



An
Coimisiún
Pleanála

Inspector's Report PL-501012-DL-26

Development	Construction of a house with all associated site works
Location	Gortnabrade Td., Carrigart, Letterkenny, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	25/61039
Applicant(s)	David Connolly
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant(s)	Alan Wasson
Observer(s)	None
Date of Site Inspection	13 th July 2026
Inspector	Philip Maguire

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1.0 Introduction

- 1.1. This case relates to an appeal by Alan Wasson under the provisions of Section 37 of the Planning and Development Act 2000, as amended ('the Act'), following a grant of permission by Donegal County Council in accordance with Section 34 of the Act.
- 1.2. This Inspector's Report (IR) and recommendation is made pursuant to Section 146(2) of the Act. The Commission is required to consider both before determining the case.

2.0 Site Location and Description

- 2.1. Situated in the townland of Gortnabrade, the appeal site is located c. 1.8km southeast of the settlement of Carrigart in the Donegal Gaeltacht. The site lies to the western side of the L53321, a narrow single-track road where a 60kph speed limit applies. The road is generally level across the site with the landform rising significantly to the east and falling to the west. The appeal site follows this topography and slopes gently to the west where restrained views of Sheephaven Bay and the Donegal coastline exist.
- 2.2. The surrounding area is characterised by upland farmland with a notable density of detached houses along the surrounding road network. The nearest neighbouring dwellings are to the south, southeast and northeast, between 60 and 90 metres away.
- 2.3. The appeal site is roughly rectangular shaped with a road frontage of 45 metres and a stated area of 0.225ha. It consists of a part of a larger triangular shaped plot which was subject to previous works but has now re-colonised with vegetation including clover (red, white, bird's foot), large daisies, cow parsley and grasses. The roadside boundary is defined by a narrow grass verge, post and wire fence and re-establishing hedgerow. The northern boundary, which partly adjoins the neighbouring dwelling, is defined by a drain and treelined hedgerow. The remaining boundaries are undefined.

3.0 Proposed Development

- 3.1. Planning permission is sought for a detached house and on-site treatment system.
- 3.2. The proposed development is described in the statutory notices as:

"The development will consist of erection of a dwelling house with septic tank and all other associated site development works."

- 3.3. I note that the statutory notices were only published in English.
- 3.4. In addition to the relevant maps and drawings, the application documents include:
- Site Suitability Assessment Report (Michael Friel, May 2025)
- 3.5. The following was also submitted in response to a Further Information (FI) request:
- Land & Soil Profile Report (Michael Friel, January 2026)
 - Traffic Survey Report (Michael Friel, January 2026)

4.0 Planning Authority Decision

4.1. Decision

- 4.1.1. Permission was granted on 24th February 2026 subject to 16 no. conditions, including:
- Condition 2 Occupancy (Section 47).
- Condition 3 Prohibits holiday home use or short-term rental accommodation.

4.2. Planning Authority Reports

- 4.2.1. The Planner's Report (11/08/25) can be summarised as follows:

Principle of Development

- Notes the application site is located within an Area Under Strong Holiday Home Pressure.
- States that the application is supported by a Supplementary Rural Housing Form.
- Notes the submission of a letter from a TD as per policy RH-P-2 and states that this confirms that the applicant is an integral part of the local community etc.
- Notes that no other forms of evidence have been submitted to confirm the applicant's rural housing need (e.g., birth or marriage certs, utility bills, school reports, employer letters).
- States that the planning authority is satisfied that the principle of development, in terms of rural housing need, is acceptable "based on the submitted *bona fide* letter", in accordance with "DCC practice and procedures".

Siting and Design

- States that consideration has been given to policy RH-P-9 and the Council's rural housing design guide.
- Notes the Development Plan guidance in relation to 'ribbon development' in respect of the submission made and states that the proposal does not constitute same i.e., three dwellings with roadside frontage within 250m.
- Suggests that the dwelling is relatively modest in terms of scale and massing and considers the proposal will not give rise to adverse impacts in this Area of Moderate Scenic Amenity.
- No concerns arise in terms of detailed design or finishes.

Residential Amenity

- No issues arise in relation to loss of privacy, overlooking or residential amenity.
- Site has sufficient capacity to ensure adequate private amenity space.

Access

- Notes 50 metre Y-distances in each direction at vehicular access point.
- States that the applicant is required to demonstrate compliance with Table 16.5 of the Development Plan i.e., 90 metres in each direction.
- Recommends a traffic speed survey under FI in relation to the proposed sightlines.
- Does not consider that the proposal will cause a significant adverse traffic impact.

Public Health

- States that the planning authority is satisfied that the proposal can efficiently dispose of effluent to ground based on the submitted percolation test results.
- Notes the proposal to discharge stormwater to the drain along the northern boundary and states that the point of discharge falls within the applicant's control.
- Notes the proposal to connect to public mains water supply.

Appropriate Assessment

- Considers the proposal is unlikely to have any significant effect, individually or in combination with other plans or projects on any Natura 2000 site.

Environmental Impact Assessment

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

Illegal Dumping Allegations

- States that materials have been deposited on the site for a number of years and refers to the response / FI request from the Waste Officer.

Recommendation

- FI in respect of infilling of the land and sightlines / traffic speed survey.

4.2.2. The Planner's Report (23/02/26) can be summarised as follows:

Assessment of Further Information

Item 1

- Notes that intrusive site investigations were carried out in January 2026 comprising of 26 trial holes throughout the landholding.
- Notes that the applicant acknowledges that the site was historically subject to unauthorised deposition of materials and outlines the steps taken to address this matter including the removal of C&D waste to a licenced facility and levelling works.
- Notes the investigation findings that no C&D waste was encountered within any of the trial holes with limited hardfill in areas associated with previous access/roadway works.
- States that the issue raised by the Waste Officer has been complied with / resolved.

Item 2

- Notes the road traffic survey undertaken in January 2026 (1300 to 1600) which identified an 85th percentile speed of 40.79kph on the south-westerly approach (over 50 metres) and 59.97kph on the north-easterly approach (over 90 metres).
- Notes that the revised layout indicates that sightlines of 2.4m by 90m is achievable in one direction and 2.4m by 50m is achievable in the other direction.
- Satisfied that adequate visibility can be achieved to safely serve the development.

Recommendation

- Considers the proposal would not injure the amenities of the area, would not be prejudicial to public health and would not endanger public safety by reason of a traffic hazard.
- Recommends that permission be granted.

4.2.3. Other Technical Reports

- Area Engineer (18/07/25) No objection subject to condition(s).
- Waste Officer (06/08/25) FI recommended.

4.3. **Prescribed Bodies**

None.

4.4. **Third Party Observations**

4.4.1. The planning authority received 2 no. initial observations. Issues raised reflect third-party appeal grounds. Concerns, as summarised from the Planner's Report, relate to:

- Ribbon development
- Traffic
- Visual amenity
- Spread of invasive species
- Further development on landholding
- Illegal use of site as a dump

5.0 **Planning History**

5.1. **Appeal Site**

- 5.1.1. PA ref. 21/51837 – in November 2021, the planning authority received notification of a withdrawal of application relating to retention of site works and proposed house etc.
- 5.1.2. PA ref. 04/8280 – in September 2005, the planning authority granted permission for 4 no. holiday homes with communal WWTS. Change of house-types were permitted

under PA ref. 06/50241 with EOD to March 2013 under PA refs. 10/40265 and 10/40266. Works carried out under this permission were considered to be 'substantial'.

5.2. Adjacent Sites

80 metres south, southeast

5.2.1. PA ref. 23/51697 – in October 2024, the planning authority granted permission for a dwellinghouse and septic tank subject to occupancy and holiday home restrictions etc.

5.2.2. PA ref. 07/51063 – in September 2008, the planning authority granted permission for a replacement dwelling with connection to WWTS permitted under PA refs. 04/8280 and 06/50686 (change of house-type). This permission has not been implemented.

90 metres south

5.2.3. PA ref. 24/50076 – in July 2024, the planning authority granted permission for a replacement dwelling and temporary permission for a mobile home on the site etc.

5.3. Wider Area

Aghalatty Td., Carrigart, Co. Donegal

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

Marble Hill Td., Portnablagh, Co. Donegal

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

6.0 Policy Context

6.1. Local Planning Policy

County Donegal Development Plan 2024-2030

- 6.1.1. The current Development Plan came into effect on 26th June 2024. The Plan was subject to a draft Ministerial Direction in July 2024 and is pending a final decision by the Minister following public consultation and OPR recommendations (Sept. 2024). The planning authority decision was made under the provisions of this current Plan.
- 6.1.2. I also note that Proposed Variation No. 1 was on public display until 13th February 2026. It proposes new Area Plans for An Clochán Liath, Bridgend, Ballyshannon, Carndonagh, Donegal Town and Killybegs, the making of various Residential Zoned Land Tax (RZLT) related zoning changes, and other minor changes to the Buncrana, Ballybofey/Stranorlar and Letterkenny Area Plans, none of which affect the site. Proposed Variation No. 1 is subject to Proposed Material Alterations at time of writing.
- 6.1.3. The site is located within a rural area some 1.2km south, southeast of the southern extent of the settlement boundary of Carrigart (Map 21.40) and is subject to the provisions of Section 6.3 of the Plan relating to Rural Housing. In this regard, I note that the site is located within an Area Under Holiday Home Pressures (Map 6.3.1).
- 6.1.4. Other policies and objectives are set out in chapters 3 (Core Strategy), 8 (Infrastructure), 11 (Natural Heritage etc.) and 16 (Technical Standards) of the Plan.
- 6.1.5. As noted, the site is also located in the Donegal Gaeltacht and Chapter 13 refers.
- 6.1.6. The following sections are relevant to the proposed development:
- 3.3.4 – Rural Settlements and Open Countryside (Table 3.7)
 - 6.3.1 – Permanent Housing
 - 6.3.2 – Holiday Homes
 - 6.3.4 – Landscape and Services
 - 8.2 – Water and Wastewater Infrastructure
 - 11.1.7 – Invasive Species
 - 11.2 – Landscape

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

- RH-O-1 Seeks to ensure that new residential development in rural areas provides for genuine rural need.
- RH-O-2 Seeks to protect rural 'Areas Under Strong Holiday Home Influence' from intensive levels of unsustainable urban / suburban residential development.
- RH-O-4 Seeks to ensure that rural housing is located, designed and constructed in a manner that does not detract from the character or quality of the receiving landscape having regard to Map 11.1 (Scenic Amenity) etc.
- RH-P-2 Seeks to consider proposals for new one-off rural housing within 'Areas Under Strong Holiday Home Influence' from prospective applicants that can provide evidence of a demonstrable economic or social need to live in these areas including, for example, the provision of evidence that they, or their parents or grandparents, have resided at sometime within the area under strong holiday home influence in the vicinity of the application site for a period of at least 7 years. I note that this policy shall not apply where an individual has already had the benefit of a permission for a dwelling on 'another site', unless exceptional circumstances can be demonstrated e.g., where the applicant has sold a previously permitted, constructed and occupied dwelling, to an individual who fulfils the *bona fide* requirements of that permission. I also note that new holiday homes will not be permitted in these areas.
- RH-P-9 Relates to location, siting and design and other detailed considerations.
- (a) Requires proposals for individual dwellings to be sited and designed in a manner that is sensitive to the integrity and character of rural areas as per Map 11.1 (Scenic Amenity), and that enables the development to be assimilated into the receiving landscape. It notes that proposals shall be subject to best practice as set out in the *Rural Housing Location, Siting and Design Guide*. I note the following:
- (ii) A proposed dwelling shall not create or add to ribbon development

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

(iv) A proposed dwelling will be unacceptable where it is prominent in the landscape;

(v) A proposed new dwelling will be unacceptable where it fails to blend with the landform, existing trees or vegetation, buildings, slopes or other natural features which can help its integration. Proposals for development involving extensive or significant excavation or infilling will not normally be favourably considered etc.

(b) Proposals shall also be assessed against:

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

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

WW-P-6 Seeks to facilitate development in rural settings for single dwellings with a projected PE <10 in unsewered areas proposing the provision of effluent treatment by means of an independent wastewater treatment system where such systems (a) demonstrate compliance with the EPA's CoP (2021); (b) would not result in an over concentration of such systems etc.; and (c) otherwise comply with policy WW-P-2.

BIO-P-4 Seeks to ensure proposals do not introduce or spread invasive species and requires appropriate control and management of such species etc.

L-P-3 Seeks to protect areas identified as '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.

TS-P-1 Requires compliance with all the technical standards set out in Chapter 16 including those relating to access geometry (Tables 16.5 and 16.7).

6.2. Regional Planning Policy

Regional Spatial and Economic Strategy (RSES)

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

6.3. National Planning Policy and Guidelines

Revised National Planning Framework (NPF)

- 6.3.1. Project Ireland 2040, the National Planning Framework *First Revision* (DHLGH, April 2025), sets the national planning policy context. In rural areas under urban influence, National Policy Objective (NPO) 28 seeks to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and settlements.
- 6.3.2. The NPF states that the core strategy of county development plans accounts for the demand for single housing in the countryside and this will be related to the local authority's overall Housing Need Demand Assessment (HNDA). It also notes that quantifying the need for single housing on an evidence basis will assist in supporting the preparation of a comprehensive housing strategy and associated land use policies.

Rural Housing Guidelines

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

- 6.3.4. These Guidelines also note that there tends to be a prevalence of housing clusters, groups of clusters and occasionally linear development in the Gaeltacht areas etc.

Sustainable Rural and Gaeltacht Housing

- 6.3.5. The draft National Planning Statement (NPS) on Sustainable Rural and Gaeltacht Housing (DHLGH, 2026) will eventually replace the 2005 Guidelines when approved.

6.4. Other Policy and Guidance

Climate Action Plans

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

Domestic Waste Water Treatment Systems (EPA, March 2021)

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

Rural Housing – Location, Siting and Design Guide

6.4.5. This guidance document is incorporated into the Donegal Development Plan 2024-2030. It is specific to the character of it notes that a house in the countryside should:

- Integrate satisfactorily within the landscape.
- Reflect its location and contribute satisfactorily to the character of the area, expressing local influences and materials appropriate to the rural area.
- Be well designed informed primarily by site specifics.

DN-GEO-03031 (TII, May 2023)

6.4.6. Standards relating to rural road link design are set out in this TII publication. Section 1.8 relates to relaxations. Section 2.6 relates specifically to sight distance relaxations.

DN-GEO-03060 (TII, May 2023)

6.4.7. Standards relating to the geometric design of junctions including direct accesses is set out in this TII publication. Section 1.4.1 refers to the relaxation of standards as outlined in DN-GEO-03031 (above). Table 5.4 details the X-distances on the minor road for visibility measurements and Table 5.5 details the required Y-distances on such roads.

6.5. Natural Heritage Designations

6.5.1. Nearest proposed Natural Heritage Areas (pNHA's):

- Sheephaven (001190) – 1.75km west
- The Point, Mulroy (001196) – 3.8km east
- Tranarossan and Melmore Lough (000194) – 4.90km northwest

6.5.2. Nearest Natura 2000 sites:

- Sheephaven SAC (001190) – 1.75km west
- Mulroy Bay SAC (002159) – 1.80km north
- Cloghernagore Bog and Glenveagh Nat. Park SAC (002047) – 3.85km southwest
- Tranarossan and Melmore Lough SAC (000194) – 4.90km northwest

7.0 EIA Screening

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

8.0 The Appeal

8.1. Grounds of Appeal

- 8.1.1. A third-party appeal has been lodged by Alan Wasson. It includes an objection at application stage by Karen O'Donnell. The appeal grounds are summarised as follows:

- Ribbon development – in excess of 5 houses within 250 metres of road frontage.
- Traffic and road safety concerns due to the existing number of houses in a rural location – a new dwelling will create more traffic.
- Development will impact on the visual amenity of the area.
- Development will increase the spread of invasive species i.e., Japanese knotweed.
- Original site has been halved – potential for additional house adding to clutter.
- Raises concerns regarding the lack of local needs documentary evidence i.e., utility bills etc.
- Site has been used as a landfill with household refuse over 8-to-10-year period.
- Site levels were increase 5 to 6 feet – original levels should be restored.
- Queries whether the site has been assessed for EIA.

8.2. Applicant Response

- 8.2.1. Michael Friel responded on behalf of the applicant, David Connolly. It can be summarised as follows:

- Proposed house would result in four houses along a 250m stretch of road and thus not result in ribbon development.
- Whilst the road network is narrow, traffic is predominantly local or agricultural generated and the house can be accommodated, referring also to the traffic survey for the appellant's application (PA ref. 23/51697) i.e., 40.62kph average speed.
- Overall ridge height is 6.6m in keeping with houses in the immediate vicinity and states that the proposed house will not give rise to negative visual intrusion on the landscape; site location will allow the house to be viewed in a cluster.
- No Japanese knotweed has been or is currently evident on the appeal site.
- Refutes the suggestion that the site has been halved and suggests that the applicant's approach not to utilise the entire holding is common practice; it is not envisaged that another house will be applied for on this landholding.
- States that the applicant is currently renting a property at Raplagh Td., Downings, within 6km of the appeal site and has been residing there for a period of 6 years.
- The appeal site is in the applicant's ownership since 2016 and states that the applicant has worked locally, is an active member of the local golf club and is involved in many community groups in the Downings / Carrigart area.
- Refers to the letter from Deputy Gallagher TD regarding the bona fides of the applicant and subsequent compliance with Plan policies RH-P-2 and RH-P-9.
- States that the C&D waste, some 2.5 tonnes, was taken to a licensed facility and site closed with gate and earthen berms to prevent access / unauthorised dumping of material, referring also to the site investigations at FI stage.
- Concludes that the principle of development was established on the site when 4 no. houses were granted permission in 2010 (PA ref. 10/40266), adding that whilst two bases were put in place, the site was not developed further.
- The applicant is now seeking a modest dwelling in-keeping with the area.
- Submits that the appellant has put forward a number of issues that are without foundation without suggesting that the appeal is vexatious.

8.3. Planning Authority Response

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

- Considers issues raised have been dealt with in the Planner's Reports.
- Council wishes to rely on same in response to the appeal.

9.0 Assessment

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

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

- Rural Housing and Development Principle
- Visual Amenity Impacts
- Traffic / Transport
- Other Issues

9.2. Rural Housing and Development Principle

9.2.1. As noted, the appellant raises concerns regarding the lack of local needs evidence.

9.2.2. The applicant, on the other hand, refers to the supporting letter from a local TD regarding their 'bona fides' and compliance with policy RH-P-2 of the Development Plan. They also indicate that they are currently renting a property in Raplagh Td., some 6km from the appeal site and state that they have been living there for 6 years.

9.2.3. It has also been indicated that the site is in the applicant's ownership since 2016 and that they have been working locally and are an active member of the local community.

9.2.4. The appeal site is located in the 'open countryside', some 1.2km south, southeast of the settlement boundary of Carrigart (Map 21.40) and is thus subject to the provisions of Section 6.3 of the Donegal Development Plan relating to rural housing. In this regard, I note that the site is located within an Area Under Holiday Home Pressures (Map 6.3.1) and thus subject to policy RH-P-2 which seeks to consider proposals for new one-off rural housing in such areas where the applicant can provide evidence of

a demonstrable economic or social need to live there. Examples include the provision of evidence that the applicant, their parents or grandparents, resided at sometime within the area in the vicinity of the application site for a period of at least 7 years.

Rural Housing Need

- 9.2.5. Section 3.3.4 of the Development Plan recognises that there will be a need to accommodate genuine rural housing need whilst having regard to environmental, landscape and technical constraints and also to the viability of smaller towns and villages. The Core Strategy therefore allocates a housing target to the smaller rural settlements and open countryside to ensure that rural communities are supported and maintained. This equates to 610 units and 2,133 units respectively (Table 3.7), the latter being 25% of the overall Core Strategy allocation, although c. 1,900 houses is referenced in Section 6.3.1 of the Plan. It notes that Donegal has a strong rural identification and a tradition of ensuring that every appropriate and sustainable option is available to rural people to continue to live in their area and to reflect this, meeting genuine rural generated housing need is to continue as a central policy component.
- 9.2.6. The applicant has submitted a supplementary Rural Housing Application Form in support of their application, in addition to a letter from a serving TD for the Donegal constituency. The letter is referred to in this form as a “bona fide letter”, but it also suggests that such letters should be “from Elected Members” of the County Council.
- 9.2.7. Whilst the supplementary form indicates that the applicant has been residing at “Ralah” for a period of “7 years plus”, the appeal submission indicates that this is a 6-year period. In terms of the nature of the occupancy at the current address, the form indicates “other” as opposed to “rented” or “living with parents” etc., whereas the appeal submission indicates that it is a rented property. In this regard, I note that the submission of a “rent book for addresses supplied in support of rural housing need” is suggested in the form as possible documentary evidence along with utility bills and other supporting evidence such as a letter from the applicant’s employer etc. I note that the form also ‘strongly advises prospective applicants to provide multiple, comprehensive and a complete range of documentary evidence in support of their application which specifically and evidentially demonstrates their circumstances of housing need, adding that a statement in the absence of evidence will be insufficient.

- 9.2.8. No other evidence or documentation has been provided to corroborate the applicant's rural or inferred economic or social need. Such evidence would include, for example, the aforementioned employer's letter in terms of an economic need, or a rent book in the case of a social need where 'long established links to the local community' are claimed. This is clear in the wording of policy RH-P-2 i.e., 'prospective applicant's that can provide evidence'. This is an evidential test and key policy bite point in this regard.
- 9.2.9. Whilst I appreciate that the applicant has indicated that he has owned the site for 10 years, this does not in and of itself, demonstrate 'long established links to the local community', as claimed. Given the stated connection, I find it unusual that such information was not submitted. In this regard, I am mindful of the Commission's comments under ABP-322600-25 which note that clear evidence should be available within the totality of the documentation presented at application stage for scrutiny by all interested parties. This cannot be considered a peripheral issue in the overall assessment. Similar comments were outlined at a nearby case (ref. ABP-319592-24).
- 9.2.10. In short, I do not consider that the applicant has reached a sufficient evidential threshold to demonstrate compliance with policy RH-P-2. Whilst a letter from a Teachta Dála may be deemed as 'documentary evidence' as per the supplementary form, I share the concerns of the appellant and agree with previous Commission decisions on this matter. Thus, further one-off housing without adequate justification would only serve to further undermine this Area Under Strong Holiday Home Influence.

Conclusion on Rural Housing and Development Principle

- 9.2.11. On balance, and in the absence of the provision of evidence of demonstrable economic or social need at this location in accordance with policy RH-P-2, the proposed development, if permitted, would result in haphazard and unsustainable development and contribute to the encroachment of random rural development etc.

9.3. Visual Amenity Issues

- 9.3.1. As noted, the appellant also raises concerns in relation to the impact the proposal will have on the visual amenities of the area; specifically in terms of ribbon development.
- 9.3.2. The applicant, on the other hand, submits that the overall ridge height, at 6.6 metres, is in keeping with houses in the immediate vicinity, adding that the house would not give rise to negative visual intrusion on the landscape and the siting will allow it to be

viewed in a cluster. Moreover, the applicant states that the proposed house would result in four houses along a 250-metre stretch of road and is not ribbon development.

General Arrangements

- 9.3.3. As noted, the appeal site is roughly rectangular shaped and located to the northern half of a larger triangular shaped plot. Road level opposite the existing gated access is given as 101.00 TBM and the FFL of the house is marginally lower at 100.25. A contour line of 100.00 is illustrated on a generally southwest-northeast alignment through the footprint of the proposed house and a 99.00 contour line is shown on a similar alignment to the rear and through the proposed 90sq.m soil polishing filter.
- 9.3.4. Vehicular access would be immediately north of the existing gated access to the land. Sightlines of 2.4 by 50 metres in a south-westerly direction and 2.4 by 90 metres in a north-easterly direction are illustrated. A proposed '113A entrance' is also shown¹.
- 9.3.5. The house, a storey and a half-pitched roof structure, is laid out on a southwest-northeast axis with the front elevation facing southeast and marginally offset with the public road. As noted, the ridge level would be 6.60 metres above FFL and the building is relatively well proportioned with 8.80 metre gable depth and 15.50 metre ridgeline.
- 9.3.6. The architectural detailing is a contemporary interpretation of rural vernacular housing with strong vertical emphasis to window openings and adequate solid-to-void ratios.
- 9.3.7. As noted above, policy RH-P-9 of the Development Plan relates to the location, siting and design, and other detailed planning considerations in relation to rural houses.

Visual Amenity

- 9.3.8. Criterion (a) of policy RH-P-9 outlines two specific policy bite points. It states that such proposal shall be sited and designed in a manner that is sensitive to the integrity and character of the rural area as per Map 11.1 (Scenic Amenity), and that enables the development to be assimilated into the receiving landscape. It also states that proposals shall be subject to best practice as set out in the rural house design guide.
- 9.3.9. The appeal site is located in an Area of Moderate Scenic Amenity and as per policy L-P-3, only development of a nature, location and scale that integrates with, and reflects the character and amenity of the landscape may be considered. Given the upland

¹ As per Figure 16.1 of the Development Plan.

landform, road alignment and additional screening provided by Tullanagarn Hill to the north of the appeal site, I do not consider there to be any significant visual amenity impacts arising from the proposal. At 6.60m high and a ridgeline length limited to 15.50 metres, I consider the house will mostly assimilate into the receiving landscape, particularly given a FFL lower than the adjoining road. Whilst visual impact along the L53321 will be fleeting, views from the L5332, to the west of the site will be more pronounced. This could, however, be mitigated through a landscape buffer condition.

- 9.3.10. In this regard, I am generally satisfied that the proposed dwelling is consistent with best practice as outlined in the *Rural Housing Location, Siting and Design Guide* and therefore I do not consider the appellant's appeal ground has been fully substantiated.

Ribbon Development

- 9.3.11. In applying the principles under criterion (a), policy RH-P-9 states that the Council will be guided by various considerations, including that a proposed dwelling shall not create or add to ribbon development which it defines as "in general 5 houses on any one side of 250 metres road frontage". The Development Plan notes that the planning authority shall take a balanced and reasonable view of the interpretation of the relevant criteria taking account of local circumstances, including the history of the area etc.
- 9.3.12. Whilst the proposed house would result in 5 houses over 250 metres of road frontage, I agree with the appellant that one of these houses, which appears to be a farmhouse, is set between and to the rear of two other houses and it does not overtly read as ribboning. It is certainly devoid of any road frontage and this cluster of development, whilst in proximity to the site, is somewhat detached given the vertical and horizontal road alignment. I am therefore unpersuaded that this amounts to ribbon development.

Conclusion on Visual Amenity

- 9.3.13. On balance, I do not consider the proposed development would adversely impact on the visual amenities of the area, which has a notable density of detached houses along the surrounding road network. If the Commission are minded to grant permission, I recommend that substantial buffer planting be provided however within the applicant's landholding as outlined in blue in order to screen long-distance views from the western approach road from Carrigart. This would accord with Section 34(4)(a) of the Act.

- 9.3.14. Whilst I also note that criterion (a)(v) of policy RH-P-9 outlines that proposals involving extensive or significant infilling will not normally be favourably considered, and this is stated in the context of integration, I do not consider that the documented infilling of the site was to facilitate integration. Given the planning history, it appears that some of the works were authorised by permission, and others clearly done opportunistically.

9.4. Traffic / Transport

- 9.4.1. The appellant has also raised concerns in relation to traffic and road safety issues.
- 9.4.2. Whilst the applicant accepts that the road network in the area is narrow, they state that traffic is predominantly local or agricultural and, in this regard, they refer to an average speed in the traffic survey submitted by the appellant under PA ref. 23/51697 i.e., 40.62kph. I note that this generally reflects the applicant's own survey as submitted under FI. It records an 85th percentile speed of 40.79kph on the south-westerly approach (over 50 metres) and 59.97kph on the north-easterly approach (over 90m).
- 9.4.3. In terms of relevant standards, Table 16.5 (Vision Lines at Accesses to Non-National Rural Roads) of the Plan refers to TII publication DN-GEO-03043, however this has since been superseded by DN-GEO-03060 which combines existing junction standards into a single consolidated document. Table 16.7 details the stopping sight distances in accordance with DN-GEO-03031. Having reviewed the guidance contained therein and having regard to the applicant's traffic survey, I agree with the planning authority that adequate visibility can be achieved to safely serve the proposal.

Conclusion on Traffic / Transport

- 9.4.4. On balance, I do not consider that the proposed development would endanger public safety by reason of a traffic hazard. If the Commission are minded to grant permission, I recommend that sightlines be conditioned as detailed in the revised layout drawing and implemented prior to the commencement of any other site development works.

9.5. Other Issues

- 9.5.1. Amongst the other issues raised are concerns in relation to the spread of invasive species, such as Japanese knotweed; the previous infilling of the site where it has been stated that site levels were increased by c. 5 to 6 feet; and general concerns in relation to environmental impact. I also note concerns regarding an additional house.

Invasive Species

- 9.5.2. In relation to invasive species, the applicant states that no Japanese knotweed has been or is currently evident at the appeal site and whilst this reflects my observations during the site inspection, it has not been corroborated by a habitat survey or similar report. Given the history of infilling at the site and having regard to policy BIO-P-4, I recommend an invasive species management plan condition in the event of a grant.

Previous Infilling / Ground Conditions (Drainage)

- 9.5.3. As noted, the applicant submits that some 2.5 tonnes of C&D waste was taken to a licensed facility and further unauthorised dumping of material prevented at the appeal site. They also refer to the site investigations carried out at FI stage and in this regard, I note that no C&D waste was encountered in any of the trial holes, as documented.
- 9.5.4. I do, however, have some residual concerns in relation to the impact of previous infilling on the proposed DWWTS and the subsequent discharge of treated effluent to filled ground. In this regard, the site suitability assessment report states that the 'entire site appears to have been filled' and whilst it indicates that the 'imported fill' appears to be free draining, there is no evidence that this is true for the entire polishing filter. Moreover, the report states that water level and bedrock were not encountered in the trial hole, yet the trial hole terminated at 1.5mBGL where bedrock was encountered.
- 9.5.5. This, along with other discrepancies within the report, including the failure to pre-soak the test holes twice, and what appears to be evidence of angular stone and bedrock in a number of trial holes excavated at FI stage, are an insufficient basis to conclude that the proposed DWWTS can be constructed in accordance with the EPA's CoP.
- 9.5.6. In similar regard, there appears to be a considerable degree of water ingress in trial hole numbers 2 and 3, with some ingress noted in trial hole no. 15, which is in relative proximity to the proposed polishing filter. Given my concerns in relation to varying bedrock depths below the level of imported fill, it is also reasonable to conclude that the level of water table, and particularly the winter water level, has not been proven.
- 9.5.7. Whilst Section 5.4.2 of the CoP relates to site improvement works and prescribes the manner in which they are to be executed, noting that such works are technically difficult to carry out, it states that such works will not be acceptable where separation distances

cannot be satisfied and this certainly appears to be the case having regard to Table 6.2 of the EPA CoP i.e., open drain on northern boundary is within 10m of filter area.

- 9.5.8. On balance, I recommend that the appeal ground is upheld and planning permission refused, as the applicant has not demonstrated that the proposed DWWTS can be constructed in a manner that complies with the EPA CoP regarding groundwater protection given the level of infill. In such circumstances, the proposed development, if permitted, could adversely affect surface (via the open drain along the northern boundary) and groundwater quality and in turn would be prejudicial to public health.

Environmental Impact

- 9.5.9. I note the appellant's concerns regarding EIA. The proposal does not trigger a requirement for EIA screening as summarised in section 7 above (see Appendix 2).

Future Development

- 9.5.10. Whilst I acknowledge the appellant's concerns regarding future development on the applicant's landholding, this is not a relevant planning consideration to this appeal case. As noted above, however, I do recommend that the lands within the applicant's control to the west of the site be planted as a landscaped buffer in the event of a grant of permission. This will mitigate any pronounced views from the L5332 from the west.

Conclusion on Other Issues

- 9.5.11. The above assessment represents my *de novo* consideration of all planning issues material to the proposed development of a detached dwellinghouse at the appeal site.

10.0 AA Screening

- 10.1. In accordance with Section 177U of the Planning and Development Act 2000, as amended, and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Mulroy Bay SAC or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.
- 10.2. This determination is based on:

- The relatively modest scale of the development and lack of impact mechanisms that could significantly affect a European site,
- Lower-scale potential for source impacts of any magnitude notwithstanding the stated concerns in respect of the proposed DWWTS,
- Distance, dilution and dispersal within the coastal waterbody,
- Consideration of the conservation objectives of:
Mulroy Bay SAC (site code 002159).

11.0 Water Framework Directive

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

12.0 Recommendation

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

13.0 Reasons and Considerations

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

environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Given the level of imported fill, it is considered that the proposed domestic wastewater treatment system (DWWTS) would be prejudicial to public health because:

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

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

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

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.

Philip Maguire

Inspectorate

21st July 2026

Appendix 1 (EIA Screening)

Form 1 – EIA Pre-Screening

Case Reference	PL-501012-DL-26
Proposed Development Summary	House with all associated site works, including DWWTS etc.
Development Address	Gortnabrade Td., Carrigart, 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? (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)	☒ Yes, it is a ‘Project’. Proceed to Q2.
	☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ 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)	Class 10(b)(i) 'more than 500 dwellings units' 1 no. dwelling unit proposed.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	PL-501012-DL-26
Proposed Development Summary	House with all associated site works, including DWWTS etc.
Development Address	Gortnabrade Td., Carrigart, Co. Donegal
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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).	Planning permission is sought for the construction of a storey and a half, 3-bed dwellinghouse served by a DWWTS and accessed off local road L53321. The ground report submitted at FI stage indicates a mixture of peat and soil, including peaty soils, stone and rock / bedrock. Flint and shale were also identified in addition to a hardcore area from previous site works relating to an extended, albeit withered permission. Excavations will require the removal of such materials to facilitate the FFL of 100.25 TBM and DWWTS. Construction activities would require the use of potentially harmful materials, such as fuels, concrete and other such substances and give rise to waste for disposal. Such wastes will be typical of construction sites and significant wastes; emission or pollutants are not anticipated. Noise and dust emissions during construction are likely but such construction impacts would be localised and temporary in nature. Connection to the proposed DWWTS is dependent on ground conditions and separation distances so as to ensure the protection of receiving ground and surface waters, including nearby drains. Connection to public water infrastructure is proposed. Application referred to Uisce Éireann but no response nor confirmation of feasibility (CoF) with application.
Location of development (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	There are no ecologically sensitive locations in relative proximity to the appeal site. The nearest European sites, Sheephaven SAC (site code 001190) and Mulroy Bay SAC (site code 002159), are c. 1.75km west and 1.80km north of the appeal site respectively. Sheephaven is also the nearest proposed Natural Heritage Area (pNHA) whilst Mulroy Bay is a designated shellfish area.

capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	Duntally Wood Nature Reserve is some 9.2km southwest of the site. Glenveagh National Park, in the heart of the Derryveagh Mountains, is also located to the southwest. There is one NIAH property in proximity of the appeal site, some 140m to the northeast. It is a modest thatched cottage described as a detached three-bay single-storey vernacular house, built c. 1820 and as having a windbreak entrance. The proposal is not considered to be exceptional in the context of the receiving environment adjacent to other detached houses with DWWTS's.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Likely effects are limited to the construction phase through increased noise and dust from construction traffic and operations but will be substantially below the threshold of significance through established construction management practices. Having regard to the scale of the proposal there is no potential to significantly impact on environmental parameters or on the ecological sensitivities of the aforementioned European sites, including transboundary designations, or other significant environmental sensitivities in the area. There is, however, potential for localised impacts on groundwater during the operational phase given the high bedrock strike (stated as 1.5mBGL) and level of infill imported on to the site. This could in turn impact on receiving surface waters and public health but does not, however, trigger the requirement for EIA.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 2 (AA Screening)

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	House with all associated site works, including DWWTS etc.
Brief description of development site characteristics and potential impact mechanisms	Re-colonising brownfield site falling east-west from c. 101.00 TBM to <99.00 TBM. Roughly rectangular shaped with a stated area of 0.225ha and forming part of a larger triangular shaped plot situated on the western side of the L53321. Boundaries, where they exist, are defined by post and wire fencing and hedgerow. Open drain along the northern boundary appears to outfall to a watercourse (CARRICKART_010) some 100m west of the landholding. It discharges to Mulroy Bay SAC. Surface water drainage and groundwater vectors. The development is likely to involve the removal of excavated peat and soil, including peaty soils, stone and rock/bedrock, flint and shale, in addition to a hardcore area from previous site works. Construction activities would require the use of potentially harmful materials, such as fuels, concrete and other such substances and give rise to waste for disposal. Such wastes will be typical of construction sites and significant wastes; emission or pollutants are not anticipated. Noise and dust emissions during construction are likely but such construction impacts would be localised and temporary in nature. Connection to the proposed DWWTS is dependent on ground conditions and separation distances so as to ensure the protection of receiving ground and surface waters, including nearby drains.
Screening report	No
Natura Impact Statement	No
Relevant submissions	None
Additional information	Donegal Co. Council screened out the need for AA. I note that the application was referred to Uisce Éireann and no objections were received by the planning authority.

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
Sheephaven SAC (001190)	Marine and coastal habitats Old sessile oak woods Marsh Fritillary Petalwort Conservation Objectives Link (NPWS, 2014)	c. 1.75km west of appeal site	No direct or indirect connection i.e., no surface / ground water or other vectors and no mobile relevant conservation interests associated with this SAC.	N
Mulroy Bay SAC (002159)	Marine and coastal habitats Otter Conservation Objectives Link (NPWS, 2012)	c. 1.8km north of appeal site	Yes, indirect-via surface water drainage which outfalls west of Fegart Point (north of Carrigart).	Y
Cloghernagore Bog and Glenveagh National Park SAC (002047)	Freshwater habitat, heath and scrub, raised bogs, mires and fens Molinia meadows Old sessile oak woods Freshwater Pearl Mussel Salmon Otter	c. 3.85km southwest of appeal site	No direct or indirect connection i.e., no surface / ground water or other vectors and no mobile relevant conservation interests associated with this SAC.	N

	Killarney Fern Conservation Objectives Link (NPWS, 2017)			
Tranarossan and Melmore Lough SAC (000194)	Marine and coastal habitats, heath and scrub Oligo-mesotrophic waters Petalwort Conservation Objectives Link (NPWS, 2015)	c. 4.9km northwest of appeal site	No direct or indirect connection i.e., no surface / ground water or other vectors and no mobile relevant conservation interests associated with this SAC.	N

¹Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

²Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³if no connections: N

Further Commentary / Discussion

All Conservation Objective links are up to date at the time of writing and have been cross-referenced against the Statutory Instruments, where relevant.

Due to the limited scope of the works and the nature of the appeal site, I consider that the proposed development is unlikely to generate impacts that could extend to a large geographical area, thus a potential zone of influence limited to c. 5km is reasonable.

Sources of impact and likely significant effects are considered in the Table below.

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

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*		
	Impacts	Effects	
Mulroy Bay SAC (002159)	Indirect:	The sloping topography of the appeal site gives rise to an indirect hydrological connection or pathway to	

Mudflats and sandflats not covered by seawater at low tide [1140] Large shallow inlets and bays [1160] Reefs [1170] <i>Lutra lutra</i> (Otter) [1355]	Localized, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water (via drainage ditch along northern boundary) during construction. Lower-scale magnitude impacts from emissions to ground and surface water during operation via the DWWTS proposed (see section 9.5 of IR) but these will be largely localized.	Mulroy Bay but given the distance from receiving features connected to the SAC (i.e. some 2km via watercourse and c. 500m across the coastal waterbody), make it highly unlikely that the proposed development will generate impacts of a magnitude that could affect habitat quality within the SAC for the QIs listed. Conservation objectives would not be undermined.
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects
Further Commentary / discussion (only where necessary)		
N/a.		
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
I conclude that the proposed development (alone / in combination with other plans and projects) would not result in likely significant effects on a European site. No mitigation measures are required to come to this conclusion. Whilst I have outstanding concerns regarding the ability of the site to receive treated effluent to ground and the likelihood of migration to surface water drainage, which outfalls to a watercourse (CARRICKART_010) west of the landholding and ultimately discharges to Mulroy Bay, these impacts would be localised, of a lower-scale magnitude and likely to have significantly diluted and dispersed at sufficient distance from the respective sites.		

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000, as amended, and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Mulroy Bay SAC or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively modest scale of the development and lack of impact mechanisms that could significantly affect a European site,
- Lower-scale potential for source impacts of any magnitude notwithstanding the stated concerns in respect of the proposed DWWTS,
- Distance, dilution and dispersal within the coastal waterbody,
- Consideration of the conservation objectives of:
Mulroy Bay SAC (site code 002159).

Appendix 3 (WFD Screening)

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	PL-501012-DL-26	Townland, address	Gortnabrade Td., Carrigart, Co. Donegal
Description of project		House with all associated site works, including DWWTS etc.	
Brief site description, relevant to WFD Screening		Re-colonising brownfield site falling east-west from c. 101.00 TBM to <99.00 TBM. Roughly rectangular shaped with a stated area of 0.225ha and forming part of a larger triangular plot. Open drain along the northern boundary appears to outfall to a watercourse (CARRICKART_010) some 100m west of the landholding (<150m from the site). Works will involve the removal of excavated peat and soil, including peaty soils, stone and rock/bedrock, flint and shale, in addition to a hardcore area from previous site works. Boundaries, where they exist, are defined by post and wire fencing and hedgerow. Vegetation cover is greater than 50% of the site and thus habitat can be considered as re-colonising bare ground (ED3) with developing scrub (WS1), treeline (WL2), hedgerow (WL1). Water would be supplied by public mains connection. Treated wastewater would infiltrate to ground. Surface water would discharge to open drain which would be piped.	

Proposed surface water details			‘Public Sewer/Drain’ ticked in Q. 20 of the Application Form. Layout drawing illustrates surface water discharging to open land drain which is to be piped.			
Proposed water supply source & available capacity			‘New’ ‘public mains’ ticked in Q. 20 of the Application Form. Uisce Éireann mains water connection – potential capacity available – Level of Service (LoS) improvement required (Carrigart-Dowings-Cranford).			
Proposed wastewater treatment system & available capacity, other issues			‘New’ ‘conventional septic tank system’ ticked in Q. 20 of the Application Form.			
Others?			N/a			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
Groundwater Waterbody	Underlying site	Northwest Donegal IE_NW_G_049	Good	Not at risk	None identified	Uncertain – no water table encounter in site suitability report but ingress evident in trial holes under FI.
River Waterbody	< 150m	CARRICKART_01 0 IE_NW_38C130 960	Moderate	Review	None identified	Yes – via storm runoff

Coastal Waterbody		c. 2km	Mulroy Bay Broadwater IE_NW_200_00 00	Good	Not at risk	None identified	Yes – via storm runoff but highly tentative and unlikely to impact on WFD objectives given hydrological distance.
Step 2: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if ‘screened’ in or ‘uncertain’ proceed to Stage 2.
1.	Ground	Northwest Donegal IE_NW_G_04 9	Existing - none. New – works will involve excavation in places and thus requires the removal of	Siltation, pH (Concrete), hydrocarbon spillages. Impact on hydrological	None proposed but standard construction practices anticipated.	No	Screened out.

			soils, stone etc. (incl. previous fill).	regime due to site excavation and increased ponding.			
2.	River	CARRICKART _010 IE_NW_38C1 30960	Existing - surface water pathway overland / drainage ditch.	Siltation, pH (Concrete), hydrocarbon spillages.	As above	No	Screened out.
OPERATIONAL PHASE							
1.	Ground	Northwest Donegal IE_NW_G_04 9	On-site wastewater treatment (DWWTS).	Stormwater / wastewater pollution.	None proposed and concerns relate to the interaction between the DWWTS and stormwater drainage given evidence of high water table, proximity of the proposed	Yes Potential remains for effluent migration (from DWWTS) to the stormwater infrastructure due to ground conditions / proximity (see section 9.5 of IR).	Uncertain

					percolation area to the open drain and lack of culvert / land drain detail generally.		
2.	River	CARRICKART _010 IE_NW_38C1 30960	On-site wastewater treatment (DWWTS) / stormwater infrastructure.	As above	As above	Yes As above	Uncertain
DECOMMISSIONING PHASE							
1.	N/A	N/A	N/A	N/A	N/A	N/A	N/A

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

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

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