



**Development**

Outline Planning Permission:  
Demolition of existing derelict cottage  
and construction of a replacement  
dwelling house, septic tank/sewage  
treatment system and associated site  
development works.

**Location**

Veagh, Manorcunningham, Lifford Po,  
Co. Donegal

**Planning Authority**

Donegal County Council

**Planning Authority Reg. Ref.**

2560338

**Applicant(s)**

Niall McNulty & Diane Doran

**Type of Application**

Outline

**Planning Authority Decision**

Grant Outline Permission with  
Conditions

**Type of Appeal**

Third Party Normal Planning Appeal

**Appellant(s)**

Transport Infrastructure Ireland

**Observer(s)**

None

**Date of Site Inspection**

18<sup>th</sup> March 2026

**Inspector**

Stephen Ward

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## 1.0 Site Location and Description

- 1.1. The site is located approximately midway between Manorcunningham and Newtowncunningham, at the southern end of the Inishowen peninsula in County Donegal. It is distanced approximately 300m north of the N13 National Primary Road, and approximately 2km east of Lough Swilly. This is a rural area consisting mainly of agricultural use/buildings, one-off dwellings, and small-scale commercial developments.
- 1.2. The site is accessed via a private cul-de-sac lane which runs north of the N13 road. The lane serves a cluster of dwellings (to the north of the appeal site) and several agricultural fields/buildings. The site itself is elevated in relation to surrounding topography to the north and south. It slopes downward from north to south and the site boundaries are generally composed of substantial mature trees/hedges.
- 1.3. The site has a stated area of 0.21ha and includes the remains of what is described in the application as a 'derelict cottage'. The structure has a stated floor area of 86.6m<sup>2</sup>. It includes the overgrown stone-built gable walls, while the corrugated roof and front/rear walls have generally collapsed.

## 2.0 Proposed Development

- 2.1. In summary, outline permission is sought for the following:
  - Demolition of existing derelict cottage
  - Construction of a replacement dwelling house
  - Septic tank/sewage treatment system, and
  - Associated site development works.
- 2.2. The proposed water supply is via the Uisce Eireann public mains. It is proposed to install a packaged wastewater treatment system with gravity fed soil polishing filter. Surface water is to be discharged to an existing roadside drain.

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated 19th December 2025, Donegal County Council (DCC) made a decision to grant outline permission subject to 11 conditions.

#### 3.1.1. Conditions

The conditions of the decision are generally of standard nature. However, notable conditions can be summarised as follows:

Condition No. 2 – Occupancy condition.

Condition No. 4 – Details of the dwelling to be agreed at ‘permission consequent’ stage. It shall be single storey with a ridge height less than 6 metres.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The main aspects of the assessment in the Planner’s Report can be summarised under the headings below:

##### Principle of Development

- CDP Policy RH-P-7 specifically supports refurbishment of derelict traditional buildings where the retention of the majority of the existing building is achievable, and acknowledges that, in certain cases, low wallsteads may be considered on their merits, having regard to location and siting.
- The Planning Authority is satisfied that meaningful retention and refurbishment of the existing building fabric is unlikely to be feasible. While demolition is not explicitly stated as the preferred outcome for vernacular dwellings under RH-P-7, the policy intent is to facilitate the appropriate re-use of the rural building stock and to avoid unnecessary new build in the open countryside. In circumstances where the building has deteriorated to such an extent that refurbishment is not realistically achievable, a carefully controlled replacement dwelling on the established building footprint/location can, in the Planning Authority’s view, achieve the same policy

objective in a more practicable manner, while protecting landscape character through appropriate siting, scale and design.

- It is also material that the site is not an isolated greenfield location. It forms part of an established cluster of dwellings at the end of a private lane, including the applicants' existing family home in the immediate vicinity. The Planning Authority is therefore satisfied that the proposal represents an orderly consolidation of an existing cluster and the replacement of an established but derelict building, rather than the creation of a new, unrelated residential incursion into the countryside. Subject to appropriate controls at permission-consequent stage, the principle of development is considered acceptable.

#### Siting and Design

- Having regard to the High Scenic Amenity designation and the proximity to existing dwellings, it is considered that any dwelling on this site should be of modest scale, predominantly single-storey in character and carefully sited and finished to integrate with the receiving landscape and the established pattern of development.
- These matters can be appropriately controlled and refined at permission-consequent stage through conditions attached to this outline permission.

#### Residential Amenity

- Considering the physical separation distances between the subject site and the neighbouring dwellings, no issues arise in relation to loss of privacy, overlooking or residential amenity.
- The site has sufficient capacity to provide adequate private amenity space.

#### Access

- The application proposes to utilise the established access arrangement serving the existing cluster and does not seek the creation of a new access onto the national road.
- The planning authority acknowledges the TII objection and the need to protect national roads in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) and CDP provisions T-P-12 and T-O10.

- Notwithstanding this, the Planning Authority considers that the circumstances of this case are materially different from a proposal that introduces a new dwelling reliant upon a national road access in an otherwise undeveloped frontage. There is no objection based on the following:

- The proposal for the replacement of an existing derelict cottage within an established cluster at the terminus of a private lane.
- The applicants already reside within that cluster and therefore will not introduce a new household into the locality.
- The private lane and its junction with the national road already serve the existing occupied dwellings at the end of the lane.
- The proposed replacement dwelling will not generate an additional pattern of daily commuting and service trips.
- The Planning Authority is satisfied that this does not constitute an adverse intensification in the sense contemplated by Policy T-P-12(a).
- Concerns underpinning the historical refusals on the subject lands relate to applications for new dwellings under a materially different policy context and on the basis of traffic safety/visibility and third-party control of splays at that time.
- The Planning Authority is satisfied that the detailed access layout, sight distance verification, boundary/hedge treatment and any localised improvement works can be addressed at permission-consequent stage.
- Accordingly, the Planning Authority is satisfied that the proposal will not endanger public safety by reason of traffic hazard.

#### Public Health

- The planning authority is satisfied that subject to conditions, the proposal can efficiently dispose of effluent.
- The point of surface water discharge falls within the applicant's control and no consent is required from adjoining landowners.

- No objections to water supply proposals subject to Irish Water capacity and connection agreements.

#### Appropriate Assessment

- Having regard to the scale and nature of the proposed development on an existing brownfield site, alongside the physical distances from the nearest Natura 2000 site (1.9km), and no known direct hydrological links, it is not considered that the proposed development would be likely to have any significant effect, individually or in combination with any other plan or project, and it is considered that Screening for Appropriate Assessment is not required in this instance.

#### Environmental Impact Assessment

- Having regard to the limited scale of the proposed development and location of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### Recommendation

It is recommended that outline permission be granted, and this forms the basis of the DCC decision.

#### 3.2.2. Other Technical Reports

None.

#### 3.3. **Prescribed Bodies**

TII – Considers that the proposal is at variance with official policy in relation to the control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012). The issues raised are expanded upon in the grounds of appeal (section 7 of this report).

#### 3.4. **Third Party Observations**

None.

## 4.0 Planning History

### Appeal Site

**P.A. Reg. Ref. 06/40440:** On the 24th of August 2006 permission was refused (Isobel Duncan) for the construction of a dwelling house with septic tank and detached garage. The reasons for refusal can be summarised as follows:

1. The proposed development in conjunction with 2 no. con-current applications (06/40422 & 06/40441) and existing development using this laneway, would result in significant intensification of an existing private access road onto the National Primary N13 road, would materially contravene Policy TC5, Section 3.3 of the County Development Plan 2006-2012, and would be contrary to the proper planning and development of the area.
2. The Planning Authority is not satisfied on the basis of information submitted that the proposed development would not endanger public safety by reason of a traffic hazard as adequate vision lines have not been indicated at a point 6.1m back from the junction with the National Primary N13 Road.
3. On the basis of information submitted with the application the Planning Authority considers that the applicant has failed to demonstrate 'roots' in an area affected by Urban Generated Rural Housing. The proposed development would therefore be contrary to the proper planning and development of the area.
4. The proposed development would set an undesirable precedent for similar type developments in rural areas, which by themselves and cumulatively would not be in the interests of the proper planning and development of the area.

**P.A. Reg. Ref. 07/40229:** On the 13th of February 2008 permission was refused (Isobel Duncan) for the erection of a dwelling house and detached domestic garage and septic tank. The reasons for refusal can be summarised as follows:

1. The Planning Authority is not satisfied that the applicant complies with the exemptions for access onto National Primary roads as set out in Section 2.2. of Appendix A of the County Development Plan, 2006-2012. The proposed development would result in a dangerous intensification of traffic cross-over movements onto the National Primary road, which would be prejudicial to the safety

and freeflow of traffic on the National Primary Road and prejudicial to the preservation of the carrying capacity of said National Primary Road. Accordingly to permit the proposed development would materially contravene the County Development Plan 2006-2012.

2. Having regard to the fact that the visibility splays at the junction of the private access lane with the National Primary Road have not been detailed to NRA or DMRB standards, and that said visibility splays are located across the third party lands, the Planning Authority is not satisfied that the applicant can achieve and maintain the required visibility splays in accordance with NRA and DMRB standards. Accordingly, the proposed development would be prejudicial to traffic safety, would materially contravene the County Development Plan 2006-2012 and would be contrary to the proper planning and sustainable development of the area.

#### Other Sites

The following applies to other sites along the same access road off the N13:

**P.A. Reg. Ref. 06/40441:** On the 24th of August 2006 permission was refused (Bill Duncan) for the construction of a dwelling house with septic tank and detached garage. The reasons for refusal were consistent with P.A. Reg. Ref. 06/40440.

**P.A. Reg. Ref. 06/40442:** On the 24th of August 2006 permission was refused (Darrell Duncan) for the construction of a dwelling house with septic tank and detached garage. The reasons for refusal were consistent with P.A. Reg. Ref. 06/40440.

## 5.0 Policy Context

### 5.1 National Policy & Guidance

#### National Planning Framework (NPF) First Revision, April 2025

The NPF is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. It recognises that there is a continuing need for housing provision for people to live and work in Ireland's countryside but highlights the need for careful planning and to distinguish, on the one hand, between rural areas located within the commuter catchment of the five cities

and our largest towns and centres of employment and, on the other hand, rural areas located outside these catchments. Relevant provisions include the following:

**NPO 24:** Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

**NPO 28:** Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

**NPO 29:** Project the need for single housing in the countryside through the local authority's overall Housing Need Demand Assessment (HNDA) tool and county development plan core strategy processes.

#### Sustainable Rural Housing Guidelines for Planning Authorities (2005)

In supporting sustainable housing development patterns in rural areas, the guidelines outline that planning authorities should identify the needs of rural communities in the development plan process and manage pressure for overspill development in the rural areas closest to the main cities and towns.

Development plans should identify the location and extent of rural area types set out in section 5.3.2 of the NSS<sup>1</sup>, including rural areas under strong urban influence; stronger rural areas; structurally weaker rural areas; and areas with clustered settlement patterns. Having identified the rural area types, planning authorities should then tailor policies that respond to the different housing requirements of urban / rural communities and the characteristics of rural areas.

Chapter 4 of the Guidelines deals with development management and provides guidance aimed at ensuring that all the necessary information and documentation is assembled to facilitate an efficient and thorough consideration of applications.

#### EPA Code of Practice (CoP) Domestic Wastewater Treatment Systems (2021)

The CoP provides guidance on domestic wastewater treatment systems (DWWTSs) for single houses or equivalent developments with a population equivalent (PE) of less than or equal to 10. It sets out a methodology for site assessment and selection, installation and maintenance of an appropriate DWWTS.

The CoP (2021) replaces the previous 2009 version. Circular Letter PSSP 01/10 from the then Department of Environment, Heritage and Local Government, addressed to each county and city manager and An Bord Pleanála, requested that the 2009 CoP be implemented in respect of all planning applications.

#### Spatial Planning and National Roads - Guidelines for Planning Authorities (January 2012) – Department of Environment, Community & Local Government

The guidelines set out planning policy considerations relating to development affecting national primary and secondary roads, including motorways and associated junctions, outside the 50-60 kmh speed limit zones for cities, towns and villages.

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<sup>1</sup> Since superseded by the National Planning Framework

## 5.2 County Donegal Development Plan 2024-2030

### Key Strategic Objectives

**S-O-9** - To maintain the strategic function, capacity and safety of the national roads network, and to ensure that the existing extensive transport networks, discrete sections of which have been enhanced are maintained to a high level to ensure quality levels of service, safety, accessibility and connectivity to transport users.

### Rural Housing

The site is located within an identified 'Area Under Strong Urban Influence'. Relevant policies and objectives include the following:

**RH-O-1** - To ensure that new residential development in rural areas provides for genuine rural need.

**RH-O-2** - To protect rural 'Areas Under Strong Urban Influence', rural 'Areas Under Strong Holiday Home Influence', and rural areas immediately outside towns from intensive levels of unsustainable urban/suburban residential development.

**RH-O-5** - To facilitate the positive re-use of existing vacant rural housing stock in the County to seek to prevent further deterioration and dereliction.

**RH-P-1** - To consider proposals for new one-off rural housing within 'Areas Under Strong Urban Influence' from prospective applicants that can provide evidence of a demonstrable economic or social need (see 'Definitions') to live in these areas including, for example, the provision of evidence that they, or their parents or grandparents, have resided at some time within the area under strong urban influence in the vicinity of the application site for a period of at least 7 years. The foregoing is subject to compliance with other relevant policies of this plan, including Policy RH-P-9.

This policy shall not apply where an individual has already had the benefit of a permission for a dwelling on another site, unless exceptional circumstances can be demonstrated.

An exceptional circumstance would include, but would not be limited to, situations where the applicant has sold a previously permitted, constructed and occupied dwelling, to an individual who fulfils the bonafides requirements of that permission.

New holiday homes will not be permitted in these areas.

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

**RH-P-7** - To consider proposals for the refurbishment of derelict traditional buildings (refer to definitions below) within rural areas, for use as either a permanent dwelling or as a holiday home, subject to (inter alia) the following criteria being satisfied:

- a. The proposed development will provide for the retention of the majority of the existing building.
- b. Proposals for extensions shall respect the character and appearance of the traditional building. The design, size, height and finishes of the proposed refurbishment/ extension must respect the architectural character of the original building type unless otherwise agreed with the Planning Authority, and the finished building must otherwise be of a scale and form such that the development integrates effectively into the host landscape.
- c. Compliance with the terms of Policy RH-P-9 below.

**RH-P-9** - a. Proposals for individual dwellings (including refurbishment, replacement and/or extension projects) shall be sited and designed in a manner that is sensitive to the integrity and character of rural areas as identified in Map 11.1: 'Scenic Amenity' of this Plan, and that enables the development to be assimilated into the receiving landscape. Proposals shall be subject to the application of best practice in relation to the siting, location and design of rural housing as set out in Donegal County Council's 'Rural Housing Location, Siting and Design Guide'. In applying these principles, the Council will be guided by the following considerations:-

- i. A proposed dwelling shall avoid the creation or expansion of a suburban pattern of development in the rural area;
- ii. A proposed dwelling shall not create or add to ribbon development (see definitions);
- iii. A proposed dwelling shall not result in a development which by its positioning, siting or location would be detrimental to the amenity of the area or of other rural dwellers or would constitute haphazard development;

- iv. A proposed dwelling will be unacceptable where it is prominent in the landscape;
- v. A proposed new dwelling will be unacceptable where it fails to blend with the landform, existing trees or vegetation, buildings, slopes or other natural features which can help its integration. Proposals for development involving extensive or significant excavation or infilling will not normally be favourably considered nor will proposals that result in the removal of trees or wooded areas beyond that necessary to accommodate the development. The extent of excavation that may be considered will depend upon the circumstances of the case, including the extent to which the development of the proposed site, including necessary site works, will blend in unobtrusively with its immediate and wider surroundings.

b. Proposals for individual dwellings shall also be assessed against the following criteria:

- i. the need to avoid any adverse impact on Natura 2000 sites or other designated habitats of conservation importance, prospects or views including views covered by Policy L-P-8;
- ii. the need to avoid any negative impacts on protected areas defined by the River Basin District plan in place at the time;
- iii. the site access/egress being configured in a manner that does not constitute a hazard to road users or significantly scar the landscape;
- iv. the safe and efficient disposal of effluent and surface waters in a manner that does not pose a risk to public health and accords with Environmental Protection Agency codes of practice;
- v. Compliance with the flood risk management policies of this Plan;

c. In the event of a grant of permission the Council will attach an Occupancy condition which may require the completion of a legal agreement under S47 of the Planning and Development Act 2000 (as amended).

## Infrastructure

Relevant policies and objective include:

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

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

**T-O-14** - To provide for high quality connectivity within the County in line with the Core Strategy through the promotion of a quality Strategic Road Network as identified on Map 8.1.2.

**T-P-12<sup>2</sup>** a. It is a policy of the Council not to permit developments requiring new accesses, or which would result in the adverse intensification of existing access points onto:

- i. National Roads where the speed limit is greater than 60 kph; or
- ii. The section of the R238 Bridgend-Buncrana Regional Road where the speed limit is greater than 60 kph.

Notwithstanding the foregoing, in exceptional circumstances, developments of national and regional strategic importance where the locations concerned have specific characteristics that make them particularly suitable for the developments proposed may be considered, subject to such developments being provided for through the Local Area Plan or Development Plan making process, including in consultation with the TII.

b. Within the section of the N56 National Secondary Road between the Five Points Junction (Killybegs) and the Mountain Top Letterkenny (identified on Map 8.1.3A), development of one-off rural houses impacting on the National Secondary Road may be considered subject to the following:

- i. As a first preference, the applicant shall use an alternative access onto the public (County or Regional) road network where such an alternative is available and, in such circumstances a new access or intensification of an

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<sup>2</sup> The Commission should note that Policy T-P-12 is subject to an ongoing Ministerial Direction process. The CDP notes that, in accordance with Section 31(6) of the Act, such provisions 'shall not have effect'.

existing private access onto the National Secondary Road shall not be permitted;

ii. As a second preference, the applicant shall use an existing private access (either family owned, or in third party ownership) onto the National Secondary Road where such a practical and realistic alternative is available and in such circumstances, a new access onto the National Secondary Road shall not be permitted;

iii. A new access onto the National Secondary Road shall only be considered where the applicant has clearly demonstrated that the options identified in the immediately preceding paras. (a) and (b) are not available.

c. Proposals shall only be considered where:

i. • the applicant can provide evidence that they, or their parents, have owned the subject lands for a period of at least 7 years;

• the applicant shall enter into a legal agreement under Section 47 of the Planning and Development Act, 2000 (As Amended), which agreement shall provide that the subject dwelling shall be occupied by the applicant as his/her principal place of residence for a minimum period of seven years commencing on the date of the first such use.

ii. Proposals shall be required to demonstrate compliance with the requisite national roads design standards including the provision of relevant national vision lines and stopping sight distances.

### Natural Heritage

The appeal site is within a landscape classified as 'High Scenic Amenity'. Relevant policies/objectives include:

**L-P-2** - To protect areas identified as 'High Scenic Amenity' and 'Moderate Scenic Amenity' on Map 11.1 'Scenic Amenity'. Within these areas, only development of a nature, location and scale that integrates with, and reflects the character and amenity of the landscape may be considered, subject to compliance with other relevant policies of the Plan.

**L-P-6** To safeguard prominent skylines and ridgelines from inappropriate development.

## Technical Standards

Chapter 16 outlines technical standards to be complied with in accordance with Policy TS-P-1.

### **5.4 Natural Heritage Designations**

The nearest Natura 2000 site is Lough Swilly SPA, located c. 1.4km northwest of the appeal site. Lough Swilly SAC is located c. 1.9km to the northwest.

### **6.0 EIA Screening**

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

### **7.0 The Appeal**

#### **7.1. Grounds of Appeal**

The DCC decision to grant outline permission has been appealed by Transport Infrastructure Ireland. The grounds of appeal can be summarised under the headings below.

#### Background

- Following the DCC decision, TII has clarified through DCC that the access lane serving the site is a private lane.
- Therefore, the proposed development relies on a shared private direct access to the N13 national primary road where the 100kph speed limit applies and is at variance with official policy.

## National Policy

The appeal outlines concerns that the proposed development would be at variance with official policy to protect the capacity and safety of the national roads network, including:

- National Strategic Objective 2 of the NPF.
- Chapter 7 'Enhanced Regional Accessibility' of the National Development Plan 2021-2030.
- Section 2.5 of the 'Spatial Planning and National Roads Guidelines' (2012) which seeks to avoid the creation of any additional access or increased traffic from existing accesses.
- Regional Policy Objective 6.5 of the Northern and Western Regional Assembly RSES.
- The Road Safety Authority's Road Safety Strategy 2021-2030.

The appeal considers that these policies have not been sufficiently considered; that the development will inevitably intensify the existing access; and that the development would conflict with objectives to protect the capacity, safety, public investment, and regional accessibility associated with this strategically important EU TEN-T route.

## Development Plan Policy (see section 5.2 for details of policies/objectives)

- The proposal would conflict with the CDP which includes a strong presumption in favour of protecting the national road network, including objectives S-O-9, T-O-10, and T-O-14.
- The ongoing Ministerial Direction process relating to the CDP includes the removal of T-P-12 (b) and (c) and the amendment of (a) through the removal of the term 'adverse' to more accurately reflect official policy.
- It is notable that the DCC Planner's Report notes these CDP provisions but deems the circumstances of the case materially different to a proposal for a new dwelling accessing undeveloped frontage. The TII considers that the proposal will inevitably result in intensification of the existing access and would be contrary to 'Spatial Planning and National Roads Guidelines' (2012).
- The proposal cannot be considered as a replacement of a habitable structure having regard to its current state of repair.

- The TII acknowledges the need to sustain rural areas and that section 2.6 of the 'Spatial Planning and National Roads Guidelines' (2012) provides a mechanism for a less restrictive approach. However, the CDP does not include agreed exceptions where less restrictions might apply and no exceptional reason has been provided to justify departure from policy.
- The proposal would endanger public safety by reason of a traffic hazard and would interfere with the free flow of traffic.

#### Road Safety

- RSA data highlights an increase in fatalities on Irish roads, and their Strategy outlines the need for the 'Safe System' approach.
- It is incumbent on all public authorities to address road safety, including restricting access onto the national road network in accordance with official policy.
- A departure from official policy has not been justified having regard to:
  - The absence of DCC technical/roads reports to support the Planner's report.
  - The history of refusal of applications which proposed using the same lane for N13 access (P.A. Reg. Ref. Nos. 07/40229, 06/40440, 06/40441, and 06/40442), the reasons for which remain applicable.
  - The inevitable intensification of the existing access and associated traffic hazard and capacity implications on this highly trafficked and high-speed section of national road.

#### Planning Precedence

- In the absence of exceptional reasons to justify departure from official policy and road safety considerations, a grant of permission would establish a concerning precedent for further similar development.
- Viable housing alternatives arise in nearby settlements.
- The planning history of the site and other refusals along the access lane is noted.
- Reliance on the existence of a derelict and uninhabitable structure cannot reasonably be considered a replacement proposal and would set an undesirable precedent for further similar development.

### Protecting Public Investment

- The Commission will be aware of the need for adequate maintenance of the national road network in order to protect the value of previous investment in accordance with previously mentioned national policy.
- The proposed development and the precedent it would set would be contrary to this policy.

### 7.2. **Planning Authority Response**

The response contends that all matters raised in the appeal have been addressed in the reports previously forwarded to the Commission. It requests that the Commission upholds the decision of the planning authority.

### 7.3. **Observations**

None.

## 8.0 **Assessment**

### 8.1. **Introduction**

- 8.1.1. I have examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and I have inspected the site and had regard to the relevant local / regional / national policies and guidance. I consider that the substantive issues to be considered in this appeal are as follows:

- Rural Housing Policy
- Wastewater
- Traffic.

### 8.2. **Rural Housing Policy**

- 8.2.1. The site is located within an identified 'Area Under Strong Urban Influence' in accordance with the CDP. Policy RH-P-1 of the CDP considers proposals for new

one-off rural housing within 'Areas Under Strong Urban Influence' from prospective applicants that can provide evidence of a demonstrable economic or social need to live in these areas, subject to compliance with Policy RH-P-9.

- 8.2.2. In accordance with RH-P-1 the applicants have confirmed in the application documentation that the dwelling is intended as a 'primary, principal and permanent residence' and that they have never been granted permission for a dwelling on another site.
- 8.2.3. The CDP sets out a definition of 'Economic Need and Social Need'. Most relevantly in this case, it outlines that 'Social Need' includes 'People who have lived most of their lives in rural areas'. I also note that the wording of Policy RH-P-1 includes an example of 'economic or social need' as cases where applicants, their parents or grandparents 'have resided at some time within the area under strong urban influence in the vicinity of the application site for a period of at least 7 years'.
- 8.2.4. In this case the application documentation would appear to confirm that the applicants are currently living with parents in the adjoining dwelling to the north. It is stated that one of the applicants has lived there since birth and that her parents have lived there for 50 years. Although the application contains little in the form of supporting documentation and evidence, this would appear to be a case of social need that would be acceptable in principle in accordance with Policy RH-P-1 of the CDP.
- 8.2.5. As previously outlined, Policy RH-P-1 also depends on compliance with Policy RH-P-9. Part (a) of RH-P-9 outlines siting and design principles which are summarised and assessed in the following table.

i. Avoid suburban pattern of development	The development would integrate with an existing rural cluster and would not create/expand a suburban pattern.
ii. Avoid ribbon development	As above. The proposal would not create or add to ribbon development.
iii. Amenity of the area	The site is well screened by vegetation and would integrate with existing development. It would not detract from other properties or constitute haphazard development.

iv. Landscape prominence	Although the site is elevated it is well screened and would not be unduly prominent subject to suitable siting, design and landscaping.
v. Blending with landscape	As above.

8.2.6. Part (b) of RH-P-9 outlines further criteria which are summarised and assessed in the following table.

i. Designated Sites & prospects/views	As per section 9 of this report, the proposed development would have no significant effects on Natura 2000 sites. The site is not affected by prospects/views to be preserved.
ii. River Basin District Plan	As per section 10 of this report, I do not consider that there would be significant effects on water quality or quantity.
iii. Site access/egress	This is considered in section 8.4 of this report.
iv. Disposal of effluent and surface water	As per sections 8.3 and 10 of this report, I do not consider that there would be any significant effects in this regard.
v. Flood Risk	The site is not affected by predicted flood risk as per OPW flood map information (floodinfo.ie).

8.2.7. Part (c) of RH-P-9 outlines that in the event of a grant of permission the Council will attach an Occupancy condition which may require the completion of a legal agreement under S47 of the Planning and Development Act 2000 (as amended). I consider that this could apply in the event of a grant of permission.

8.2.8. Having regard to the foregoing, it would appear that, subject to suitable access/egress proposals, the proposed development would be acceptable in principle in accordance with Policy RH-P-1 (including RH-P-9). The access/egress proposals will be considered in section 8.4 of this report.

8.2.9. I acknowledge that the DCC Planner's Report (Principle of Development) concentrates mainly on Policies RH-P-6 and RH-P-7 of the CDP. However, I would highlight that RH-P-6 relates to cases where a 'habitable dwelling' exists, and RH-P-

7 relates to proposals for 'Refurbishment/Extension'. Given that this is a proposal to completely demolish an uninhabitable structure and construct an entirely new dwelling, I consider that neither RH-P-6 nor RH-P-7 apply in this case.

### 8.3. Wastewater

- 8.3.1. It is proposed to install a packaged treatment system and soil polishing filter in accordance with EPA CoP guidelines 2021. This proposal is supported by a Site Characterisation and Site Suitability Assessment Report in accordance with the CoP.
- 8.3.2. The Characterisation Form identifies that the Aquifer Category is 'Poor' (PI). It states that the groundwater vulnerability is 'Extreme', although I note that it is classified as 'High' as per GSI mapping. The trial hole did not encounter the water table. Bedrock was found at 1.95m bgl. The soil conditions generally consist of 'gravelly silt/clay' mixed with a variety of stoney shale/cobbles.
- 8.3.3. As per Table E1 of the Code of Practice (CoP), the Site Assessment indicates that the Groundwater Protection Response Matrix (R2<sup>1</sup>) confirms that wastewater treatment is acceptable subject to normal good practice. It states that where domestic water supplies are located nearby, particular attention should be given to the depth of subsoil over bedrock such that the minimum depths required in Chapter 6 are met and the likelihood of microbial pollution is minimised. Based on the 'High' vulnerability as previously outlined, I note that the Groundwater Protection Response Matrix (R1) similarly confirms that wastewater treatment is acceptable subject to normal good practice.
- 8.3.4. The Site Assessment outlines that three percolation test holes were used in the subsurface percolation test for subsoil, which resulted in a percolation value of 29.86min/25mm. I am satisfied that the tests were carried out in accordance with the CoP and that the test conditions and results are consistent with the site conditions observed on my site inspection.
- 8.3.5. The Site Assessment concludes that the site is 'suitable for development' and recommends the installation of a packaged wastewater treatment system and soil polishing filter. A minimum of 60m (6 x 10m) percolation pipework is recommended to be fed by two distribution boxes. Recommendations are also included in relation to land drainage and surface water. I note that the recommended secondary treatment

system and soil polishing filter is consistent with the interpretation of the percolation values as outlined in Table 6.4 of the CoP.

- 8.3.6. The recommended treatment system has a PE of 5 and a percolation length of 60m, which is consistent with the requirements as per Table 10.1 of the CoP (i.e.  $\geq 12\text{m}^2$  per person (5)). The depth of unsaturated soil and/or subsoil would exceed 0.9m in accordance with Table 6.3 of the CoP.
- 8.3.7. I am satisfied that the proposed wastewater treatment system would comply with the minimum separation distances as outlined in Table 6.2 of the CoP. Furthermore, I am satisfied that the proposal complies with the recommendations for packaged wastewater treatment systems receiving raw wastewater and tertiary treatment systems receiving secondary treated effluent as outlined in sections 9 and 10 of the CoP.
- 8.3.8. Having regard to the foregoing, I am satisfied that the wastewater proposal for the proposed dwelling would be in accordance with the requirements of the CoP, which would be acceptable in accordance with the relevant provisions of the CDP.

#### 8.4. Traffic

- 8.4.1. Having regard to the foregoing, I consider that the issue of traffic and the impact of the proposed development on the N13 national primary road is the key consideration in this case.
- 8.4.2. As has been highlighted in the TII appeal, I would concur that the CDP includes a strong range of policies and objectives aimed at protected the national road network, including *inter alia* Key Strategic Objective S-O-9, Objective T-O-10, and Objective T-O-14. This is consistent with national policy including *inter alia* National Strategic Outcome 2 of the NPF and 'Required Development Plan Policy on Access to National Roads' as per section 2.5 of the 'Spatial Planning and National Roads Guidelines' (2012).
- 8.4.3. Section 2.5 of the Guidelines states that for lands adjoining National Roads to which speed limits greater than 60 kmh apply (as applies in this case) the policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to

national roads. It states that this provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.

- 8.4.4. Section 2.6 of the Guidelines deals with 'Exceptional Circumstances' where planning authorities may identify stretches of national roads where a less restrictive approach may be applied. In this regard the Guidelines discuss (1) Developments of National and Regional Strategic Importance, and (2) Lightly-trafficked Sections of National Secondary Routes, none of which would apply to this appeal case.
- 8.4.5. Section 4.4 of the Guidelines outlines that planning authorities will implement the strategic principles outlined in Chapter 1 and overall development planning and development management methodologies in Chapters 2 and 3, respectively, in relation to all of their development planning functions under the prevailing planning legislation, including, in particular, objectives on access to national roads. It states that An Bord Pleanála (i.e. The Commission) will apply these guidelines in considering appeals and/or direct applications.
- 8.4.6. I note that Appendix 1 of the CDP is a Section 28 Statement outlining how the planning authority has implemented the policies and objectives contained in Section 28 Guidelines.
- 8.4.7. In relation to the Spatial Planning and National Roads Guidelines (2012), it outlines that a key policy matter of particular significance for Donegal is that of the general presumption against the formation of new accesses, or the intensification of existing accesses, on lands adjoining National Roads to which speed limits greater than 60 kmh apply (as contained in Section 2.5 of the Guidelines). It highlights that the relevant policy in the CDP (Policy T-P-12) provides for possible derogation for the development of one-off rural houses impacting on the National Secondary Road within the section of the N56 National Secondary Road between the Five Points Junction (Killybegs) and the Mountain Top Letterkenny.
- 8.4.8. While the above provision is not relevant to the current case, it is noted that Policy T-P-12(a) also included a variation on national policy relating to the use of existing accesses onto national roads. Rather than simply outlining a policy not to permit increased traffic / intensification of an existing access, it referred to the 'adverse intensification' of existing access points.

- 8.4.9. The Commission should note that Policy T-P-12 in its entirety is the subject of an ongoing process of Ministerial Direction. Having regard to the need for such due process, I do not propose to go into the details of the Draft Direction or the subsequent recommendations from the Office of the Planning Regulator. It is simply a case that the provisions of Policy T-P-12 do not apply pending the outcome of the process. Therefore, the policy should not be taken into consideration in the determination of this case. And in the absence of any particular CDP policy to address such situations the case should be assessed on its merits.
- 8.4.10. A key issue in this case is whether or not the proposed development would result in an increase or intensification of traffic using the existing access. The planning authority considers that it would not given that the proposal involves the replacement of an existing derelict cottage and given that the applicants are already living at this location. However, I consider that the existing structure is in such a ruinous state that it cannot reasonably be considered positively in terms of offsetting any traffic associated with the proposed new dwelling. And while it is acknowledged that the applicants appear to already reside at this location, I do not consider it appropriate to assess traffic generation based on such transitory circumstances. I consider that the proposal would simply result in the creation of a new dwelling and I would concur with the TII view that this will inevitably result in increased traffic movements and the intensification of the existing access.
- 8.4.11. I also note the TII contention that it has been clarified with DCC that the existing access is a private lane. This contention has not been challenged by either the planning authority or the applicants. Therefore, I consider that the proposal represents the intensification of an existing private access directly onto the national road network. And while the apparent housing need associated with this proposal is noted, I do not consider that an adequate justification has been put forward to warrant any exceptional deviation from national guidance and local CDP policy to protect the capacity and safety of the national road network from such increased traffic turning movements.
- 8.4.12. In addition to the foregoing principle/policy issues, I have serious road safety concerns having regard to the inadequate proposals for the achievement of sightlines at the junction of the private access and the N13 national road. The

submitted 'vision line map' indicates that 215-metre unobstructed visibility splays in each direction will be achieved from a point 3m back from the edge of the road and over a height of 1.05m, stating that any hedgerow is to be cut down or removed and levelled out in grass.

- 8.4.13. On inspection of the site and the existing N13 junction, I noted that visibility was seriously obstructed, particularly due to dense vegetation to the northeast. Furthermore, it is noted that the landholding from which the site is annexed does not extend to the N13 road frontage in either direction and there is no evidence on file of consent to achieve and maintain any such sightlines. In the absence of adequate visibility proposals at the junction with this strategic national route, I consider that the additional traffic turning movements associated with the proposed development would interfere with the safety and free-flow of traffic.
- 8.4.14. I note that the planning authority has highlighted that this is an outline permission and concluded that the detailed access layout, sight distance verification, boundary/hedge treatment and any localised improvement works can be addressed at permission-consequent stage. However, I consider that this is an important and fundamental issue of public safety affecting a heavily-trafficked national road. The matter requires detailed consideration and would appear to require third-party consent for works over the N13 roadside boundary. Accordingly, notwithstanding the need for permission consequent, I do not consider that a grant of outline permission would be acceptable in this case.

## 9.0 AA Screening

### 9.1. Introduction

- 9.1.1. The requirements of Article 6(3) of the Habitats Directive as related to appropriate assessment of a project under part XAB, sections 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment.

## 9.2. Compliance with Article 6(3) of the EU Habitats Directive

- 9.2.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.
- 9.2.2. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

## 9.3. Screening the need for Appropriate Assessment

- 9.3.1. An AA Screening exercise has been completed (see Appendix 2 of this report for further details). In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Lough Swilly SPA or the Lough Swilly SAC, in view of the conservation objectives for the sites, which is therefore excluded from further consideration. Appropriate Assessment is not required.
- 9.3.2. This determination is based on:
- The nature and scale of the proposed works and the standard construction and operational practice measures that would be implemented regardless of proximity to a European Site.
  - The limited connectivity between the application site and the nearest European Sites as a result of significant distance, dispersal and dilution factors.

- 9.3.3. The possibility of significant effects on any other European sites has been excluded on the basis of objective information.
- 9.3.4. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

## 10.0 Water Framework Directive

- 10.1. The impact of the proposed development in terms of the WFD is set out in Appendix 3 of this report. There are no surface water features on the site or on the immediately surrounding lands. The nearest river features are the Drumbarnet Stream (c. 300m to the southeast) and the Leslie Hill stream (c. 700m to the northwest). These and other drainage features in the area generally flow north into Lough Swilly. The site is underlain by the Lough Swilly Groundwater body.
- 10.2. The site is not vulnerable to flood risk according to the OPW flood map information (floodinfo.ie). The nearest Natura 2000 site is the Lough Swilly SPA, located c. 1.4km to the northwest of the site, while Lough Swilly SAC is c. 1.9km to the northwest.
- 10.3. As per Appendix 3, I have outlined the potential pathways between the site and the relevant waterbodies and potential impacts at construction and operational stages. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project and associated mitigation measures, I am satisfied that it can be eliminated from further assessment because there is no residual risk to any surface and/or groundwater water bodies, either qualitatively or quantitatively.
- 10.4. The reasons for this conclusion are as follows:
- The nature and limited scale of the proposed works;
  - The distance between the proposed development and relevant bodies, and/or the limited hydrological connectivity;

- The mitigation measures included as part of the application to address surface water and wastewater emissions.

10.5. I conclude on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal), either qualitatively or quantitatively, or on a temporary or permanent basis, or otherwise jeopardise any water body in reaching its WFD objectives. Accordingly, the proposed development can be excluded from further assessment.

## 11.0 Recommendation

I recommend that permission should be **refused** for the proposed development for the reasons and considerations set out below.

## 12.0 Reasons and Considerations

1. It is considered that the proposed development, which would result in the intensification of use of an access onto the National Primary Road N13 at a point where a speed limit of 100 km/h applies, would endanger public safety by reason of traffic hazard and that the additional and conflicting traffic movements generated by the development would interfere with the safety and free flow of traffic on the public road and, by itself or by the precedent which the grant of outline permission for it would set for other relevant development, would adversely affect the use of a national road. The proposed development would also contravene the objectives of the County Donegal Development Plan 2024-2030 (including Key Strategic Objective S-O-9 and transport objectives T-O-10 and T-O-14) to preserve the strategic function, safety, and capacity of the National Roads network, and would be contrary to the provisions of the Spatial Planning and National Roads Guidelines for Planning Authorities published by the Department of Environment, Community and Local Government (2012).

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.

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Stephen Ward  
Senior Planning Inspector

19th March 2025

**Appendix 1 - Form 1**  
**EIA Pre-Screening**

<b>Case Reference</b>	PL-500679-DL-26
<b>Proposed Development Summary</b>	Demolition of existing cottage and construction of a dwelling and all associated site development works.
<b>Development Address</b>	Veagh, Manorcunningham, Lifford Po, Donegal
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2,	

<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>Part 2, Class 10(b)(i) – Construction of more than 500 dwelling units.</p>

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

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

## Appendix 1

### Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	PL-500679-DL-26
<b>Proposed Development Summary</b>	Demolition of existing cottage and construction of a dwelling and all associated site development works.
<b>Development Address</b>	Veagh, Manorcunningham, Lifford Po, Donegal
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The proposal is for just one dwelling and associated site works on a small site of c. 0.21ha. Minimal demolition works are proposed. It is significantly below the class threshold of 500 dwellings.</p> <p>The project due to its size and nature would not give rise to significant use of resources or production of waste during both the construction and operation phases or give rise to significant risk of pollution and nuisance.</p> <p>The project characteristics pose no significant risks to human health. The proposed development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p>
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The site is located in a rural area outside the settlements of Manorcunningham and Newtowncunningham. There are a number of one-off houses in the area.</p> <p>The nearest Natura 2000 site is the Lough Swilly SPA, located c. 1.4km to the northwest of the site, while Lough Swilly SAC is c. 1.9km to the northwest.</p> <p>The CDP classifies the local landscape character as 'High Scenic Amenity'.</p> <p>Having regard to the above and the simple nature and limited scale of the proposed development, I am satisfied that impacts on environmental sensitivities can be adequately assessed in this case without the need for EIA.</p>

<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Due to the small scale of the development, the construction stage will not be significant in terms of duration or complexity.</p> <p>The main operational impacts would be visual amenity and the surface water and wastewater emissions to the site. These elements would be subject to standard assessment/design and would not have significant impacts on the wider environment.</p> <p>There would be no significant cumulative impacts with other projects.</p>
<b>Conclusion</b>	
<p><b>Likelihood of Significant Effects</b></p>	<p><b>Conclusion in respect of EIA</b></p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

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

## Appendix 2

### AA Screening Determination

<b>Screening for Appropriate Assessment Test for likely significant effects</b>	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Brief description of project</b>	Demolition of existing cottage and construction of dwelling and all associated site development works.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The site is located approximately midway between Manorcunningham and Newtowncunningham, at the southern end of the Inishowen peninsula in County Donegal. It is distanced approximately 2km east of Lough Swilly. This is a rural area consisting mainly of agricultural use/buildings, one-off dwellings, and small-scale commercial developments. The site itself is elevated in relation to surrounding topography to the north and south. It slopes downward from north to south and the site boundaries are generally composed of substantial mature trees/hedges. The site has a stated area of 0.21ha and includes the remains of what is described in the application as a 'derelict cottage'.</p> <p>There are no surface water features on the site or on the immediately surrounding lands. The nearest river features are the Drumbarnet Stream (c. 300m to the southeast) and the Leslie Hill stream (c. 700m to the northwest). These and other drainage features in the area generally flow north into Lough Swilly.</p> <p>Surface water will be directed to an existing roadside drain. Water supply will be via public mains. Wastewater will be treated via an on-site packaged wastewater treatment system and polishing filter.</p>
<b>Screening report</b>	Not submitted.
<b>Natura Impact Statement</b>	Not submitted.
<b>Relevant submissions</b>	None.

	The DCC Planner's Report concludes that the proposed development would not be likely to have any significant effect on a Natura 2000 site, individually or in combination with any other plan or project, and that Screening for Appropriate Assessment is not required in this instance.
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**Step 2. Identification of relevant European sites using the Source-pathway-receptor model**

European Site (code) Link to Qualifying interests & conservation objectives on NPWS website	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
Lough Swilly SPA (004075)	1.4km	Potential indirect connections vis surface and groundwater drainage	Yes
Lough Swilly SAC (002287)	1.9km		
River Finn SAC (002301)	9km	None. Located within a different drainage catchment.	No.
Leannan River SAC (002176)	8km		

Having considered the Source-pathway-receptor model and the nature and limited scale of the proposed development, I do not consider any other sites to be within the zone of influence due to lack of connectivity and/or significant distance/dilution factors.

**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

Construction Phase

During the Construction Phase, surface / ground water run-off containing silt/sediments or other pollutants could inadvertently enter the local drainage system, which ultimately flows into Lough Swilly (SAC/SPA). However, having regard to the nature and limited scale of the proposed works, and the separation of the development from watercourses (>300m) and the European Sites (>1.4km 'as the crow flies' but the hydrological route is significantly greater), this potential pathway is considered insignificant.

### Operational Phase

During the Operational Phase, surface water will be appropriately collected and discharged to an existing roadside drain, which would connect to the local drainage system and eventually outfall to Lough Swilly (SPA & SAC). However, the quantity and quality of the drainage network would not be significantly affected given the limited scale and domestic nature of the proposed development.

Wastewater from the proposed development will be appropriately treated on-site in accordance with the EPA Code of Practice 2021.

Therefore, given that the local groundwater and surface water drainage system will be suitably protected from pollution risk and the Lough Swilly Natura 2000 sites are at a significant distance, this potential pathway is considered insignificant. Furthermore, I consider these surface water and wastewater measures to be standard practice and essential elements of the proposed development that would be implemented regardless of proximity to a European Site (i.e. they are not mitigation measures for AA Screening purposes).

### Other Effects

Although the construction and operational stages will lead to some increased disturbance, I do not consider that the Lough Swilly Natura 2000 sites (> 1.4km away) are within the disturbance Zone of Influence.

Having regard to the nature and size of the appeal site, including on-site habitats, and its significant separation distance from the Lough Swilly Natura 2000 sites, I do not consider that there is potential for significant ex-situ effects for any of the SCI/QI species.

This is a standalone development and there are no other significant developments in the area that would act in-combination or cumulatively with the proposed development. Accordingly, I am satisfied that there is no potential for significant in-combination or cumulative effects on the Lough Swilly Natura 2000 sites.

### **AA Screening matrix**

<b>Site name Qualifying interests</b>	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b>	
	<b>Impacts</b>	<b>Effects</b>
<b>Lough Swilly SPA</b>  <u>QI list</u> Great Crested Grebe; Grey Heron; Whooper Swan; Greylag Goose; Shelduck; Teal;	Direct: None  Indirect: Negative impacts (temporary) on surface/ground water quality due to construction related emissions	Significant effects on habitat and species as a result of water quality impacts are not likely having regard to the standard construction and operational practice measures that

<p>Mallard; Scaup; Goldeneye; Red-breasted Merganser; Coot; Oystercatcher; Knot; Dunlin; Curlew; Redshank; Greenshank; Black-headed Gull; Common Gull; Common Tern; Greenland White-fronted Goose; Wigeon; Shoveler; Sandwich Tern; Wetland and Waterbirds.</p>	<p>including increased sedimentation and construction related pollution.</p> <p>Negative impacts (long-term) on surface / ground water quality due to operational surface water run-off.</p> <p>Negative impacts on water quality at operational stage due to wastewater discharge.</p>	<p>would be implemented regardless of proximity to a European Site, as well as the significant distance, dispersal and dilution factors between the application site and the Natura 2000 sites.</p>
<p><b>Lough Swilly SAC</b></p> <p><u>QI List</u></p> <p>Estuaries; Coastal lagoons; Atlantic salt meadows; Molinia meadows on calcareous, peaty or clayey-silt-laden soils; Old sessile oak woods with Ilex and Blechnum in the British Isles; Harbour Porpoise; Otter.</p>		
	<p><b>Likelihood of significant effects from proposed development (alone): No</b></p>	
	<p><b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</b></p>	
<p><b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b></p>		
<p>I conclude that the proposed development (alone) would not result in likely significant effects on Lough Swilly SPA or Lough Swilly SAC. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.</p>		

## **Screening Determination**

### **Finding of no likely significant effects**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Lough Swilly SAC or the Lough Swilly SPA, in view of the conservation objectives for the sites, which are therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and scale of the proposed works and the standard construction and operational practice measures that would be implemented regardless of proximity to a European Site.
- The limited connectivity between the application site and the nearest European Sites as a result of significant distance, dispersal and dilution factors.

### Appendix 3

#### Water Framework Directive Screening Determination

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
<b>An Coimisiún Pleanála ref. no.</b>	PL-500679-DL-26	<b>Townland, address</b>	Veagh, Manorcunningham, Lifford Po, Donegal
<b>Description of project</b>		Demolition of existing cottage and construction of a dwelling and all associated site development works.	
<b>Brief site description, relevant to WFD Screening,</b>		<p>The site is elevated in relation to surrounding topography to the north and south and generally slopes downward from north to south.</p> <p>There are no surface water features on the site or on the immediately surrounding lands. The nearest river features are the Drumbarnet Stream (c. 300m to the southeast) and the Leslie Hill stream (c. 700m to the northwest). These and other drainage features in the area generally flow north into Lough Swilly.</p> <p>The site is underlain by the Lough Swilly Groundwater body.</p>	
<b>Proposed surface water details</b>		Disposal to roadside drain.	
<b>Proposed water supply source &amp; available capacity</b>		Public mains.	
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>		On-site wastewater treatment system and polishing filter.	

<b>Others?</b>		<p>The site is not vulnerable to flood risk according to the OPW flood map information (floodinfo.ie).</p> <p>The nearest Natura 2000 site is the Lough Swilly SPA, located c. 1.4km to the northwest of the site, while Lough Swilly SAC is c. 1.9km to the northwest.</p>				
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status (2019-2024)	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	C. 300m to SE.	Drumbarnet Stream_010 (IE_NW_39D03 0600)	Poor	At risk	HYMO, Ag	Yes – Surface / ground water run-off and wastewater from the site.
River	C. 700m to NW.	Leslie Hill Stream_020 (IE_NW_39L05 0660)	Moderate	At Risk	None specified	
Transitional	C. 2km to west	Outer Swilly Estuary (IE_NW_220_0 500)	Moderate	Not At risk	None specified	Yes – As above, via groundwater and the Drumbarnet and Leslie Hill Streams.
Transitional	C. 2km to west	Swilly Estuary (IE_NW_220_0 100)	Poor	At Risk	UWW, DWTS, UR	
Groundwater	Underlying	Lough Swilly (IEGBNI_NW_G_059)	Good	Not at Risk	None Specified.	Yes – As above, via the overlying soil.

**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	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no)  Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Drumbarnet Stream_010 (IE_NW_39D 030600)  Leslie Hill Stream_020 (IE_NW_39L 050660)  Outer Swilly Estuary (IE_NW_220_0500)  Swilly Estuary (IE_NW_220_0100)	Surface water run-off from the site via overland flows and the local drainage system.	Siltation, pH (Concrete), hydrocarbon spillages.	None.	No. Having regard to the limited scale of the works and the separation distance from these waterbodies, I am satisfied that there would be no significant risk.	Screened out.
2.	Ground	Lough Swilly (IEGBNI_NW_G_059)	Via the overlying soil.	Siltation, pH (Concrete), hydrocarbon spillages.	None.	No. Having regard to the limited scale of the works, I am satisfied	Screened out.

						that there would be no significant risk to groundwater.	
<b>OPERATIONAL PHASE</b>							
1.	Surface	Drumbarnet Stream_010 (IE_NW_39D 030600)  Leslie Hill Stream_020 (IE_NW_39L 050660)  Outer Swilly Estuary (IE_NW_220_0500)  Swilly Estuary (IE_NW_220_0100)	Surface water run-off from the site via overland flows and the local drainage system.	Hydrocarbon spillage / pollution.	Surface water disposal to existing drain.	No. Having regard to the nature and scale of the development and the distance from waterbodies, there will be no significant residual pollution risk.	Screened out.
2.	Ground	Lough Swilly (IEGBNI_NW_G_059)	Surface water run-off.  Wastewater emissions via the overlying soil.	Hydrocarbon spillage / pollution.  Wastewater pollution.	Surface water disposal to existing drain.  On-site wastewater disposal in accordance with EPA Code	No. Having regard to the nature and scale of the development, the proposed mitigation measures, there will be no	Screened out.

					of Practice 2021.	significant residual pollution risk.	
<b>DECOMMISSIONING PHASE</b>							
<b>5.</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A