



An  
Coimisiún  
Pleanála

# Inspector's Report

## PL-500327-DL-25

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<b>Development</b>	Detached dwelling house with garage and all associated site works
<b>Location</b>	Drumaweir Td., Greencastle, Co. Donegal
<b>Planning Authority</b>	Donegal County Council
<b>Planning Authority Reg. Ref.</b>	25/60582
<b>Applicant(s)</b>	Martina Barrett
<b>Type of Application</b>	Outline Permission
<b>Planning Authority Decision</b>	Grant Outline Permission with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Michelle Farren
<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 Michelle Farren under the provisions of Section 37 of the Planning and Development Act 2000, as amended ('the Act'), following a grant of outline permission by Donegal County Council in accordance with S. 34 of the Act.
- 1.2. 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 in the townland of Drumaweir, the appeal site is located to the western shore of Lough Foyle, opposite Magilligan Point and southwest of Greencastle, a rural settlement in north-east County Donegal. The site is accessed via a single-track laneway southwest of its junction with the R241. The laneway also provides access to a cluster of three detached houses to the east of the site via a short section of cul-de-sac and another detached house elevated above the site to the northwest. The immediate area is characterised by detached houses to the east, undeveloped agricultural scrubland to the west and the tidal shore of Lough Foyle to the south. The wider area between the R241 and parallel L1471 is notably developed with housing.
- 2.2. The appeal site, as outlined in red on the submitted drawings, has a stated area of 0.202 hectares. It is rectangular shaped with a gradual slope in a south-easterly direction towards the shoreline where the landholding, as outlined in blue, extends beyond the southern boundary to the high watermark. The southern and eastern boundaries are defined by post and wire fencing beyond which lies a publicly accessible pathway. The northern and western boundaries are defined by hedgerow.
- 2.3. The site is under grass and was saturated underfoot with ponding evident at the time of inspection. An open drain, albeit piped under the shore pathway, runs along a section of the western boundary and discharges to Lough Foyle. There was also evidence of recent earthwork and a sharp drop in level noted to the south of the site.

## **3.0 Proposed Development**

- 3.1. Outline planning permission is sought for a detached house etc.

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

*“The development will consist of construction of a detached two-storey single family dwelling house, detached single-storey domestic garage and all associated site works, including: fencing of site, consolidation of the existing site entrance road, formation of a driveway, landscaping & development of an on-site waste water treatment system.”*

3.3. The application documents include a supporting statement (Dedalus, April 2025).

3.4. The planning authority received further information on 13<sup>th</sup> October 2025 detailing a revised site layout drawing and site suitability assessment (Porter, September 2025).

## 4.0 Planning Authority Decision

### 4.1. Decision

4.1.1. Outline planning permission (OPP) was granted on 30<sup>th</sup> October 2025, subject to 9 no. conditions. The conditions are of a standard nature; however, the following is of note:

Condition 2 – seven-year occupancy.

Condition 3 – prohibits holiday home and short-term rental uses.

Condition 9 – requires the provision of a 6PE WWTS in any permission consequent application with no part of the percolation area / polishing filter being within:

- 10 metres of any dwelling
- 3 metres of the boundary of the adjoining site
- 4 metres of the nearest road boundary
- 10 metres of the nearest stream or ditch
- 5 metres of any surface water soakaway etc.

### 4.2. Planning Authority Reports

4.2.1. The Planner’s Report (28/05/25) can be summarised as follows:

#### *Principle of Development*

- Notes the application site is located within an Area Under Strong Urban Influence.

- States that the application is supported by a Supplementary Rural Housing Form.
- Notes the planning history including a previous OPP under PA ref. 95/135.
- Notes the submission of a letter from an Elected Member of the local authority which confirms that the applicant is a local person who has lived in “Drumweir” for more than seven years and is building a permanent home for their own use.
- States that the planning authority is satisfied that the principle of development, in terms of rural housing need, is acceptable “based on the submitted *bona fide* letter”, in accordance with “DCC practice and procedures”.

#### *Siting and Design*

- States that consideration has been given to policy RH-P-9 and the Council’s ‘Building a House in Rural Donegal – A Location Siting and Design Guide’.
- Notes the application site is located within an Especially High Scenic Amenity area.
- States that mature vegetation along the northern boundary would screen development from the road with lower site levels also aiding integration.
- States that the planning authority would be satisfied if the development was of similar scale and massing to the existing environment, i.e., storey and a half.
- States that the planning authority is satisfied that a building line has been established within the host area for a setback as proposed.
- Considers that the site offers adequate integration which will not adversely harm the integrity of the Especially High Scenic Amenity Area but states that a dwelling similar in character to the surrounding dwellings would be more appropriate.

#### *Residential Amenity*

- No issues arise in relation to loss of privacy, overlooking or residential amenity having regard to the separation distances and the site has sufficient private space.

#### *Access*

- Notes the existing right of way over the laneway, as outlined in yellow on the submitted drawings, and the submitted landowner consent in this regard.
- States that no upgrade or works will be necessary to the road adjoining the R241.

### *Public Health*

- Notes that the proposal includes a new WWTS.
- States that surface water drainage details are required for a “full application”.
- States that there is no objection to a public mains water supply connection.

### *Appropriate Assessment*

- Considers the proposal is unlikely to have any significant effect, individually or in combination with other plans or projects on any Natura 2000 site.
- Consideration given to the physical distance between the site and the nearest SAC (North Inishowen Coast), with no known direct hydrological links, the presence of several roads separating the subject site from the SAC and dilutions factors.

### *Environmental Impact Assessment*

- Considers there is no real likelihood of significant effects on the environment and screens out the need for EIA at preliminary examination stage.

### *Archaeological Assessment*

- Notes the proximity of the site to an NIAH property (40902230) but considers no further action is necessary given “the limited nature of the proposal”.

### *Recommendation*

- Further information in respect of the exact location of the neighbouring well; probable direction of ground water flow; and the relocation of the proposed WWTS.

4.2.2. The Planner’s Report (24/10/25) can be summarised as follows:

### *Further Information – Item 1*

- Notes the applicant’s attempts to locate the neighbouring well, the lack of response in respect of same and their conclusion that “no such well exists”.
- Considers the planning history in relation to the neighbouring properties and notes the respective proposals in each case to connect to public mains water supply.
- Concludes that no private well exists and states that the applicant has made all reasonable attempts to locate same.

### *Further Information – Item 2*

- Notes the revised site layout plan with WWTS relocated so as not to interfere with existing water services i.e., a secondary treatment system relocated to the north of the proposed dwelling and connecting to the tertiary system at the site entrance.
- Considers the revised proposals acceptable in terms of location.

### *Recommendation*

- Recommends that permission be granted subject to conditions.

#### 4.2.3. Other Technical Reports

None.

#### 4.3. **Prescribed Bodies**

None.

#### 4.4. **Third Party Observations**

4.4.1. The planning authority received 2 no. observations. Issues raised reflect third-party appeal grounds. They can be summarised from the Planning Officer's Report as:

- Proximity of pumped percolation area to private well.
- Location of septic tank.
- Road safety and traffic issues.
- Contrary to RH-P-2, RH-P-5 and NH-P-6 of the Development Plan 2018-2024.
- Environmental risk due to location percolation area.

4.4.2. I note that the Planner's Report outlines a response to each of the issues raised. In relation to concerns in respect of the proposed DWWTs, it suggests that 'further details will be submitted with full application' and referred to environmental health.

## 5.0 **Planning History**

### 5.1. **Appeal Site**

5.1.1. PA ref. 95/135 – in April 1995, the planning authority granted OPP for a house etc.

## 5.2. **Adjacent Sites**

### *East – Cluster of Houses (shared Cul-de-Sac)*

- 5.2.1. PA ref. 07/70058 – in October 2007, the planning authority granted permission for a house and DWWTS etc. The duration of this permission was extended in May 2012 under PA ref. 12/70100, amended in February 2013 under PA ref. 12/5073 (change of house type) and subsequently completed by virtue of PA ref. 18/50583 (July 2018).
- 5.2.2. PA ref. 06/72227 – in March 2007, the planning authority granted OPP for a house and DWWTS etc. with permission consequent granted in January 2008 under PA ref. 07/71613. The duration of this permission was extended in May 2012 under PA ref. 12/70101 and amended in May 2015 under PA ref. 15/50107 (change of house type).
- 5.2.3. PA ref. 06/72226 – in March 2007, the planning authority granted OPP for a house and DWWTS etc. with permission consequent granted in January 2008 under PA ref. 07/71611. An extension of duration was permitted in May 2012 (PA ref. 12/70103).

### *Northwest – Whitebay Lodge*

- 5.2.4. PA ref. 12/50898 – in April 2013, the planning authority granted permission for a house and DWWTS. With regards to housing need, the Planner's Report indicates that the applicant in that case had listed medical reasons as to why the dwelling was required.

## 5.3. **Other History Referenced by Appellant**

### *Marble Hill Td., Portnablagh, Co. Donegal*

- 5.3.1. PA ref. 25/60116 – in September 2025, the decision of the planning authority was overturned on appeal and permission refused (ABP-322600-25) for a house etc. in an 'Area Under Holiday Home Pressures'. It was considered that, in the absence of the provision of evidence of demonstrable economic or social need at this location, the proposal would result in a haphazard and unsustainable form of development etc. I particularly note the additional commentary in the Commission's direction against seeking further information i.e., clear evidence should be available within the totality of the documentation presented at application stage for scrutiny by all interested parties and this cannot be considered a peripheral issue in the overall assessment.

### *Creggan Td., Ballybofey, Co. Donegal*

- 5.3.2. PA ref. 24/60634 – in January 2025, the decision of the planning authority was over-

turned on appeal and permission refused (ABP-320194-24) for a house in an 'Area Under Strong Urban Influence' and an area of 'High Scenic Amenity'. It was considered that the applicant had not provided sufficient evidence to demonstrate a location-specific housing need and in the absence of such it would contribute to the encroachment of random rural development etc. It was also considered that the proposal would not avoid the creation / expansion of a suburban pattern of development contrary to RH-P-9 and would also result in the further erosion of the character of the 'High Scenic Amenity Area' contrary to L-O-1 and L-P-2 of the Plan.

*Aghalatty Td., Carrigart, Co. Donegal*

- 5.3.3. PA ref. 23/51586 – in November 2024, the decision of the planning authority was overturned on appeal and permission refused (ABP-319592-24) for a house in an 'Area Under Holiday Home Pressures'. Whilst the substantive refusal reason related to inadequacies in the proposed DWWTS, contrary to WW-P-6 of the Plan, it was also considered that the applicant had not provided sufficient evidence to adequately demonstrate an economic or social need for a house as per RH-O-2 of the Plan.

*Kilkee, Co. Clare*

- 5.3.4. PA ref. 22/563 – in November 2023, the decision of the planning authority was upheld on appeal and OPP refused (ABP-314475-22) for a caravan park development. The refusal reasons related to material contravention of the zoning objective and traffic hazard issues. I note the Inspectors report came to a resolute view on the matters to be considered in an application for outline permission i.e., all matters that require permission, not those that can be deemed ancillary, must be considered and should meet the necessary requirements including those detailed in the public notices etc.

## **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, make various Residential Zoned Land Tax (RZLT) related zoning changes, and other minor changes to the Buncrana, Ballybofey/Stranorlar and Letterkenny Area Plans, none of which affect the site.
- 6.1.3. The site is located within a rural area some 600m west, southwest of the western extent of the settlement boundary of Greencastle (Map 21.32) and is subject to the provisions of Section 6.3 of the Plan relating to Rural Housing. In this regard, I note that the site is located within an Area Under Strong Urban Influence (Map 6.3.1).
- 6.1.4. Other policies and objectives are set out in chapters 3 (Core Strategy), 8 (Infrastructure), 11 (Natural Heritage etc.) and 16 (Technical Standards) of the Plan.
- 6.1.5. The following sections are relevant to the proposed development:
- 3.3.4 – Rural Settlements and Open Countryside (Table 3.7)
  - 6.3.1 – Permanent Housing
  - 6.3.4 – Landscape and Services
  - 8.2 – Water and Wastewater Infrastructure
  - 11.2 – Landscape
- 6.1.6. Summary of policies and objectives relevant to the appeal site:
- RH-O-1      Seeks to ensure that new residential development in rural areas provides for genuine rural need.
- RH-O-2      Seeks to protect rural ‘Areas Under Strong Urban Influence’ and rural areas immediately outside towns from intensive levels of unsustainable urban / suburban residential development.
- RH-O-4      Seeks to ensure that rural housing is located, designed and constructed in a manner that does not detract from the character or quality of the receiving landscape having regard to Map 11.1 (Scenic Amenity) etc.
- RH-P-1      Seeks to consider proposals for new one-off rural housing within ‘Areas Under Strong Urban Influence’ from prospective applicants that can provide evidence of a demonstrable economic or social need (including ‘returning emigrants’) to live in these areas including, for example, the

provision of evidence that they, or their parents or grandparents, have resided at sometime within the area under strong urban influence in the vicinity of the application site for a period of at least 7 years. I note that this policy shall not apply where an individual has already had the benefit of a permission for a dwelling on 'another site', unless exceptional circumstances can be demonstrated e.g., where the applicant has sold a previously permitted, constructed and occupied dwelling, to an individual who fulfils the *bona fide* requirements of that permission. I also note that new holiday homes will not be permitted in these areas.

RH-P-8 Relates to ancillary accommodation for dependent relatives.

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 as set out in the *Rural Housing Location, Siting and Design Guide*. I note the following:

(i) A proposed dwelling shall avoid the creation or expansion of a suburban pattern of development in the rural area;

(ii) A proposed dwelling shall not create or add to ribbon development

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

(b) Proposals shall also be assessed against:

(iv) the safe and efficient disposal of effluent and surface waters in a manner that does not pose a risk to public health and accords with the Environmental Protection Agency (EPA) codes of practice.

WW-P-2 Seeks to ensure that new developments do not have an adverse impact on surface and ground water quality, drinking water supplies etc.

- WW-P-6 Seeks to facilitate development in rural settings for single dwellings with a projected PE <10 in unsewered areas proposing the provision of effluent treatment by means of an independent wastewater treatment system where such systems (a) demonstrate compliance with the EPA's Code of Practice (EPA 2021); (b) would not result in an over concentration or over proliferation of such systems in an area which cumulatively would be detrimental to public health or water quality; and (c) otherwise comply with policy WW-P-2.
- L-O-1 Seeks to protect, manage and conserve the character, quality and value of the Donegal landscape.
- L-P-1 Seeks to protect areas identified as 'Especially High Scenic Amenity' on Map 11.1 (Scenic Amenity). Within these areas, only developments of strategic importance, or developments that are provided for by policy elsewhere in this Plan may be considered.
- TS-P-1 Requires compliance with all the technical standards set out in Chapter 16 of the Plan including those relating to access geometry.

## 6.2. Regional Planning Policy

### ***Regional Spatial and Economic Strategy (RSES)***

- 6.2.1. The Northern and Western *Regional Spatial and Economic Strategy 2020-2032* (NWRA, 2020) sets the regional policy context. Section 3.5 relates to rural areas and notes the provisions of the then NPF which made the distinction between areas under urban influence and elsewhere, and confirmed that the capacity to provide for single rural housing should be retained for those that have a demonstrable economic or social need to live in the area, subject to all other material planning considerations.

## 6.3. National Planning Policy and Guidelines

### ***Revised National Planning Framework (NPF)***

- 6.3.1. Project Ireland 2040, the National Planning Framework *First Revision* (DHLGH, April 2025), sets the national planning policy context. In rural areas under urban influence, National Policy Objective (NPO) 28 seeks to facilitate the provision of single housing

in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and settlements.

- 6.3.2. The NPF states that the core strategy of county development plans accounts for the demand for single housing in the countryside and this will be related to the local authority's overall Housing Need Demand Assessment (HNDA). It also notes that quantifying the need for single housing on an evidence basis will assist in supporting the preparation of a comprehensive housing strategy and associated land use policies.

### ***Rural Housing Guidelines***

- 6.3.3. The *Sustainable Rural Housing Guidelines for Planning Authorities* (DEHLG, 2005) set out the key planning principles which should *inter alia* guide the assessment of planning applications for rural residential development. Section 3.2.3 details the general criteria for considering whether a person is an intrinsic part of a rural community. It notes that such persons will normally have spent substantial periods of their lives, living in rural areas as members of the established rural community e.g. farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas.
- 6.3.4. It also notes that returning emigrants who lived for substantial parts of their lives in rural areas, then moved abroad and who now wish to return to reside near other family members, to care for elderly family members, or to retire should be accommodated.

### ***Flood Risk Guidelines***

- 6.3.5. The *Planning System and Flood Risk Management, Guidelines for Planning Authorities* (DEHLG, November 2009)<sup>1</sup>, seek to avoid inappropriate development in areas at risk of flooding, and new development increasing flood risk elsewhere, whilst also avoiding unnecessary restriction of national, regional or local economic growth.
- 6.3.6. Figure 3.2 of the guidelines illustrates the sequential approach to managing flood risk.
- 6.3.7. Section 3.5 of the guidelines notes that highly vulnerable development, such as housing, is inappropriate in Flood Zone B unless a Justification Test can be met whereas in Flood Zone A most types of development would be deemed inappropriate.

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<sup>1</sup> These guidelines were amended/clarified under Circular PL 2/2014.

## 6.4. Other Policy and Guidance

### ***Climate Action Plans***

- 6.4.1. The Climate Action and Low Carbon Development Act 2015, as amended, ('the Climate Act'), commits the State to a legally binding 51% reduction in overall GHG emissions by 2030 and to achieving net zero emissions by 2050. Section 15 places an obligation on the Board to make all decisions in a manner consistent with this Act.
- 6.4.2. The Climate Action Plan 2024 (DECC, 2024) follows the commitment in the Climate Act, and sets out the range of emissions reductions required for each sector to achieve the committed targets. Measures to reach a 50% reduction in transport emissions include a 20% reduction in total vehicle kilometres travelled relative to business-as-usual, a 50% reduction in fossil fuel usage and a 50% increase in daily active travel.
- 6.4.3. The Climate Action Plan 2025 (CAP25) was published in April 2025 (DECC) and builds upon CAP24 by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and states that it should be read in conjunction with CAP24. As with CAP24, the CAP25 Annex of Actions contains only new, high-impact actions for delivery in 2025. Action TR/25/15 seeks to roll out key elements of the EV Infrastructure Strategy, including local authority network plans. Action TR/25/18 seeks to deliver the Renewable Transport Fuel Policy 2025-2027.

### ***Domestic Waste Water Treatment Systems (EPA, March 2021)***

- 6.4.4. Guidance relating to domestic wastewater treatment systems (DWWTSs) for single houses or equivalent development with a population equivalent (PE) of less than or equal to 10 is set out in this Code of Practice (CoP). It details methodology for site assessment and selection, installation and maintenance of an appropriate DWWTS.

### ***Rural Housing – Location, Siting and Design Guide***

- 6.4.5. This guidance document is incorporated into the Development Plan 2024-2030. It is specific to the character of it notes that a house in the countryside should:
- Integrate satisfactorily within the landscape.
  - Reflect its location and contribute satisfactorily to the character of the area, expressing local influences and materials appropriate to the rural area.
  - Be well designed informed primarily by site specifics.

## 6.5. Natural Heritage Designations

### 6.5.1. Closest designated SACs and SPAs:

- Magilligan SAC (UK0016613) – c. 2.1km east
- Lough Foyle SPA (UK9020031) – 2.1km east
- North Inishowen Coast SAC (incl. pNHA) (IE002012) – c. 5.8km northeast
- Magheradrumman Bog SAC (incl. pNHA) (IE000168) – c. 9.3km west
- Lough Foyle SPA (IE004087) – 11.2km southwest

### 6.5.2. Magilligan Point, Co. Derry, c. 2.1km east, is also designated for the following:

- Area of Outstanding Natural Beauty (AONB6 – Binevenagh)
- Area of Special Scientific Interest (ASSI068 – Magilligan)
- Lough Foyle Ramsar (UK12014)
- Nature Reserve (NR26)

## 7.0 The Appeal

### 7.1. Grounds of Appeal

7.1.1. A third-party appeal has been lodged by Foundation of Mount Street Upper, Dublin 2 on behalf of Michelle Farren. It includes an engineering assessment report (Flynn & Shaw, November 2025) and an architectural assessment report (Usonia, November 2025). I will refer to the commentary in the respective reports where appropriate.

7.1.2. The relevant grounds of appeal can, however, be summarised as follows:

#### *Contrary to Rural Housing Policy*

- Raises concerns that the supplementary Rural Housing Application Form was inaccessible and reserves the right to comment on specific aspects of the form.
- Considers that the evidence to support the argument of local needs grounds was not in any way assessed by the planning authority in making their determination.

- Raises general concerns regarding the planning authority's assessment i.e., a single letter from an Elected Member has been accepted by Donegal County Council as demonstrating full compliance with the rural housing policy.
- States that the absence of the supplementary Rural Housing Application Form from the public file or the assessment of such is contrary to fair procedures.
- Suggests that there has been no attempt by the applicant to demonstrate either an economic or social need to live at this location and states that a letter from an Elected Member is insufficient to demonstrate local need as per policy RH-P-1.
- Submits that permission should be refused having regard to the inadequate information provided and similar precedent cases (ABP-319592-24, ABP-320194-24 and ABP-322600-25) which have been determined in recent years.

#### *Environmental Considerations*

- Suggests that a broad approach has previously been taken to the consideration of wastewater issues in relation to outline applications, referring to ABP-314475-22.
- Makes reference to "an on-site wastewater treatment system" in the development description and states that such proposals must be considered in full.
- Makes reference to the engineering report and states that the information provided, including further information, is insufficient to allow for proper assessment.
- States that the revised layout did not incorporate the required information, nor did it alter the proposed location in a way that mitigate the risks highlighted.
- States that the site suitability assessment report, submitted at further information stage, contains inconsistencies and omissions and is not reflected in the drawings.
- States that the site suitability assessment report does not include surface percolation tests despite shallow bedrock and summer water table.
- Notes that surface ponding was evident during the engineer's site visit which suggests the likelihood of a higher winter water table than accounted for and refers to concerns raised in relation to the design of the proposed infiltration area.
- States that the decision to grant outline permission has been made without the full and accurate information necessary to ensure the protection of public health.

- Notes that the engineering report finds that the proposed DWWTS does not comply with the EPA Code of Practice and other relevant technical requirements.

## 7.2. Applicant Response

7.2.1. A response has been lodged by Setanta Solicitors of Mount Street Upper, Dublin 2 on behalf of the applicant, Martina Barrett. It includes a separate response from the applicant's architect (Dedalus, December 2025) and sworn declarations by the applicant and family members. I will refer to those documents where appropriate.

7.2.2. The applicant's response can, however, be summarised as follows:

### *Preliminary Issues*

- Submits that no private well exists at the appellant's property.
- Provides an overview of the planning history pertaining to the appellant's house (see section 5.2.2 above) and notes that water supply was to be via public mains.

### *Wastewater Issues*

- Suggests that the criticism directed at the local authority for the degree of interrogation in respect of the proposed WWTS is not a valid ground of appeal.

### *Rural Housing Issues*

- Refers to submitted statutory declaration which indicates that the applicant has significant ties to the area for over 30 years as evidenced by her OPP on the site in 1995, adding that she is a retired doctor returning to care for an elderly parent.
- Willing to accept restrictive conditions on the sale and use of the proposed house.
- States that all planning applications are to be determined on their own particular circumstances notwithstanding that the analogous cases outlined by the appellant.
- Submits that local needs tests were not applied for the neighbouring houses.
- Refers to the Rural Housing Guidelines and includes the definition of "persons who are an intrinsic part of the rural community", which includes returning emigrants.

### *Other Issues*

- Queries the *bone fides* of the appeal given the alleged actions of a family member of the appellant and includes sworn statutory declarations in this regard.

- Requests that a site visit is carried out (in respect of the ground source well) and appeal be dismissed under (Section 138 of the Act) if a well is not proven.

### 7.3. **Planning Authority Response**

7.3.1. The planning authority's response (12/12/25) can be summarised as follows:

- Considers the issues raised are covered in the Executive Planner's reports.

### 7.4. **Observations**

None.

## 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 Matters
- Wastewater Disposal
- Rural Housing Policy
- Other Issues

### 8.2. **Procedural Matters**

8.2.1. Outline planning permission is sought for a two-storey house and ancillary services including "*an on-site waste water treatment system*" (DWWTS) at the appeal site.

8.2.2. Section 36(6) of the Act notes that "outline permission" means permission granted in principle under Section 34 for the development of land subject to a subsequent detailed application for permission under that section, i.e., permission consequent.

- 8.2.3. Section 36(1) of the Act states that an application under Section 34 may be made in accordance with the permission regulations for outline permission and in this regard, the provisions of Article 22 of the Planning and Development Regulations 2001, as amended, apply. Where it is proposed to dispose of wastewater from the development other than to a public sewer, Article 22(2)(c) requires information on the on-site treatment system and evidence as to the suitability of the site for the system proposed.
- 8.2.4. Whilst the appellant notes that a site suitability assessment report did not accompany the application as initially submitted and refers to appeal case ABP-314475-22 (see section 5.3.4 above) in respect of an approach previously taken in consideration of such matters, I am satisfied that such a report was furnished as further information. The requirements of Article 22(2)(c) of the Planning Regulations were ultimately discharged and the Commission has a valid decision before it to consider *de novo*.
- 8.2.5. I am also cognisant of the concerns raised by the applicant in relation to the *bona fides* of the appellant's grounds of appeal, not just in respect of the issue around the location (and indeed existence) of their private well, but also in respect of alleged actions prior to the application being made. In this regard, I note the applicant's request for consideration to be given to dismissing the appeal in accordance with Section 138 of the Act. The Commission is advised to review the submitted declarations in this regard but given the nature of their content I do not propose to elaborate any further here.

#### *Conclusion on Procedural Matters*

- 8.2.6. On balance, I am satisfied the Commission has a valid outline planning application in accordance with the permission regulations, and decision, before it to consider. Whilst I acknowledge the applicant's concerns in relation to specific aspects of, and indeed motivation behind the appeal, I do not consider it grounds for an outright dismissal.
- 8.2.7. The substantive issues relating to the appeal are evidently the suitability or otherwise of the appeal site for the disposal of wastewater and the applicant's ability to comply with the rural housing policy, both of which are central to the development principle.

### **8.3. Wastewater Disposal**

- 8.3.1. As noted, the appellant raises concerns regarding the impact of the proposed DWWTS on their private well in addition to the efficacy of the site suitability assessment report submitted at further information stage. Referring to their accompanying engineering

report, the appellant suggests that the proposal does not comply with Table 6.2 of the EPA CoP in terms of separation distances i.e., from appellant's private well to entire DWWTS and from appellant's percolation area to the footprint of the proposed house. The architectural assessment also raises concerns regarding the proximity of the infiltration area to the adjacent shore walk pathway, noting the definition of a road<sup>2</sup>.

- 8.3.2. The applicant, on the other hand, refers to other houses in the area as precedence for DWWTSs and thus suggests that the principle of development is demonstrated. They also state that the site suitability assessment report was prepared in compliance with the EPA CoP and it identifies the site as suitable for a DWWTS, whilst noting that no evidence of the appellant's well, other than photos, was supplied i.e., drilling certificate or well completion record. In this regard, the applicant confirms that site assessment was prepared on the basis that there is no potable water supply on the adjacent site and suggests that the distance from the infiltration area to footpath can be increased.
- 8.3.3. The appellant's engineering report also provides a critique of the site suitability assessment report. I particularly note the concerns raised in relation to the winter water table and I share these concerns given the localised ponding and saturated ground conditions I encountered during my site inspection. Whilst the site suitability assessment also makes reference to gorse and bracken as indicators of dry ground conditions, I did observe common rush *Juncus effusus*, indicative of wetter soils and there seems to be some mottling in the trial hole as apparent in 'Photograph 5' of the suitability assessment and notwithstanding the applicant's response in this regard.
- 8.3.4. The engineering report also notes the lack of surface percolation tests (formerly a P-test). In this regard, the site suitability assessment report indicates that the topsoil layer is to be stripped from the treatment area prior to establishing the infiltration system formation level and thus such tests will not be undertaken. I do agree with the appellant that this approach is unusual given the subsurface tests (formerly a T-test) indicated an acceptable percolation value (PV). In this regard, I am mindful that Section 5.4.3 of the EPA CoP advocates for subsurface and surface tests to establish a PV for soils that are intended for use at the point of discharge and underlying infiltration, although I equally accept the engineered response includes soil

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<sup>2</sup> Section 2 of the Planning Act states that a "road" has the same meaning as in the Road Act (1993) and in this regard, it includes "any street, lane, footpath, square, court, alley or passage".

importation. In that regard, the engineering report also raises concerns regarding the loosening of subsoils underlying the filter and providing new preferential flow paths.

- 8.3.5. Finally, I note the concerns raised in the engineering report in relation to the perimeter drain around the infiltration system which discharges to a storm drain along the western boundary of the site before out-falling to the open drain in the southwest corner. Given the separation distance of 3 metres and the risk of the intervening impermeable liner membrane failing, treated effluent could discharge to Lough Foyle. Whilst the applicant indicates that the impermeable liner will prevent any lateral flow, they state that the perimeter drain could be omitted at permission consequent stage.

#### *Site Suitability*

- 8.3.6. The site suitability assessment report identifies that the appeal site is located on a 'poor aquifer' where vulnerability is 'extreme', although I note that 'moderate' has also been indicated. The supporting maps in Appendix 3 of the report identifies the bedrock here is generally unproductive except for local zones and clarifies the vulnerability as 'extreme'. The mapping also notes that the appeal site straddles an area where rock is at, or near, the surface in terms of vulnerability. In this regard, the Teagasc subsoil map<sup>3</sup> illustrates bedrock at the surface towards the south of the site. Elsewhere the subsoil classification is metamorphic till as detailed in the suitability assessment report.
- 8.3.7. Whilst the rock outcrop as detailed in Section 3.1 of the suitability assessment report was not evident during my site inspection, historical 25-inch mapping does illustrate rock cropping and rough pasture which corresponds with the Teagasc subsoil map. It is possible that the rock outcrop was covered with soils during the site clearance and earthworks in 2025<sup>4</sup> and the area has been subsequently recolonised with vegetation.
- 8.3.8. The suitability assessment indicates that the trial hole was dug to 1.50mBGL where bedrock was encountered. Water ingress was encountered at 0.6mBGL and the water table is stated at 0.9mBGL, which I consider notably high for the time of year i.e., excavated on 25<sup>th</sup> July 2025 and examined on 28<sup>th</sup> July 2025. The soil conditions found in the trial hole are described as 'gravelly sandy silt / clay' with 'extensive loose stone' below the water table. Having regard to 'Photograph 6' of the suitability

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<sup>3</sup> Environmental Protection Agency. *Maps Application (Land and Soil)*. [Online] Available at <https://gis.epa.ie/EPAMaps/> [accessed 25<sup>th</sup> February 2026]

<sup>4</sup> Figures 2 to 7 of the supporting statement (Dedalus, April 2025) illustrate the site stripped to topsoil and this corresponds with publicly available ortho imagery from April 2025.

assessment, I am of the opinion that the 'extensive loose stone' in the spoil is in fact angular stone and the bedrock strike is potentially higher than the stated 1.50mBGL. This is a reasonable observation based on the recorded geology of the appeal site.

- 8.3.9. In terms of soil structure, the suitability assessment records it as 'blocky' throughout and in relation to soil density it is recorded as compact in the subsurface (0.4 to 1.5mBGL) and stiff at the surface (to 0.3mBGL). There is certainly no evidence of free draining, unsaturated soil and, as noted above, I am satisfied that mottling is evident in the trial hole and the winter water table is at most 0.6mBGL and most likely higher.
- 8.3.10. Thus, a Ground Protection Response of 'R2<sup>1</sup>' is noted by the applicant as per Table E1 of the EPA CoP. This indicates the acceptability of the appeal site subject to normal good practice with particular focus on the depth of subsoil over bedrock so the minimum depths are met, and the likelihood of microbial pollution is minimised where domestic water supplies are located nearby. The latter point is noteworthy in this case.
- 8.3.11. Percolation test holes were dug and pre-soaked twice within an 8-hour period. Whilst I note that the test hole depths, c. 300mm below existing ground level, are shallow for a subsurface test, they do appear to correspond to the proposed invert level of the percolation pipes in the tertiary infiltration area. Other test hole dimensions are detailed in the suitability assessment and appear to be consistent with Appendix D of the CoP. 'Photographs 7, 8 and 9' of the suitability assessment, which correspond to test holes T1, T2 and T3, illustrate the test holes. I would have expected to see images of the test holes before being filled with water however, and the means by which the drop level was recorded which is particularly important given the shallow water table.
- 8.3.12. A subsurface PV of 37.89 was recorded. Based on Table 6.3 of the CoP, the site is unsuitable for a septic tank system as depth of unsaturated soil and/or subsoil beneath percolation trench and above the bedrock would be less than 1.20m. Thus, the suitability assessment states that "the site is potentially suitable for the installation of a packaged secondary wastewater treatment system with an associated polishing filter discharging to groundwater", however without examination of the test holes, which was akin to a surface test, I am not fully convinced that the appeal site is "potentially suitable", irrespective of the appellant's concerns in relation to their domestic well.
- 8.3.13. Table 6.3 of the CoP requires a minimum depth of 0.9m of unsaturated soil and/or subsoil between the point of infiltration (the base of the distribution gravel) and the

bedrock and the water table for infiltration areas following tertiary systems such as that proposed. A longitudinal site section (X-X) of the proposed DWWTS is included in Appendix 1 of the suitability assessment in addition to a layout drawing. The invert level of the gravel distribution layer is illustrated as 10.5mAOD and corresponds with the lowest point of existing ground level within the tertiary infiltration area given the sloping topography, below which will lie a 0.6m layer of imported soil. The lower part of the slope will also be levelled up with imported soil and finished with 300mm topsoil.

8.3.14. To achieve the minimum 0.9m depth of unsaturated soil and/or subsoil between the base of the gravel distribution layer and water table, the applicant proposes a 300mm deep layer of gravel underlying the 600mm imported subsoil layer, as illustrated in section X-X. However, given my observations above in respect of the winter water table which I consider to be within 600m of the surface given the degree of ground saturation during my inspection, and based on the evidence of the trial hole, I am not satisfied that the proposed system will provide the required depth of unsaturated subsoil to treat effluent on the site. Notwithstanding the proposed impermeable liner around the perimeter of the infiltration system, there is potential to adversely impact groundwater which is clearly susceptible to seasonal variations. In this regard, I agree with the appellant that loosening the subsoils below the 300mm gravel layer could also exacerbate these impacts by altering existing groundwater flow paths or by introducing new preferential flow paths and result in effluent migration to receiving surface waters.

8.3.15. Whilst I note the concerns raised by the applicant regarding the existence or otherwise of the appellant's potable water supply, I did observe a circular cast iron manhole cover and plant equipment, as illustrated in 'Photographs 8 and 9' of the appellant's engineering report, during my visit. Whilst I agree that documentary evidence would have been beneficial, I have no basis to dispute the appellant's evidence in this regard.

#### *Conclusion on Wastewater Disposal*

8.3.16. Based on the information submitted, I am not convinced that the appeal site is suitable for development irrespective of the highly engineered solution proposed, which includes secondary and tertiary treatment, with effluent pumped against gravity in order to overcome the challenges of the site i.e., topography, water table and bedrock.

8.3.17. Moreover, the proposal includes the importation of c. 97cu.m (13.5m x 12m x 0.6m), or roughly 150 tonnes of soil, as a proxy with the caveat that the imported material is

to achieve PVs in the range of 3-20 when laid. Section 5.4.2 of the CoP relates to site improvement works. It prescribes the manner in which they are to be executed, noting that such works are technically difficult to carry out. Significantly, however, it states that such works will not be acceptable where separation distances cannot be satisfied and this certainly appears to be the case having regard to Table 6.2 of the EPA CoP.

8.3.18. The key issue here, however, is the high winter water table and varying depth of bedrock underlying the appeal site. In some instances, an engineered response simply cannot overcome the challenges presented and whilst the applicant may point to neighbouring houses as precedent, having inspected the rear garden of one such house during my visit, which was also saturated underfoot, I am resolute in that view.

8.3.19. On balance, I recommend that the appeal ground is upheld and outline planning permission refused, as the applicant has not demonstrated that the proposed DWWTS can be constructed in a manner that complies with the EPA CoP regarding groundwater protection. In such circumstances, the proposed development, if permitted, could adversely affect surface (via the perimeter drain around the infiltration system) and groundwater quality and in turn would be prejudicial to public health.

#### 8.4. Rural Housing Policy

8.4.1. As noted, the appellant submits that there is no evidence to support the applicant's local needs claims and they raise specific concerns regarding the accessibility of supporting information i.e., the Supplementary Rural Housing Form. Further concerns revolve around the acceptance of a letter from an Elected Member as *de facto* compliance with the rural housing policy, adding that there has been no attempt by the applicant to demonstrate either an economic or social need to live in the rural area.

8.4.2. The applicant, on the other hand, refers to the statutory declaration included with their appeal submission. It states that the applicant has significant ties to the area for over 30 years and that this is evidenced by her receiving outline planning permission on the appeal site in 1995. In this regard, the applicant has stated that she is a retired doctor, having lived and practiced in the UK, and is now returning to care for an elderly parent.

8.4.3. The appeal site is located in the 'open countryside', some 600m west, southwest of the settlement boundary of Greencastle (Map 21.32) and is thus subject to the provisions of Section 6.3 of the Development Plan relating to rural housing. In this

regard, I note that the site is located within an Area Under Strong Urban Influence (Map 6.3.1) and thus subject to policy RH-P-1 which seeks to consider proposals for new one-off rural housing in such areas where the applicant can provide evidence of a demonstrable economic or social need to live there. Examples include the provision of evidence that the applicant, their parents or grandparents, resided at sometime within the area in the vicinity of the application site for a period of at least 7 years.

- 8.4.4. Whilst I note that policy RH-P-1 does not apply where an individual has already had the benefit of a permission for a house, this relates to a 'permission on another site'. Evidently, the applicant has had the benefit of outline planning permission for a house, but on the appeal site. I also note that new holiday homes will not be permitted in this area and in this regard, the planning authority imposed standard conditions in relation to occupancy and use which the applicant has indicated that they are willing to accept.

#### *Rural Housing Need*

- 8.4.5. Section 3.3.4 of the Development Plan recognises that there will be a need to accommodate genuine rural housing need whilst having regard to environmental, landscape and technical constraints and also to the viability of smaller towns and villages. The Core Strategy therefore allocates a housing target to the smaller rural settlements and open countryside to ensure that rural communities are supported and maintained. This equates to 610 units and 2,133 units respectively (Table 3.7), the latter being 25% of the overall Core Strategy allocation, although c. 1,900 houses is referenced in Section 6.3.1 of the Plan. It notes that Donegal has a strong rural identification and a tradition of ensuring that every appropriate and sustainable option is available to rural people to continue to live in their area and to reflect this, meeting genuine rural generated housing need is to continue as a central policy component.
- 8.4.6. I have already concluded that there are environmental and technical constraints which render the proposal unsuitable but this must be considered in the context of the requirement to meet almost a quarter of all housing projected to 2030 in rural areas.
- 8.4.7. The applicant has submitted a supplementary Rural Housing Application Form in support of their application, in addition to a letter from an Elected Member of the local authority and a utility bill for the address supplied in support of rural housing need, along with sufficient information to confirm the location of this address i.e., Eircode.

- 8.4.8. It's the applicant's case that she has been a resident of the aforementioned address, her parental home, for a period of 3 years and notes prior to that her parents, grandparents and great grandparents lived at the Whitebay Cottages immediately east of her stated residence. In this regard, the applicant explains the circumstances in which her parents moved from Whitebay Cottages to the new house, Whitebay Lodge, which was a garden plot, and I note the planning history of same as detailed above.
- 8.4.9. In terms of housing need, the supplementary form indicates that the applicant was not in a position to implement the previous permission at the appeal site and in the intervening period has lived and worked in the UK but it remained her intention to return and care for her parents upon retirement. In this regard, the applicant states that she needs to build a house adjacent to her elderly mother to meet her needs, and the applicant's own long-term needs and those of her family. The appeal submission includes a Statutory Declaration which elaborates on the information contained in the supplementary form along with medical information relating to the applicant's mother.
- 8.4.10. In terms of other documentary evidence, the applicant submitted a letter from an Elected Member who notes that the applicant's parents were born locally and went to local schools and states that the applicant wishes to live nearby to support her mother. In this regard, the appeal submission includes a school certificate which appears to be linked to the applicant's mother but has not been referenced in the appeal documents. The Elected Member's letter goes on to suggest that the applicant is eligible under the Development Plan and thus requests that the application is looked upon favourably.
- 8.4.11. No other evidence or documentation has been provided to corroborate the applicant's rural or inferred social need and whilst the definition of 'social need' in the Plan reflects the wording of the Rural Housing Guidelines and includes 'returning emigrants' there is an obvious dearth of evidence to demonstrate that the applicant has 'lived for substantial parts of their life in this rural area'. Such evidence would include, for example, school records relating to the applicant (not their parent) and this is clear in the wording of policy RH-P-1 i.e., 'prospective applicant's that can provide evidence'.
- 8.4.12. Moreover, and particularly in the case of a returning emigrant, I would also have expected to see evidence such as a timeline of the applicant's residences from birth, through to emigration and subsequent return, in addition to a statement on other property owned by them. In this regard, the applicant may also wish to demonstrate

that there is no other suitable accommodation in the area or ancillary accommodation for dependent relatives, as provided for under policy RH-P-8, would be unsuitable for the applicant's stated rural needs i.e., to provide support and care for their mother.

8.4.13. Whilst I appreciate that the applicant has stated that she has owned the appeal site for over 30 years, this does not in and of itself, demonstrate 'significant and long-standing ties to the area', as claimed. Given the generational connection to Whitebay Cottages and Whitebay Lodge in recent years, I find it unusual that such information was not submitted. In this regard, I am mindful of the Commission's comments under ABP-322600-25 which note that clear evidence should be available within the totality of the documentation presented at application stage for scrutiny by all interested parties and this cannot be considered a peripheral issue in the overall assessment.

8.4.14. In short, I do not consider that the applicant has reached a sufficient evidential threshold to demonstrate compliance with policy RH-P-1. Whilst a letter from an Elected Member may be deemed as 'documentary evidence' as per the supplementary form, I share the concerns of the appellant and agree with previous Inspectors on this matter. Thus, further one-off housing without adequate justification would only serve to further undermine this rural Area Under Strong Urban Influence.

#### *Conclusion on Rural Housing Policy*

8.4.15. On balance, and in the absence of the provision of evidence of demonstrable economic or social need at this location in accordance with policy RH-P-1, the proposed development, if permitted, would result in haphazard and unsustainable development and contribute to the encroachment of random rural development etc.

### **8.5. Other Issues**

8.5.1. Whilst not explicitly raised in the grounds of appeal, I note that the appellant's submission includes an architectural assessment report which highlights various other issues including the siting and design of the proposed dwellinghouse. I am also mindful of the site's proximity to Lough Foyle in the context of flooding and climate change.

#### *Siting and Design*

8.5.2. The appellant refers to the Planner's Report which indicates that a storey and a half house would be more appropriate but notes that the subsequent decision did not

include any design conditions to be addressed at permission consequent stage. Concerns are also raised in relation to the principle of a house in an area of Especially High Scenic Amenity, ribbon development and impacts on amenity and character.

- 8.5.3. The applicant's response, on the other hand, suggest that the detailed design could be addressed at a later stage but does not explicitly state that a storey and a half dwelling-type will be proposed, adding that there are many good examples of two-storey houses in the area. In relation to the impact on the area of Especially High Scenic Amenity, the applicant states that the proposal would form part of an established cluster of houses accessed via a private lane and thus rejects the suggestion that the proposal would result in or exacerbate a ribbon of development.
- 8.5.4. The appeal site is located in an Especially High Scenic Amenity area, the highest of the three landscape character classifications. It is defined in the Development Plan as an area of sublime natural landscapes of the highest quality that are synonymous with the identity of County Donegal and applies roughly to the area of land between the R241 and Lough Foyle shoreline in the vicinity of the appeal site. The Development Plan notes that these areas have extremely limited capacity to assimilate additional development and accordingly proposals in such areas must be formulated to ensure adequate integration into the receiving landscape and must otherwise comply with all other objectives and policies of the Plan. In this regard, I note that policy L-P-1 seeks to protect such areas and only development of strategic importance or development provided for by policy elsewhere in the Plan may be considered.
- 8.5.5. A detached house is evidently not of strategic importance but it is provided for by policy detailed elsewhere in the Development Plan and considered fully above. Whilst the impact of the proposal on the landscape character and visual amenity is contingent on detailed design, I agree with the Planner's Report that the development site is largely screened from critical public views from the R241 given the landform and intervening development and vegetation. I also agree, however, that storey and a half is more appropriate and would reflect the now established character of the surrounding area.
- 8.5.6. If the Commission are minded to dismiss the appeal and grant outline planning permission, I recommend that the FFL of both the house and garage are restricted to within 300mm of existing ground level at the lowest part of the site that lies within the built footprint and the ridge height of the house does not exceed 7.5m above its FFL.

This will ensure adequate integration into the receiving landscape and mitigate any fleeting views from the opposite shore of Lough Foyle where it will be read as a cluster.

- 8.5.7. In similar regard, I do not agree that the proposed development will add to or exacerbate a ribbon of development. The appeal site is accessed via a private laneway where a continuous road frontage has not been established i.e., the adjacent cluster is accessed via cul de sac. Whilst I note the suggestion that the neighbouring houses 'read as a single row' from the shoreline, and it includes a publicly accessible path, it is not a designated public right of way such as the nearby Glenburnie Beach.
- 8.5.8. Likewise, I also acknowledge the appellant's concerns in relation to potential coalescence of development between this cluster and a ribbon of housing some 250m west at Ballybrack Lower, but there is no public roadway linking these groupings and there is no evidence of recent development pressure by way of planning applications.
- 8.5.9. Overall, whilst I am also sympathetic to the thrust of the appellant's concerns and I do accept that the surrounding area between the R241 and parallel L1471 is notably, and possibly overly developed with rural housing, it is reflective of a different Development Plan period and thus planning policy context. A context within which, it should be noted, the appellant's house and adjacent houses in the cluster received planning permission. In such circumstances and for the reasons outlined above, I find no contravention of policy RH-P-9 in terms of siting and general design or policy L-P-1 in respect of the impact on the landscape character of the area. Other issues in terms of layout and impacts on residential amenity are contingent on further design details.
- 8.5.10. Thus, on balance, I am satisfied that the proposed development does not contravene objective RH-O-2 which seeks to protect Areas Under Strong Urban Influence from intensive levels of unsustainable urban / suburban type residential development, notwithstanding the fact that an additional house would add to a suburban character.

#### *Flooding – New Issue*

- 8.5.11. As noted, the appeal site slopes gradually in a south-easterly direction towards Lough Foyle where the landholding, as outlined in blue, extends beyond the southern site boundary over a distance of c. 37m to the high watermark. The submitted plans and particulars indicate that the house would be located c. 80m from the high water mark with a FFL of 8.00mAOD. The layout drawing in Appendix 1 of the site suitability

assessment report illustrates the sharp drop in ground level from c. 7.5m AOD to 4m AOD to the south of the site and this corresponds to the location of the rock outcrop.

- 8.5.12. Having regard to Appendix A (Sheet 13 of 57) of the Strategic Flood Risk Assessment (SFRA) (March 2024) prepared for the Development Plan, the southern section of the appeal site does appear to marginally overlap with Flood Zone A and Flood Zone B. As noted above, Section 3.5 of the Flood Risk Guidelines states that highly vulnerable development (i.e., housing), is inappropriate in Flood Zone B unless a Justification Test can be met whereas most development type is inappropriate in Flood Zone A.
- 8.5.13. Whilst the footprint of the proposed house appears to be elevated above the flood zones and therefore protected from a coastal flooding event, there is no documentation on file to demonstrate that this is the case and the matter was not addressed by the planning authority. This is a new issue, and the Commission may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal, it may not be considered necessary to pursue this matter further.

#### *Conclusion on Other Issues*

- 8.5.14. The above assessment represents my *de novo* consideration of all planning issues material to the proposal for outline planning permission for a detached dwelling house.

## **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 proposal on a *de minimis* basis, stating that:

*“Having regard to the scale and nature of the proposed development alongside the physical distances from the nearest Natura 2000 site [4km from North Inishowen Coast SAC], and no known direct hydrological links, it is not considered that the proposed development would be likely to have any significant effect, individually or in combination with any other plan or project, and it is not considered that Screening for Appropriate Assessment is not required in this instance.”*

9.2.2. In arriving at this conclusion, I note that consideration was given to the distance between the site and the North Inishowen Coast SAC, with no known direct hydrological links, the presence of roads separating the site and dilution factors.

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:

- Magilligan SAC (site code UK0016613)
- Lough Foyle SPA (site code UK9020031)
- North Inishowen Coast SAC (site code IE002012)
- Magheradrumman Bog SAC (site code IE000168), and
- Lough Foyle SPA (site code IE004087).

9.2.4. Whilst I note that transboundary ‘European’ sites post-Brexit no longer form part of the Natura 2000 network, the designations have been maintained and are thus included.

### *Screening Determination*

9.2.5. 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 Magilligan

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

9.2.6. This determination is based on:

- The relatively modest scale of the development and lack of impact mechanisms that could significantly affect a European site,
- Lower-scale potential for source impacts of any magnitude notwithstanding the stated concerns in respect of the proposed DWWTS,
- Distance, dilution and dispersal within the Lough Foyle waterbody,
- Consideration of the conservation objectives of:  
Magilligan SAC (site code UK0016613)  
Lough Foyle SPA (site code UK9020031), and  
North Inishowen Coast SAC (site code IE002012).

### 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. I have carried out a screening for the purposes of the WFD (Appendix 3). As noted above, and notwithstanding the relatively modest scale of the proposal, I am not satisfied that effluent from DWWTS would not result in a risk of deterioration of waterbodies or that it would not jeopardise these waterbodies in reaching their WFD objectives. On the basis of objective information, it cannot be concluded that the proposal will not result in a risk of deterioration on any water body, specifically groundwaters and coastal, either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any waterbody in reaching its objectives.

## 10.0 **Recommendation**

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

## 11.0 Reasons and Considerations

1. It is considered that the proposed domestic wastewater treatment system (DWWTS) would be prejudicial to public health because:

(a) the poor percolation characteristics of the ground and the high water table, as indicated by a trial hole excavated on the site, render it unsuitable for the on-site treatment / disposal of effluent from the development, notwithstanding the use of the secondary and tertiary treatment systems proposed,

(b) the area of the site is inadequate to permit the satisfactory disposal of treated effluent by percolation by virtue of the separation distances involved, and as a result, the appeal site is unsuitable for the improvement works proposed.

In such circumstances, the proposed development, if permitted, would adversely impact on ground and surface water quality, and drinking water supplies, contrary to policy WW-P-2 of the County Donegal Development Plan 2024-2030 and to the objectives of the Water Framework Directive 2000/60/EC.

2. Having regard to the location of the site within an Area Under Strong Urban Influence and policy RH-P-1 of the County Donegal Development Plan 2024-2030, and the documentation received in connection with the planning application and the appeal, it is considered that, in the absence of the provision of evidence of demonstrable economic or social need at this location, the proposed development would result in a haphazard and unsustainable form of development, would contribute to the encroachment of random rural development in the area, and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, 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.

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Philip Maguire

Inspectorate

5<sup>th</sup> March 2026

## Appendix 1 (EIA Screening)

### Form 1 – EIA Pre-Screening

<b>Case Reference</b>	PL-500327-DL-25
<b>Proposed Development Summary</b>	Detached dwelling house with garage and all associated site works, including DWWTS etc.
<b>Development Address</b>	Drumaweir Td., Greencastle, 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-500327-DL-25
<b>Proposed Development Summary</b>	Detached dwelling house with garage and all associated site works, including DWWTS etc.
<b>Development Address</b>	Drumaweir Td., Greencastle, 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>Outline planning permission is sought for the construction of a two-storey, 4-bed dwellinghouse accessed via an existing laneway off the R241 and served by a DWWTS.</p> <p>Implementation of the permission, subject to a grant of 'permission consequent' which would confirm the exact size and design, would involve the removal of excavated soils, boulder clay, rock / bedrock and vegetation. Importation of roughly 150 tonnes of soil for DWWTS / site improvement works anticipated.</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 the proposed DWWTS is dependent on ground conditions and separation distances so as to ensure the protection of receiving ground and surface waters, including nearby drains, sources of drinking water and Lough Foyle.</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,</p>	<p>There are no ecologically sensitive locations in relative proximity to the appeal site. The nearest designated sites, Magilligan SAC (site code UK0016613) and Lough Foyle SPA (site code UK9020031) are c. 2.1km east of the site, albeit on the opposite shore of Lough Foyle.</p> <p>The nearest proposed Natural Heritage Area (pNHA) is North Inishown Coast, which is also a SAC (IE002012), c. 5.8km northeast of the appeal site. Whilst other SACs and SPAs are in excess of 9km from the appeal site, I do note that Magilligan Point and surrounding area in Co.</p>

<p>landscapes, sites of historic, cultural or archaeological significance).</p>	<p>Derry is also designated as an AONB, ASSI, Ramsar site and nature reserve.</p> <p>There are two NIAH properties in proximity of the appeal site, one of 'White Bay Cottages', a semi-detached three-bay single-storey house, built c. 1890 (ref. 40902230), c. 30m north and 'Drumaweir House', a detached four-bay two-storey house, built c. 1820 (ref. 40810019), c. 210m east. Neither are listed in the RPS. The historic port settlement of Greencastle is c. 1km east, northeast.</p> <p>The proposal is not considered to be exceptional in the context of the receiving environment adjacent to other detached houses with DWWTs.</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 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> <p>There is, however, potential for localised impacts on groundwater during the operational phase given the high water table which in turn would impact on receiving surface waters and public health. This does not, however, trigger the requirement for EIA.</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>	Detached dwelling house with garage and all associated site works
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>Sloping greenfield site falling north-south from c. 12.50mAOD to c. 3.50mAOD. Rectangular shaped plot with a stated area of 0.202ha. Situated on the western shore of Lough Foyle and within a landholding that extends to the high water mark (outlined in blue).</p> <p>Boundaries are defined by post and wire fencing and hedgerow. Open drain along the western boundary and discharging to Lough Foyle (over beach).</p> <p>Surface water drainage and groundwater vectors.</p> <p>The development is likely to involve the removal of excavated soils, boulder clay, rock / bedrock and vegetation. Importation of roughly 150 tonnes of soil for DWWTS / site improvement works anticipated.</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 the proposed DWWTS is dependent on ground conditions and separation distances so as to ensure the protection of receiving ground and surface waters, including nearby drains, sources of drinking water and Lough Foyle.</p>
<b>Screening report</b>	No
<b>Natura Impact Statement</b>	No
<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>

<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>				
<b>European Site (code)</b>	<b>Qualifying interests<sup>1</sup> Link to conservation objectives (NPWS, date)</b>	<b>Distance from proposed development (km)</b>	<b>Ecological connections<sup>2</sup></b>	<b>Consider further in screening<sup>3</sup> Y/N</b>
Magilligan SAC (UK0016613)	Coastal habitats Marsh Fritillary Petalwort  <a href="#">Conservation Objectives Link</a> (NIEA, 2015)	c. 2.1km east of appeal site	Yes, indirect- via surface water drainage which outfalls to Lough Foyle	<b>Y</b>
Lough Foyle SPA (UK9020031)	Wintering water birds (20x species)  Wetland and waterbirds  <a href="#">Conservation Objectives Link</a> (NIEA, 2015)	c. 2.1km east of appeal site	Yes, indirect- via surface water drainage which outfalls to Lough Foyle although the appeal site is unsuitable for roosting or foraging	<b>Y</b>
North Inishowen Coast SAC (IE002012)	Coastal habitats Dry heaths Whorl Snail Otter  <a href="#">Conservation Objectives Link</a> (NPWS, 2014)	c. 5.8km northeast of appeal site	Yes, indirect- tentative via surface water drainage which outfalls to Lough Foyle	<b>Y</b>
Magheradrumman Bog SAC (IE000168)	Wet heaths Blanket bogs  <a href="#">Conservation Objectives Link</a> (NPWS, 2017)	c. 9.3km west of appeal site	No direct or indirect connection i.e., no surface / ground water or other vectors and no mobile	<b>N</b>

			conservation interests associated with this SAC	
Lough Foyle SPA (IE004087)	<p>Wintering water birds (23x species)</p> <p>Wetland and waterbirds</p> <p><a href="#">Conservation Objectives Link</a> (NPWS, 2014)</p>	c. 11.2km southwest of appeal site	Yes, indirect-tentative via surface water drainage which outfalls to Lough Foyle however the SPA is down shore and sufficiently remote and the appeal site is unsuitable for roosting or foraging	<b>N</b>
<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. 10-11km 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</b>	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b>			
<b>Qualifying interests</b>	<b>Impacts</b>		<b>Effects</b>	
Magilligan SAC (UK0016613)	<p>Direct: none.</p> <p>Indirect:</p>		The coastal nature and sloping topography of the appeal site give rise to a direct ecological connection or pathway to Lough Foyle	

<p>Dunes with <i>Salix repens</i> ssp. <i>Argentea</i> (<i>Salicion arenariae</i>)</p> <p>Embryonic shifting dunes</p> <p>Fixed dunes with herbaceous vegetation (grey dunes)</p> <p>Humid dune slacks</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</p> <p>Marsh Fritillary <i>Euphydryas aurinia</i></p> <p>Petalwort <i>Petalophyllum ralfsii</i></p>	<p>Localized, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water (overland or via drainage ditch along western boundary) during construction.</p> <p>Lower-scale magnitude impacts from emissions to ground and surface water during operation via the DWWTs proposed (see section 8.3 of IR) but these will be largely localized.</p>	<p>but given the distance from receiving features connected to the SAC on the opposite shore of the lough (i.e. in excess of 2km across the waterbody), make it <b>highly unlikely</b> that the proposed development will generate impacts of a magnitude that could affect habitat quality within the SAC for the QIs listed.</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 Foyle SPA (UK9020031)</p> <p>Bewick's Swan</p> <p>Whooper Swan</p> <p>Golden Plover</p> <p>Bar-tailed Godwit</p> <p>Light-bellied Brent Goose</p> <p>Great Crested Greb</p> <p>Cormorant wintering</p> <p>Greylag Goose wintering</p> <p>Shelduck wintering</p>	<p>Direct: none.</p> <p>Indirect:</p> <p>As above.</p>	<p>As above – notwithstanding the direct ecological connection or pathway to Lough Foyle it <b>highly unlikely</b> that the proposed development will generate impacts of a magnitude that could affect habitat quality within the SPA for the QIs listed given the distance from receiving features connected to the SPA on the opposite shore of the lough.</p> <p>Conservation objectives would not be undermined.</p>

Wigeon		
Teal		
Mallard		
Eider		
Red-breasted Merganser		
Oystercatcher		
Lapwing		
Knot		
Dunlin		
Curlew		
Redshank		
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>Impacts</b>	<b>Effects</b>
<p>North Inishowen Coast SAC (IE002012)</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>	<p>Direct: none.</p> <p>Indirect:</p> <p>As above.</p>	<p>As above – notwithstanding the direct ecological connection or pathway to Lough Foyle it <b>highly unlikely</b> that the proposed development will generate impacts of a magnitude that could affect habitat quality within the SAC for the QIs listed given the distance from receiving features connected to the SAC up shore / coast.</p> <p>Conservation objectives would not be undermined.</p>

<p>Machairs (*in Ireland) [21A0]</p> <p>European dry heaths [4030]</p> <p>Narrow-mouthed Whorl Snail <i>Vertigo angustior</i> [1014]</p> <p>Otter <i>Lutra lutra</i> [1355]</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>	
<p><b>Further Commentary / discussion (only where necessary)</b></p> <p>N/a.</p>		
<p><b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b></p>		
<p>I conclude that the proposed development (alone / in combination with other plans and projects) would not result in likely significant effects on a European site. No mitigation measures are required to come to this conclusion.</p> <p>Whilst I have outstanding concerns regarding the ability of the appeal site to receive treated effluent to ground and the likelihood of migration to stormwater infrastructure, which outfalls to the drainage ditch along the western boundary and ultimately discharges to Lough Foyle, these impacts would be localised, of a lower-scale magnitude and likely to have significantly diluted and dispersed at sufficient distance from the respective sites.</p>		

**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 Magilligan SAC, Lough Foyle SPA (UK) or North Inishowen Coast SAC, 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 modest scale of the development and lack of impact mechanisms that could significantly affect a European site,
- Lower-scale potential for source impacts of any magnitude notwithstanding the stated concerns in respect of the proposed DWWTS,
- Distance, dilution and dispersal within the Lough Foyle waterbody,
- Consideration of the conservation objectives of:  
Magilligan SAC (site code UK0016613)  
Lough Foyle SPA (site code UK9020031), and  
North Inishowen Coast SAC (site code IE002012).

### Appendix 3 (WFD Screening)

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	PL-500327-DL-25	Townland, address	Drumaweir Td, Greencastle, Co. Donegal
Description of project		Detached dwelling house with garage and all associated site works, including DWWTS etc.	
Brief site description, relevant to WFD Screening		<p>Sloping greenfield site falling north-south from c. 12.50mAOD to c. 3.50mAOD. Rectangular shaped plot with a stated area of 0.202ha. Situated on the western shore of Lough Foyle and within a landholding that extends to the high water mark (outlined in blue).</p> <p>Section 3.1 of the site suitability assessment report provides a ‘visual assessment’ of the site as per the site characterisation proforma set out in Appendix A of the EPA CoP (March 2021). It states that the presence of gorse and bracken within the site and adjoining lands is indicative of relatively dry ground conditions with no evidence of surface water ponding, adding that ground conditions within the site are relatively firm and dry underfoot. Notably, it records a rock outcrop within the southern portion of the site, an open drain flowing through the southern corner and indicates that groundwater flow is in a south-easterly direction. It also notes the beach c. 7.8 metres southeast of the site boundary.</p> <p>The ground conditions were however saturated underfoot with localised ponding observed at the time of inspection along with common rush <i>Juncus effusus</i>. See section 8.3 of the IR.</p>	

<b>Proposed surface water details</b>	'Soakpit' ticked in Q. 20 of the Application Form. Further information indicates all stormwater will be piped within a separate drainage system.
<b>Proposed water supply source &amp; available capacity</b>	'New' 'public mains' ticked in Q. 20 of the Application Form. Uisce Éireann mains water connection – potential capacity available – Level of Service (LoS) improvement required (Greencastle).
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	'New' ticked in Q. 20 of the Application Form. Further information confirmed a DWWTS with tertiary treatment and infiltration area.
<b>Others?</b>	N/a

**Step 2: Identification of relevant water bodies and Step 3: S-P-R connection**

<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>
Coastal Waterbody	c. 125m	Lough Foyle GBNIIIE6NW250	Unassigned	Review	None identified	Yes – via surface water run-off owing to proximity and topography; and existing outfall locations.

Groundwater Waterbody	Underlying site	East Inishowen IEGBNI_NW_G_050	Good	Not at risk	None identified	Yes – evidence of high water table in the soils	
<b>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.</b>							
<b>CONSTRUCTION PHASE</b>							
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	<b>Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.</b>
1.	Coastal	Lough Foyle GBNIE6NW2 50	Existing - surface water pathway overland (sloping site) and via drainage ditch.  New – stormwater infrastructure pathway which outfalls to drainage ditch and in	Siltation, pH (Concrete), hydrocarbon spillages, surface water outfall.  Impact on hydrological regime (drainage ditch) due to site	None proposed but standard construction practices anticipated.	No	Screened out

			turn discharges to Lough Foyle.	excavation and increased site ponding.			
2.	Ground	East Inishowen IEGBNI_NW_G_050	Existing – evidence of high water table in the soils. New – via exposed soils and groundwater flooding i.e., saturation in the surface and subsurface layers.	Siltation, pH (Concrete), hydrocarbon spillages. Impact on hydrological regime due to site excavation and increased ponding.	As above	No	Screened out
<b>OPERATIONAL PHASE</b>							
1.	Coastal	Lough Foyle GBNIIE6NW2 50	Stormwater would discharge directly to Lough Foyle. On-site wastewater treatment (DWWTS).	Hydrocarbon spillage / pollution, stormwater / wastewater pollution.	None proposed and concerns relate to the interaction between the DWWTS and stormwater	Yes. Potential remains for effluent migration (from DWWTS) to the stormwater infrastructure due	Screened in

					drainage given the high water table and proposed perimeter drain (around the infiltration area) and lack of SuDS generally.	to ground conditions (see section 8.3 of IR).	
2.	Ground	East Inishowen IEBNI_NW_G_050	On-site wastewater treatment (DWWTS).	As above	As above	Yes  As above	Screened in
<b>DECOMMISSIONING PHASE</b>							
1.	N/A	N/A	N/A	N/A	N/A	N/A	N/A

## STAGE 2: ASSESSMENT

### Details of Mitigation Required to Comply with WFD Objectives

#### Surface Water

Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	<u>Objective 1: Surface Water</u> Prevent deterioration of the status of all bodies of surface water	<u>Objective 2: Surface Water</u> Protect, enhance and restore all bodies of surface water with aim of achieving good status	<u>Objective 3: Surface Water</u> Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	<u>Objective 4: Surface Water</u> Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:	
<b>Stormwater / Wastewater Drainage</b>	Surface water management to prevent pollution and control run-off quantity; specific wastewater management measures to demonstrate site suitability and negate the risk of migration to stormwater infrastructure in order to prevent pollution.	Surface water management to prevent pollution and control run-off quantity; specific wastewater management measures to demonstrate site suitability and negate the risk of migration to stormwater infrastructure in order to prevent pollution.	N/A	N/a	No

**Details of Mitigation Required to Comply with WFD Objectives – Template**

<b>Groundwater</b>				
<b>Development/Activity</b> e.g. abstraction, outfall, etc.	<b><u>Objective 1: Groundwater</u></b> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<b><u>Objective 2: Groundwater</u></b> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	<b><u>Objective 3: Groundwater</u></b> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	<b>Does this component comply with WFD Objectives 1, 2, 3 &amp; 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)</b>
	<b>Describe mitigation required to meet objective 1:</b>	<b>Describe mitigation required to meet objective 2:</b>	<b>Describe mitigation required to meet objective 3:</b>	
<b>Stormwater / Wastewater Drainage</b>	Surface water management to prevent pollution and control run-off quantity; specific wastewater management measures to demonstrate site suitability and negate the risk of migration to stormwater infrastructure in order to prevent pollution.	Surface water management to prevent pollution and control run-off quantity; specific wastewater management measures to demonstrate site suitability and negate the risk of migration to stormwater infrastructure in order to prevent pollution.	N/A	No

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