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| Development | Construction of a dwelling, domestic garage, and an agricultural shed with all associated siteworks. NIS submitted with further information. |
| Location | Clondallon, Rathmullan, Letterkenny Po, Co Donegal |
| Planning Authority | Donegal County Council |
| Planning Authority Reg. Ref. | 2561398 |
| Applicant(s) | Alan Dolan |
| Type of Application | Permission |
| Planning Authority Decision | Grant Permission + Conditions |
| Type of Appeal | Third Party Normal Planning Appeal |
| Appellant(s) | Martin Sheridan |
| Observer(s) | None |
| Date of Site Inspection | 21 st April 2026 |
| Inspector | Ronan Murphy |

1.0 **Site Location and Description**

The appeal site is located within the townland of Clondallon which is a rural area punctuated with single dwellings located c.4.2km to the north of Rathmullan, Co. Donegal.

The appeal site which has a stated area of c. 1.080ha comprises of an agricultural field which is irregular in shape. The site has two distinct areas; the smaller southern portion of the land has an area of hardstand and a number of trees. The northern, larger portion of the site is an open field, a portion of which is in use for sheep grazing.

In terms of topography the site generally falls to the north of the site. Access to the site is via the small local road (R-247-10) to the south of the site, which is a one-lane undulating local road, which is used for local traffic.

2.0 Proposed Development

2.1 The application seeks planning permission for the following:

- Construction of a part single, part two storey dwelling; garage and agricultural shed.
- A Eurptank TRE3 tertiary wastewater treatment system and infiltration area.
- Entrance, landscaping, and all associated site works.

2.2 The proposed dwelling would have an internal floor area of c. 268.5m² and would have a maximum height of c. 8.0m. The proposed dwelling would have a smooth render with select areas of dry-jointed natural stone finish with a natural slate and standing zinc cladding roof.

2.3 The proposed garage which is proposed to be located to the east of the main dwelling would have an area of c.142m² and a maximum height of c. 7m over a partial two storey area. The proposed garage would have a render finish.

2.4 The agricultural shed, which is proposed to be located to the south-east of the dwelling would have a floor area of c. 126.5m² and would have a maximum height of c. 4.4m. with a metal clad finish.

2.5 In addition to the above, the applicant is proposing to establish a native forest within the south-western portion of the land.

3 Planning Authority Decision

3.1 Decision

3.1.1 By order dated 15/1/26 the planning authority decided to grant planning permission subject to 20 conditions.

3.1.2 The conditions are generally standard in nature for this type of development. However, condition 20 requires that all mitigation measures as outlined in the Natura Impact Statement shall be implemented in full.

3.2 Planning Authority Reports

3.2.1 Planning Reports

- There are three individual planning reports on file (I make the Coimisiún aware that there are two versions of the first planning report, one of which includes redactions). The first planning report dated 1/10/25 states that Planning Authority is satisfied that a rural dwelling can be contemplated in principle under RH-P-3, subject to information relating to the applicants other dwelling being disposed of.
- Concerns were raised with respect to the applicant owning a separate dwelling in another party of Donegal and outlined that definitive proof that the applicant's existing rural dwelling would be disposed of prior to occupation of the proposed dwelling, or an equally enforceable mechanism to secure same.
- Concerns were also raised with respect to the proximity of the proposed polishing filter to a stream on the northern boundary of the land. The planning authority was of the opinion that a NIS was a required.
- As a result of the concerns outlined above, Further Information was requested.

3.2.2 Other Technical Reports

Area Roads Engineer: Report dated 24/9/25 outlining no objection, subject to conditions.

3.3 Prescribed Bodies

3.3.1 No responses on file.

3.4 Second planning report

3.4.1 A second planning report dated 3/11/25 considers that the applicants' responses to the Further Information were acceptable, however. It was considered that the submitted information is considered to be significant as per Article 35 requirements and that they would be applicant required to publish / erect new public notices.

3.5 Third planning report

3.5.1 A third planning report dated 12/1/26 considers an objection received in light of the advertisement of the Further Information and recommends that planning permission be granted, subject to conditions.

3.6. Third Party Observations

3.6.1 One third party observation was received. The observation can be summarised as:

- Rural housing need not demonstrated.
- Other farmers operate locally without on-site dwellings.
- Applicant does not have connections to the local area.
- Scale of the proposed domestic garage is excessive.
- The proposed buildings may be used for gundog breeding, training, or shooting activities.
- The submitted NIS was prepared for a previous application and that elements such as photographs and references are not reflective of the current proposal.

4 Planning History

Reg. Ref. 22/51949 (ABP-318931-24): Application for a single storey dwelling house, domestic garage, a commercial gun dog training and breeding facility and associated office and ancillary spaces and all associated site works. Permission granted, subject to conditions. This condition was the subject of a third-party appeal to An Bord Pleanála where the decision of the Planning Authority was overturned for the following reasons:

1. Having regard to Policy ED-P-4 of the Donegal Development Plan 2024 2030, the rural location of the proposed development site and the nature of the proposed commercial element of the proposal (a gundog breeding and training facility), it is considered that the proposal is not supported by sufficient evidence of a demonstrable valuable addition to the local economy and/or tourism offering in the area. As such, it is considered the facility is contrary to the provisions of the development plan, as relates to business in rural areas, and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the nature of the proposed development, and having regard to the lack of information on file in relation to potential noise impacts arising from the operation of the gundog breeding and training facility in the form of a Noise Impact Assessment, it is has not been demonstrated that the commercial element of the development as proposed would not have an adverse impact on surrounding residential amenity and on the wider rural amenity of the area. As such, the proposed development would be contrary to the provisions of Policy ED P-9 (g) of the Donegal Development Plan 2024-2030 and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Having regard to the location of the site within a 'Structurally Weak Area' and an 'Area of High Scenic Amenity', Objective RH-O-1 and Policy RH P-3 of the Donegal Development Plan 2024-2030, it is considered that the developer has not demonstrated a genuine rural need for a dwelling house at this location and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5 Policy Context

5.1 Development Plan

5.1.1 The operative Development Plan is the *Donegal County Development Plan 2024 2030*.

Housing Policies

- The site falls within a 'Structurally Weak Area' with reference to Map 6.3.1 Rural Area Types of the Donegal County Development Plan 2024-2030.

Relevant Objectives and Policies include:

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

Objective RH-O-4 - To ensure that rural housing is located, designed, and constructed in a manner that does not detract from the character or quality of the receiving landscape having particular regard to Map 11.1: 'Scenic Amenity' of this Plan.

Policy RH-P-3 -To consider proposals for new one-off housing within 'Structurally Weak Rural Areas' from any prospective applicants for a dwelling house, subject to siting and

design considerations and compliance with all other relevant policies of this Plan including Policy RH-P-9. New holiday homes will not be permitted in these areas.

Policy RH-P-9 relates to impact on the landscape, design, ribbon development, impact on amenity, site characteristics, and impact on the environment, including the safe disposal of effluent and surface waters.

Landscape

The site falls within an Area of High Scenic Amenity with reference to Map 11.1 of the County Development Plan 2024-2030 Objective and Policies of relevance are as follows:

Objective L-O-1: To protect, manage and conserve the character, quality, and value of the Donegal landscape.

Policy 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.

Other

Policy WW-P-6 Facilitate development in urban or rural settings for single dwellings or other developments to be maintained in single ownership with a projected PE <10 in unsewered areas proposing the provision of effluent treatment by means of an independent wastewater treatment system where such systems:

- a. Demonstrate compliance with the EPA's Code of Practice for Domestic Wastewater Treatment Systems (PE. ≤10) (EPA 2021) or any subsequent or updated code of practice.
- b. Would not result in an over concentration or over proliferation of such systems in an area which cumulatively would be detrimental to public health or water quality.
- c. Otherwise comply with Policy WW-P-2.

Chapter 16 Technical Standards including in relation to visibility splays and surface water and roadside drainage.

Rural Housing Location Siting and Design Guide County Donegal Development Plan 2024-2030.

5.2 Relevant National or Regional Policy / Ministerial Guidelines

5.2.1 Project Ireland 2040 - The National Planning Framework: First Revision (April 2025)

- National Policy Objective 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.
- National Policy Objective 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 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.

Sustainable Rural Housing, Guidelines for Planning Authorities, 2005'

5.2.2 These Guidelines promote the development of appropriate rural housing for various categories of individual as a means of ensuring the sustainable development of rural areas and communities.

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

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

5.3 Natural Heritage Designations

5.3.1 The subject site is not located within or adjacent to a European Site. The nearest designated site is the Lough Swilly SAC, which is located Lough Swilly SAC (Site Code: 002287) 473m to the south-east. The Mulroy Bay SAC (Site Code: 02159) is located c. 8km to the west of the site on the other side of the peninsula, while the North Inishowen Coast SAC (Site Code: 002012) is located c. 6.8km East on the other side of Lough Swilly and the Ballyhoorisky Point to Fanad Head SAC (Site Code: 001975) is located c. 9.2km to the north of the site.

5.3.2 The Lough Swilly SPA (Site Code: 004075) is located c. 2.1km to the south, Horn Head to Fanad Head SPA (Site Code 004194) is 5.2km north.

5.3.3 In addition to this, the Lough Swilly Including Big Isle, Blanket Nook & Inch Lake pNHA is located c.506m to the south of the site and the

6 EIA Screening

6.1 The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices 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. Please see Appendix 1.

7 The Appeal

Grounds of Appeal

7.1 A third-party appeal has been received from Martin Sheridan. The appeal can be summarised as follows:

- Previous application was refused planning permission by An Bord Pleanála.
- The applicant only has a small number of sheep and continues a dog breeding and training business.
- Dogs may be kept within buildings proposed as part of this application.
- The sheds applied for are much larger than required for the number of sheep, Donegal County Council conditions restrict the use of the shed, but how could this be enforced?
- The developer has not demonstrated a genuine rural need for the dwelling at this location and therefore the proposed development would be contrary to the proper planning and sustainable development of the area.
- The applicant still lives and owns the same home he did when the previous application was refused due to lack to a lack of genuine rural housing need. Granting

a subsequent home to someone who's housing need has already been satisfied is not provided in national or local planning laws.

- Granting permission would set an extremely dangerous precedent allowing anyone who purchases a piece of land, a few sheep, and a herd number to suddenly expect they have a rural housing need.
- There are homes with agricultural sheds are for sale in this area.
- There is no rural housing need and granting permission would not only be contrary to planning laws but would also create a very dangerous precedent which could result in the expectation of guaranteed planning permission if you purchase land.

7.2 Applicant Response

7.2.1 A first party appeal response has been received from JC Design Studio on behalf of the applicant. I make the Coimisiún aware that this appeal response is accompanied by a number of appendices. The appeal response can be summarised as follows:

- Assertions to alleged 'gun dog training' are factually incorrect, incorrect, and misleading and wholly unrelated to the planning application current being considered by the Coimisiún.
- At no stage has the applicant applied for permission for a gun dog training facility, described or proposed a gun dog training enterprise or included any such use within the scope of the submitted plans and particulars.
- The herd number was not purchased, this is not possible, they are issued following formal application and compliance with its statutory and regulatory requirements. They are no commodities capable of private sale in the manner implied by the appellants.
- The applicant applied for his herd number of 4/10/24 all necessary preparatory works required by the Department including repairing boundary walls and installing appropriate fencing to meet agricultural compliance standards. The herd number was issues on 8/4/25.
- This sequence of events clearly demonstrates a structure and legitimate process undertake in accordance with national agricultural regulations.

- Detailed planning drawings clearly demonstrate how the required visibility splays are achieved entirely within the applicant's control.
- A professional traffic survey was commissioned and completed and confirmed that the provision of 3m x 70m sightlines would satisfy road safety requirements at this location.
- The proposed entrance has been specifically designed to meet the sightline and safety requirements of Donegal County Council.
- Sheep rearing is a traditional, low-impact and environmentally agricultural practice, this scheme ensures that sustainable methods, biodiversity and soil and water production are integral to the enterprise.
- The applicant has received formal approval from the Department of Agriculture, Food, and the Marine to allocate areas of his farm for the planting of native trees. This demonstrates a clear and proactive commitment to enhancing biodiversity =, protecting habitats and improving the local landscape.
- This initiative goes beyond basic agricultural activity and demonstrates active environmental stewardship, which directly benefits the local community and aligns with Development Plan objectives regarding sustainable rural development.
- Siting of the proposed development ensures that the development does not compromise environmental quality while supporting the functional needs of the agricultural enterprise.
- The combination of sustainable sheep rearing, participation in environmental schemes, and careful site selection ensures that the development contributes positively to both local agriculture and the wider rural environment.
- The development fully complies with national and local policy objectives regarding agriculture, location, and environment.
- The applicant is actively establishing a flock of pure-red Suffolk sheep, and this is evidenced in the Sheep Census 2025 in respect of the herd number. This confirms that the enterprise is operational and not speculative in nature.
- A detailed farm business plan has been submitted in Appendix D which confirms the enterprise is active and ongoing, the flock is the process of structured expansion, the

enterprise has clear commercial and operational objectives, and the long-term intention is to develop a sustainable pedigree sheep breeding operation.

- The applicant has registered his flock with the Suffolk Sheep society. A letter of conformation for the Society is enclosed in Appendix E.
- Sheep farming, particularly pedigree Suffolk sheep breeding requires constant supervision, especially during lambing season and key flock management periods. Operational requirements cannot reasonably be fulfilled while residing off-site.
- Prominent pure bred sheep breeders have provided letters confirming the necessity for an agricultural shed for housing sheep during lambing and the importance of being resident on the holding during lambing season.
- Security is a legitimate and material planning consideration in rural agricultural contexts. Livestock and machinery theft remain ongoing issues in rural Donegal. The presence of the applicant on-site materially enhances security, ensures rapid response capability, and reduces vulnerability of livestock and machinery.
- The development supports a genuine rural housing need directly linked to agriculture and will contribute to sustaining and renewing the rural community as per Objective RH-01.
- The proposal fits all of the criteria of Policy RH-P-3 of the Donegal County Development Plan 2024-2030 as there is a functional and genuine need to live on the land, the applicant will reside permanently on the land. The proposed dwelling would contribute positively to the vitality of the area.

The appeal includes a statement from the applicant which can be summarised as:

- Upon retirement the goal was to return to a rural setting which I could develop a small landholding and earn a sustainable living.
- The previous proposal with respect to dogs did not go ahead due to planning delays and a decision was made to pursue an alternative agricultural enterprise by establishing a flock of Suffolk sheep along with the creation of a native forest.
- The anticipated development of the flock will be based on lambing 16 pedigree lambs in January 2027, retaining four of these for 2028, depending on market conditions it may add further animals to the flushing team in 2027.

7.3 Planning Authority Response

7.3.1 By letter dated 4th March 2026 the Planning Authority states that they consider that all matters raised on the appeal have previously been addressed in the planners' report dated 1st October 2025, 3rd November 2025, and 12 January 2026. The Planning Authority wishes to rely on the content of same in response to this appeal.

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 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 / rural housing need
- House Design
- Access and sightlines
- Wastewater Treatment
- Flooding
- Appropriate Assessment
- Water Framework Directive

8.2 Principle of Development / Rural Housing Need

8.2.1 The subject site is in the open countryside, outside of a designated settlement in an area designated as a 'Structurally weak' as set out in Map 6.3.1 of the *Donegal County Development Plan 2024-2030*. In such cases Policy RH-P-3 applies. This policy seeks to consider proposals for new one-off housing within 'Structurally Weak Rural Areas' from any prospective applicants for a dwelling house, subject to siting and design considerations and compliance with all other relevant policies of this Plan including Policy RH-P-9. New holiday homes will not be permitted in these areas.

8.2.2 I note the other relevant policies as outlined in Policy RH-P-9 would include Policy RH-O-1 which requires that new residential development in rural areas provide for genuine rural need. The issue of genuine rural need is a key consideration with respect to the proposed development.

Rural Housing need

8.2.3 The third party has outlined concerns that the applicant has not demonstrated a genuine rural need for the dwelling at this location and therefore the proposed development would be contrary to the proper planning and sustainable development of the area. The third party notes that the applicant has a separate dwelling and that granting a subsequent home to someone who's housing need has already been satisfied is not provided in national or local planning laws.

8.2.4 In response to this, the first party states that the development supports a genuine rural housing need directly linked to agriculture and will contribute to sustaining and renewing the rural community as per Objective RH-01.

8.2.5 In the previous application on the land (Reg. Ref. 22/51949 / ABP-318931-24) the Bord refused planning permission for three reasons including that the developer had not demonstrated a genuine rural need for a dwelling house at this location and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area. In that case, inspector outlined concerns that the applicant had not provided sufficient detail with respect to that the applicants exiting home being sold. There were further concerns that either the applicant or an employee will reside in the proposed house and therefore the proposed dwelling would not be a permanent residence for the applicant.

8.2.6 I refer the Coimisiún to the Rural Housing Application Form submitted with the initial application. This clearly states that applicant owns an existing home in County Donegal. However, in this case, the Rural Housing Application Form further states that the applicant is currently in the process of selling this home and this is substantiated by a letter from a Solicitor confirming same. In addition to this, it is stated the dwelling currently being considered would be a primary, principle and permanent residence and that the applicant needs to reside at this location for the purposes of security and to attend to farm work.

8.2.7 In addition to this, I refer the Coimisiún to the applicant's response to the further information response provides a Declaration of Undertaking to Dispose of Property which states that the

applicant will not occupy the proposed new dwelling until the existing property has been legally disposed. It is acknowledged that this undertaking is binding and enforceable and may be relied upon by Donegal County Council and that a failure to comply with this undertaking may result in enforcement action or revocation of planning permission.

- 8.2.8 The applicant is seeking to establish a pure-bred Suffolk Sheep herd on the appeal site and the first party appeal response notes that this operation necessitates a full-time on-site presence including for lambing supervision, biosecurity management, animal welfare compliance, monitoring of high value stock and protection against theft and vandalism. In this regard, I refer the Coimisiún to Appendix B of the first party appeal response which is a letter from the Department of Agriculture, Food and the Marine which outlines that a herd number to keep sheep in the applicant's name has been granted. Appendix C of the first party appeal outlines a Sheep Census for the year 2025 and shows that the herd had a total of 15 sheep. Appendix D of the first party appeal response outlines a Farm Plan for Pure bred sheep and notes that the projected lamb crop would be 60 annually.
- 8.2.9 Having considered the above, I am satisfied that the applicant has demonstrated a genuine rural need for a dwelling on the land. The applicant has set up a viable agricultural enterprise on the land and that on site accommodation is required to manage this enterprise. The concerns expressed by the inspector in the previous application have been overcome, in my opinion.
- 8.2.10 While I note the concerns of the third-party objector that the applicant has an existing dwelling in County Donegal, I am satisfied that this matter could be dealt with by way of condition requiring that the applicants sell their existing home before occupation of the permitted dwelling on the appeal site.
- 8.2.11 Having considered the above, I am satisfied that the proposed dwelling is acceptable in principle, subject to a full assessment.

8.3 House Design

- 8.3.1 Policy RH-P-9 of the *Donegal County Development Plan 2024-2030* requires new house proposal in rural areas to 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 and that proposal

for such shall be subject to the siting, location and design of rural housing as set out in Donegal County Council's 'Rural Housing Location, Siting and Design Guide'

- 8.3.2 The proposed dwelling would comprise of a four-bedroom part two storey dwelling with a stated internal area of c. 268m² and a maximum height of c. 8.0m. The proposed garage would be located to the north-west of the house and would have an internal floor area of c. 142m² and would have a maximum height of c. 7m. In addition to this, the proposed agricultural shed would be located to the south-east of the dwelling and would have an internal floor area of 125.5m² and a maximum height of c. 4.5m.
- 8.3.3 The proposed dwelling would be set back c.66m from the southern boundary of the land, c.13m from the eastern boundary of the land, c 9.8m from the western boundary of the land. The proposed shed would be set back c. 29.10m from the southern boundary of the land and c. 27.6m from the western boundary of the land.
- 8.3.4 I have considered the design and location of the proposed dwelling in light of Policy RH-P-9 states and the guidance set out in The Rural Housing Location Siting and Design Guide within the *Donegal County Development Plan 2024-2030* and I am satisfied that the proposed development is broadly acceptable. The appeal site is located within an area designated as 'Area of High Scenic Amenity' in Map 11.1 of the Donegal County Development Plan 2024-2030. Section 11.2.2 states that areas of high scenic amenity 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.
- 8.3.5 The proposed dwelling who be set back from the roadside (southern) boundary by c. 66m and would be set behind existing screen planting. While it is noted that some of the existing roadside vegetation would be cleared to make way for sightlines, it is noted that deciduous trees and hawthorn hedgerows would be planted in its place.

Residential amenity

- 8.3.6 The proposed development would not have any impact on the residential amenities of the dwelling to the west of the site. I have come to this conclusion having regard to the location

of the proposed dwelling on site which is c. 89m and the fact that the applicants proposed a new woodland which would screen any views.

- 8.3.7 In addition to this, I note that the proposed agricultural shed would be located c. 27m from the western boundary of the land and c. 53m from the house to the west of the appeal site. Given these setbacks and the proposal to plant a new woodland, I am satisfied that the location of the proposed agricultural shed would not have an undue impact on the residential amenities of the dwelling to the west.

Ribbon development

- 8.3.8 The *Donegal County Development Plan 2024-2030* defines ribbon development as five or more houses on any side of a given 250-m stretch of road. There are two houses to the west of the site within 250m of the appeal site and no house within 250m to the east of the site. Therefore, I am satisfied that the proposed development would not lead to ribbon development as defined in the *Donegal County Development Plan 2024-2030*.

8.4 **Access and sightlines**

- 8.4.1 It is proposed to develop a new site entrance onto the R247 to the south of the site. This road is a narrow, single lane road with a speed limit of 60kmph. Having been on site, I note that this road is reasonably surfaced and there are a number of bends in the vicinity of the site.

Sightlines

- 8.4.2 Drawing No. AL (O) (02) '*Proposed site plan layout*' shows that sightlines of 70m can be provided to the east and west of the site. I refer the Coimisiún to Table 16.7 of the *Donegal County Development Plan 2024-2030* and 1.3 of the TII publication DN-GEO-0301 '*Rural Road Link Design*' which shows that the Desirable Minimum Stopping Sight Distance for a road with a 60km speed is 90m. One step below the desirable minimum sight distances is 70m.
- 8.4.3 Both the area planners report, and the applicants cover letter note that a traffic survey was carried out by Donegal County Council between the end of August and the start of September 2023. The results of this survey showed the 85% of vehicles travelled at 50 kmph.

- 8.4.4 Given that the traffic survey carried out by Donegal County Council demonstrates that the vast majority of vehicles travel along the road at a speed of 50kmph, I am satisfied that sightlines of 70m (which would be One step below the desirable minimum sight distances as set out in Table 1.3 of the TII publication DN-GEO-0301 'Rural Road Link Design') would be acceptable.
- 8.4.5 I have come to this conclusion having inspected the site and viewed the location of the proposed entrance and the relatively low volume of traffic using the public road and the low travelled speed along the R247. In addition to this, I note that neither the area planner nor the Roads Section of Donegal County Council has any objections.

8.5 **Wastewater**

- 8.5.1 The proposed development includes the installation of a tertiary treatment system and percolation area which is to be located to the north of the proposed dwelling.
- 8.5.2 I refer the Coimisiún to the Site Suitability Assessment lodged with the application which was prepared in accordance with the EPA Code of Practice, Domestic Wastewater Treatment Systems (2021). The soil type for the site is classified as Till derived from Metamorphic Rock and the bedrock type is Upper Crana Quartzite Formation.
- 8.5.3 The underlying aquifer is categorised on the GSI maps and EPA Maps as Poor Aquifer - Bedrock which is Generally Unproductive except for Local Zones with an Extreme Vulnerability.
- 8.5.4 During the site investigations a trial hole was dug to a depth of 2.0m, and bedrock and a water table were not encountered. The topsoil encountered comprised was classified as a gravely silt / clay with a dark brown colour and structureless soft density. The site falls within the R21 response category which indicates that an on-site system is acceptable subject to normal good practice.
- 8.6.4 The results of the subsurface percolation test for subsoil returned a percolation value of 50.23 minutes per 25mm. This value indicates that the site is suitable for the tertiary treatment and soil percolation area proposed.
- 8.6.5 I have considered the proposal in light of the setbacks set out in Table 6.2 of the EPA Guidelines and I am satisfied that all setbacks can be achieved. Therefore, I am satisfied that wastewater treatment would comply with the EPA Code of Practice: Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) 2021.

8.6 Flooding

- 8.6.1 I have consulted the flood mapping system (www.floodinfo.ie) and I note that the appeal site is within Flood Zone 'C'. However, I make the Coimisiún aware that the river Drumhallagh is within the Medium Probability for flooding, this is a 1% Annual Exceedance Probability.
- 8.6.3 The proposed dwelling would be set back c. 100m from the riverbank and the proposed garage would be set back c. 93m from the riverbank. Both buildings would be c.6.5m-7m above the riverbank. In addition to this, the proposed polishing filter would be set back c.30m from the riverbank and would be 4m higher than the riverbank.
- 8.6.2 I note that the river Drumhallagh is within the Medium Probability for flooding, this is a 1% Annual Exceedance Probability, however the appeal site is within Flood Zone 'C', and all structures and wastewater treatment facilities are above the river level to an extent between c.4m to c.7m and would be suitably set back from the river. Having considered all 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.

9 AA Screening

- 9.1 In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site, there is a requirement on the Coimisiún, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision.

Screening summary

- 9.2 Table 1 of the NIS identifies 6 Natura 2000 designated sites within 10km of the application site. Having consulted the EPA mapping I am satisfied that all applicable Natura 2000 sites have been identified and assessed.
- 9.3 The proposed development is identified as being within the Zone of Influence of Lough Swilly SAC (Site Code: 002287), Lough Swilly SPA (Site Code: 004075), Horn Head to Fanad Head SPA (Site Code 004194), North Inishowen coast SAC (Site Code: 02010), Mulroy Bay

SAC (Site Code: 02159) and Ballyhoorisky Point to Fanad Head SAC (Site Code: 001975).

Table 1 below provides a summary of each of the sites:

| European Site | Distance | Qualifying Interests | Screened in / Out |
|--------------------------------------|------------------------|--|---|
| Lough Swilly SAC (Site Code: 002287) | 473m to the south-east | <p>Estuaries [1130]</p> <p>Coastal lagoons [1150]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritima) [1330]</p> <p>Molinia meadows on calcareous, peaty, or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Phocoena phocoena (Harbour Porpoise) [1351]</p> <p>Lutra lutra (Otter) [1355]</p> | <p>Screened in-</p> <p>within its catchment (upstream from Lough Swilly). This SAC is designated for a range of marine and coastal habitats, which are vulnerable to direct pressures/impacts from land use or indirectly via hydrological pathways.</p> |
| Lough Swilly SPA (Site Code: 004075) | 2.1km to the south | <p>Great Crested Grebe (Podiceps cristatus) [A005]</p> <p>Grey Heron (Ardea cinerea) [A028]</p> <p>Whooper Swan (Cygnus cygnus) [A038]</p> | <p>Screened In – its close location means that it is within the zone of influence.</p> |

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| | | <p>Greylag Goose (Anser anser) [A043]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Teal (Anas crecca) [A052]</p> <p>Mallard (Anas platyrhynchos) [A053]</p> <p>Scaup (Aythya marila) [A062]</p> <p>Goldeneye (Bucephala clangula) [A067]</p> <p>Red-breasted Merganser (Mergus serrator) [A069]</p> <p>Coot (Fulica atra) [A125]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Curlew (Numenius arquata) [A160]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Greenshank (Tringa nebularia) [A164]</p> | |
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| | | <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]</p> <p>Wigeon (<i>Mareca penelope</i>) [A855]</p> <p>Shoveler (<i>Spatula clypeata</i>) [A857]</p> <p>Sandwich Tern (<i>Thalasseus sandvicensis</i>) [A863]</p> <p>Wetland and Waterbirds [A999]</p> | |
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| <p>Horn Head to Fanad Head SPA (Site Code 004194)</p> | <p>5.2km north</p> | <p>Fulmar (Fulmarus glacialis) [A009] Cormorant (Phalacrocorax carbo) [A017] Shag (Phalacrocorax aristotelis) [A018] Barnacle Goose (Branta leucopsis) [A045] Peregrine (Falco peregrinus) [A103] Kittiwake (Rissa tridactyla) [A188] Guillemot (Uria aalge) [A199] Razorbill (Alca torda) [A200] Chough (Pyrrhocorax pyrrhocorax) [A346] Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]</p> | <p>Screened out – Due to distance and the location of development inland, this SPA is deemed outside the zone of influence.</p> |
| <p>North Inishowen coast SAC (Site Code: 02010)</p> | <p>6.8km East on the other side of Lough Swilly</p> | <p>Mudflats and sandflats not covered by seawater at low tide [1140] Perennial vegetation of stony banks [1220] Vegetated cliffs of the sea</p> | <p>Screened Out – The development does not directly affect any land within the SAC and there are no hydrological pathways. Distance</p> |

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| | | <p>Atlantic and Baltic coasts [1230]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Machairs (* in Ireland) [21A0]</p> <p>European dry heaths [4030]</p> <p>Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]</p> <p>Lutra lutra (Otter) [1355]</p> | <p>and location preclude any direct impacts from the proposed works and so is deemed outside the zone of influence</p> |
| Mulroy Bay SAC (Site Code: 02159) | 8km w-on the other side of the peninsula | <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Lutra lutra (Otter) [1355]</p> | <p>Screened out</p> <p>Potential water pollution impacts are deemed non-significant due to the separation between source and receptor and so is deemed outside the zone of influence</p> |
| Ballyhoorisky Point to Fanad Head SAC (Site Code: 001975) | 9.2km north | <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> | <p>Screened Out</p> <p>Potential water pollution impacts are deemed non-significant due to the separation between</p> |

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| | | <p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</p> <p>Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]</p> <p>Najas flexilis (Slender Naiad) [1833]</p> | <p>source and receptor and so is deemed outside the zone of influence.</p> |
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9.4 Site specific conservation objective has been prepared for Lough Swilly SAC (Site Code: 002287) which is summarised as to maintain the favourable conservation condition of Estuaries in Lough Swilly SAC, to restore the favourable conservation condition of Lagoons in Lough Swilly SAC, to restore the favourable conservation condition of Atlantic salt meadows in Lough Swilly SAC, to restore the favourable conservation condition of Otter in Lough Swilly SAC, to restore the favourable conservation condition of Old oak woodland with Ilex and Blechnum in Lough Swilly SAC,

9.5 A Site specific conservation objective have been developed for the Lough Swilly SPA (Site Code: 004075) which is summarised as follows, to maintain the favourable conservation condition of Estuaries in Lough Swilly SAC, to restore the favourable conservation condition of Lagoons in Lough Swilly SAC, to restore the favourable conservation condition of Atlantic salt meadows in Lough Swilly SAC, to restore the favourable conservation condition of Atlantic salt meadows in Lough Swilly SAC, to restore the favourable conservation condition of Otter in Lough Swilly SAC, to restore the favourable conservation condition of Old oak

woodland with Ilex and Blechnum in Lough Swilly SAC, to maintain the favourable conservation condition of Great Crested Grebe in Lough Swilly SPA, to maintain the favourable conservation condition of Grey Heron in Lough Swilly SPA, to maintain the favourable conservation condition of Whooper Swan in Lough Swilly SPA, to maintain the favourable conservation condition of Greylag Goose in Lough Swilly SPA, to maintain the favourable conservation condition of Shelduck in Lough Swilly SPA, to maintain the favourable conservation condition of Wigeon in Lough Swilly SPA, to maintain the favourable conservation condition of Teal in Lough Swilly SPA, to maintain the favourable conservation condition of Mallard in Lough Swilly SPA, to maintain the favourable conservation condition of Shoveler in Lough Swilly SPA, to maintain the favourable conservation condition of Scaup in Lough Swilly SPA, to maintain the favourable conservation condition of Goldeneye in Lough Swilly SPA, to maintain the favourable conservation condition of Red-breasted Merganser in Lough Swilly SPA, to maintain the favourable conservation condition of Coot in Lough Swilly SPA, to maintain the favourable conservation condition of Oystercatcher in Lough Swilly SPA, to maintain the favourable conservation condition of Knot in Lough Swilly SPA, to maintain the favourable conservation condition of Dunlin in Lough Swilly SPA, to maintain the favourable conservation condition of Curlew in Lough Swilly SPA, to maintain the favourable conservation condition of Redshank in Lough Swilly SPA, to maintain the favourable conservation condition of Greenshank in Lough Swilly SPA, to maintain the favourable conservation condition of Black-headed Gull in Lough Swilly SPA, to maintain the favourable conservation condition of Common Gull in Lough Swilly SPA, to maintain the favourable conservation condition of Sandwich Tern in Lough Swilly SPA, to maintain the favourable conservation condition of Common Tern in Lough Swilly SPA, to maintain the favourable conservation condition of Greenland White-fronted Goose in Lough Swilly SPA and to maintain the favourable conservation condition of the wetland habitat in Lough Swilly SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.

- 9.6 A Site specific conservation objective have been developed for the Horn Head to Fanad Head SPA (Site Code 004194) which is summarised as follows: To restore the Favourable conservation condition of Fulmar in Horn Head to Fanad Head SPA, to restore the Favourable conservation condition of Cormorant in Horn Head to Fanad Head SPA, to restore the Favourable conservation condition of Shag in Horn Head to Fanad Head SPA, to maintain the Favourable conservation condition of Barnacle Goose in Horn Head to Fanad Head SPA, to maintain the Favourable conservation condition of Peregrine in Horn Head to

Fanad Head SPA, to restore the Favourable conservation condition of Kittiwake in Horn Head to Fanad Head SPA, to maintain the Favourable conservation condition of Guillemot in Horn Head to Fanad Head SPA, to maintain the Favourable conservation condition of Razorbill in Horn Head to Fanad Head SPA, to restore the Favourable conservation condition of Chough in Horn Head to Fanad Head SPA and to restore the Favourable conservation condition of Greenland White-fronted Goose in Horn Head to Fanad Head SPA.

- 9.7 A Site specific conservation objective have been developed for the North Inishowen coast SAC (Site Code: 02010) which can be summarised as follows: to maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in North Inishowen Coast SAC, to maintain the favourable conservation condition of Perennial vegetation of stony banks in North Inishowen Coast SAC, to maintain the favourable conservation condition of Vegetated sea cliffs of the Atlantic and Baltic coasts in North Inishowen Coast SAC, to restore the favourable conservation condition of Fixed coastal dunes with herbaceous vegetation ('grey dunes') in North Inishowen Coast SAC, to restore the favourable conservation condition of Machairs in North Inishowen Coast SAC, to maintain the favourable conservation condition of European dry heaths in North Inishowen Coast SAC, to maintain the favourable conservation condition of Narrow-mouthed Whorl Snail in North Inishowen Coast SAC and to maintain the favourable conservation condition of Otter in North Inishowen Coast SAC.
- 9.8 A Site specific conservation objective have been developed for the Mulroy Bay SAC (Site Code: 02159) which can be summarised as: to maintain the favourable conservation condition of Large shallow inlets and bays in Mulroy Bay SAC, to maintain the favourable conservation condition of Reefs in Mulroy Bay SAC and to restore the favourable conservation condition of Otter in Mulroy Bay SAC.
- 9.9 A Site specific conservation objective have been developed for the Ballyhoorisky Point to Fanad Head SAC (Site Code: 001975) which can be summarised as: to restore the favourable conservation condition of Perennial vegetation of stony banks in Ballyhoorisky Point to Fanad Head SAC, to maintain the favourable conservation condition of Vegetated sea cliffs of the Atlantic and Baltic coasts in Ballyhoorisky Point to Fanad Head SAC, to maintain the favourable conservation condition of Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoëto-Nanojuncetea in the

Ballyhoorisky Point to Fanad Head SAC, to maintain the favourable conservation condition of Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. in Ballyhoorisky Point to Fanad Head SAC, to maintain the favourable conservation condition of Narrow-mouthed Whorl Snail in Ballyhoorisky Point to Fanad Head SAC and to maintain the favourable conservation condition of Slender Naiad in Ballyhoorisky Point to Fanad Head SAC.

- 9.8 I am satisfied that no other Natura sites are likely to be affected by the proposed development. I am satisfied that the listed habitats and species are those likely to be affected by the proposed development.
- 9.9 Section 4.5 of the NIS identifies the following areas in relation to potential impacts from the proposed development on the Natura 2000 sites identified:
- Deterioration of the water quality downstream in Lough Swilly SAC/SPA resulting from pollution from surface water run-off during site preparation and construction.
 - Indirect impact on birds due to close proximity of anthropogenic activities.

Mitigation measures

The NIS notes that Several aspects of the development associated with the construction works, as well as operation, could lead to the deterioration of nearby habitats or the water quality at this location. It is also noted that there is a potential for the disturbance to birds during site preparation and construction. Thus, mitigation measures must be in place to prevent any negative impacts on these habitats.

1. Major site construction activities (excavation) should only take place outside the breeding season (i.e. outside the period March–June).
2. Site excavation should be avoided during or immediately after high rainfall events to prevent sediment losses to drainage. Silt traps and bunds to be installed and monitored daily during high rainfall periods.
3. The working area should be confined to the site boundary as marked in the Site Layout as per Appendix 1b. This site boundary must be marked on the ground and be clear to all site workers. NO work methods and materials must impinge upon any nearby habitats outside the perimeter of this working area, especially on the northern boundary that adjoins the Drumhallagh stream. No works, refuelling or mixing and storage activities to be completed within 50 m of the stream.

4. All materials for construction works are to be stored within the working perimeter of the development. No removal of material or upgrade work is to be carried outside the site layout.
5. New fuel storage tanks should be properly bunded with a bund capacity of at least 110% of that of the fuel tank. Refuelling machinery should be carried out in bunded areas and with a specific oil spillage kit onsite.
6. The oil filter (as per Appendix 1b) must be implemented and maintained as per guidelines.
7. The proposed new WWTS must be installed and operated in strict accordance with the manufacturer's instruction with a long-term maintenance agreement in place. The wastewater treatment plant must conform to the most recent EPA guidelines.
8. No other land use change must occur within the development site. No herbicides to be used on-site and no exotic species to be planted within the development site.
9. No artificial lighting should point outwards from the site towards the coast.
10. Gun training must be limited to the period April–August
11. Gun training must be limited to the use of starter pistol at the specified schedule herein (10 shots, 3 times a month) with the lowest noise-making blanks, and with the use of the silent remote launcher.
12. A contained isolation building is recommended to prevent the spread of disease to wildlife.
13. The cleaning process must follow the detailed procedures described herein.

9.10 I note that a number of mitigation measures 10 and 11 outlined above are specific to a previous application on the land (Reg. Ref. 22/51949 / ABP-318931-24) which included a commercial gun dog training and breeding facility, the development currently being considered does not include such.

9.11 The previously submitted Appropriate Assessment documentation related to a proposal comprising of a dwelling and commercial gun dog breeding and training facility. The current application is materially altered and now comprises of a dwelling, garage, and agricultural shed. The removal of the dog breeding and training facility reduces the scale and intensity of the development, especially with respect to noise generation, human and animal activity, and associated disturbance.

9.12 Mitigation measures included in the previous assessment that specifically addressed gun dog training facilities are not applicable to the current proposal and have not been relied

upon in the assessment of the Natura Impact Statement. This assessment has focused on the actual potential impact pathways arising from the revised development, namely wastewater treatment and disposal, surface water management, and the impacts of the temporary construction phase disturbance.

- 9.13 The baseline ecological environment, identification of European sites and understanding of potential source-pathway-receptor linkages as established in the previous assessment remain valid. The revised development represents a lower intensity land use with a corresponding reduction on potential effects.
- 9.14 Notwithstanding the above, it is noted that the proposed development includes a storm overflow from a rainwater harvesting unit into the stream to the north of the site (an oil interceptor is proposed within the storm pipe run). While I note that the operational phase of the pipe may be acceptable, the NIS does not consider the impacts of the construction phase of this project and does not provide any mitigation measures.
- 9.15 Having considered all of the foregoing, I am satisfied that this matter could be dealt with by way of condition which removes this stormwater overflow pipe from the proposed development and that the applicant agree alternative stormwater overflow measures with the Planning Authority prior to the commencement of development.
- 9.16 On the basis of best scientific knowledge and in view of the conservation objectives of the relevant European sites, it can be concluded beyond reasonable scientific doubt that the proposed development, either alone or in combination with other plans and projects will not adversely affect the integrity of European sites.

Cumulative Impacts

- 9.17 I make the Coimisiún aware that I have reviewed the submitted NIS, the Department of Housing, Local Government and heritage's National Planning Application database and EIA Portal and the Donegal County Council's planning register, I note that while there are a number of applications in the area, the Planning Authority has screened the applications out or in one case (Reg. Ref. 2351318) an NIS was produced and mitigation measures were provided. I have considered all of the foregoing, and I am satisfied that there are no other plans of projects for potential in-combination effects in the Clondallon or surrounding areas.
- 9.18 Having considered all of the foregoing, I am satisfied that the subject application will have no cumulative impacts on the protected sites Lough Swilly SAC (Site Code: 002287) or

Lough Swilly SPA (Site Code: 004075) or any Natura 2000 site when considered in combination with properly assessed developments.

Appropriate Assessment Conclusion

9.19 The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 (as amended).

9.20 Following an Appropriate Assessment, it has been determined that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site No. 002287 or 004075 or any other European site, in view of the sites' Conservation Objectives.

9.20 This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects. Regard has been had in particular to the detailed mitigation measures outlined in the NIS submitted with the application.

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 DRUMHALLAGH_010 IE_NW_39D010500 abuts the appeal site to the north. This waterbody classification is at risk. This is illustrated on the EPA mapping (<https://gis.epa.ie/EPAMaps/>).
- 10.4 The site plan submitted with the application shows a stormwater overflow pipe from a rainwater harvesting system which outfalls into the river. However, a condition will recommend that this pipe be omitted from the scheme.
- 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 'Groundwater here has natural characteristics that make it extremely vulnerable to contamination by human activities. The appeal site is also classified as 'Poor Aquifer which is described as 'Bedrock which is Generally Unproductive except for Local Zones'.' It is noted that the proposed development includes a tertiary treatment system and percolation area 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.

10.7 The reason for this conclusion is as follows:

- The scale of the proposed development, 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 policy framework provided by the *Donegal County Development Plan 2024-2030* and to the guidance set out within the EPA's Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (2021); it is considered that the proposed development which is appropriately proportioned and responds to its rural setting is an acceptable form of development at this location. Having further regard to the separation distances provided, the proposed boundary and landscape treatments, it is considered that the proposed development would not seriously injure the amenities of the neighbouring properties or the character of the area. The proposed development would be acceptable in terms of traffic safety having regard to the low-speed traffic environment where the site is located. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further information submitted on 14/8/25 and 14/11/25 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 carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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 including the omission of the stormwater overflow pipe discharging into the stream to the north of the site are agreed to in writing with the planning authority.
 - b) Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.
 - c) Requirements of Donegal County Council's Area Roads Engineer, Local Water Services and Environmental Health Officer.

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 proposed development.

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.

3. The dwelling hereby permitted shall not be occupied until the applicant's existing dwelling has been legally disposed of and documentary evidence of such disposal has been submitted to, and agreed in writing by, the Planning Authority.

Reason: In order to ensure that the development provides for a genuine rural housing need and to prevent dual rural home ownership, in accordance with Objective RH-O-1 and Policy RH-P-3 of the County Donegal Development Plan 2024-2030, and in the interests of the proper planning and sustainable development of the area.

4. The overall site shall be used for domestic-related purposes only, and not for any commercial, workshop, or other non-domestic use.

Reason: In the interests of clarity and to regulate the use of the development in the interest of the proper planning and sustainable development of the area.

5. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicants, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicants shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation. This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

c) The permitted dwelling shall not be used for the purposes of a holiday home or as short-term rental accommodation. Such holiday home or short-term rental use to be commenced only if authorised by a separate grant of planning permission.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted [to meeting essential local need] in the interest of the proper planning and sustainable development of the area.

6. The agricultural shed herein permitted shall be used solely for agricultural purposes only ancillary to the adjoining land holding as outlined in the site location plan received by the planning authority on 14/08/2025 and shall not be used for any other purpose be that business, residential, gundog keeping/training or other without a separate grant of planning permission.

Reason: In the interests of defining the permission and to cater for orderly development

7. a) The proposed wastewater drainage system shall be in accordance with the standards and separation distances set out in the document entitled "Code of Practice – Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 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.

8. The developer shall ensure that a clean, potable water supply is provided prior to first occupation which complies with the E.U. (Drinking Water) Regulations, S.I. No. 99/2023.

Reason: In the interests of public health, residential amenity, and proper planning.

9. a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to surrounding properties.

Reason: In the interest of traffic safety and to prevent pollution

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting

shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

11. Site development and building works shall be carried out only between the hours of 0800 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 residential amenities of property in the vicinity.

12. All mitigation measures contained in the Natura Impact Statement received on 11/10/2025 shall be implemented in full.

Reason: To define the terms of the permission, to preserve the amenities of the area and to preserve the integrity of the [Lough Swilly SAC (002287) and Lough Swilly SPA (004075] and associated catchments.

13. 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) All mitigation measures contained in the Natura Impact Statement
- (ii) 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.

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.

14. 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

11 May 2026

Appendix 1: Form 1 EIA Pre-Screening

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| Case Reference | PL-500732-DL-26 |
| Proposed Development Summary | Construction of a dwelling, domestic garage, and an agricultural shed with all associated siteworks. |
| Development Address | Clondallon, Rathmullan, Letterkenny 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. | State the Class here |

| | |
|--|---|
| <p>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</p> | |
| <p><input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p> | |
| <p>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?</p> | |
| <p><input 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.</p> | |
| <p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required</p> | |
| <p><input checked="" 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)</p> | <p>Class 10(b) of Part 2, Schedule 5 (i) Construction of more than 500 dwelling units</p> |
| <p>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)?</p> | |
| <p>Yes <input type="checkbox"/></p> | <p>Screening Determination required (Complete Form 3)</p> |

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

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

| | |
|---|---|
| Case Reference | PL-500732-DL-26 |
| Proposed Development Summary | Construction of a dwelling, domestic garage, and an agricultural shed with all associated siteworks. |
| Development Address | Clondallon, Rathmullan, Letterkenny Po, Co Donegal |
| This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith. | |
| <p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p> | <p>The proposal comes forward as a stand-alone project. The development does not require any demolition works. The development does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p> |
| <p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g.</p> | <p>The development is situated in a predominantly rural area and is not adjacent an ACA. The subject land is not within or in proximity to any protected views within this landscape.</p> |

| | |
|--|---|
| <p>wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural, or archaeological significance).</p> | |
| <p>Types and characteristics of potential impacts</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>Having regard to the nature of the proposed development, consisting of a dwelling, garage, agricultural shed, wastewater treatment facility, entrance, landscaping and associated, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p> |
| <p>Conclusion</p> | |
| <p>Likelihood of Significant Effects</p> | <p>Conclusion in respect of EIA</p> |
| <p>There is no real likelihood of significant effects on the environment.</p> | <p>EIA is not required.</p> |

| | |
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| <p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> | |
| <p>There is a real likelihood of significant effects on the environment.</p> | |

Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required)

Appendix 3: Standard AA Screening Determination Template 2

| Screening for Appropriate Assessment Test for likely significant effects | |
|--|---|
| Case Reference Number: PL-500732-DL-26 | |
| Step 1: Description of the project and local site characteristics The proposal comprises of the construction of a dwelling, domestic garage and an agricultural shed with all associated siteworks, within a rural area to the north of Rathmullan in Co. Donegal. | |
| Brief description of project | The proposed development comprises a dwelling, domestic garage and an agricultural shed with all associated siteworks, within a rural area to the north of Rathmullan in Co. Donegal. |
| Brief description of development site characteristics and potential impact mechanisms | The site is an undeveloped rural field currently in use for sheep grazing. The site is bounded by the Drumhallagh River to the north; this river runs into the Lough Swilly SAC and Lough Swilly SPA. |
| Screening report | Yes. The report concludes no likely significant impact on any European Site |
| Natura Impact Statement | Yes |
| Relevant submissions | No third-party submissions raised specific concerns in terms of impacts on the European Sites. |
| [| |
| Step 2. Identification of relevant European sites using the Source-pathway-receptor model | |

| European Site (code) | Qualifying interests ¹ Link to conservation objectives (NPWS, date) | Distance from proposed development (km) | Ecological connections ² | Consider further in screening ³ Y/N |
|--------------------------------------|---|---|--|---|
| Lough Swilly SAC (Site Code: 002287) | <p>Estuaries [1130]</p> <p>Coastal lagoons [1150]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritima) [1330]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Phocoena phocoena (Harbour Porpoise) [1351]</p> <p>Lutra lutra (Otter) [1355]</p> | 473m to the south-east | Potentially via surface water runoff and indirect hydrological pathway via wastewater treatment. | Yes |
| Lough Swilly SPA (Site Code: 004075) | <p>Great Crested Grebe (Podiceps cristatus) [A005]</p> <p>Grey Heron (Ardea cinerea) [A028]</p> | 2.1km to the south | Potentially via surface water runoff and indirect hydrological pathway via wastewater treatment. | Yes |

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| Whooper Swan (Cygnus cygnus) [A038] | | | |
| Greylag Goose (Anser anser) [A043] | | | |
| Shelduck (Tadorna tadorna) [A048] | | | |
| Teal (Anas crecca) [A052] | | | |
| Mallard (Anas platyrhynchos) [A053] | | | |
| Scaup (Aythya marila) [A062] | | | |
| Goldeneye (Bucephala clangula) [A067] | | | |
| Red-breasted Merganser (Mergus serrator) [A069] | | | |
| Coot (Fulica atra) [A125] | | | |
| Oystercatcher (Haematopus ostralegus) [A130] | | | |
| Knot (Calidris canutus) [A143] | | | |
| Dunlin (Calidris alpina) [A149] | | | |
| Curlew (Numenius arquata) [A160] | | | |
| Redshank (Tringa totanus) [A162] | | | |

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| | <p>Greenshank (<i>Tringa nebularia</i>) [A164]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]</p> <p>Wigeon (<i>Mareca penelope</i>) [A855]</p> <p>Shoveler (<i>Spatula clypeata</i>) [A857]</p> <p>Sandwich Tern (<i>Thalasseus sandvicensis</i>) [A863]</p> <p>Wetland and Waterbirds [A999]</p> | | | |
| Horn Head to Fanad Head SPA (Site Code 004194) | <p>Fulmar (<i>Fulmarus glacialis</i>) [A009]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Shag (<i>Phalacrocorax aristotelis</i>) [A018]</p> | 5.2km north | The development does not directly affect any land within the SAC and there are no hydrological pathways. Distance and | No |

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| | <p>Barnacle Goose (Branta leucopsis) [A045]</p> <p>Peregrine (Falco peregrinus) [A103]</p> <p>Kittiwake (Rissa tridactyla) [A188]</p> <p>Guillemot (Uria aalge) [A199]</p> <p>Razorbill (Alca torda) [A200]</p> <p>Chough (Pyrrhocorax pyrrhocorax) [A346]</p> <p>Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]</p> | | <p>location preclude any direct impacts from the proposed works and so is deemed outside the zone of influence</p> | |
| <p>North Inishowen coast SAC (Site Code: 02010)</p> | <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> | <p>6.8km east on the other side of Lough Swilly</p> | <p>The development does not directly affect any land within the SAC and there are no hydrological pathways. Distance and location preclude any direct impacts from the proposed works and so is deemed outside the zone of influence</p> | <p>No</p> |

| | | | | |
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| | <p>Machairs (* in Ireland) [21A0]</p> <p>European dry heaths [4030]</p> <p>Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]</p> <p>Lutra lutra (Otter) [1355]</p> | | | |
| <p>Mulroy Bay SAC (Site Code: 02159)</p> | <p>8km w-on the other side of the peninsula</p> | <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Lutra lutra (Otter) [1355]</p> | <p>Potential water pollution impacts are deemed non-significant due to the separation between source and receptor and so are deemed outside the zone of influence</p> | <p>No</p> |
| <p>Ballyhoorisky Point to Fanad Head SAC (Site Code: 001975)</p> | <p>9.2km north</p> | <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Oligotrophic to mesotrophic</p> | <p>Potential water pollution impacts are deemed non-significant due to the separation between source and receptor and so is deemed outside the zone of influence.</p> | <p>No</p> |

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| | | <p>standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</p> <p>Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]</p> <p>Najas flexilis (Slender Naiad) [1833]</p> | | |
|--|--|---|--|--|

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

The proposed development is not located within a designated European Site but is in close proximity to the Lough Swilly SAC (Site Code: 002287) and the Lough Swilly SPA (Site Code: 004075).

The applicants NIS contained within the application material concludes that there is no potential for impacts on the QI habitats of the Horn Head to Fanad Head SPA (Site Code 004194), North Inishowen coast SAC (Site Code: 02010), Mulroy Bay SAC (Site Code: 02159 or Ballyhoorisky Point to Fanad Head SAC (Site Code: 001975.) as there is no pathway for connectivity. I concur with the conclusions reached in this regard.

The NIS contained in the applicant's submitted report indicates that potential direct/indirect impacts generated by the construction and operational phases of the proposed development including contamination/pollution of surface and/or ground waters.

Sources of impact and likely significant effects are detailed in the table below:

| Site name Qualifying interests | Possibility of significant effects (alone) in view of the conservation objectives of the site* | |
|---|---|--|
| | Impacts | Effects |
| Lough Swilly SAC (Site Code: 002287) Estuaries [1130] Coastal lagoons [1150] Atlantic salt meadows (Glauco- Puccinellietalia maritimae) [1330] Molinia meadows on calcareous, peaty or clayey-silt- laden soils (Molinion caeruleae) [6410] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Phocoena phocoena (Harbour Porpoise) [1351] | <p>Direct: None</p> <p>Indirect</p> <ul style="list-style-type: none"> • Deterioration of the water quality downstream in Lough Swilly SAC/SPA resulting from pollution from surface water run-off during site preparation and construction. • Indirect impact on birds due to close proximity of anthropogenic activities. | <p>Potential negative impacts from silt/contaminated surface water run-off to the Drumhallagh Stream which may affect the qualifying interests of the SAC at construction and operational stages.</p> <p>Indirect hydrological pathway exists to the SAC via wastewater treatment which is discharged to ground.</p> |

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| Lutra lutra (Otter) [1355] | | |
| | Likelihood of significant effects from proposed development (alone): N | |
| | If No, is there likelihood of significant effects occurring in combination with other plans or projects? There is no likelihood | |
| | Impacts | Effects |
| Lough Swilly SPA (Site Code: 004075) Great Crested Grebe (Podiceps cristatus) [A005] Grey Heron (Ardea cinerea) [A028] Whooper Swan (Cygnus cygnus) [A038] Greylag Goose (Anser anser) [A043] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Mallard (Anas platyrhynchos) [A053] Scaup (Aythya marila) [A062] | <ul style="list-style-type: none"> Deterioration of the water quality downstream in Lough Swilly SAC/SPA resulting from pollution from surface water run-off during site preparation and construction. Indirect impact on birds due to close proximity of anthropogenic activities. | <p>Potential negative impacts from silt/contaminated surface water run-off to the Drumhallagh Stream which may affect the qualifying interests of the SAC at construction and operational stages.</p> <p>Indirect hydrological pathway exists to the SAC via wastewater treatment which is discharged to ground.</p> |

| | | |
|---|--|--|
| <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Coot (<i>Fulica atra</i>) [A125]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Greenshank (<i>Tringa nebularia</i>) [A164]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> | | |
|---|--|--|

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| <p>Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]</p> <p>Wigeon (Mareca penelope) [A855]</p> <p>Shoveler (Spatula clypeata) [A857]</p> <p>Sandwich Tern (Thalasseus sandvicensis) [A863]</p> <p>Wetland and Waterbirds [A999]</p> | | |
| | <p>Likelihood of significant effects from proposed development (alone): N</p> | |
| | <p>If No, is there likelihood of significant effects occurring in combination with other plans or projects? N</p> | |
| | | |
| <p>Step 4: Conclude if the proposed development could result in likely significant effects on a European site</p> <p>Based on the information provided with the application and appeal, having conducted a site visit, having reviewed of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in significant effects on the Lough Swilly SAC (Site Code: 002287) and the Lough Swilly SPA (Site Code: 004075).</p> | | |
| <p>Screening Determination</p> | | |

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that it is not possible to exclude that the proposed development alone, or in combination with other plans and projects, will give rise to significant effects on the Lough Swilly SAC (Site Code: 002287) and the Lough Swilly SPA (Site Code: 004075).

in view of the site's conservation objectives. It is therefore determined that Appropriate Assessment is required.

This determination is based on:

- The nature and scale of the proposed works.
- The location of the appeal site is in proximity to the Lough Swilly SAC (Site Code: 002287) and the Lough Swilly SPA (Site Code: 004075) and potential connectivity between the site and these European Sites.
- The nature and extent of the proposed mitigation measures, which may not be implemented in the absence of connectivity to a European Site.

Appendix 4: Appropriate Assessment (AA) and Appropriate Assessment Determination

Appropriate Assessment (ABP-320257-24)

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development comprising of a residential dwelling, garage and agricultural shed and all associated site works in view of the relevant conservation objectives of the Lough Swilly SAC (Site Code: 002287) and the Lough Swilly SPA (Site Code: 004075) based on scientific information provided by the applicant.

The information relied upon includes the following:

- Natura Impact Statement prepared by Earthy Matters Environmental Consultants and,
- The other plans and particulars submitted with the application and appeal.

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. And that all aspects of the project which could result in significant effects have been considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity can be reasonably assessed for effectiveness.

European Site

Lough Swilly SAC (Site Code: 002287)

Summary of Key issues that could give rise to adverse effects:

- Deterioration of the water quality downstream in Lough Swilly SAC/SPA resulting from pollution from surface water run-off during site preparation and construction.
- Indirect impact on birds due to close proximity of anthropogenic activities.

See Page 12 in NIS

| Qualifying Interest features likely to be affected | Conservation Objectives Targets and attributes | Potential adverse effects | Mitigation measures (summary) |
|--|--|--|---|
| Estuaries [1130] | to maintain the favourable conservation condition of Estuaries in Lough Swilly SAC | <ul style="list-style-type: none"> • Deterioration of the water quality downstream in Lough Swilly SAC/SPA resulting from | <ul style="list-style-type: none"> • Major site construction activities (excavation) should only take place outside the breeding |
| Coastal lagoons [1150] | To restore the favourable conservation condition of Lagoons in Lough Swilly SAC | | |

| | | | |
|--|---|---|--|
| Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330] | to restore the favourable conservation condition of Atlantic salt meadows in Lough Swilly SAC | <p>pollution from surface water run-off during site preparation and construction.</p> <ul style="list-style-type: none"> • Indirect impact on birds due to close proximity of anthropogenic activities | <p>season (i.e. outside the period March–June).</p> <ul style="list-style-type: none"> • Site excavation should be avoided during or immediately after high rainfall events to prevent sediment losses to drainage. Silt traps and bunds to be installed and monitored daily during high rainfall periods. • The working area should be confined to the site boundary as marked in the Site Layout as per Appendix 1b. This site boundary must be marked on the ground and be clear to all site workers. NO work methods and materials must impinge upon any nearby habitats outside the perimeter of this working area, especially on the northern boundary that adjoins the Drumhallagh stream. No works, refuelling |
| Molinia meadows on calcareous, peaty, or clayey-silt-laden soils (Molinion caeruleae) [6410] | | | |
| Otter Lutra lutra 1355 | To restore the favourable conservation condition of Otter in Lough Swilly SAC | | |
| Old sessile oak woods with Ilex and Blechnum in the British Isles 91A0 | To restore the favourable conservation condition of Old oak woodland with Ilex and Blechnum in Lough Swilly SAC | | |

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| | | | <p>or mixing and storage activities to be completed within 50 m of the stream.</p> <ul style="list-style-type: none"> • All materials for construction works are to be stored within the working perimeter of the development. No removal of material or upgrade work is to be carried outside the site layout. • New fuel storage tanks should be properly banded with a bund capacity of at least 110% of that of the fuel tank. Refuelling machinery should be carried out in banded areas and with a specific oil spillage kit onsite. • The oil filter (as per Appendix 1b) must be implemented and maintained as per guidelines. • The proposed new WWTS must be installed and operated in strict accordance with the manufacturer's |
|--|--|--|--|

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| | | | <p>instruction with a long-term maintenance agreement in place. The wastewater treatment plant must conform to the most recent EPA guidelines.</p> <ul style="list-style-type: none"> • No other land use change must occur within the development site. No herbicides to be used on-site and no exotic species to be planted within the development site. • No artificial lighting should point outwards from the site towards the coast. • A contained isolation building is recommended to prevent the spread of disease to wildlife. • The cleaning process must follow the detailed procedures described herein. |
| | | | |

| Lough Swilly SPA | | | |
|---|---|--|--|
| Summary of Key issues that could give rise to adverse effects: | | | |
| (i) Habitat degradation (ii) Water quality degradation (construction and operation) (iii) Downstream Impacts | | | |
| Qualifying Interest features likely to be affected | Conservation Objectives Targets and attributes | | Mitigation measures (summary) |
| Great Crested Grebe Podiceps cristatus A005 | To maintain the favourable conservation condition of Great Crested Grebe in Lough Swilly SPA, | <ul style="list-style-type: none"> Deterioration of the water quality downstream in Lough Swilly SAC/SPA resulting from pollution from surface water run-off during site preparation and construction. Indirect impact on birds due to close proximity of anthropogenic activities | As outlined above for The Lough Swilly SAC |
| Grey Heron Ardea cinerea A028 | To maintain the favourable conservation condition of Grey Heron in Lough Swilly SPA | | |
| Whooper Swan Cygnus cygnus A038 | To maintain the favourable conservation condition of Whooper Swan in Lough Swilly SPA | | |
| Greylag Goose Anser anser A043 | To maintain the favourable conservation condition of Greylag Goose in Lough Swilly SPA. | | |
| Shelduck Tadorna tadorna A048 | To maintain the favourable conservation condition of Shelduck in Lough Swilly SPA | | |
| Wigeon Anas Penelope A050 | To maintain the favourable conservation condition of Wigeon in Lough Swilly SPA, | | |
| Teal Anas crecca A052 | To maintain the favourable conservation condition of Teal in Lough Swilly SPA | | |
| Mallard Anas platyrhynchos A053 | To maintain the favourable conservation | | |

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| | condition of Mallard in Lough Swilly SPA | | |
| Shoveler <i>Anas clypeata</i> | To maintain the favourable conservation condition of Shoveler in Lough Swilly SPA | | |
| Scaup <i>Aythya marila</i> A062 | To maintain the favourable conservation condition of Scaup in Lough Swilly SPA, | | |
| Goldeneye <i>Bucephala clangula</i> A067 | To maintain the favourable conservation condition of Goldeneye in Lough Swilly SPA | | |
| Red-breasted Merganser <i>Mergus serrator</i> A069 | To maintain the favourable conservation condition of Red-breasted Merganser in Lough Swilly SPA | | |
| Coot <i>Fulica atra</i> A125 | To maintain the favourable conservation condition of Coot in Lough Swilly SPA | | |
| Oystercatcher <i>Haematopus ostralegus</i> A130 | To maintain the favourable conservation condition of Oystercatcher in Lough Swilly SPA | | |
| Knot <i>Calidris canutus</i> A143 | To maintain the favourable conservation condition of Knot in Lough Swilly SPA | | |
| Dunlin <i>Calidris alpina</i> A149 | To maintain the favourable conservation condition of Dunlin in Lough Swilly SPA | | |
| Curlew <i>Numenius Arquata</i> A160 | To maintain the favourable conservation condition of Curlew in Lough Swilly SPA | | |
| Redshank <i>Tringa totanus</i> A162 | To maintain the favourable conservation condition of Redshank in Lough Swilly SPA | | |
| Greenshank <i>Tringa nebularia</i> A164 | To maintain the favourable conservation condition of Greenshank in Lough Swilly SPA | | |
| Black-headed Gull <i>Chroicocephalu</i> | To maintain the favourable conservation condition of Black- | | |

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| s ridibundus A179 | headed Gull in Lough Swilly SPA | | |
| Common Gull Larus canus A182 | To maintain the favourable conservation condition of Common Gull in Lough Swilly SPA | | |
| Sandwich Tern Sterna sandvicensis A191 | To maintain the favourable conservation condition of Sandwich Tern in Lough Swilly SPA | | |
| Common Tern Sterna hirundo A193 | To maintain the favourable conservation condition of Common Tern in Lough Swilly SPA | | |
| Greenland White-fronted goose Anser albifrons flavirostris A395 | To maintain the favourable conservation condition of Greenland White-fronted Goose in Lough Swilly SPA | | |
| Wetlands & Waterbirds A999 | To maintain the favourable conservation condition of the wetland habitat in Lough Swilly SPA as a resource for the regularly-occurring migratory waterbirds that utilise it. | | |

The above table is based on the documentation and information provided on the appeal file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

The mitigation measures are considered to be generally applicable in the protection of the above-named European Sites so as to ensure the conservation status of these habitats will remain unchanged.

I further note that the subject site, due to its setting, would be unlikely to result in significant impacts such as direct disturbance or damage to the habitat of the listed bird species but that measures in terms of construction works, noise/dust and emissions have been outlined as part of the mitigation measures in the NIS.

Assessment of issues that could give rise to adverse effects view of conservation objectives of the abovenamed SAC and SPA.

(i) Habitat degradation

The proposed development is connected by way of a watercourse to the Lough Swilly SAC (Site Code: 002287) and the Lough Swilly SPA (Site Code: 004075)

Without the presence of mitigation measures, there is potential effects on the attributes of species in the SAC and the conservation objectives to 'maintain and restore the favourable

conservation condition' of the bird species and wetland habitat of the SPA if quantities of pollution or silt entered the watercourse connecting these European Sites.

(ii) Water quality degradation

Water quality degradation could affect the habitats or species of the SAC and SPA. A hydrological pathway exists between the development site and the Lough Swilly SAC (Site Code: 002287) and the Lough Swilly SPA (Site Code: 004075).

There is potential, in the absence of any mitigation, for surface waters run off containing pollutants such as hydrocarbons and silt to enter the adjacent Drumhallagh River and the abovenamed European Sites during the construction and operational phases. This could arise from poor and/or inadequate management of site run-off could result in sediment and/or pollutants reaching the Qualifying Interest habitats within the

(iii) Downstream Impacts

The proposed development is connected by way of a watercourse to the Drumhallagh River which outflows to Lough Swilly SAC (Site Code: 002287) and the Lough Swilly SPA (Site Code: 004075). Without the presence of mitigation measures, there is potential effects if quantities of pollution or silt entered the watercourse connecting these European Sites.

Mitigation measures and conditions

I note that the focus of proposed mitigation measures during construction phase are guided at preventing ingress of pollutants and silt into surface water on-site and the receiving watercourse. The measures will be achieved via design, application of specific mitigation measures and monitoring effectiveness of said measures. Mitigation measures include the following:

1. Major site construction activities (excavation) should only take place outside the breeding season (i.e. outside the period March–June).
2. Site excavation should be avoided during or immediately after high rainfall events to prevent sediment losses to drainage. Silt traps and bunds to be installed and monitored daily during high rainfall periods.
3. The working area should be confined to the site boundary as marked in the Site Layout as per Appendix 1b. This site boundary must be marked on the ground and be clear to all site workers. NO work methods and materials must impinge upon any nearby habitats outside the perimeter of this working area, especially on the northern boundary that adjoins the Drumhallagh stream. No works, refuelling or mixing and storage activities to be completed within 50 m of the stream.
4. All materials for construction works are to be stored within the working perimeter of the development. No removal of material or upgrade work is to be carried outside the site layout.

At the operation phase, it is indicated that the following mitigation measures are applicable.

5. New fuel storage tanks should be properly bunded with a bund capacity of at least 110% of that of the fuel tank. Refuelling machinery should be carried out in bunded areas and with a specific oil spillage kit onsite.

6. The oil filter (as per Appendix 1b) must be implemented and maintained as per guidelines.
7. The proposed new WWTS must be installed and operated in strict accordance with the manufacturer's instruction with a long-term maintenance agreement in place. The wastewater treatment plant must conform to the most recent EPA guidelines.
8. No other land use change must occur within the development site. No herbicides to be used on-site and no exotic species to be planted within the development site.
9. No artificial lighting should point outwards from the site towards the coast.
10. A contained isolation building is recommended to prevent the spread of disease to wildlife.
11. The cleaning process must follow the detailed procedures described herein.

It is my view that the above are best practice standard construction management and surface water management measures which have not been designed or intended to avoid or reduce any harmful effects of the project on a European Site. The measures are otherwise incorporated into the applicant's Construction Environmental Management Plan (CEMP), the Ecological Impact Assessment (EclA) and other elements of the documentation/drawings submitted with the file, and I do not consider that they include any specific measures that would be uncommon for a project of this nature.

I am also satisfied that preventative measures are aimed at interrupting the source-pathway-receptor are targeted at key threats to qualifying interests of the Lough Swilly SAC (Site Code: 002287) and the Lough Swilly SPA (Site Code: 004075). Moreover, by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.

In-combination effects

In terms of combination/cumulative effects of the proposed development with other known plans or developments in the vicinity of the site, I conducted a search on the Donegal County Council planning website for other developments in the vicinity of the proposed development. It is my view that it is unlikely that there will be cumulative impacts or an in-combination effect on the Lough Swilly SAC (Site Code: 002287) and the Lough Swilly SPA (Site Code: 004075) as a result of the developments.

I am satisfied that in-combination effects has been assessed adequately in the NIS.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures, the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of the above-mentioned European sites.

Based on the information provided with the appeal file, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water as well as entry of pollutants, such as hydrocarbons, to the nearby watercourse. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Lough Swilly SAC (Site Code: 002287) and the Lough Swilly SPA (Site Code: 004075). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Lough Swilly SAC (Site Code: 002287) and the Lough Swilly SPA (Site Code: 004075) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required.

Following an examination, analysis and evaluation of the NIS, all associated material submitted and taking into account any observations/submissions received, I consider that adverse effects on site integrity of the Lough Swilly SAC (Site Code: 002287) and the Lough Swilly SPA (Site Code: 004075) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for the Lough Swilly SAC (Site Code: 002287) and the Lough Swilly SPA (Site Code: 004075) or prevent or delay the restoration of favourable conservation condition of species.
- Effectiveness of mitigation measures proposed.
- Application of planning condition in respect of the implementation of all mitigation measures set out in the NIS in the event of a grant of permission.

Appendix 5: Water Framework Directive Screening and Assessment

| WFD IMPACT ASSESSMENT STAGE 1: SCREENING | | | | | | |
|--|-----------------|--|--|---|---|---|
| Step 1: Nature of the Project, the Site and Locality | | | | | | |
| An Bord Pleanála ref. no. | PL-500732-DL-26 | Townland, address | Site at Clondallon, Rathmullan, Letterkenny, Co. Donegal | | | |
| Description of project | | Construction of a dwelling, domestic garage, and an agricultural shed with all associated siteworks. | | | | |
| Brief site description, relevant to WFD Screening | | | | | | |
| Proposed surface water details | | | | | | |
| Proposed water supply source & available capacity | | Public water supply | | | | |
| Proposed wastewater treatment system & available capacity, other issues | | Tertiary treatment system and percolation area which is to be located to the north of the proposed dwelling. | | | | |
| Others? | | The site is not within a Flood Zone. | | | | |
| 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 runoff, drainage, groundwater) |
| | | | | | | |

| River Waterbody | Abuts site to the north | Drumhallagh River | At Risk | At Risk | No pressures | Surface water run-off. | |
|---|-------------------------|-------------------------------|----------------------------|--|---|---|--|
| Groundwater Waterbody | Underlying site | IEGBNI_NW_G_059 | Good | Not at risk | No pressures | 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 | DRUMHALL AGH_010 | Nil. | Run-off during site works, hydrocarbon spillages This could result in a deterioration of surface water quality. | Mitigation proposed in NIS submitted with application. Standard Construction Measures / Conditions Implement CEMP | No. Having regard to the scale of the development and the requirement for appropriate construction management measures, I am satisfied that there would be no significant | Screened out. |

| | | | | | | | |
|------------------------------|---------|------------------|--|---|---|--|---------------|
| | | | | | | risk to groundwater | |
| 2. | Ground | IEGBNI_NW_G_059 | Pathway exists via drainage to soil/bedrock | Spillages/Run Off which could reduce groundwater quality. | As above. | No | Screened out. |
| OPERATIONAL PHASE | | | | | | | |
| 3. | Surface | DRUMHALL AGH_010 | Nil. | Hydrocarbon spillages Failure of drainage | Mitigation as proposed in the NIS submitted. Standard Construction Measures / Conditions | No. I am satisfied that surface water, in principle, could be adequately managed on site and that there will be no significant pollution risks to groundwater. | Screened out. |
| 4. | Ground | IEGBNI_NW_G_059 | Pathway exists via drainage to soil/bedrock. | As above. | Mitigation measures to ensure that the Wastewater Treatment facility maintained to appropriate EPA standards. | No | Screened out. |
| DECOMMISSIONING PHASE | | | | | | | |

| | | | | | | | |
|----|-----|-----|-----|-----|-----|-----|-----|
| 5. | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
|----|-----|-----|-----|-----|-----|-----|-----|