



Inspector's Report

PL-500653-DL-26

Development	Construction of a new transfer to laboratory building and all associated site works.
Location	Tops Farm, Tops, Raphoe, Lifford Po, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2560550
Applicant(s)	The Minister for Agriculture, Food and The Marine
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Appeal
Appellant(s)	Mary Nolan
Observer(s)	None
Date of Site Inspection	22/4/26
Inspector	Ronan Murphy

1.0 Site Location and Description

- 1.1. The appeal site is located within the townland of Tops which is a rural area c.2.57km to the south of the centre of Raphoe in Co. Donegal.
- 1.2. The appeal site which has a stated area of c. 0.542ha comprises of a field which is currently in use for animal grazing. The appeal site has irregular shape and is located to the west of an existing farm development which includes a number of farm buildings.
- 1.3. The western, southern, and northern boundary of the appeal site comprises of a number of trees of a mixture of species. The eastern boundary of the land comprises of the side elevation of an existing farm building.
- 1.4. In addition to this, the site is located approx. 225m from Sites and Monuments Zone (R176384) - Beltany Stone Circle, a National Monument in state ownership (National Monument No. 463 / RMP: DG070-026001- & DG070-026002-) and Recorded Monument DG070-025 (Enclosure).
- 1.5. In terms of topography the site rises in a westerly direction from the exiting farmyard to the east of the site.
- 1.6. Access to the site is via a laneway which has access from the L-6244-1 which is an undulating one lane local road.

2.0 Proposed Development

- 2.1. The proposed new building is proposed to be a treble bay portal frame metal clad agricultural style building, with a large open transfer hall and associated staff office and hygiene facilities. External works shall comprise a new entrance, driveway, wash-down, and enclosed yard area.
- 2.2. The proposed development would have a maximum height of c.7.3m and would have a metal panelling finish, similar to other agricultural type buildings. The proposal would have a floor area of c. 303m².
- 8.6.1 The purpose of the development is to provide a Transfer-to-Laboratory Centre (TLC) whereby local farmers in North Donegal will be facilitated in getting a same-day farm animal postmortem at the nearest animal postmortem facility based at the Sligo Regional Veterinary Laboratory. The building will only be open by pre-arrangement to local farmers to submit

animal carcasses and samples referred for investigation by their veterinary practitioner at appointed times between 10am and 12 noon.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 By order dated 19/12/25 the Planning Authority decided to grant planning permission, subject to 10 conditions. Condition 3 relates to archaeological mitigation measures, condition 4 relates to animal carcasses being offloaded within the building, Condition 5 relates to visibility splays, Condition 8 relates surface water discharge, Condition 9 relates to wastewater treatment.

3.2. Planning Authority Reports

3.2.1. There are two planning reports on file. The first planning report dated 5/6/25 outlines that given the existing agricultural activity in the area and having regard to policies of the *Donegal County Development Plan 2024-2030*, the proposed development may be acceptable in principle subject to other considerations.

3.2.2. The area planner noted that the development description lacks detail, and a detailed statement has not been submitted with the application, including the intended nature of the proposed development, the hours of operation, clarification in relation to the type of animals, clarification if the building will be open to members of the public, the type and number of vehicles arriving to and exiting the site, what measures are in place for the prevention of indiscriminate run-off of disinfectants or other pollutants to nearby local watercourses and what measures are in place for prevention for odour pollution and noise disturbances.

3.2.3 On this basis, further information was requested.

3.2.3. Other Technical Reports

- **Senior Executive Engineer:** Email dated 8/5/25 requesting further information.
- **Area Roads Engineer:** Report dated 21/5/25 requesting further information.
- **Environmental Health Officer:** Report dated 23/5/25 outlining no objection, subject to conditions.
- **Senior Executive Chemist:** Email dated 28/5/25 outlining that the wording of the application is too vague.

3.3. Prescribed Bodies

- **Department of Housing Local Government and Heritage:** Response dated 28/5/25 outlining no objection, subject to conditions.

3.4 Second planning report

3.4.1 There is a second area planners report dated 19/12/25 which notes that the applicant's response to the further information is acceptable and recommends that planning permission be granted.

3.4.2 Post further information technical reports

- **Senior Executive Chemist:** Report dated 9/12/25 outlining no objection, subject to conditions.
- **Environmental Health Officer:** Report dated 11/12/25 outlining no objection subject to conditions.

3.4.3 Post Further information Prescribed Bodies

- **Department of Housing Local Government and Heritage:** Response dated 9/12/25 outlining no objection, subject to conditions.

3.5 Third Party Observations

3.5.1 Two third party objections were received by the planning authority. The objections outlined concerns with respect to the following:

- Area prone to flooding.
- Impacts of the proposed development on tourism due to smell, restricted car parking and health and safety.
- Residential amenity concerns including noise and odour pollution.
- Invalid application as the notices not in accordance with the Planning and Development Regulations 2001 (as amended).
- Disposal of wastewater.
- Use of disinfectants and potential impacts on surface water and run off to neighbouring farms.
- Traffic concerns

- Impact on Archaeology
- The development is not a farming development and would set an undesirable precedent.
- Landscaping does not hide the building.
- The planning authority did not include a section on agriculture.

4.0 Planning History

4.1 There is no planning history relating to the appeal site.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative plan for the area is the *Donegal County Development Plan 2024-2030* under which the appeal site is located within a 'Structurally Weak Rural Area'. The appeal site is also located within an Area of High Scenic Amenity. The following policies and objectives are pertinent to the proposed development:

L-O-1 which seeks to protect, manage and conserve the character, quality, and value of the Donegal landscape.

LP-2 which seeks to protect areas identified as 'High Scenic Amenity' and 'Moderate Scenic Amenity' on Map 11.1 'Scenic Amenity'. It is noted that within these areas, only development of a nature, location and scale that integrates with, and reflects the character and amenity

of the landscape may be considered, subject to compliance with other relevant policies of the Plan.

AYH-O-1: Which seeks to conserve and protect archaeological heritage, achieve a greater public knowledge and appreciation of archaeology, protect existing access to, and where appropriate provide new access and visitor infrastructure for, such heritage.

AYH-P-1: Which seeks to conserve and protect all forms of archaeological heritage.

AYH-P-3: Which seeks to ensure that development proposals affecting archaeological heritage sites shall a) Sensitively incorporate archaeological heritage Preserved In Situ in a manner which is compatible with the protection and proper management of such heritage; b) be accompanied by a long-term management plan that incorporates appropriate protections for the heritage site; c) Provide appropriate informational signage regarding any archaeological heritage which has been identified and Preserved by Record.

The policy will be implemented save to the extent necessary to provide for strategic infrastructure projects.

5.2. Relevant National or Regional Policy / Ministerial Guidelines

EPA Code of Practice Domestic Wastewater Treatment Systems, population equivalent of less than 10, 2021.

5.2.1 This document provides guidance on the site characterization, design, operation, and maintenance of domestic wastewater treatment systems.

NPWS Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities

5.2.2 This guidance is intended to assist and guide local and planning authorities in the application of Article 6(3) and 6(4) of the Habitats Directive.

OPR Practice Note 1: Appropriate Assessment Screening for Development Management

5.2.3 This practice note provides information and guidance on screening for appropriate assessment during the planning application process.

5.3. Natural Heritage Designations

5.3.1 The subject site is not located within or adjacent to a European Site. The nearest designated sites are the River Finn SAC (Site Code: 002301) which is located c. 5.3km to the south of the appeal site.

6.0 EIA Screening

6.1 See completed Form 2 attached by way of appendix to this report. Having regard to the nature, size, and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required. A screening exercise will be undertaken in the appendices below.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1 A third party appeal has been received from Mary Nolan. The appeal can be summarised as follows:

- An Coimisiún Pleanála is precluded from dealing with this planning application and by extension this appeal on the grounds that Donegal County Council has based its decision to grant planning permission on an application which was not valid.
- The public notices failed to indicate the nature and extent of the proposed development and were inadequate to inform the public as the exact nature of the proposal was not outlined.
- The application was not valid from the start, and the planning authority has absolved the applicant of their legal obligations.
- The planning authority has erred in determining that screening for Appropriate Assessment is not necessary. The reasons given for this are flawed. The planning officer wasn't too sure of their grounds for the determination regarding AA.
- Screening as was carried out was done on 3/6/25, i.e. prior to the submission on 28/11/25 of the applicant of the full process involved in the proposal.

- Without knowledge of the process involved, the planning authority would have had no idea if an AA was required or not.
- No details are provided about the nature, amount, and content of disinfectant to be used.
- Need to know the name of it, the content of it and the storage of it etc. Disinfectants typically contain hydrocarbons and in, fact, hydrocarbons from the basis of most disinfectants and are significant pollutants which block oxygen and disrupt ecosystems.
- What should have concerned the planning authority is in the disinfecting of all hard surfaces, the building floor, the concrete yard, wheel wash and entrance, not to mention potential spills from visiting tractors etc.
- It is proposed to construct an attenuation tank into which surface water will drain, the applicant states that this system will not cope with all the run off and that their overflow will connect to a pipe which carries rain water onto a road-side gully and in turn currently finds its way via a number of field drain and into the River Deele, the main drainage channel for all land and premises in the valley south of the Swilly Burn and south of the area surrounding the Beltany Stone Circle.
- Without further details, it is not known how disinfectant loaded with hydrocarbons will be prevented from entering the River Deel, which is only 1km away and reads into the River Foyle just north of Lifford.
- This is a farming / residential area and all properties at one time would have depended on well and springs. The Geological Maps of Ireland for this area identify a number of recorded groundwater wells and springs in the immediate area, including three belonging three dwellings immediately northeast of the subject site and adjoining it.
- The applicant has supplied information regarding the construction of a new wastewater treatment plant. Ground rock was encountered at only a depth of 1m, there is concern that there will be a problem with percolation from it. To counter that, it is proposed to import soil to give a percolation of 900mm soil beneath the percolation system. This is a practice in Donegal planning authority which has given

rise to numerous problems with domestic septic tanks and is one which should not be employed.

- Percolation overflow from this new septic tank will find its way into the natural drainage system and then to the River Deelee irrespective of the proposed measures to address surface water management and the various conditions that would be required to manage such proposals.
- The planning authority correctly points out the existence of the River Finn Special Area of Conservation but makes no mention of the River Foyle and Tributaries SAC. The Foyle catchment area includes all the land drained by the main tributaries draining onto the River Foyle (River Finn, Mourne, Deelee and the Swilly Burn) any pollutants potentially draining into any of those systems could have a detrimental and negative impact on the SAC's.
- In accordance with the Water Framework Directive proposals that have the potential to impact waterbodies are required to demonstrate that actions would not result in a deterioration in 'ecological status' and would not result in the relevant waterbodies being unable to achieve the relevant target ecological status.
- The details submitted with the planning application have not demonstrated adequate proposals for the proper and satisfactory management of surface water.
- In the absence of such information and having regard to Art. 5 of the European Communities Environmental Objectives (Surface Waters) Regulations 2009, as amended, which requires public authorities, in the performance of their functions, shall not undertake those functions in a manner knowingly causes or allows deterioration in the chemical or ecological status, or the ecological potential of a body of surface water, it is therefore considered that the proposed development would pose an unacceptable risk of environment pollution and would be contrary to the proper planning and sustainable development of the area.
- The planning authority erred in not employing the source-pathway-target model in determining whether or not to decide on screening for AA.
- If it had done so, it could not have failed to determine that there is a potential for a negative impact on the aforementioned SAC's.

- The planning authority ought to have applied the precautionary principle in making any decision relating to AA and that has been confirmed by the European Court of Justice in case law.
- As the planning authority was unaware of the processes involved in the subject proposal when it was screened for AA, and even when more details were on hand following submission by the applicant of further details, it failed to apply the precautionary principle and request the applicant to submit a Natura Impact Statement.
- The planning authority failed to consider the sensitivity of the receiving environment as it was bound to do in accordance with Article 6(3) of the Habitats Directive.
- That would have informed the planning authority of the significance of the predicated effect of the proposal.
- The planning authority ought also to have known in screening for AA, it was obliged to take account of Schedule 7 of the Planning and Development Regulations 2001 (as amended). Schedule 7 makes it clear that it is not just the characteristics of a proposal, characteristics would include the production of waste, pollution, extra generation, and nuisance to the existing farming / residential community including smell, noise, extra generation of traffic along a narrow 3m wide rural road.
- There is no evidence that the planning authority took account of Schedule 7 at all as it is obliged to, it failed to state in its report that it had taken account of Schedule 7.
- If the planning authority did not have the proper expertise to make relevant and proper assessment, then it ought to have sourced expertise from outside the planning authority. Without such expertise the decision to grant planning permission is flawed with potentially dire consequences for the SACs in view of the sites' Conservation Objectives and under the Habitats Directive there is an obligation on planning authorities to put concern for the potential effects on a Natura 2000 site at the forefront of planning decisions. As such the validity of the decision to grant and concerned that An Coimisiún Pleanála may be precluded from dealing with this application and therefore, this appeal.

- Regarding operational hours, the general public are left to wonder how the proposed facility will operate e.g. at weekends, public holidays, and any other times when a farmer needs to dispose of a dead animal during those 'off' times.
- What sort of samples will the proposal accept as well as carcasses, how and in what manner, will they be conveyed to the site.
- The statement that no storage, opening or processing of animal carcasses is envisaged at the site is worrying, with the use of 'envisaged' is not a reassuring statement that such operations are definitely excluded in the future or even in the present.
- Added to the proposed construction of an industrial type building of 340m², and with hardstanding of 303m² and a height that is considerably higher than any existing building on the farm, gives us cause for concern as such a building seems oversized and unnecessary for the operations proposed. It might well be the case that the Department has other intended uses for the future and is not telling anyone. The current proposal would be a case of getting one's foot in the door.
- The proposal suggests there maybe up to 10 carcasses arriving per day at the facility. One small truck going between Raphoe and Sligo cannot possibly cope and the whole operation will soon fall apart. The operation would have to be operated like a military operation and be dependent on obedient foot soldiers.
- Farmers will do as farmers will do and we doubt that the clinical operation as described will soon disintegrate and the adjoining neighbours will be left to pick up the pieces.
- What happens if an animal dies on the weekend or a public holiday? Carcasses will be dumped outside the gates, irrespective of any CCTV cameras. What will happen if the carcass is greater than 24 hours old, where will it go?, if the animal has died of foot-and-mouth disease or blue tongue disease what protection is there for adjoining livestock on existing farms?
- The applicant has described a facility and operations that could be sited in the centre of any town in Donegal. The site is in the wrong location.

- The conditions regarding the operation of the facility, no matter how well intentioned are not enforceable. Planning conditions must be clear, precise, and reasonable. The courts have stated as much.
- The operation does not solely depend on the applicant complying with conditions, it also relies on farmers of all sorts and capabilities and also on the facility in Sligo all of which must be in sync.
- Conditions regarding the operation are not enforceable as there are far too many unknowns.
- The proposal would negatively impact on the area given that it proposes to invite farmers to bring dead animals as well as unspecified samples on tractors and vans of all sorts with no obligation to cover them up or deal with fly / midges' infestation and all of the mal odours such activity will generate. Even the use of disinfectant with its pungent and overpowering effect would signal the end of our business.
- The new access will obliterate the existing small car park used by visitors to the internationally acclaimed Beltany Stone Circle. During the summer, this car park is always full.
- The obliteration of the car parking facility at the site of the new entrance would contravene objectives and policies of the CDP and would be contrary to the proper planning and sustainable development of the area.
- The site is located within an area of High Scenic Amenity as defined in the CDP and this is confirmed in the Landscape Evaluation Report submitted with the application. The works heritage and use are very significant in the context of what is proposed in the subject application, the word use is not mentioned the area planners report.
- The proposal could be located somewhere not related to farming and it is being positioned here because it is where the Department of Agriculture owns a farm and currently raise sheep and grow crops. The proposed use of the building is alien to the farm and farm buildings located at Tops Farm and operated by the Department of Agriculture. The proposed use is not farming as it is understood by the man in the street.
- The proposal by introducing a use which is alien to the area does not protect this area of High Scenic Amenity and agrarian character and egregiously does not safeguard

the cultural landscape significance of this area which is one of the most archaeologically important areas in Donegal.

- The documents submitted by the applicant make no effort to assess the impact of the proposal on the cultural landscape which the planning authority is bound to protect otherwise the statutory policies contained in its statutory development plan remain as simply words in a document to be ignored.
- The planning authority has solely assessed the proposal from the perspective of the Beltany Stone Circle and uses the Landscape Impact Assessment to make its determination when it ought to have assessed the impact of the proposal and its intended use on the entire cultural landscape and it was the legal duty of the planning authority to have made such an assessment.
- We do not share the conclusion that there would be a negligible or no impact from the proposed development on the stone circle and that the magnitude of change to the existing archaeological remains is low in the area.
- The magnitude of change would be very high or high i.e. full or extensive intrusion of the development in the view, or partial obstruction that obstructs valued features or characteristics.
- The determination reached by Purser are not based on the assessment of the impact of the development on the totality of the cultural landscape. Even in the assessment of the impact from the Stone Circle, photos 1, 2 and 3 shows that the proposed building would be visible and the proposal to 'hide' it by planting trees only goes to prove that it would result in a strident intrusion when viewed from the circle.
- The Department of Agriculture has already demolished the lines of trees on both sides of the ancient trackway which leads to the stone circle.
- The planning authority does not make any reference to the implication for the Landscape Character Assessment produced by the County Donegal Planning Authority in May 2016. The Character Assessment are founded in the European Landscape Convention July 2000 and adopted by Ireland in February 2008.
- Given the national commitments Co. Donegal produced its Landscape Character Assessment, which while not part of the Development Plan it cannot be simply whitewashed.

- The subject site is in the Laggan Landscape area rather than the Foyle Landscape Area as described by the applicant.
- The cultural heritage of the area is not only defined by the Stone Circle. The area is an outstanding cultural landscape, and the planning authority has erred in not recognising it as such and didn't adjudicate the proposal in the context of this cultural landscape. The proposed development is therefore contrary to the stated policy in the CDP and is, therefore, contrary to the proper planning and sustainable development of the area.
- The proposal is not just another farm activity, it is an industrial / commercial undertaking whereby customers pay for a service and is therefore, economic development.
- The proposal would therefore contravene current policies and objectives contained in the CDP (Policy ED-P-6).
- The existing land use is agrarian and residential; the proposal is nether and does not fulfil any of the requirements of Policy ED-P-7.
- The road is not capable of dealing with the type and extent of traffic which could potentially be generated by the proposal.
- It is clear that the proposal must fail on the basis of the policies contained in Policy ED-P-9 alone.

7.2. Applicant Response

7.2.1 None on file

7.3. Planning Authority Response

7.3.1 A response was received from the Local Authority by letter dated 12/2/25. The response can be summarised as follows:

- The wording of the Statutory Notices were considered and deemed valid. The use of the proposed building is mainly a collection point in order for farmers to access testing facilities which would otherwise be remote from regional laboratories. No testing of any kind is proposed at the site.

- The planning authority concurs with the submission regarding the operational hours that there is a need to define same. It would be reasonable for the Coimisiún to consider applying a condition to ensure hours of operations do not extend to the weekends / public holidays. A deviation from these times would only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority in order to maintain the amenities of the area.
- In terms of Archaeology, the Department of Housing, Local Government and Heritage has reviewed the Landscape and Visual Impact Assessment report submitted at Further Information stage and broadly concurred with the findings of said assessment, noting that the proposed development would not affect how the mountains are read or understood in the landscape and would not alter the characteristics of their setting. Given the existing agricultural development directly adjoining the site and the set back from both the local and regional road, limited excavation required to obtain a level platform, it is not considered there will be any visual issues.
- Adequate measure will be employed in the operation of the facility and will be required to be in accordance with the relevant Department of Agriculture, Food and the Marine standards covered under separate powers. The location of the self-contained wheel wash is identified whereby it is stated that no discharge from the wheel wash to enter the storm or wastewater drains to be allowed to entre soils and contents of the wheel wash to be emptied by an appropriately licensed waste handling company.
- With regard to the failure of the Planning Authority to carry out a Screening Report for the purposes of AA, a determination has been made in relation to the sites proximity to the nearest Natura 2000 site (River Finn SAC located in excess of 5.3km) with no known hydrological links, associated dilution factors, limited scale of use, measures employed by the applicant in terms of dealing with surface / soiled water. On that basis 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, therefore it is not considered that Screening or Appropriate Assessment is required in this instance.

- In relation to the proposed wastewater treatment system, the same shall be in accordance with the 2021 Environmental Protection Agency 'Code of Practice'. This matter was reviewed by the Environmental Health Office and no concerns were raised.
- The Councils wishes to rely on the content of the Panners Reports dated 3/6/25 and 16/12/25.

7.4. **Observations**

7.4.1 There are no observations on file.

7.5. **Further Responses**

7.5.1 There are no further responses on file.

8.0 **Assessment**

8.1. Having examined the appeal details and all other documentation on file, including submissions / observations, the reports of the local authority and inspected the site, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Procedural matters
- Design / Visual Impact
- Archaeology
- Traffic Safety
- Wastewater Treatment
- Flooding
- Appropriate Assessment
- Water Framework Directive
- Other matters

8.2 Principle of Development

- 8.2.1 The appeal site is within a specialised agricultural research farm which is focused on potatoes and is operated by the Department of Agriculture. The farm is located within the open countryside, outside of a designated settlement which is designated as being both 'structurally weak' and an area of 'High Scenic Amenity.'
- 8.2.2 The proposal is a unique land use being a transfer facility for deceased farm animals before transfer to Sligo Regional Veterinarian Laboratory to allow for farmers to be facilitated in getting a same day post-mortem for recently deceased animals.
- 8.2.3 The applicant states that the building will only be open by pre-arrangement to local farmers to submit animal carcasses and samples referred for investigation by their veterinary practitioner at appointed times between 10am and 12 noon.
- 8.2.3 I note the concerns of the third party that the proposed use is not a farming use as would be commonly considered. Notwithstanding this, I note that the current Tops Farm operation is a research facility and not a farm as would be commonly considered and the proposed development would allow for farmers to get a same day postmortem for deceased animals referred for investigation by a veterinarian practitioner. In my view, this is a necessary agricultural use which would facilitate agriculture operations within the grounds of a facility used for agricultural research and is not a commercial operation as outlined by the third-party. The use is therefore considered to be acceptable in principle, subject to a full assessment of the impact of the proposed development on the surrounding area.

8.3 Procedural Matters

- 8.3.1 The third-party outlines concerns that the public notices failed to indicate the nature and extent of the proposed development and were inadequate to inform the public as the exact nature of the proposal was not outlined. Therefore, the application was not valid, and the planning authority has absolved the applicant of their legal obligations.
- 8.3.2 The response the third-party appeal from the Planning Authority states that the wording of the Statutory Notices was considered and deemed valid.
- 8.3.3 I note the concerns of the third party; however, the application was considered to be valid by the Planning Authority, and I am satisfied that it is not the role of the Coimisiún to question the validity of the application. In this regard I note the Appeal Response received from the Local Authority and its contention that the application was deemed valid.

8.4 Design / Visual Impact

- 8.4.1 The third-party Objector highlights concern with respect to the impact that the proposed development would have on the High Scenic Amenity and agrarian character of the area and does not safeguard the cultural landscape significance of this area which is one of the most archaeologically important areas in Donegal. The third party is of the opinion that a building of its size and its use would be more applicable in an urban centre as opposed to a rural area.
- 8.4.2 In response to this, the Planning Authority states that the Department of Housing, Local Government and Heritage has reviewed the Landscape and Visual Impact Assessment report submitted at Further Information stage and broadly concurred with the findings of said assessment, noting that the proposed development would not affect how the mountains are read or understood in the landscape and would not alter the characteristics of their setting.
- 8.4.3 The proposed development would have a maximum height of c.7.3m and would have a metal panelling finish, similar to other agricultural type buildings. The proposal would have a floor area of c. 303m².
- 8.4.4 The proposed building would be located in an area of the site which contains a number of agricultural buildings associated with the existing operation of the site. However, I do note that the proposed building would be c. 200mm taller than the most proximate existing building on the land. Given the topography of the site, the proposed building would be on a slightly higher point of the site which would give the impression that the proposed building is taller than existing buildings.
- 8.4.5 Having been on site, I noted the picturesque nature of the landscape in this area of Donegal, with undulating hill and pastoral lands, interspersed with dwelling houses. This is reflected in the Area of High Scenic Amenity designation in *the Donegal County Development Plan 2024-2030*.

Close views

- 8.4.6 In my opinion the key short-term views of the proposed development would be from the Beltany Stone Circle and also from the walking access to the Stone Circle to the north of the site.
- 8.4.7 With regard to the views from the Beltany Stone Circle, I am satisfied that the proposed development would not be visible from the stone circle. I have come to this conclusion having

regard to my site visit of the land and the surrounding area (including the Beltany Stone Circle), the topography of the land whereby the appeal site is at lower level than that of the Beltany Stone Circle and the fact the western boundary of the land is screened by existing planting. In addition to this, I note that to Drawing No. 005 '*Site Layout Plan Landscaping and Planting*' shows that it is proposed to screen the building by way of planting along the northern boundary of the land. The proposed screening would be a mixture of Silver Birch which grow up to 15-25m tall, Holly which grow up to 1m in height, Bird Cherry which grow up to 16m tall and Hazel which grow up to 8m. I am satisfied that this screening would ensure that the proposed development would not be seen from the stone circle.

8.4.8 I have also considered View 6 of the Landscape and Visual Impact Assessment and Drawing No. 002 '*Contextual Site Plan and Contextual Site Sections*', which shows the line of sight from the Stone Circle.

8.4.9 With respect to the walking access to the Stone Circle to the north of the site, I refer the Coimisiún to Drawing No. 005 '*Site Layout Plan Landscaping and Planting*' which shows a similar planting schedule to the northern boundary. While I note that the proposed building would be visible from this vantage point, I am satisfied that the proposed landscaping would effectively screen the proposed building.

Views within the overall landscape

8.4.10 The third-party outlines concerns that the planning authority has not considered the visual impact of the proposed development on the wider area and have not considered the Landscape Character Assessment produced by the County Donegal Planning Authority in May 2016.

8.4.11 The Landscape Character Assessment for County Donegal identifies the appeal site within the Foyle Valley Character Area. I note that the third party was of the opinion that the appeal site sits with the Laggan Landscape area. However, I have considered p.92 of the Landscape Character Assessment of County Donegal and the maps at <https://www.arcgis.com/apps/mapviewer/index.html?webmap=57c681be5ed14493b85bb4157bfe15c4> both of which confirm that the appeal site is within the Foyle Valley Character Area.

8.4.12 The Foyle Valley is characterised by undulating fertile agricultural lands with a regular field pattern of medium to large geometric fields, bound by deciduous trees and hedgerow. There is a dispersed scatter of rural residential development within this LCA comprising of

farmsteads and one-off rural dwellings along with areas of ribbon development along the county road network; there are a number of large detached historic houses and associated grounds within this landscape, particularly along the Foyle.

8.4.13 While I note the concerns of the third-party that the Planning Authority has not considered the Landscape Character Assessment for County Donegal, I make the Coimisiún aware that Section 11.2.2 of the *Donegal County Development Plan 2024-2030* states that ‘*The process was an analysis, characterisation and narrative of the component parts of the landscape of County Donegal and is not to be construed as an accompanying policy document of this Plan*’.

8.4.14 The Landscape Character Assessment is therefore an evidence base for the landscape classifications set out in Section 11.2.2 of the *Donegal County Development Plan 2024-2030*. The appeal site is within the Areas of High Scenic Amenity categorisation. While it is noted that these are landscapes of significant aesthetic, cultural, heritage and environmental quality, these areas have the capacity to absorb sensitively located development of scale, design and use that will enable assimilation into the receiving landscape and which does not detract from the quality of the landscape, subject to compliance with all other objectives and policies of the plan.

8.4.15 Having considered the plans submitted with the application and the further information response including the landscape plans and the location of the proposed development within an area which includes other agricultural buildings, I am satisfied that the proposed development would assimilate into the receiving environment in a satisfactory manner.

8.5 Archaeology

8.5.1 The third party has outlined concerns that the proposed development would not have a negligible or no impact from the proposed development on the stone circle and that the magnitude of change to the existing archaeological remains is low in the area. The third party is of the opinion that the magnitude of change would be very high or high i.e. full or extensive intrusion of the development in the view, or partial intrusion that obstructs valued features or characteristics.

8.5.2 I refer the Coimisiún to the Archaeological Testing Report prepared by Fado Archaeology submitted with the application. This report concluded that the proposed development is in proximity to National Monument No. 463 Beltany Stone Circle (DG070-026001) and Enclosure (DG070-025), which are located approximately 250m east. However, the appeal

site is not within the constraints area for these monuments. A programme of archaeological test trenching was undertaken. During test trenching a total of 11 test trenches were excavated at regular intervals across the appeal site and no material of an archaeological nature was noted.

8.5.3 It was concluded that the proposed development will have no perceptible physical direct effect on any known archaeological site or monument associated with the environs of the appeal site.

8.5.4 However, it was recommended that the proposal has the potential for uncovering archaeological material and objects which were not found during testing or identified in the geophysical survey and that archaeological monitoring of topsoil stripping and groundworks should be conducted by a suitably qualified archaeologist, under license to the Planning and Heritage Section of the Department of Housing, Local Government and Heritage, and the National Museum of Ireland, with provision being made for full recording and excavation of any archaeological features or deposits which may be exposed.

8.5.5 In addition to this it was recommended that a full and comprehensive visual impact assessment be completed by a suitably qualified and experienced landscape and visual impact specialist, to assess if there is any potential for visual impact from the proposed on the nearby archaeological sites and monuments.

8.5.6 I note that Condition 3 of the Notification of Decision to Grant Planning Permission requires that all mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Testing Report (Fadó Archaeology Ltd; May 2024) submitted in the planning documents shall be implemented in full.

8.5.7 I note the concerns of the third party; however, I am satisfied with the conclusions and recommendations set out in the Archaeological Testing Report prepared by Fadó Archaeology Limited submitted with the application. Should the Coimisiún be of a mind to grant planning permission then a condition could be included which requires that development is undertaken in line with the recommendations of the Archaeological Testing Report.

8.7 Traffic Safety

8.7.1 The third-party outlines concerns that the road is not capable of dealing with the type and extent of traffic which could potentially be generated by the proposal.

- 8.7.2 The applicant's response to the further information request states that the proposed development would cater for farm vehicles from the local catchment within an hour's drive of the appeal site and that it is anticipated that there will be typically up to five and a maximum of ten movements per day. The applicants state that the vehicles would be typical local farm vehicles (cars and trailers, tractors, and trailers) and that the building will only be open by pre-arrangement to local farmers to submit animal carcasses and samples referred for investigation by their veterinary practitioner at appointed times between 10am and 12 noon.
- 8.7.3 In addition to this, a Transfer-To-Laboratory vehicle will make a single return visit per day, the would be a small rigid-bodied fully enclosed truck.
- 8.7.4 I have undertaken a site visit and noted that while the roads surrounding the appeal site are single lane and local in nature, they are wide enough to accommodate farm vehicles. The applicant states that the proposal would lead to a maximum of 10 additional vehicle movements per day, all of which would be by appointment only. I am satisfied that the level of traffic generation would be minimal and time specific and as a result would not have an impact on the operation of the local road network.
- 8.7.5 In terms of traffic safety, I note that the key junction would be between the access laneway and the L-6244-1. I refer the Coimisiún to the Road Safety Audit prepared by CST Group and submitted as a response to the Further Information request. This report notes that the visibility to oncoming traffic at the Tops Farm / Beltany Road (L-6244-1) junction is partially restricted due to roadside vegetation. There is concern, due to the angle of the Tops Farm access to the Beltany Road, users exiting Tops Farm may fail to adequately slow at the junction to observe and stop for the Local Road traffic.
- 8.7.6 I refer the Coimisiún to Drawing No. 08 'Site Plan Part 2 Junction of ROW and Road which shows that sightlines of 50m can be achieved in both directions. This drawing also shows that existing vegetation at this junction is to be maintained below 1m in height to maintain sightlines and that a new stop sign is proposed. It is noted that the 50m vision lines do not pass over lands in the ownership of others with both lines to the north and south over road verges.
- 8.7.7 Having considered the Road Safety Audit, Drawing No.8, my site visit and the low number of traffic numbers associated with the proposed development, I am satisfied that the

proposed development would not constitute a road safety hazard and is acceptable in this regard.

Car parking

- 8.7.8 The third-party outlines concerns that the proposed new access will obliterate the existing small car park used by visitors to the Beltany Stone Circle. During the summer, this car park is always full. When farmers arrive, they will use this car park, especially if more than one farmer arrives at a time.
- 8.7.9 Having been on site, I note that no formal parking provided, there is an informal, gravel area used for car parking to the west of the entrance to the appeal site. Notwithstanding this, I refer the Coimisiún to Drawing No. 03 Rev A 'Site Layout Plan-Part 1 General Layout' submitted with the applicant's further information response shows that the gravel area to the west of the site access would be retained. Having considered this plan, I am satisfied that the proposal would not have an undue impact on cars parking for the purposes of visiting the Betany Stone Circle.
- 8.7.10 With respect to farmers using this area for parking the applicant has stated that the proposed development would be by appointment only and therefore more than one farmer could turn up at any one time to use the service. In addition to this, parking would be provided to the front of the building. I am satisfied that farmers using the service would not use all of the parking provided in the informal gravel surface car park area to the west of the access to the appeal site.

8.8 Wastewater Treatment

- 8.8.1 The third party has outlined concerns that the details submitted with the planning application have not demonstrated adequate proposals for the proper and satisfactory management of surface water.
- 8.8.2 The response of the Planning Authority states that the same shall be in accordance with the 2021 Environmental Protection Agency 'Code of Practice'. This matter was reviewed by the Environmental Health Office and no concerns were raised.
- 8.8.3 The site would be served by an onsite wastewater treatment system comprising of the installation of a Secondary Treatment System and soil polishing filter. A Site Characterisation Form was submitted with the application and was prepared in accordance with the EPA Code of Practice, Domestic Wastewater Treatment Systems (2021). The

underlying aquifer is categorised on the GSI maps and EPA Maps as 'Locally Important Aquifer' which is described as '*Locally Important Aquifer - Bedrock which is Moderately Productive only in Local Zones.*' The groundwater in this area is classified as '*Extreme Vulnerability*' which is described as '*Groundwater here has natural characteristics that make it extremely vulnerable to contamination by human activities.*

- 8.8.4 During the site investigations a trial hole was dug to a depth of 1.85m and bedrock reached at a depth of 1m. The topsoil encountered comprised had a slightly sandy gravelly clay granular structure with a soft / firm to stiff density. The soli texture was assessed as sandy gravel silt and medium to brown to sandy brown colour. The site falls within the R21 response category which indicates that the site is potentially suitable subject to normal good practice.
- 8.8.5 As bedrock was reached at a depth of 1m it is proposed to include a raised percolation area to maintain a minimum depth of unsaturated soil.
- 8.8.6 The results of the subsurface percolation test for subsoil returned a percolation value of 26.75 minutes per 25mm. This value indicate that the site is suitable for the secondary treatment and soil polishing filter proposed.
- 8.8.7 I note that the third party has outlined concerns with respect to the importation of soil to give a percolation of 900mm soil beneath the percolation system. This is a practice in Donegal planning authority which has given rise to numerous problems with domestic septic tanks and is one which should not be employed.
- 8.8.8 I note these concerns; however, I refer the Coimisiún to Section 7.2.4 of the EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) which states that a raised/mounded percolation area could be considered in situations where a standard depth to bedrock and water table of 2.05 m cannot be achieved. In addition to this, Section 6.7 does envisage a scenario where the importation of suitable soils and/or subsoils for the construction of any component of a percolation area, polishing filter, low-pressure pipe distribution system or drip dispersal system within a DWWTs where a site has been deemed suitable for discharge to ground is possible and is not considered to be site improvement works.
- 8.8.9 I note the concerns of the third party in this regard; however, the EPA Code of Practice Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) does allow for this practice. In addition to this, the Environmental Health Officer outlined no concerns were

outlined. Should the Coimisiún be of a mind to grant planning permission then a condition requiring that the Domestic Wastewater Treatment Systems be constructed and operated in line with the requirements of the EPA Code of Practice Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) should be included.

8.9 Flooding

8.9.1 I have consulted the flood mapping system (www.floodinfo.ie) and I note that the subject land is within Flood Zone 'C'.

8.9.2 Having considered the foregoing; I consider the proposed development would not result increase the risk of flood either within the site itself or the surrounding area. The proposal is acceptable from a flood risk perspective.

8.10 Other matters

Dumping of carcasses after hours

8.10.1 The third parties outline concerns that outlined that carcasses will be dumped outside the gates, irrespective of any CCTV cameras during times when the facility is not open. I note these concerns, but the application clearly states that the building will only be open by pre-arrangement to local farmers to submit animal carcasses and samples referred for investigation by their veterinary practitioner at appointed times. Any person who dumps a dead animal carcass outside the building or property shall be guilty of an offence outside of the planning system and would be dealt with under separate codes.

Processing of animal carcasses

8.10.2 The third party has outlined concerns with regard to statements that no storage, opening or processing of animal carcasses is envisaged at the site is not reassuring and that such operations are definitely excluded in the future or even in the present. I note these concerns however, this matter could be dealt with by way of condition outlining that no storage, opening or processing of animal carcasses can take place on the lands or within the building.

Odours

8.10.3 The third-party outlines concerns with respect to the potential for the proposal to lead to issues relating to fly / midges' infestation and all of the mal odours such activity will generate. Even the use of disinfectant with its pungent and overpowering effect would signal the end of our business.

8.10.4 I note these concerns; however, the applicant's response to further information states that all activities will occur within an enclosed building and will only be handled briefly within the building and will not be deposited, stored, opened, or otherwise manipulated within the building. In addition to this, the building would be set back from adjacent public roads and neighbouring properties.

8.10.5 Having considered the above, I am satisfied that a condition relating to the handling of the carcasses would ensure that there would be no issues relating to fly / midges' infestation or mal odours from the proposed development.

9.0 AA Screening

9.1 The third-party outlines concerns that the planning authority erred in determining that screening for Appropriate Assessment is not necessary in this case. It is further stated that the reasons given for this are flawed and that without knowledge of the process involved, the planning authority would have had no idea if an AA was required or not.

9.2 The Planning Authorities response to the third party appeal states that for the purposes of AA, a determination has been made in relation to the sites proximity to the nearest Natura 2000 site (River Finn SAC located in excess of 5.3km) with no known hydrological links, associated dilution factors, limited scale of use, measures employed by the applicant in terms of dealing with surface / soiled water. On that basis 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, therefore it is not considered that Screening or Appropriate Assessment is required in this instance.

9.3 I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The proposed development is located within a rural area of County Donegal and comprises of the construction of a new transfer to laboratory building and all associated site works.

9.4 The subject site is not located within or adjacent to a European Site. The nearest designated sites are the River Finn SAC (Site Code: 002301) which is located c. 5.3km to the south of

the appeal site. I refer the Coimisiún to <https://gis.epa.ie/EPAMaps/> which demonstrates such.

- 9.5 I note that the Planning Authority have stated that the site has no known hydrological links with the River Finn SAC. However, there is no information with respect to how they have come to this conclusion.
- 9.6 Having been on site and considering both the Drainage Report and the plans submitted with the application show, I note that there is a 150mm diameter surface water pipe at the entrance to the existing Tops farm. This pipe is located on the western side of the laneway leading from the L-6244-1 road to the north of the site. There is an outfall from this pipe on the western side of the junction of the access laneway and the L-62441-1.
- 9.7 It is not entirely clear where the water would travel from this location, however there are roadside drains on the western side of the L-62441-1 and it would appear there is a potential for water from the 150mm diameter surface water pipe to travel into these drains via gravity. I have considered historic GIS mapping (including the 25' map of the area) and I note that there are no watercourses along the access lane or the L-62441-1. Therefore, it would appear to me that the drains along the road are man made and are for the purposes of conveying rainwater.
- 9.8 Notwithstanding the above, taking the precautionary approach, there may be a potential for the water to make its way into field drains which drain into tributaries of the Deelee River and then into the Deelee River. I have considered the EPA water maps at <https://gis.epa.ie/EPAMaps/Water> which shows that the Deelee River flows in an easterly direction / north-easterly direction to join with the River Finn SAC to the north-east of Lifford at a distance of c. 8km from the appeal site.

River Finn SAC (Site Code: 002301)

- 9.7 A site-specific objective has been developed for the River Finn SAC which can be summarised as to restore the favourable conservation condition of Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*), Northern Atlantic wet heaths with *Erica tetralix*, Blanket bogs (*if active bog), Transition mires and quaking bogs, Atlantic Salmon and Otter in the River Finn SAC.

Construction phase

- 9.8 During the construction phase there may be a potential for surface water runoff from site works to make its way into the 150mm diameter surface water pipe and temporarily discharge via field drains into tributaries of the Deelee River into the Deelee River itself which ultimately discharges to the River Finn SAC which at a point c.8km from the appeal site.
- 9.9 However any potential hydrological connection to the River Finn SAC is indirect and weak. Intervening land use and the separation distance of c.8km means that water quality in the European sites will not be negatively affected by any contaminants, such as silt from site clearance and other construction activities, if such an event were to occur due to dilution and settling out over such a distance. The construction phase will not result in significant environmental impacts that could affect the European Site where the River Deelee discharges into the River Finn SAC, c.8km to the east of the of the appeal site.

Operational phase

- 9.10 All surface water runoff once the building is occupied will use an attenuation system with infiltration to store and minimize the discharge from the site. In areas where disinfectant may be required to be use, self-contained storage tanks are proposed. Regarding ground water, a Secondary Wastewater Treatment system capable of treating a population equivalent of 6Pe together with a soil polishing filter is proposed.
- 9.11 As previously stated any potential hydrological connection to the River Deelee and ultimately the River Finn SAC would be indirect and weak. In addition to this, all disinfectants will be used in areas which have sumps or tanks which are self-contained with no uncontrolled water allowed to enter the storm or foul drainage system. Therefore, there would be no

discharge to the surface water system or the ground. Therefore, surface water runoff will be limited to uncontaminated rainwater.

In combination

- 9.12 To assess potential compounding effects, I have assessed what I consider to be key plans. National, Regional and Local Plans and planning applications for agricultural developments within approximately 3 km² of the subject site in the past 5 years
- 9.13 Having considered planning applications for within approximately 3 km² of the subject site in the past 5 years I note that a number of dwellings and dwelling extensions have been granted planning permission within the identified area in the past 5 years. I am satisfied that there are no agricultural developments which have been granted.
- 9.14 To assess potential compounding effects, I have assessed what I consider to be key plans. National, Regional and Local Plans and planning applications for agricultural developments within approximately 3 km² of the subject site in the past 5 years
- 9.15 The National Planning Framework 2040, Regional Spatial and Economic Strategy for the Northern and Western Region and the Donegal County Development Plan 2024-2030 provide a framework for development in the subject area. Each of these plans have been the subject of Strategic Environmental Assessment and contain objectives to support sustainable residential development and to prevent impacts on the environment and Natura 2000 sites. On this basis, I do not consider that significant likely impacts on Natura 2000 sites arise from the implementation of these Plans.

Conclusion

- 9.16 In conclusion while I note there may be a potential weak indirect hydrological connection between the proposed development and the River Deelee (a tributary of the River Finn), no direct or indirect discharge of contaminated water to the surface water drainage network will arise.
- 9.17 All disinfectants and other potentially contaminating substances will be contained within bunds with no uncontrolled water allowed to enter the storm or foul drainage system and therefore would not be connected to the drainage network. These would be monitored and

managed by staff where disinfectants are used. The wash down tank and wheel wash will be emptied and disposed of by an appropriately licensed waste handling company.

9.18 Surface water from the site will comprise of uncontaminated rainwater only. Standard surface water management measures including attenuation form part of the project design but are not relied on to avoid or reduce effects on any European sites.

9.19 In the absence of any source-pathway-receptor linkage between the proposed development and any European site, and in view of the separation distance and the nature of the receiving environment, it can be concluded beyond reasonable scientific doubt that the proposed development, individually or on combination with other plans will not likely give rise to significant effects on any European site. Accordingly, Stage 2 Appropriate Assessment is not required.

9.20 I make the Coimisiún aware that while best practice construction methods (surface water attenuation, self-contained storage tanks and a Secondary Wastewater Treatment system) are referenced these are not required to avoid or reduce any effects on a European site. These measures are not relied upon to reach a conclusion of no likely significant effects on any European site.

9.21 On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:

- the nature and scale of the proposed development,
- the intervening land uses and distance from European sites,
- the lack of direct connections with regard to the Source-Pathway-Receptor model,

9.22 It is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European

site or any other European site, in view of the said sites' conservation objectives. An appropriate assessment is not, therefore, required.

10. Water Framework Directive

- 10.1 The purpose of the EU Water Framework Directive is an initiative aimed at improving water quality throughout the European Union. The Directive was adopted in 2000 and requires governments to take a new approach to managing all their waters; rivers, canals, lakes, reservoirs, groundwater, protected areas (including wetlands and other water dependent ecosystems), estuaries (transitional) and coastal waters.
- 10.2 An Coimisiún Pleanála and other statutory authorities cannot grant development consent where a proposed development would give rise to a deterioration in water quality.
- 10.3 The Deelee (Donegal)_040 (IE_NW_01D010600) is located c. 506m to the south of the appeal site. This waterbody classification is currently under review. This is illustrated on the EPA mapping (<https://gis.epa.ie/EPAMaps/>). While I note the proximity of the Deelee River and the fact that there is a potential for water from the site to enter this river by way of roadside drains and field drains, the proposed development includes an attenuation system with infiltration to store and minimize the discharge from the site. I further note that areas where disinfectants may have the potential to be used would have self-contained units where contaminated water would be stored. Therefore, no contaminated water would leave the site or enter the storm water system. The proposal would therefore have no impact on the Deelee River.
- 10.4 The Swilly Burn_010 (IE_NW_01S030200) is located c. 479m to the north of the appeal site. This waterbody is classified as being at risk. This is illustrated on the EPA mapping (<https://gis.epa.ie/EPAMaps/>). This river is at a higher level than the appeal site and flows in the opposite direction from the site. Therefore, I have no concerns that the appeal site has any connection to this river waterbody.
- 10.5 With respect to ground water the EPA Water Maps (<https://gis.epa.ie/EPAMaps/Water>) identify that the groundwater in this area is classified as '*Extreme Vulnerability*' which is described as '*Groundwater here has natural characteristics that make it extremely vulnerable to contamination by human activities*'. The appeal site is also classified as

'Locally Important Aquifer' which is described as '*Locally Important Aquifer - Bedrock which is Moderately Productive only in Local Zones.*' It is noted that the proposed development includes a Secondary Wastewater Treatment system capable of treating a population equivalent of 6Pe together with a soil polishing filter which will ensure that no untreated wastewater would enter the groundwater.

10.6 I have assessed the proposal, and I have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.8 The reason for this conclusion is as follows:

- The scale of the proposed development,
- The stormwater management and
- The adequate treatment of wastewater within the site.

11. Recommendation

11.1 I recommend that planning permission be granted.

12. Reasons and Considerations

12.1 Having regards to the grounds of appeal, the established pattern of development in the area, the policy framework provided by the *Donegal County Development Plan 2024-2030* it is considered that the proposed development would represent a valuable recourse for farmers in the north Donegal area within an established farming enterprise, would not have an adverse impact on the visual amenity of the area, the archaeology of the area and would

not impact on any European sites. The proposed development would, therefore, be consistent with the proper planning and sustainable development of the area.

13. Conditions

1. The proposed development shall be carried out and completed in accordance with the documentation and particulars lodged with the Planning Application on 11/4/25 as revised by Further Information received on 28/11/255 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be conducted and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. The development shall not be open to the public and shall be appointment only between the hours of hours of 10am and 12pm Monday to Friday. The development shall not be open on weekends or public holidays.

Reason: In the interest of clarity and the protection of the amenity of the area

3. The proposed development shall only receive recently deceased carcasses (within 24 hours) and samples referred for investigation by a veterinary practitioner. At no stage shall any animal carcass be offloaded or handled outside of the building.

Reason: In the interest of clarity and the protection of the amenity of the area

4. No animal carcass shall be deposited, stored, opened, or otherwise manipulated within the building.

Reason: In the interest of the protection of the amenity of the area and to protect the character of the area

5. The wash down tank and wheel wash shall be monitored and managed by staff of the Department of Agriculture Food and the Marine and where disinfectants are used the wash down tank and wheel wash sumps / tanks should be emptied and disposed of by an appropriately licensed waste handling company to the satisfaction of the Planning Authority.

Reason: To ensure that contaminated water does not discharge to ground or surface water.

6. No development shall commence on the site until such time as the following have been agreed and complied with:

- a) A storm water drainage plan and storm water management plan to show that are agreed to in writing with the planning authority.
- b) Details of the appropriately licensed waste handling company employed to empty and dispose of disinfectants within the wash down area and wheel wash.
- c) Requirements of Donegal County Council's Area Road Engineer, Local Water Services, Environmental Health Officer, Donegal County Vet, and Senior Executive Chemist.
- d) Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Full details shall be agreed with the Planning Authority prior to commencement of development, and all works shall be completed by the applicant, to the satisfaction of the Planning Authority prior to the occupation of the building.

Reason: In the interests of roads and traffic safety, protection of the natural environment, public health and the proper planning and sustainable development of the area.

7. No surface water from site shall be permitted to discharge to Right of Way/public road and applicant shall take steps to ensure that no water from Right of Way /public road discharges onto site.

Reason: In the interest of public health and surface water management

8. (a) Effluent disposal from the proposed development shall be in accordance with the Site Characterisation Form and the Site Suitability Report received by the Planning Authority on 11/4/25 and the requirements of the EPA, Code of Practice: Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10), 2021.

(b) The developer shall enter a maintenance contract with the manufacturers/suppliers of the wastewater treatment system to ensure satisfactory performance at all times.

(c) The developer shall submit documentary evidence signed by a suitably qualified person holding indemnity insurance (at least €1 million) stating that the wastewater treatment system has been installed in accordance with EPA guidelines.

Reason: To guard against pollution and ensure the proper servicing of the development.

9. Prior to the commencement of development, the developer shall ensure that permanent visibility splays of 50m in each direction to the nearside road edge at a point 2.4 metres back from road edge at location of vehicular entrance where the private road adjoins the local road, L-6244-1. Visibility in the vertical plane shall be measured from a driver's eye- height of 1.05 metres and 2 metres positioned at the setback distance in the direct access to an object height of between 0.26 metres and 1.05 metres. Vision splays shall be calculated and provided as set out in Figure 16.2, Chapter 16 of the County Donegal Development Plan 2024-2030.

Reason: In the interests of traffic safety

10. Prior to commencement of development and/ or occupation of the building, as applicable, a final Road Safety Audit(s) and/ or Quality Audit(s) of the development, including the main entrance, internal road, and path layouts, shall be submitted to, and agreed in writing with the planning authority.

Reason: In the interest traffic and pedestrian safety.

11. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 [five] years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of the visual amenity of the area.

12. a) All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Testing Report (Fadó Archaeology Ltd; May 2024) submitted in the planning documents shall be implemented in full.

b) All ground works associated with the proposed development shall be monitored under licence by a suitably qualified archaeologist. Prior to construction all previously identified archaeological features and deposits should be conserved by record (full excavation) prior to any ground works under the terms of an agreed Method Statement agreed by the Department. All topsoil stripping associated with the archaeological monitoring should be carried out using a toothless flat grading bucket only.

c) Should further archaeological material be found during the course of works, the work on the site shall be stopped pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features, or other objects of archaeological interest

13. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of properties in the vicinity

14. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following:

- (i) collection and disposal of construction waste including Asbestos,
- (ii) surface water run-off from the site,
- (iii) on-site road construction, and
- (iv) environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures.
- (v) the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in the Archaeological Testing Report (Fadó Archaeology Ltd; May 2024) and as may become relevant during archaeological monitoring. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity

A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

Reason: In the interest of environmental protection, residential amenities, public health & safety, environmental and archaeological protection.

15. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects,' published by the Environmental Protection Agency in 2021

Reason: In the interest of sustainable waste management

16. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Ronan Murphy
Planning Inspector

30 April 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500653-DL-26
Proposed Development Summary	Construction of a new transfer to laboratory building and all associated site works.
Development Address	Tops Farm, Tops, Raphoe, Lifford Po, Co. Donegal
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	<input checked="" type="checkbox"/> Yes, it is a 'Project.' Proceed to Q.2.
	<input type="checkbox"/> No, no further action required.
(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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	

<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5, or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR	

If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

Appendix 2 – AA Screening Determination

Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The proposed development is located within a rural area of County Donegal and comprises of the construction of a new transfer to laboratory building and all associated site works.

The subject site is not located within or adjacent to a European Site. The nearest designated sites are the River Finn SAC (Site Code: 002301) which is located c. 5.3km to the south of the appeal site. I refer the Coimisiún to <https://gis.epa.ie/EPAMaps/> which demonstrates such.

I note that the Planning Authority have stated that the site has no known hydrological links with the River Finn SAC. However, there is no information with respect to how they have come to this conclusion.

Having been on site and considering both the Drainage Report and the plans submitted with the application show, I note that there is a 150mm diameter surface water pipe at the entrance to the existing Tops farm. This pipe is located on the western side of the laneway leading from the L-6244-1 road to the north of the site. There is an outfall from this pipe on the western side of the junction of the access laneway and the L-62441-1.

It is not entirely clear where the water would travel from this location, however there are roadside drains on the western side of the L-62441-1 and it would appear there is a potential for water from the 150mm diameter surface water pipe to travel into these drains via gravity. I have considered historic GIS mapping (including the 25' map of the area) and I note that there are no watercourses along the access lane or the L-62441-1. Therefore, it would appear to me that the drains along the road are manmade and are for the purposes of conveying rainwater.

Notwithstanding the above, taking the precautionary approach, there may be potential for the water to make its way into field drains which drain into tributaries of the Deelee River and then into the Deelee River. I have considered the EPA water maps at <https://gis.epa.ie/EPAMaps/Water> which shows that the Deelee River flows in an easterly direction / north-easterly direction to join with the River Finn SAC to the north-east of Lifford at a distance of c. 8km from the appeal site.

River Finn SAC (Site Code: 002301)

A site-specific objective has been developed for the River Finn SAC which can be summarised as to restore the favorable conservation condition of Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*), Northern Atlantic wet heaths with *Erica tetralix*, Blanket bogs (*if active bog), Transition mires and quaking bogs, Atlantic Salmon and Otter in the River Finn SAC.

Construction phase

During the construction phase there may be potential for surface water runoff from site works to make its way into the 150mm diameter surface water pipe and

temporarily discharge via field drains into tributaries of the Deele River into the Deele River itself which ultimately discharges to the River Finn SAC which at a point c.8km from the appeal site.

However, any potential hydrological connection to the River Finn SAC is indirect and weak. Intervening land use and the separation distance of c.8km means that water quality in the European sites will not be negatively affected by any contaminants, such as silt from site clearance and other construction activities, if such an event were to occur due to dilution and settling out over such a distance. The construction phase will not result in significant environmental impacts that could affect the European Site where the River Deele discharges into the River Finn SAC, c.8km to the east of the appeal site.

Operational phase

All surface water runoff once the building is occupied will use an attenuation system with infiltration to store and minimize the discharge from the site. In areas where disinfectants may be required to be used, self-contained storage tanks are proposed. Regarding ground water, a Secondary Wastewater Treatment system capable of treating a population equivalent of 6Pe together with a soil polishing filter is proposed.

As previously stated, any potential hydrological connection to the River Deele and ultimately the River Finn SAC would be indirect and weak. In addition to this, all disinfectants will be used in areas which have sumps or tanks which are self-contained with no uncontrolled water allowed to enter the storm or foul drainage system. Therefore, there would be no discharge to the surface water system or the ground. Therefore, surface water runoff will be limited to uncontaminated rainwater.

In combination

To assess potential compounding effects, I have assessed what I consider to be key plans. National, Regional and Local Plans and planning applications for agricultural developments within approximately 3 km² of the subject site in the past 5 years.

Having considered planning applications for within approximately 3 km² of the subject site in the past 5 years I note that a number of dwellings and dwelling extensions have been granted planning permission within the identified area in the past 5 years. I am satisfied that there are no agricultural developments which have been granted.

To assess potential compounding effects, I have assessed what I consider to be key plans. National, Regional and Local Plans and planning applications for agricultural developments within approximately 3 km² of the subject site in the past 5 years

The National Planning Framework 2040, Regional Spatial and Economic Strategy for the Northern and Western Region and the Donegal County Development Plan 2024-2030 provide a framework for development in the subject area. Each of these plans have been the subject of Strategic Environmental Assessment and contain objectives to support sustainable residential development and to prevent impacts on the environment and Natura 2000 sites. On this basis, I do not consider that

significant likely impacts on Natura 2000 sites arise from the implementation of these Plans.

Conclusion

In conclusion, while I note there may be a potential weak indirect hydrological connection between the proposed development and the River Deelee (a tributary of the River Finn), no direct or indirect discharge of contaminated water to the surface water drainage network will arise.

All disinfectants and other potentially contaminating substances will be contained within bunds with no uncontrolled water allowed to enter the storm or foul drainage system and therefore would not be connected to the drainage network. These would be monitored and managed by staff where disinfectants are used. The wash down tank and wheel wash will be emptied and disposed of by an appropriately licensed waste handling company.

Surface water from the site will comprise of uncontaminated rainwater only. Standard surface water management measures including attenuation form part of the project design but are not relied on to avoid or reduce effects on any European sites.

In the absence of any source-pathway-receptor linkage between the proposed development and any European site, and in view of the separation distance and the nature of the receiving environment, it can be concluded beyond reasonable scientific doubt that the proposed development, individually or on combination with other plans will not likely give rise to significant effects on any European site. Accordingly, Stage 2 Appropriate Assessment is not required.

I make the Coimisiún aware that while best practice construction methods (surface water attenuation, self-contained storage tanks and a Secondary Wastewater Treatment system) are referenced these are not required to avoid or reduce any effects on a European site. These measures are not relied upon to reach a conclusion of no likely significant effects on any European site.

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:

- the nature and scale of the proposed development,
- the intervening land uses and distance from European sites,
- the lack of direct connections with regard to the Source-Pathway-Receptor model,

It is concluded that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on the above listed European site or any other European site, in view of the said sites' conservation objectives. An appropriate assessment is not, therefore, required.

Appendix 3

A. CASE DETAILS		
An Bord Pleanála Case Reference	PL-500653-DL-26	
Development Summary	Construction of a new transfer to laboratory building and all associated site works.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	EIA not required.
2. Has Schedule 7A information been submitted?	No	
3. Has an AA screening report or NIS been submitted?	No	
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	N/A	

<p>5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</p>		<p>SEA and AA were undertaken in respect of the <i>Donegal County Development Plan 2024-2030</i></p>	
<p>B. EXAMINATION</p>	<p>Yes/ No/ Uncertain</p>	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant)</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
<p>This screening examination should be read with, and in light of, the rest of the Inspector’s Report attached herewith</p>			
<p>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</p>			
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>No</p>	<p>The site has an area of c. 0.542ha and is currently a field used for animal grazing and is proximate to a farmyard which includes a number of agricultural buildings which is located c. 2.57km to the south of the centre of</p>	<p>No</p>

		Raphoe in Co. Donegal. The site has a steep gradient.	
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	No	The appeal site has a steep gradient and is a greenfield site and the proposed development would result in minimal change in the locality, with standard measures to address potential impacts on surface water and groundwaters in the locality. Uses proposed are consistent with land uses directly abutting the site.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	No	Construction materials will be typical for agricultural development of this nature and scale. The loss of natural resources because of the development are not regarded as significant in nature.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	No	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of standard	No

		<p>construction practice measures as set out in a Construction Environmental Management Plan (CEMP) or a Construction and Demolition Waste Management Plan (CDWMP) which may be required by conditions would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>No</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances and give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature, and with the implementation of the standard measures outlined in the CEMP and the CDWMP as maybe required by conditions, the project would satisfactorily mitigate the potential impacts. Operational waste would be managed through a waste management plan to obviate</p>	<p>No</p>

		potential environmental impacts. Foul water will discharge to the public network. Other operational impacts in this regard are not anticipated to be significant.	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No	Operation of the standard measures listed in a CEMP and the CDWMP will satisfactorily mitigate emissions from spillages during construction and operation.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	No	There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts would be suitably mitigated by the operation of standard measures listed in any CEMP required by conditions. No operational impacts in this regard are anticipated.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No	Construction activity is likely to give rise to dust emissions and surface water runoff. Such construction impacts would be temporary and localised in nature and the application of	No

		standard measures within the CEMP would satisfactorily address potential risks on human health. No significant operational impacts are anticipated.	
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No significant risk is predicted having regard to the nature and scale of the development. The site is not at risk from flooding Any risk arising from construction will be localised and temporary in nature.	No
1.10 Will the project affect the social environment (population, employment)	No	Development of this site would result in a building to support local farmers in north Donegal. This is considered to be a positive social impact.	
1.11 Is the project part of a wider large-scale change that could result in cumulative effects on the environment?	No	The appeal site is located within an existing government run farm within a rural area to the south of Raphoe. The proposed development would be located in proximity to an existing farmyard which includes a number of agricultural buildings and as such is compatible	No

		with surrounding uses and is not a change from that permitted in the surrounding area.	
2. Location of proposed development			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	No	<p>There are no European designated sites within the immediate vicinity of the site The River Finn SAC is located c. 5.8km to the south of the site. d pNHA'S) within 15km of the site.</p> <p>The is a potential for water from the site to enter the SAC via the River Deelee. However, the distance of the site from the SAC, and that the proposal includes attenuation system with infiltration to store and minimize the discharge from the site and that any area where disinfectants would be used include self-contained sumps there is no possibility of contaminated water leaving the site. I am satisfied that the proposal would not have an impact on the SAC.</p>	No

2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	No	The site is greenfield with no protected species of flora and fauna present.	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	The site is located approx. 225m from Sites and Monuments Zone (R176384) - Beltany Stone Circle, a National Monument in state ownership (National Monument No. 463 / RMP: DG070-026001- & DG070-026002-) and Recorded Monument DG070-025 (Enclosure). The proposed development would not be visible from these monuments, and the proposed development would not impact on the character of the area.	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	No such features are in this rural location.	No

<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No</p>	<p>The appeal site is within Flood Zone C, and the possibility of flooding is low.</p>	<p>No</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>No</p>	<p>No</p>
<p>2.7 Are there any key transport routes (e.g. National primary Roads) on or around the location which are susceptible to congestion, or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>There are no key transport routes on or around the location at the present time.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>No</p>	<p>No.</p>	<p>No</p>
<p>3. Any other factors that should be considered which could lead to environmental impacts</p>			
<p>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</p>	<p>No</p>	<p>I am satisfied that there are no in-combination effects associated with the development.</p>	<p>No</p>

3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No	No
3.3 Are there any other relevant considerations?	No	No	No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	<input checked="" type="checkbox"/>	EIAR Not Required	
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required	

Appendix 4

Water Framework Directive Screening and Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
<p>Step 1: The proposed development comprises of the Construction of a new transfer to laboratory building and all associated site works.</p> <p>Site Area 0.542ha</p> <p>Site serviced by drainage and sewage.</p>			
An Bord Pleanála ref. no.	PL-500653-DL-26	Townland, address	Tops Farm, Tops, Raphoe, Lifford Po, Co. Donegal
Description of project		The proposed development comprises of the Construction of a new transfer to laboratory building and all associated site works.	
Brief site description, relevant to WFD Screening,		<p>The site slopes from east to west.</p> <p>The Deelee (Donegal)_040 (IE_NW_01D010600) is located c. 506m to the south of the appeal site.</p>	
Proposed surface water details		SuDS, attenuation blanket.	
Proposed water supply source & available capacity		Mains	

Proposed wastewater treatment system & available capacity, other issues		Secondary wastewater treatment with polishing filter				
Others?		No.				
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	506 m to the south	The Deelee (Donegal)_040 (IE_NW_01D01 0600) is	Under review	Under review	Runoff	Potential hydrological connection to waterbody via roadside drains and field drains
Groundwater Waterbody	Underlying site	Raphe Code: IE_NW_G_054	Review	Not at risk.	No pressures.	Surface run-off and groundwater.
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.						

CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	The Deelee (Donegal)_040 (IE_NW_01D0 10600)	Potential for Surface water discharged to watercourse via roadside drains, field drains.	Sedimentation, Siltation due to Earthworks and vegetation clearance, Hydrocarbon spillages/leaks from machinery, plant	Standard construction practice CEMP & SUDS which will reduce run-off volumes and improve run-off water quality	No	Screened out
2.	Ground	Raphoe Code: IE_NW_G_05 4	Drainage to ground water as it underlies the site	Hydrocarbon spillages/leaks from machinery, plant	As above	No	Screened out
OPERATIONAL PHASE							
1.	Surface	The Deelee (Donegal)_040	Potential for Surface water to	Deterioration in water quality from	Discharges from the site will be controlled by SUDS and other	No, proposed mitigation	Screened out

		(IE_NW_01D0 10600	discharged to watercourse via roadside drains and field drains	pollution of surface water run-off.	standard mitigation measures set out in drainage plan agreed with the planning authority.	measures will protect water quality.	
2.	Wastewater Discharge		Wastewater from the proposed development will be discharged the ground via a secondary wastewater facility and polishing filter.			No, no mitigation Required	Screened out
	Groundwater discharge	Dublin groundwater body IE_EA_G_008		Reduction in groundwater quality		No, quality and volume of	

						groundwater will be protected by proposed mitigation measures	
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STAGE 2: ASSESSMENT

Details of Mitigation Required to Comply with WFD Objectives

Groundwater

Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1: Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<u>Objective 2 : Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	<u>Objective 3:Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	<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? (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	Yes
Development Activity 3: Operation phase, surface water	Required to demonstrate proposed WWTP and soil polishing	Required to demonstrate proposed WWTP and soil polishing	WWTP to EPA Code.	Adequately designed SUDs features,	Yes

	filter to comply with EPA Code as potential transmission via groundwater to watercourses	filter to comply with EPA Code.		including attenuation infiltration blanket	
Development Activity 4: Operation phase, groundwater	Required to demonstrate proposed WWTP and soil polishing filter to comply with EPA Code	Required to demonstrate proposed WWTP and soil polishing filter to comply with EPA Code.	WWTP to EPA Code.		Yes