. This case relates to an appeal by Jim Craig under the provisions of Section 37 of the Planning and Development Act 2000, as amended ('the Act'), following a grant of permission by Donegal County Council in accordance with Section 34 of the Act.
- 1.2. The appeal included an oral hearing request but An Coimisiún Pleanála ('the Commission') determined there is sufficient information to allow for a comprehensive assessment of the application and the issues arising from the written submissions.
- 1.3. This Inspector's Report (IR) and recommendation is made pursuant to Section 146(2) of the Act. The Commission is required to consider both before determining the case.

## 2.0 Site Location and Description

- 2.1. Situated within 'The Sycamores' holiday home development on the attendant grounds of Rathmullan House, the appeal site is located some 900m north, northeast of the historic core of Rathmullan in northeast Co. Donegal. The posted speed limit through the village is 50kph and vehicular access to the site is via a private single-track road off the Kinnegar Road (L5442) where a special speed limit of 5mph applies throughout.
- 2.2. The Sycamores is an established development of some thirty holiday homes with uniform A-framed roofs. The houses are neatly sited on an open plan layout with low level planting for privacy. They lie to the west of 'The Chalets', a separate development of some twenty-one holiday homes with a mix of flat and pitched roofs.
- 2.3. The appeal site has a stated area of 0.188ha and is roughly rectangular in shape. The northern and eastern boundaries are limited to the footprint of the existing house whereas the southern and western boundaries extend marginally beyond the footprint. In this regard, I observed paved areas along the northern, southern and western façades but it does not fully coincide with the site boundary. In addition to paved areas, the site consists of a detached storey and half chalet-type house with stone and render finishes. The distinctive A-frame roof structure is finished in concrete roof tiles.

## 3.0 Proposed Development

- 3.1. Permission is sought for a replacement, 3-bed, storey and a half, holiday home etc.

3.2. The proposed development is described in the statutory notices as:

*“The demolition of an existing holiday home and the construction of a new holiday home to replace it in the same location, connecting to existing services, including the foul and storm sewers.”*

3.3. The application documents include a supporting statement (Keys & Monaghan, 2025). It notes the FFL will be unchanged and height will be some 10cm higher than existing.

3.4. The planning application form indicates that the existing holiday home has a gross floor space of 105sq.m and the replacement will have a gross floor space of 160sq.m.

3.5. The planning authority received unsolicited further information on 10<sup>th</sup> October 2025. It includes revised drawings that correct a previous error i.e., the east and west elevations in the original drawings had shown a phantom projection from the southern roof plane. The ridge height of the building was also lowered from 6.88m to 6.68m by reducing floor-to-ceiling heights, in order to correspond with the Planning Statement, and the first-floor windows on the east and west elevations all have obscure glazing.

## 4.0 Planning Authority Decision

### 4.1. Decision

- 4.1.1. Permission was granted on 17<sup>th</sup> October 2025 subject to 6 no. conditions, including:
- Condition 1 – development to be carried out as per the unsolicited information.
- Condition 3(a) – rendered walls similar to adjacent properties, or otherwise agreed.
- Condition 6 – construction hours 0800-1800 Mon-Fri., 0800-1600 Sat., none Sun./hols.

### 4.2. Planning Authority Reports

- 4.2.1. The Planner’s Report (13/10/25) can be summarised as follows:

#### *Principle of Development*

- Acknowledges the policy drive in respect of embodied carbon but considers the new energy efficient home sufficient to justify demolition in this case.

### *Siting and Design*

- Does not consider the proposal to be radically different to existing properties to the extent that it would impact on the amenity and character of the estate.
- No visual amenity concerns exist subject to external finishes.

### *Residential Amenity*

- States that any potential overlooking is onto a communal area and thus the possibility of overlooking is difficult to justify where no private amenity space exists.
- Notes the unsolicited plans which indicate that east and west facing upper floor windows will be installed with obscure glazing and thus mitigate any overlooking.
- States that no privacy concerns arise in this instance.
- Does not consider the increase in footprint would cause a significant increase in overshadowing to the adjacent property over and above the status quo and impacts would be short-term and not of a scale to cause detrimental harm.
- Does not consider the proposal would have a significant impact on daylight either and therefore no residential amenity concerns arise.
- States that a construction hours condition will be attached given the site context.

### *Public Health*

- Foul to discharge to the public sewer.
- Storm to discharge to existing arrangements on site.
- No significant increased pressure on infrastructure anticipated.

### *Access*

- No alterations or intensification to the existing arrangements proposed.

### *Appropriate Assessment*

- Concludes the proposed development individually or in combination with other plans or projects will not have a significant effect on the aforementioned sites.

### *Environmental Impact Assessment*

- No real likelihood of significant effects / need for EIA screened out.

#### 4.2.2. Other Technical Reports

- Roads (26/09/25) No objection.

#### 4.3. Prescribed Bodies

None.

#### 4.4. Third Party Observations

4.4.1. The planning authority received 13 no. observations. Issues raised reflect third-party appeal grounds. They can be summarised from the Planning Officer's Report as:

- Proposal would be out of character, would disrupt the uniformity of the estate and set a precedent for the area; design, materials and roofline differ significantly.
- Proposal would encroach on shared space; property deeds indicate that ownership does not extend beyond the footprint i.e., the lawns and gardens which surround the dwellings; this is common ground maintained by management committee.
- Large windows would encroach on the privacy of other homeowners and the building would reduce the gap with other houses.
- Height increase of 300mm (not 100mm as stated in design statement).
- Height and positioning of windows would cause overlooking.
- The ground floor gable end will be comprised totally of glass causing a complete loss of privacy / amenity.
- Negative impact on property values.
- No planning precedent – distinguishes between The Chalets and The Sycamores.
- Building not of similar size, scale and form – gross floor space will increase from 105 to 160sq.m; dwelling disproportionate to other properties in the estate; the structure would appear overbearing and visually intrusive; grossly oversized.
- Property will be closer to surrounding properties with increased risk of fire spread.
- Loss of daylight and shadow casting for neighbouring houses.
- Impact on communal open space.

- Increased pressure on services, sewage and water pressure.
- Demolition and rebuild detrimental to the environment (carbon footprint) and goes against climate action and sustainability goals on a county and national level.
- Demolition requires a separate planning application.
- Impact on the surrounding common land during construction i.e., vehicles etc.

4.4.2. In relation to concerns over encroachment and land ownership, the Planner's Report states that the development will be contained within lands owned by the applicant. In this regard, the report includes an extract from the Land Direct website. The application site boundary does appear to correspond with extract detailed in the report.

4.4.3. The Planner's Report also indicates that some of the objections relate to the original two-storey design (submitted under PA ref. 25/61210) and thus states that some of the comments are not relevant to the current proposal which is significantly different.

## 5.0 Planning History

### 5.1. Appeal Site

5.1.1. PA ref. 25/61210 – in July 2025, the planning authority deemed invalid an application for a two-storey, 4-bedroom, replacement holiday home with flat roof structure etc.

5.1.2. PA ref. 86/1239 – in August 1989, the decision of the planning authority was upheld on appeal (ref. PL 05.78457) and permission was granted for 60 no. holiday homes. EOD granted in 1995 (PA ref. 94/1963). 2<sup>nd</sup> EOD refused in 2000 (PA ref. 00/7004).

### 5.2. Adjacent Sites

*No. 17 The Chalets, Rathmullan, Co. Donegal*

5.2.1. PA ref. 17/50339 – in May 2017, the planning authority granted permission for a storey and a half replacement holiday home with pitched roof structure c. 75m northeast of the appeal site. Change of house-type then granted under PA ref. 20/51568. I note that a similar proposal was previously granted in March 2005 under PA ref. 04/7973.

*No. 18A The Chalets, Rathmullan, Co. Donegal*

5.2.2. PA ref. 22/52068 – in April 2023, the planning authority granted permission for a storey and a half infill holiday home with pitched roof structure c. 55m east of the appeal site.

### 5.3. Surrounding Area

#### *No. 1 The Chalets, Rathmullan, Co. Donegal*

- 5.3.1. PA ref. 22/50349 – in May 2022, the planning authority granted permission for a storey and a half replacement holiday home with pitched roof structure c. 120m southeast of the appeal site. The demolished chalet was a single-storey flat roof structure.

#### *No. 6 The Chalets, Rathmullan, Co. Donegal*

- 5.3.2. PA ref. 22/51091 – in September 2022, the planning authority granted permission for a storey and a half replacement holiday home with pitched roof structure c. 140m east of the appeal site. The demolished chalet was a single-storey flat roof structure.

#### *No. 11 The Chalets, Rathmullan, Co. Donegal*

- 5.3.3. PA ref. 15/50931 – in October 2015, the planning authority granted permission for a storey and a half replacement holiday home with pitched roof structure c. 195m northeast of the appeal site. The demolished chalet had a single-storey flat roof.

## 6.0 Policy Context

### 6.1. Local Planning Policy

#### ***County Donegal Development Plan 2024-2030***

- 6.1.1. The current Development Plan came into effect on 26<sup>th</sup> June 2024. The Plan was subject to a draft Ministerial Direction in July 2024 and is pending a final decision by the Minister following public consultation and OPR recommendations (Sept. 2024). The planning authority decision was made under the provisions of this current Plan.
- 6.1.2. I also note that Variation No. 1 was on public display until 13<sup>th</sup> February 2026. It proposes new Area Plans for An Clochán Liath, Bridgend, Ballyshannon, Carndonagh, Donegal Town and Killybegs, the making of various Residential Zoned Land Tax (RZLT) related zoning changes, and other minor changes to the Bunrana, Ballybofey/Stranorlar and Letterkenny Area Plans, none of which affect the site.
- 6.1.3. The site is located within the rural settlement boundary of Rathmullan (Map 21.47) and is subject to the provisions of Chapter 21 relating to Settlement Frameworks. In this regard, whilst I note that the frameworks identify settlement envelopes and certain

zoning objectives, they also consist of lands that, although not specified as being for a particular use, can be used for a variety of purposes on a case-by-case basis.

6.1.4. This applies to the appeal site which is not subject to any of the land use zoning objectives (Table 21.2). Nor is it subject to any of the land use zoning policies listed.

6.1.5. Other relevant policies and objectives are set out in chapter 6 (Housing), chapter 11 (Natural, Built and Archaeological Heritage) and chapter 16 (Technical Standards).

6.1.6. The following sections are relevant to the proposed development:

- 6.2 – Urban Housing
- 6.3.2 – Holiday Homes
- 11.2 – Landscape

6.1.7. Summary of policies and objectives relevant to the appeal site:

UB-P-2 (b) Overrides the restriction in (a) of the policy in terms of the balance between holiday homes and permanent homes, subject to environmental and heritage designations and amenity considerations, where the applicant can demonstrate that the proposal would assist with the regeneration or remediation of vacant or derelict properties etc.

UB-P-9 Seeks to protect the residential amenity of existing residential units and to promote design concepts for new housing that ensures the establishment of reasonable levels of urban residential amenity.

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

RH-P-9 Relates to location, siting and design and other detailed considerations.  
(a) Requires proposals for individual dwellings to be sited and designed in a manner that is sensitive to the integrity and character of rural areas as per Map 11.1 (Scenic Amenity), and that enables the development to be assimilated into the receiving landscape. It notes that proposals shall be subject to best practice in the *Design Guide*. I note the following:

(iii) A proposed dwelling shall not result in a development which by its positioning, siting or location would be detrimental to the amenity of the area or would constitute haphazard development.

(b) Proposals shall also be assessed against:

(i) the need to avoid any adverse impact on Natura 2000 sites or other designated habitats of conservation importance, prospects or views including views covered by policy L-P-8.

L-P-2 Seeks 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.

## 6.2. National Planning Policy and Guidelines

### ***Development Management Guidelines***

- 6.2.1. Section 5.13 of the Development Management Guidelines (DEHLG, 2007) states that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land and this is ultimately a matter for resolution in the Courts. In this regard, it notes that a person is not entitled solely by reason of a permission to carry out any development as per Section 34(13) of the Planning Act.
- 6.2.2. It also states that where in making an application, a person asserts ownership, and there is nothing to cast doubt on the *bona fides* of that assertion, the planning authority is not required to inquire further into the matter. If, however, the terms of the application or a third-party submission raises doubts as to the sufficiency of the legal interest, further information may have to be sought under Article 33 of the Regulations.
- 6.2.3. Whilst the Guidelines also state that permission should be refused where it is clear from the further information response that the applicant does not have sufficient legal interest, they go on to suggest that the planning authority may still grant permission where some doubt remains, confident in the knowledge that Section 34(13) prevails.
- 6.2.4. Section 5.10 of the Guidelines states that unsolicited further information should only be considered when it relates to non-contentious matters, such as clarification of details already submitted otherwise it should be dealt with in accordance with Art. 35.

### 6.3. Natural Heritage Designations

#### 6.3.1. Nearest proposed Natural Heritage Areas (pNHAs):

- Lough Swilly incl. Big Isle, Blanket Nook & Inch Lake (000166) – c. 155m east
- Carlan Isles (Mulroy Bay) (002055) – c. 10km northwest
- Ballymastocker Dunes (001089) – c. 10.1km north, northwest
- North Inishowen Coast (002012) – c. 10.6km north
- Lough Fern (001162) – c. 10.65km southwest

#### 6.3.2. Nearest Natura 2000 designations:

- Lough Swilly SAC (002287) – c. 145m east
- Lough Swilly SPA (004075) – c. 255m east, southeast
- Horn Head to Fanad Head SPA (004194) – c. 8.95km north, northwest
- Mulroy Bay SAC (002159) – c. 10km northwest
- North Inishowen Coast SAC (002012) – c. 10.6km north
- Leannan River SAC (002176) – c. 10.65km southwest
- Lough Fern SPA (004060) – 11.8km west, southwest
- Ballyhoorisky Point to Fanad Head SAC (001975) – 12.85km north, northwest

## 7.0 The Appeal

### 7.1. Grounds of Appeal

- 7.1.1. A third-party appeal has been lodged by Mr Jim Craig. The grounds of appeal reflect the observations made to the planning authority and are summarised as follows:

#### *Procedural Matter*

- Submits that the application impinges on Management Company owned land.

#### *Precedent*

- Reference to No. 17 The Sycamores as precedent is incorrect and suggests that an attempt is being made to confuse the old chalets with The Sycamores site.

### *Visual Amenity*

- States that all houses in The Sycamores are identical and the application would set a precedent and break the uniformity of the site.

### *Other*

- Unsolicited drawings submitted after the deadline for objection.

7.1.2. The appellant has also included a copy of his submission to the planning authority. The issues are summarised above and were detailed under the following headings:

1. No precedent for planning permission granted on 'The Sycamores' site.
2. Scale of the proposed works.
3. Character and design of the proposed works.
4. Privacy and safeguarding.
5. Risk of fire spread.
6. Loss of light.
7. Impact on communal open space.
8. Impact on amenities.
9. Sustainability concerns.
10. Proposed demolition works.

## **7.2. Applicant Response**

None received.

## **7.3. Planning Authority Response**

7.3.1. The planning authority's response can be summarised as follows:

- The matters raised are covered in the Planner's Report.
- The planning authority is satisfied that that the proposal is consistent with the relevant policies set out in the County Development Plan 2024-2030.
- Requests the Commission to uphold the decision and grant permission.

## 8.0 Planning Assessment

### 8.1. Preliminary Points

8.1.1. Having examined the application details and all other documentation on the appeal file, including the appeal submissions and observations, and inspected the site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal.

8.1.2. The issues can be addressed under the following headings:

- Procedural Matter
- Visual Amenity
- Residential Amenity
- Other Issues

### 8.2. Procedural Matter

8.2.1. The crux of the appeal submission relates to the legal interest of the applicant over the lands in question. The appellant suggests that the site boundary, as outlined in red on the location map, impinges on Management Company lands. In this regard, they have submitted a map entitled “site drawing from the original deeds” and state that the boundary of each site ‘does not extend beyond the first two flagstones’ and outside of that it is owned by the Management Company which is made up of the homeowners.

8.2.2. The planning authority state that the matters raised have been covered in the Planner’s Report. In this regard, and as noted above, the report includes an extract from the Land Direct website which appears to correspond with the red line boundary and the boundary outlined on submitted topographical survey drawing (Dwg. No. B2406). A note on that drawing states that the “property boundary is in accordance with a Land Registry Compliant map dated 21<sup>st</sup> November 2023 as shown in magenta”.

8.2.3. A copy of the referenced ‘Land Registry Compliant map’ has not been submitted nor is it mandatory. Article 22 of the Planning and Development Regulations 2001, as amended (‘the Regulations’) sets out the requirements for the content of planning applications generally. Article 22(2)(b) of the Regulations sets out the requirements

for the location map including the land or structure to which the application relates and the boundaries thereof in red. Article 22(2)(g) deals with the legal requirements as to ownership. In this regard, Section 10 of the planning application form indicates that the applicants own the 'land or structure' in question although no further elaboration has been made at appeal stage in respect of this, or indeed any of the appeal grounds.

- 8.2.4. As noted, Section 5.13 of the Development Management Guidelines provides that a planning authority is not obliged to inquire further into the *bona fides* of asserted ownership where there is nothing to cast doubt on that assertion. Further information may be sought, however, if a third-party submission raises doubts as to the sufficiency of the legal interest. Whilst the Guidelines also state that permission should be refused where it is clear from the further information response that the applicant does not have sufficient legal interest, they go on to suggest that the planning authority may still grant permission where some doubt remains, fully confident in the knowledge that Section 34(13) of the Planning Act prevails i.e., a person shall not be entitled solely by reason of a permission under Section 34 of the Planning Act to carry out the development.
- 8.2.5. The appellant unquestionably has raised doubts as to the sufficiency of the applicant's legal interest in the appeal site and I certainly find it odd that the red line boundary (magenta coloured line on the survey drawing) doesn't correspond with the paved area which flanks the existing holiday home to the north, south and west. They have not, however, submitted any other information from the deeds to substantiate their claim.
- 8.2.6. I therefore measured the key dimensions of the paved area during my site inspection and it accurately corresponds to the 'patio' area detailed on the survey drawing. Yet the paved areas to the north and northwest corner of the dwelling are shown outside of the applicant's claimed ownership which itself extends beyond the paved area to the south and southwest of the dwelling and onto grassed open space. Even more curious, and perhaps critical to this appeal, is the fact that the projecting chimney stack to the northern façade and externally accessed storage area to the eastern façade, albeit annotated with "no access" on the floor plans, fall outside the red line boundary. This is evident on both of the proposed block plans (Dwg. Nos. PI-L-02 and PI-L-03) when one compares the outline of the existing chalet with the red line site boundary.
- 8.2.7. On one hand, I have insufficient information before me to accept the appellant's claims regarding land ownership and the extent to which the Management Company control

lands 'beyond the first two flagstones'. Whereas, on the other, the applicant has illustrated on the drawings that they do not have control over all of the lands necessary to implement the proposal, particularly in relation to the demolition of all of the building.

- 8.2.8. Whilst I consider it highly improbable that the applicant doesn't own the entire building, inclusive of the projecting chimney and external store, it does cast into sufficient doubt the accuracy of the 'property boundary' as per 'the Land Registry Compliant map' and thus the application site boundary as illustrated with a red line on the site location map. This is not a peripheral issue; it is fundamental to the proposal and overall assessment.

#### *Conclusion on Procedural Matter*

- 8.2.9. Whilst I note that legal disputes are a civil matter outside the scope of the appeal process, and I am cognisant of the provisions of Section 34(13) of the Act, this does not obviate the need to comply with the provisions of Article 22(2) of the Regulations.
- 8.2.10. In such circumstances, the Commission may wish to seek further information from the parties under the provisions of Section 131 of the Act, however based on the information before me, including the land registry details provided by the applicant through the survey drawing, as corroborated by the Planner's Report, I do not recommend such a course of action. The applicant has not complied with Article 22(2) of the Planning Regulations and the appellant's substantive ground should be upheld.

### **8.3. Visual Amenity**

- 8.3.1. The appellant raises concerns regarding the impact of the proposal on the visual amenities of the area, noting that all houses in The Sycamores are identical and the proposal would break the uniformity of the site and set a precedent in this regard. They also suggest reference to 'No. 17 The Sycamores' as precedent is incorrect, adding that an attempt is being made to confuse the old chalets with The Sycamores.
- 8.3.2. As noted, the applicant has not responded to the appeal grounds. Having regard to the supporting statement at application stage, it is submitted that the replacement holiday home will maintain the storey and a half form with 45° pitched roof which is of a scale that is in keeping with existing chalets and those that have been replaced.
- 8.3.3. The planning authority state that the matters raised have been covered in the Planner's Report. In this regard, I note that the proposal was not considered to be

radically different to existing properties to the extent that it would impact on the amenity and character of the estate with no visual amenity concerns arising subject to finishes.

- 8.3.4. The proposed development seeks to demolish the original storey and a half, 3-bed, chalet-style holiday home, with distinctive A-frame roof structure, and replace it with a modern 3-bed equivalent, although the application form indicates a 4-bed. The existing dwelling has a finished floor level of 13mAOD and a stated floor area of 105sq.m. It has a footprint of roughly 7.9 metres by 9.5 metres and is flanked by paved areas to the north, south and west, as noted above. The ridge height is illustrated as 6.58m.
- 8.3.5. The proposed holiday home would have an identical finished floor level of 13mAOD and a floor area of 160sq.m, a c. 52% increase as noted by the appellant in his submission to the planning authority. It would have a footprint of some 10 metres by 10 metres and extend as far as the open space area to the west and south. The unsolicited further information illustrates a ridge height of 6.68 metres, a reduction from 6.88 metres, as originally submitted. I note that in order to retain the 45° pitched roof, the floor-to-ceiling heights have been reduced. This will be discussed further below.
- 8.3.6. The external finishes of the proposed replacement are detailed as smooth render, off-white in colour, to the external walls and dark grey roof tiles or slates. This contrasts with textured render and stone wall finishes of the existing chalet and in this regard, I note that Condition 3(a) requires rendered walls similar to adjacent properties etc.
- 8.3.7. In terms of precedent, I have reviewed the planning history relating to The Sycamores and inspected the entire development during my site visit. Whilst I accept that all holiday homes in The Sycamores development are unaltered since their construction, including No. 17, I do not consider there has been any deliberate attempt to conflate this with various developments at The Chalets, including the replacement of No 17 and new unit at No. 18A, and their relationship with the appeal site is certainly relevant.
- 8.3.8. The proposed development, as detailed in the unsolicited further information, would result in a marginally higher building with L-shape gabled roof. This would evidently be a departure from the distinctive A-frame roof structures that characterise The Sycamores development. The L-shaped plan would also be noticeably different but it does retain the narrow plan gable ends which suitably offsets the larger footprint. In such circumstances, I am inclined to agree with the sentiments in the Planner's Report and I do not consider the proposal will radically alter the visual amenities of the area.

### *Conclusion on Visual Amenity*

- 8.3.9. On balance, I do not consider the proposed development will adversely affect the visual amenity or indeed the established character of the area, notwithstanding the unblemished uniformity, albeit somewhat tired appearance, of The Sycamores estate.
- 8.3.10. If the Commission are minded to grant permission, I recommend that the external finishes are carefully modulated to ensure the maximum integration with the estate.

### **8.4. Residential Amenity**

- 8.4.1. Whilst not raised directly in the appeal grounds, the appellant did include and refers to his original objection to the planning authority. It outlines a number of issues regarding the impact of the proposal on residential amenity, including loss of light and privacy.
- 8.4.2. As noted, the planning authority state that the matters raised have been covered in the Planner's Report. In this regard, it states that there are no privacy concerns given the obscure glazing in the east and west facing gable end windows and the increased footprint would not cause a significant increase in overshadowing of adjacent property.

### *Impact on Neighbours*

- 8.4.3. The existing chalet is within c. 6.4m of the appellant's property and this distance marginally reduces to c. 6.3m with the proposed development, albeit with increased massing owing to the new gable end and eaves height. Whilst there will be an appreciable change for the appellant and indeed the occupants of No. 28 The Sycamores, there will be no significant overshadowing or overbearance on their property by virtue of the proposed floor level, limited height increases and orientation.
- 8.4.4. Similarly, in terms of overlooking, I agree with the Planner's Report that the obscure glazing to the upper floor gable end windows on the eastern and western elevations will negate any significant overlooking of the neighbouring properties, including the appellants. I also note that the roof lights on the elevation addressing the appellant's property serves the first-floor landing i.e., a non-habitable area / room. Whilst the roof light on the east elevation serves Bedroom 2, any oblique views that may arise towards No. 28 The Sycamores will be largely interrupted by the east facing gable / roof slope.
- 8.4.5. Additionally, of the four roof light windows on the southern elevation, only two serve a bedroom (Master Bedroom) i.e., one serves the en-suite bathroom and the other

serves the study. There may be marginal oblique views from the study towards No. 28 The Sycamores but there will be no discernible overlooking given the orientations.

#### *Impact on Occupants – New Issue*

- 8.4.6. As noted, the proposed development would increase the floor space by c. 52%. Along with increased headroom and circulation area at first floor level, this, in my opinion, represents an improvement over and above the levels of residential amenity that would be currently experienced by the owner / occupants. I also note, however, that in order to reduce the ridge height to 6.68 metres above finished floor level, the unsolicited further information drawings show floor-to-ceiling heights of c. 2.3 metres. This is below the suggested height of habitable rooms as per Technical Guidance Document (TGD) F (Ventilation) published under the Building Regulations 1997, as amended.
- 8.4.7. Whilst neither the Design Manual for Quality Housing (DHLGH, 2022) nor the *Best Practice Guidelines, Quality Housing for Sustainable Communities* (DEHLG, 2007), are prescriptive in terms of ceiling heights, they do defer to the Building Regulations.
- 8.4.8. The latter notes that the Building Control Acts mandate the designer to comply with the Building Regulations and TGDs with the Regulations taking precedent to guidance therein. As noted, Section 34(13) of the Planning Act does not obviate the need to comply with the provisions of other statutory codes and if the Commission are minded to grant permission, I recommend that such advice is attached to any resultant order.
- 8.4.9. I do not, however, consider 2.3m floor-to-ceiling height at ground floor and first floor levels would adversely impact on the residential amenity of the owner / occupants and overall, the proposed development would result in significant amenity improvements.

#### *Conclusion on Residential Amenity*

- 8.4.10. On balance, I do not consider that the proposed development would adversely impact on the residential amenity of neighbouring properties by reason of overshadowing, overbearance, or overlooking nor would it compromise the amenities of the occupants.
- 8.4.11. If the Commission are minded to grant permission, I recommend that standard construction hours and maintenance of the obscure glazing are suitably conditioned.

### **8.5. Other Issues**

- 8.5.1. Concerns were also raised in the appeal regarding the unsolicited further information.

8.5.2. I also note concerns at application stage regarding embodied carbon / climate action.

#### *Unsolicited Further Information*

8.5.3. As noted in section 6.2 above, the Development Management Guidelines state that unsolicited further information should only be considered when it relates to non-contentious matters, such as clarification of details already submitted otherwise it should be dealt with in accordance with Article 35 of the Regulations and subject to public notification and a further statutory consultation period. This is the nub of the appellant's concerns, in that he was not afforded the opportunity to comment further.

8.5.4. At the outset, the Planner's Report acknowledged the unsolicited further information and the rationale for its submission i.e., to accurately portray the roof structure. I have summarised the unsolicited further information in section 3.5 above. In this regard, I am fully satisfied that the unsolicited further information clarified the drawings as initially submitted and are non-contentious and in fact mitigate some stated concerns.

#### *Embodied Carbon*

8.5.5. Whilst I accept the thrust of the comments in respect of embodied carbon and the wider climate agenda, there is no sequential approach, as yet, to the redevelopment of buildings. Moreover, the proposal will offset some harm through energy efficiency.

#### *Conclusion on Other Issues*

8.5.6. The above assessment represents my *de novo* consideration of all planning issues material to the proposal for planning permission for a replacement holiday home.

## **9.0 Environmental Assessments**

### **9.1. Environmental Impact Assessment (EIA) Screening**

9.1.1. The planning authority screened out the proposal at preliminary examination stage.

9.1.2. The proposed development has been subject to preliminary examination for environmental impact assessment (Appendix 1). 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 proposal, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not therefore required.

## 9.2. Appropriate Assessment (AA) Screening

9.2.1. The planning authority screened out the need for Stage 2 AA, stating that:

*“...an appropriate assessment of the proposed development is not required as it can be excluded on the basis of objective scientific information that the proposed development individually or in combination with other plans/projects will have a significant effect on a European Site – Lough Swilly SAC and Lough Swilly SPA..”*

9.2.2. In arriving at this conclusion, the planning authority took into account the following:

- The fact that the development would not result in any direct loss or fragmentation of any Natura 2000 site;
- Having regard to the nature of the development; its location within an existing housing development, existence of intervening development between the subject site and Natura 2000 site; and location in a serviced suburban area.

9.2.3. Having reviewed the documents and submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the proposed development, alone, or in combination with other plans and projects on any of the designated European sites. I have carried out a full screening determination for the proposed development and it is attached to this report (Appendix 2). For completeness, the sites included in the screening exercise are:

- Lough Swilly SAC (site code 002287),
- Lough Swilly SPA (site code 004075),
- Mulroy Bay (site code 002159),
- North Inishowen Coast SAC (site code 002012),
- Leannan River SAC (side code 002176),
- Horn Head to Fanad Head SPA (site code 004194),
- Lough Fern SPA (site code 004060), and
- Ballyhoorisky Point to Fanad SAC (site code 001975).

### *Screening Determination*

9.2.4. 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 Lough Swilly SAC or SPA, or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

9.2.5. This determination is based on:

- The relatively minor scale of the development on fully serviced lands,
- No ex-situ impacts on wintering birds,
- Possible impacts identified would not be significant in terms of site-specific conservation objectives for Lough Swilly SAC or SPA and would not undermine the maintenance of favourable conservation condition or delay or undermine the achievement of restoring favourable conservation status for those qualifying interest features of unfavourable conservation status.

### 9.3. **Water Framework Directive (WFD) Screening**

9.3.1. The planning authority did not carry out a screening for the purposes of the WFD.

9.3.2. A screening for the purposes of the Water Framework Directive (2000/60/EC) has also been carried out. On the basis of objective information, I conclude that the proposal 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 waterbody in reaching its WFD objectives. Therefore, it can be excluded from any further assessment (Appendix 3).

## 10.0 **Recommendation**

10.1. I recommend that permission be **refused** for the reasons and considerations below.

## 11.0 Reasons and Considerations

On the basis of the submissions made in connection with the planning application and appeal, the Commission is not satisfied that, at the time of lodgement, the application was made by a person(s) who had -

- (a) sufficient legal estate or interest in the land the subject of the application to enable the person(s) to continue the existing use of, or carry out the proposed development on the land, or
- (b) the approval of the person(s) who has such sufficient legal estate or interest.

In these circumstances, it is considered that the Commission is precluded from giving further consideration to the granting of permission for the development the subject of the application.

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.

---

Philip Maguire  
Inspectorate  
16<sup>th</sup> March 2026

## Appendix 1 (EIA Screening)

### Form 1 – EIA Pre-Screening

<b>Case Reference</b>	PL-500277-DL-25
<b>Proposed Development Summary</b>	Demolition of existing holiday home and construction of a replacement holiday home etc.
<b>Development Address</b>	27 The Sycamores, Rathmullan, Co. Donegal
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA?</b>  (For the purposes of the Directive, “Project” means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a ‘Project’. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>Class 10(b)(i) 'more than 500 dwellings units'</p>

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

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	PL-500277-DL-25
<b>Proposed Development Summary</b>	Demolition of existing holiday home and construction of a replacement holiday home etc.
<b>Development Address</b>	27 The Sycamores, Rathmullan, Co. Donegal
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<p><b>Characteristics of proposed development</b></p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>Planning permission is sought for the demolition of a 3-bed, storey and a half, chalet-style holiday home and construction of a replacement 3-bed, storey and a half holiday home with pitched roof structure on a 0.188ha site within an existing holiday home development.</p> <p>Implementation of the permission will involve the demolition of the existing building on site and the removal of the subsequent wastes at the site in addition to excavated soils, boulder clay, rock and vegetation.</p> <p>Construction activities would require the use of potentially harmful materials, such as fuels, concrete and other such substances and give rise to waste for disposal. Such wastes will be typical of construction sites and significant wastes; emission or pollutants are not anticipated.</p> <p>Noise and dust emissions during construction are likely but such construction impacts would be localised and temporary in nature.</p> <p>Connection to Uisce Éireann water and wastewater infrastructure is feasible as per existing connections.</p>
<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>There are no ecologically sensitive locations in immediate proximity to the appeal site. The nearest designated sites, Lough Swilly SAC (site code 002287) and SPA (site code 004075) are located at Kinnegar Strand, c. 145m and 255m east of the site, respectively. The nearest proposed Natural Heritage Area (pNHA), Lough Swilly including Big Isle, Blanket Nook &amp; Inch Lake, is also at Kinnegar Strand, c. 155m to the east. Other pNHAs, SACs and SPAs are between c. 9km and 12km away from the appeal site (see section 6.3 of IR).</p> <p>The appeal site lies within the attendant grounds of Rathmullan House which is listed in the National Inventory of Architectural Heritage (NIAH) in addition to the access point to The Sycamores development off</p>

	<p>Kinnegar Road. The latter (NIAH ref. 40819037) is described as a modest sweeping gateway dating from c. 1870 and originally built to serve as a secondary entrance to Rathmullan House, whereas Rathmullan House (NIAH ref. 40819012), a detached five-bay two-storey over basement former country house, was built c. 1820, extended c. 1841 and extended and extensively remodelled c. 1870. Other inventoried structures within the attendant grounds include the walled garden (NIAH ref. 40819022), the main entrance (NIAH ref. 40819025) and adjacent gate lodge (NIAH ref. 40819024) and “Rose Cottage”, a gate lodge built to serve a secondary/service entrance to Rathmullan House and now forms part of an interesting group of related period structures.</p> <p>The proposal is not considered to be exceptional in the context of the receiving environment which has been subject to significant holiday-type accommodation.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Likely effects are limited to the construction phase through increased noise and dust from construction traffic and operations but will be substantially below the threshold of significance through established construction management practices.</p> <p>Having regard to the scale of the proposal, intervening land uses and separation distance, the design measures of the proposal including those relating to water services and related infrastructure, there is no potential to significantly impact on environmental parameters or on the ecological sensitivities of the aforementioned European sites, including transboundary designations, or other significant environmental sensitivities in the area.</p>
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
<b>There is no real likelihood of significant effects on the environment.</b>	EIA is not required.

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## Appendix 2 (AA Screening)

<b>Screening for Appropriate Assessment Test for likely significant effects</b>	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Brief description of project</b>	Demolition of existing holiday home and construction of a replacement holiday home etc.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>Generally flat brownfield site c. 12.80mAOD. Roughly rectangular with a stated area of 0.188ha. Situated within an established open plan development of chalet-type holiday homes with uniform A-framed roofs and finishes and interspersed with low level planting.</p> <p>Existing storm manholes throughout development with outfall to Lough Swilly. No other surface water drainage vectors evident i.e., ditches, streams etc.</p> <p>Implementation of the permission will involve the demolition of the existing building on site and the removal of the subsequent wastes at the site in addition to excavated soils, boulder clay, vegetation.</p> <p>Construction activities would require the use of potentially harmful materials, such as fuels, concrete and other such substances and give rise to waste for disposal. Such wastes will be typical of construction sites and significant wastes; emission or pollutants are not anticipated.</p> <p>Noise and dust emissions during construction are likely but such construction impacts would be localised and temporary in nature.</p> <p>Connection to Uisce Éireann water and wastewater infrastructure feasible as per existing connections.</p>
<b>Screening report</b>	None submitted
<b>Natura Impact Statement</b>	None submitted
<b>Relevant submissions</b>	None
<b>Additional information</b>	<p>Donegal Co. Council screened out the need for AA.</p> <p>I note that the application was referred to An Taisce, DHLGH (DAU), The Heritage Council and Uisce Éireann and no objections were received by the planning authority.</p>

**Step 2. Identification of relevant European sites using the Source-pathway-receptor model**

European Site (code)	Qualifying interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
Lough Swilly SAC (002287)	<p>Estuarine, coastal and marine habitats, <i>molinia</i> meadows, sessile oak woods</p> <p>Otter</p> <p><a href="#">Conservation Objectives Link</a> (NPWS, 2011)</p> <p>Addition of harbour porpoise</p> <p><a href="#">Amendment Notification Link</a> (NPWS, 2024)</p>	c. 145m east of appeal site	<p>No direct connection.</p> <p>Indirect via stormwater which outfalls to Lough Swilly although this pathway already exists given the nature of the proposal with no significant increase in storm runoff anticipated.</p>	<b>Y</b>
Lough Swilly SPA (004075)	<p>Wintering water birds (24x species)</p> <p>Wetland and waterbirds</p> <p><a href="#">Conservation Objectives Link</a> (NPWS, 2011)</p>	c. 255m east, southeast of appeal site	<p>No direct connection.</p> <p>Indirect via stormwater which outfalls to Lough Swilly although this pathway already exists given the nature of the proposal with no significant increase in storm runoff anticipated.</p>	<b>Y</b>
Mulroy Bay SAC (002159)	Estuarine, coastal and marine habitats	c. 10km northwest of appeal site	No direct or indirect connection i.e., no surface /	<b>N</b>

	<p>Otter</p> <p><a href="#">Conservation Objectives Link</a> (NPWS, 2012)</p>		<p>ground water or other vectors and no relevant mobile conservation interests associated with this SAC.</p>	
<p>North Inishowen Coast SAC (002012)</p>	<p>Coastal habitats</p> <p>Dry heaths</p> <p>Whorl snail</p> <p>Otter</p> <p><a href="#">Conservation Objectives Link</a> (NPWS, 2014)</p>	<p>c. 10.6km north (upstream) of appeal site</p>	<p>No direct connection.</p> <p>Weak, indirect/tentative via stormwater which outfalls to Lough Swilly however the SAC is on the opposite shore and sufficiently remote given the nature of the proposal and dilution / dispersal factors in the expansive waterbody.</p>	<p><b>N</b></p>
<p>Leannan River SAC (002176)</p>	<p>Oligotrophic waters</p> <p>Oligotrophic to mesotrophic standing waters</p> <p>Freshwater pearl mussel</p> <p>Salmon</p> <p>Otter</p> <p>Slender naiad</p> <p><a href="#">Conservation Objectives Link</a> (NPWS, 2019)</p>	<p>c. 10.65km southwest (downstream) of appeal site</p>	<p>No direct connection.</p> <p>Weak, indirect/tentative via stormwater which outfalls to Lough Swilly however the SAC is riverine and significantly downstream and west of the Ramelton Channel at Ramelton Bridge.</p> <p>No other direct or indirect connection.</p>	<p><b>N</b></p>

<p>Horn Head to Fanad Head SPA (004194)</p>	<p>Wintering water birds (10x species)</p> <p><a href="#">Conservation Objectives Link</a> (NPWS, 2025)</p>	<p>c. 8.95km north, northwest (upstream) of appeal site</p>	<p>No direct connection.</p> <p>Weak, indirect/tentative via stormwater which outfalls to Lough Foyle however the SPA is down shore and sufficiently remote and the appeal site is unsuitable for roosting or foraging.</p>	<p><b>N</b></p>
<p>Lough Fern SPA (004060)</p>	<p>Pochard</p> <p>Wetland and waterbirds</p> <p><a href="#">Conservation Objectives Link</a> (NPWS, 2025)</p>	<p>c. 11.8km west, southwest (downstream) of appeal site</p>	<p>No direct connection.</p> <p>Weak, indirect/tentative via stormwater which outfalls to Lough Foyle however the SPA is significantly downstream and sufficiently remote and the appeal site is unsuitable for roosting or foraging.</p>	<p><b>N</b></p>
<p>Ballyhoorisky Point to Fanad Head SAC (001975)</p>	<p>Coastal habitats</p> <p>Oligotrophic to mesotrophic standing waters</p> <p>Hard oligo-mesotrophic waters</p> <p>Whorl snail</p> <p>Slender naiad</p>	<p>c. 12.85km north, northwest (upstream) of appeal site</p>	<p>No direct connection.</p> <p>Weak, indirect/tentative via stormwater which outfalls to Lough Swilly however the SAC is sufficiently remote given the nature of the</p>	<p><b>N</b></p>

	<a href="#">Conservation Objectives Link</a> (NPWS, 2017)		proposal and dilution / dispersal factors in the expansive waterbody.	
<p><sup>1</sup>Summary description / <b>cross reference to NPWS website</b> is acceptable at this stage in the report</p> <p><sup>2</sup>Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species</p> <p><sup>3</sup>if no connections: N</p>				
<p><b>Further Commentary / Discussion</b></p> <p>All Conservation Objective links are up to date at the time of writing and have been cross-referenced against the Statutory Instruments, where relevant.</p> <p>Due to the limited scope of the works and the nature of the appeal site, I consider that the proposed development is unlikely to generate impacts that could extend to a large geographical area, thus a potential zone of influence limited to c. 13km/r is reasonable.</p> <p>Sources of impact and likely significant effects are considered in the Table below.</p>				
<p><b>Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites</b></p> <p><b>AA Screening matrix</b></p>				
<b>Site name Qualifying interests</b>		<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b>		
		<b>Impacts</b>	<b>Effects</b>	
Lough Swilly SAC (002287)  Estuaries  Coastal lagoons  Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritimae</i> )  <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils ( <i>Molinion caeruleae</i> )	Direct: none.  Indirect:  Localised, temporary, low magnitude impacts from noise, dust and demolition / construction related emissions to storm drain during construction.	The contained and serviced nature of the appeal site (i.e., existing foul and storm sewers in situ) within an established holiday home development (i.e., mature landscaping, roads and paths) with no direct ecological connections or pathways and given the distance from receiving features connected to the SAC make it <b>highly unlikely</b> that the proposed development could generate impacts of a magnitude that could affect habitat quality		

<p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p><i>Phocoena phocoena</i> (Harbour Porpoise)</p> <p><i>Lutra lutra</i> (Otter)</p>		<p>within the SAC for the QIs listed.</p> <p>Low risk of surface water borne pollutants reaching the SAC.</p> <p>Conservation objectives would not be undermined.</p>
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>	
	<b>Impacts</b>	<b>Effects</b>
<p>Lough Swilly SPA (004075)</p> <p>Great Crested Grebe</p> <p>Grey Heron</p> <p>Whooper Swan</p> <p>Greylag Goose</p> <p>Shelduck</p> <p>Teal</p> <p>Mallard</p> <p>Scaup</p> <p>Goldeneye</p> <p>Red-breasted Merganser</p> <p>Coot</p> <p>Oystercatcher</p> <p>Knot</p> <p>Dunlin</p> <p>Curlew</p> <p>Redshank</p>	<p>Direct: none.</p> <p>Indirect:</p> <p>As above.</p>	<p>The contained and serviced nature of the appeal site (i.e., existing foul and storm sewers in situ) within an established holiday home development (i.e., mature landscaping, roads and paths) with no direct ecological connections or pathways and given the distance from receiving features connected to the SAC make it <b>highly unlikely</b> that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the SCIs listed.</p> <p>No significant disturbance to any SCI wintering birds (ex-situ) that may occasionally use the amenity grassland area adjacent to the proposed development site.</p> <p>Low risk of surface water borne pollutants reaching the SPA.</p> <p>Conservation objectives would not be undermined.</p>

Greenshank Black-headed Gull Common Gull Common Tern Greenland White-fronted Goose Wigeon Shoveler Sandwich Tern Wetland and Waterbirds		
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>	
<b>Further Commentary / discussion (only where necessary)</b>		
N/a.		
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>		
I conclude that the proposed development (alone / in combination with other plans and projects) would not result in likely significant effects on European sites. No mitigation measures outside normal construction practices are required to come to this conclusion.		

**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 Lough Swilly SAC or SPA, or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively minor scale of the development on fully serviced lands,
- No ex-situ impacts on wintering birds,
- Possible impacts identified would not be significant in terms of site-specific conservation objectives for Lough Swilly SAC or SPA and would not undermine the maintenance of favourable conservation condition or delay or undermine the achievement of restoring favourable conservation status for those qualifying interest features of unfavourable conservation status.

### Appendix 3 (WFD Screening)

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
<b>An Coimisiún Pleanála ref.</b>	<b>PL-500277-DL-25</b>	<b>Townland, address</b>	27 The Sycamores, Rathmullan, Co. Donegal
<b>Description of project</b>		Demolition of existing holiday home and construction of a replacement holiday home with connection to existing services etc.	
<b>Brief site description, relevant to WFD Screening</b>		Generally flat brownfield site around c. 12.80mAOD. Roughly rectangular with a stated area of 0.188ha. Situated within an established development of chalet-type holiday homes with existing foul and storm sewers. No other surface water drainage vectors evident i.e., ditches, streams etc.	
<b>Proposed surface water details</b>		'Public Sewer/Drain' ticked in Section 20 of the Planning Application Form.	
<b>Proposed water supply source &amp; available capacity</b>		'Existing' 'Public Mains' ticked in Section 20 of the Planning Application Form. <b>Uisce Éireann (UE) Capacity Register:</b> potential capacity available – Level of Service (LoS) improvement required. This is, however, a replacement structure with existing connection.	
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>		'Existing' 'Public Sewer' ticked in Section 20 of the Planning Application Form. <b>UE Capacity Register:</b> spare potential capacity available (based on completion of a project currently at construction). This is, however, a replacement structure with existing connection.	

Others?			N/a			
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>						
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 runoff, drainage, groundwater)
Coastal Waterbody	c. 200m	Lough Swilly IE_NW_220_00 00	Good	At risk	DWTS, UR, UWW	Yes – via stormwater outfall locations.
Groundwater Waterbody	Underlying site	Lough Swilly IEGBNI_NW_G_059	Good	Not at risk	None identified	Yes – infiltration of runoff that does not convey to storm sewer i.e., from paved areas.

Step 2: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Coastal	Lough Swilly IE_NW_220_0000	Existing – stormwater gullies / sewer / outfall to Lough Swilly.	Siltation, pH (Concrete), hydrocarbon spillages and other construction related emissions to storm drain.	None proposed but standard construction practices anticipated.	No	Screened out
2.	Ground	Lough Swilly IEGBNI_NW_G_059	Existing – infiltration of runoff that does not convey to storm sewer. New – via exposed soils.	Siltation, pH (Concrete), hydrocarbon spillages.	As above	No	Screened out

OPERATIONAL PHASE							
1.	Coastal	Lough Swilly IE_NW_220_ 0000	Existing – stormwater gullies / sewer / outfall Lough Swilly.	Hydrocarbon spillage / pollution, stormwater pollution.	None proposed but standard construction practices anticipated.	No	Screened out
2.	Ground	Lough Swilly IEGBNI_NW_ G_059	Existing – infiltration of runoff that does not convey to storm sewer. New – via exposed soils.	As above	As above	No	Screened out
DECOMMISSIONING PHASE							
1.	N/A	N/A	N/A	N/A	N/A	N/A	N/A

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