



An  
Coimisiún  
Pleanála

## Inspector's Report

### PL-501197-DL-26

|                                     |                                                                                        |
|-------------------------------------|----------------------------------------------------------------------------------------|
| <b>Development</b>                  | 10-year permission for the construction of 42 dwellings and all associated site works. |
| <b>Location</b>                     | Lios Na Gréine, Lisnennan, Letterkenny, Co. Donegal                                    |
| <b>Planning Authority</b>           | Donegal County Council                                                                 |
| <b>Planning Authority Reg. Ref.</b> | 2561937                                                                                |
| <b>Applicant(s)</b>                 | Letterkenny Rosemount Homes Limited                                                    |
| <b>Type of Application</b>          | Permission                                                                             |
| <b>Planning Authority Decision</b>  | Grant Permission + Conditions                                                          |
| <b>Type of Appeal</b>               | Third Party V. Decision                                                                |
| <b>Appellant(s)</b>                 | Odhrán Mc Gowan                                                                        |
| <b>Observer(s)</b>                  | Lios na Greine Residents                                                               |
| <b>Date of Site Inspection</b>      | 30/6/26                                                                                |
| <b>Inspector</b>                    | Ronan Murphy                                                                           |

## 1.0 Site Location and Description

- 1.1. The appeal site is located in Lisnennan, which is an emerging residential area to the north-eastern side of Letterkenny. The appeal site has a stated area of c. 1.494ha and comprises of a vacant plot to the east of the existing Lios Na Greine development.
- 1.2. At present the site comprises of an undeveloped plot of land which was part of a previously permitted development. The appeal site shows signs of previous site preparation works including soil stripping and stockpiles of topsoil, however at present the site is vacant and is overgrown.
- 1.3. Access to the site from the local road is via an existing estate road which formed part of the previous planning permission for the site which in turn has access from the L-1144-1 Local Road which runs to Letterkenny town centre.
- 1.4. The site generally undulates between 113.5m to the north of the site, to 114.5m close to the centre of the site to 116m close to the southern boundary of the land. The appeal site is enclosed by way of trees and hedges.
- 1.5. The proposed development is bounded by the existing development to the east (Lios Na Greine) and south-east (Castlebane estate), and undeveloped fields to the south, west and north (the northern boundary of the land includes a ditch). It is noted that the site to the north of the appeal site has a recent grant of planning permission for residential development.

## 2.0 Proposed Development

- 2.1. The development comprises of the construction of 42 dwelling set out as a mixture of semi-detached and terraced units.
- 2.2. The houses are two storeys with heights of c. 9.05m to c.9.6m and are finished in a smooth sand / cement render and select brick finish with blue/black slates on the roof
- 2.3. The following key parameters are noted:

|                          |                            |
|--------------------------|----------------------------|
| <b>Site area</b>         | 1.494ha                    |
| <b>Residential Units</b> | 42                         |
| <b>Total floor space</b> | 4,957.65m <sup>2</sup>     |
| <b>Building Height</b>   | 2-2.5 storeys (9.05m-9.6m) |

|                          |                                                                |
|--------------------------|----------------------------------------------------------------|
| <b>Density</b>           | 28.8 units per hectare                                         |
| <b>Public open space</b> | 1,574m <sup>2</sup> (10.7%)                                    |
| <b>Access</b>            | Vehicular and pedestrian via existing estate at Lios na Greine |
| <b>Car parking</b>       | 86 car parking spaces (2 per unit)                             |

**Table 1** Development Parameters

2.4 The proposal would have the following unit mix:

| <b>Unit Type</b>                  | <b>No of units</b> | <b>%</b>    |
|-----------------------------------|--------------------|-------------|
| <b>4-bed Semi-detached houses</b> | 26                 | 61.9%       |
| <b>3-bed semi-detached houses</b> | 4                  | 9.52%       |
| <b>2-bed semi-detached houses</b> | 2                  | 4.7%        |
| <b>2-bed terraced houses</b>      | 8                  | 19%         |
| <b>3-bed terraced houses</b>      | 2                  | 4.76%       |
| <b>Total</b>                      | <b>42</b>          | <b>100%</b> |

### **3.0 Planning Authority Decision**

- 3.1. By order dated 26/3/26 the Planning Authority decided to grant permission for the proposed development, subject to 27 conditions. The conditions are generally standard for a development of the type proposed.

#### **3.2. Planning Authority Reports**

- 3.2.1 There are two planning reports on file. The first report is dated 5/1/26 notes that the appeal site is on lands zoned 'Established Development' and that the principle of development is accepted. The area planner notes that the duration of the permission for 10 years is acceptable having regard to the fact that the development would not be able to commence until a connection agreement is agreed with Uisce Eireann and that while upgrades to the network are proposed, there is no timeframe for such.
- 3.2.2 In addition to this above, the area planner outlines concerns that the set back of dwelling of No.36, the pedestrian network (including desire lines to all dwellings, tactile paving, shared crossing points, road markings and signage). Concerns are also expressed with respect to the vehicular access and road safety aspects of the proposed development.
- 3.2.3 Finally concerns were raised with respect to the need for storm gullies, the need for additional SuDS and the need for additional sections of the drainage proposals.
- 3.2.4 Further information was requested in respect of the above.

#### **3.3 Other Technical Reports (Pre-Further information)**

- **Chief Fire Officer:** Report dated 19/11/25 outlining no objection, subject to conditions.
- **Taking in Charge:** Report dated 18/11/25 outlining no objection, subject to conditions.
- **EE Roads:** Report dated 1/12/25 outlining no objection, subject to conditions.
- **Road Design:** Report dated 4/12/25 requesting further information.

### **3.4 Prescribed Bodies (Pre-Further information)**

**Uisce Éireann:** Report dated 5/12/25 stating that Significant water supply constraints currently exist in the Letterkenny and Inishowen areas, requiring substantial level of service upgrades to meet demand. Upgrades are currently planned by Uisce Éireann to address this issue, but a timeline for their resolution cannot be guaranteed. Until then connections, while technically feasible are subject to these constraints and an ultimate connection agreement between the applicant and Uisce Éireann. In addition to this, Uisce Éireann notes that the network infrastructure to which a connection is proposed is currently under private third-party ownership. This connecting watermain is located in an adjacent development and has not yet been taken in charge by Uisce Éireann, therefore making it a third party owned sewer.

### **3.5 Planning Authority Reports (Post Further Information)**

3.5.1 A second planning report on file is dated 20/3/26 and notes that the applicants have amended the location of dwelling No.36, alterations have been made to the road and footpath network, and the drainage network. On this basis, the area planner recommended that planning permission be granted, subject to conditions.

#### **3.5.2 Other Technical Reports (Post-Further information)**

- **EE Roads (Letterkenny):** Report dated 10/3/26 outlining no objection, subject to conditions.
- **Road Design:** Report dated 16/3/26 outlining no objection, subject to conditions.
- **Taking in Charge:** Report dated 23/3/26 outlining no objection, subject to conditions.

### **3.6 Third Party Observations**

3.6.1 A total of 2 third party observations were received by the Planning Authority. The observations can be summarised as follows:

- Inappropriate intensification of the site.
- Traffic and Safety Concerns.
- No access to public transport.
- No services or amenities in proximity to the site.
- Inadequate water supply and drainage infrastructure.

- Negative impact on the residential amenity of the area.
- The high-density development is lacking in suitable open space areas for residents.
- The terrace dwellings do not provide adequate private open space.
- Development will cause overlooking of some of the existing dwellings.

## 4.0 Planning History

### *Appeal site*

**Reg. Ref. 0640228:** Application for the erection of 30 dwellings, connection to public mains sewer, associated site works and constriction of a new right hand turning lane for access to the site. Permission granted, subject to conditions.

**Reg. Ref. 11/40264:** Application for an extension to duration of permission with respect to Reg. Ref. 0640228. Extension of duration granted.

### *Lands to the south-west*

**Reg. Ref. 1650744:** Application for the construction of 6 No. dwellings, provision of a sewerage pumping station and associated site and landscaping works.

### *Lands to the north*

**Reg. Ref. 2460240:** Application for the completion of an unfinished estate consisting of the construction of 38 No. dwellings with connection to all existing services including sewer pipe network, surface water pipe, watermain, footpaths, kerbing and roadways.

## 5.0 Policy Context

### 5.1 Development Plan

5.1.1 The operative plan is the *Donegal County Development Plan 2024-2030*. The following policies and objectives are pertinent:

**CS-O-1:** To support the growth of Letterkenny and its metropolitan area as the key driver of population and economic growth in the County.

**UB-P-1:** It is a policy of the Council that the provision of multiple housing developments (defined as 2 or more units and excluding holiday homes) will generally be acceptable in principle within those towns/settlements identified in the Core Strategy/Settlement Structure,

subject in all cases to the principles of quality placemaking, compact growth and the sequential development of settlements from the centre out, the availability of supporting infrastructure and facilities (including school provision), sustainable wastewater treatment solutions and relevant zoning objectives. The scale of any such development shall be in line with the provisions of the Core Strategy, shall have regard to the circumstances of the specific settlement and shall be in accordance with all relevant objectives and policies of this Plan.

**UB-P-4:** To ensure that new residential development is carried out in serviced areas or those areas where the provision of required planned infrastructure (e.g. roads, footpaths, wastewater, water supply social and community infrastructure etc. including school provision) is imminent.

**UB-P-5:** It is the policy of the Council to guide urban residential development in a sequential manner, outwards from the core area in order to maximise the utility of existing and future infrastructure provision, promote the achievement of sustainability, avoid 'leap- frogging' to more remote areas and to make better use of underutilised land.

**UB-P-7:** It is a policy of the Council to require that proposals for new residential developments (2 or more units) in settlements demonstrate that the design process, layout, specification and finish of the proposed development generally comply with all relevant Governmental Planning Guidelines/Standards and give due regard to the key considerations of –

- a. Public realm, open space and amenity
- b. Connectivity and accessibility, having particular regard to active travel and sustainable modes of transport
- c. High Quality Design - massing, form, scale, density and finishes
- d. Mix of house types
- e. Energy efficiency
- f. Biodiversity considerations
- g. Climate adaptation and surface water management
- h. Integration with neighbouring developments and uses

**UB-P-8:** It is a policy of the Council to determine appropriate residential densities for

housing sites having regard to the provisions of all relevant departmental guidelines, the provisions of Circular Letter: NRUP 02/2021, the specific nature of the development proposed and the site location and context.

**UB-P-9:** It is the policy of the Council both to protect the residential amenity of existing residential units and to promote design concepts for new housing that ensures the establishment of reasonable levels of urban residential amenity.

**UB-P-11:** It is a policy of the Council to require that all new multiple housing developments comprising 7 or more units contain a minimum of 30% residential units that are built to universal design standards, in accordance with the requirements of the National Disability Authority publication 'Building for Everyone: A Universal Design Approach'. Where the total number of units to be constructed is between 2 and 6, it is a policy of the Council to require that a minimum of 1 of those units be built to universal design standards.

**UB-P-12:** Multiple residential developments shall, in general:

- a. On greenfield sites, include a minimum of 15% of the overall site area reserved as public amenity area.
- b. In other cases, such as large infill sites or brown field sites include a minimum of 10% of the overall site area reserved as public amenity area; or
- c. On lands characterised by a large private or institutional building/s set in substantial open lands, include a minimum of 20% of the overall site area reserved as public amenity area.

Chapter 16 includes technical standards that must be complied with. Of relevance is Table 16.8 – Car parking Standards

### **The Letterkenny Plan and Transport Plan 2023-2029**

The Letterkenny Plan came into effect on the 3rd of January 2024. Part A comprises 'Land Use Planning Policies' while Part B outlines the 'Local Transport Plan'.

The site is zoned 'Established Development', with the stated objective 'to conserve and enhance the quality and character of the area, to protect residential amenity and allow for development appropriate to the sustainable growth of the settlement,



including new residential development, subject to all relevant material planning considerations, all the policies of this Plan, relevant national/regional policy/guidance including environmental designations and subject to the proper planning and sustainable development of the area'. Residential development is open for consideration on lands zoned Established Development.

Chapter 3 sets out the strategic context and growth ambitions for Letterkenny seeking the regeneration and reimagining of the town centre in line with the Letterkenny Regeneration Strategy 2040, the delivery of more homes, increased population, and more jobs.

Chapter 5 outlines the 'Development Strategy and Consolidation' for a 'Compact Letterkenny' based around the key spatial components of the central business district and sets out areas for targeted compact growth, which includes the town centre.

**Objective LK-H-O-1:** To ensure that an appropriate quantum and mix of housing types, tenures, densities and sizes is provided in suitable locations.

**Objective LK-H-O-2:** To secure the provision of all necessary infrastructure commensurate with the needs of new residential development.

**Policy LK-H-P-1:** It is a policy of the Council to support the principle of multiple residential development (i.e. 2 or more units) on lands where the zoning objective, zoning matrix and/or policy wording pertaining to the subject lands support, or are consistent with, such a use. In determining the appropriate density and form of development on lands zoned as Established Development, the planning authority will have due regard to the site location and context, particularly in light of the compact growth objectives of national planning policy.

**Policy LK-H-P-2:** To determine appropriate residential densities having regard to all relevant departmental guidelines, the provisions of Circular Letter: NRUP 02/2021, the specific nature of the development proposed and the site location and context.

**Policy LK-H-P-6:** It is a policy of the Council to require layouts of residential development to be designed and constructed having regard to best practice in terms of Universal Design, including the guidance for housing development set out in the National Disability Authority publication, 'Building for Everyone: A Universal Design Approach'.

**Policy LK-H-P-7:** It is a policy of the Council to require that all new multiple housing developments comprising 7 or more units in Letterkenny contain a minimum of 30% residential units that are built to universal design standards, in accordance with the requirements of the National Disability Authority publication ‘Building for Everyone: A Universal Design Approach’.

**Policy LK-H-P-8:** It is a policy of the Council to require proposals for residential development to prioritise and facilitate walking, cycling, and public transport and to include provision for links and connections to existing facilities and public transport nodes in the wider neighbourhood.

**Section 10.3** states that Donegal County Council will continue to pursue a number of delivery streams to increase social housing provision in the Letterkenny area, in order to ensure that all sectors of society can have access to a home. The primary means of delivering social housing in Letterkenny to meet this objective include:

- Turnkey developments,
- Site acquisition,
- Part V,
- Council built developments,
- Buy and Renew Scheme, and
- Schemes delivered by Approved Housing Bodies.

## **5.2 National/Regional Plans/Policies**

### **National Planning Framework (2040)-First Revision April 2025**

5.2.1 The NPF is the Government’s high-level strategic plan for shaping the future growth and development of the country to the year 2040. It addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it considers would support the creation of high-quality urban places. Relevant Policy Objectives include:

- National Policy Objective 7: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.

- National Policy Objective 9 Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- National Policy Objective 14: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets that can accommodate changing roles and functions, increased residential population and employment activity, enhanced levels of amenity and design and placemaking quality, in order to sustainably influence and support their surrounding area to ensure progress toward national achievement of the UN Sustainable Development Goals.
- National Policy Objective 20: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- National Policy Objective 22: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.
- National Policy Objective 43: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 45: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

### **Regional policy**

NWRA Regional Spatial and Economic Strategy (RSES) 2020-2032.

The RSES includes a Letterkenny Regional Growth Centre Strategic Plan which provides a framework for growth and investment to build its function as the primary urban centre in Donegal, as well as its part of a Cross Border Network - the Northwest Metropolitan City Region. Relevant objectives can be summarised as follows:

RPO 3.7.20 - To grow Letterkenny to a Regional Centre to a minimum of 27,300 residents by 2040.

RPO 3.7.22 - To ensure that at least 40% of all newly developed lands are within the existing built-up urban area of Letterkenny.

RPO 3.7.23 - To provide an additional 3,000 - 4,000 residential units.

RPO 3.7.29 – To consolidate existing neighbourhoods, including the Lisnennan area.

### **5.3 Section 28 Ministerial Guidelines**

5.3.1 Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024. These guidelines seek to support sustainable residential development and the creation of compact settlements for urban and rural areas.
- Quality Housing for Sustainable Communities: Design Guidelines. The purpose of these Guidelines is to assist in delivering homes, in sustainable communities that are socially inclusive.

### **5.4 Natural Heritage Designations**

5.4.1 The appeal site is not located within or adjoining any designated site. The nearest European Sites in close proximity to the appeal site are as follows:

- Lough Swilly SPA (Site Code: 004075) which is located c.2.08km to the south of the site.
- Lough Swilly SAC (Site Code: 002287) which is located c.2.08km to the south of the site.
- Leannan River SAC (Site Code: 002176) which is located c. 5.3km to the north of the site.
- River Swilly Valley Woods pNHA (Site Code: 002011) which is located c.634m to the south of the site.
- Lough Swilly Including Big Isle, Blanket Nook & Inch Lake pNHA (Site Code: 000166) which is located c.2.08km to the south of the site.

## **6.0 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.

## **7.0 The Appeal**

### **7.1 Third Party Appeal**

- 7.1.1 A third party appeal has been received from Odhran McGowan including a number of homeowners in Castlebane Estate. The appeal can be summarised as follows:

- The development in its current form is contrary to the proper planning and sustainable development of the area.
- While conditions have been imposed, they do not adequately address the fundamental issues.
- The proposed development represents a significant intensification of a site previously permitted under Planning Ref. 06/40228 for 30 lower density, predominantly detached dwellings. The current proposal increases this to 42 units. comprising exclusively semi-detached and terraced housing.
- This change constitutes a material alteration in the form and density of development that is inconsistent with the established pattern of development in the area.
- This proposal conflicts with the Donegal County Development Plan 2024 - 2030, which emphasises that new residential development should respect the character and pattern of existing development, integrate appropriately with its surroundings and avoid overdevelopment of sites.
- The Planning Authority has not adequately justified how this level of density complies with these objectives.
- The proposed development therefore represents overdevelopment and a failure to integrate with the surrounding area.

- The proposed development will generate a substantial increase in vehicular movements, which will intensify an already hazardous situation.
- While the Planning Authority has imposed conditions relating to internal road layout and a financial contribution toward road safety works, these measures do not address the existing deficiencies of the external road network, guarantee implementation of effective traffic calming measures and rely on future interventions that are uncertain in scope and timing.
- The proposed development fails to demonstrate compliance with appropriate road safety standards and is therefore premature and unacceptable on traffic safety grounds.
- The site is located approximately 3.8 km from the nearest shopping centre. It has no access to public transport and no local shops, schools or community facilities within walking distance. It also has no meaningful pedestrian connectivity, as a result future residents would be wholly reliant on private car use.
- This is contrary to national planning policy and the Donegal County Development Plan 2024-2030 which promote compact growth, sustainable settlement patterns and reduced reliance on private vehicles.
- The Planning Authority has failed to adequately consider whether this location is appropriate for a development of this scale.
- The proposed development is premature pending the delivery of adequate water services infrastructure.
- Existing residents in the area continue to experience deficiencies in water supply. There is no clear evidence on file demonstrating that sufficient capacity currently exists to accommodate this development.
- The permission appears to rely on future or planned upgrades, which have not been confirmed as operational.
- The Donegal County Development Plan clearly supports an infrastructure-led approach to development, and states that development should not proceed in advance of the necessary services.
- The site comprises a greenfield parcel within a low-density suburban/rural context. The scale and density proposed represent an over-intensification of this site, which is not supported by the level of infrastructure, services or transport connectivity required for such development.

- The proposal fails to meet the criteria of the Donegal County Development Plan 2024-2030 and therefore represents inappropriate and unsustainable development of greenfield land.
- The proposed development will result in a significant intensification of land use, leading to increased traffic and associated safety concerns, pressure on existing infrastructure, diminished residential amenity for existing residents.

## **7.2 Applicant Response**

7.2.1 A response has been received from Harley Newman Planning Consultants on behalf of the first party. I make the Coimisiún aware that the first party appeal response includes an appeal against development contribution conditions attached to the Notification of Decision to Grant Planning Permission. However, this appeal element of the response was not considered to be valid as it was received outside of the appropriate period for making an appeal. The first party was made aware of this in a letter dated 18<sup>th</sup> May 2026. The first party appeal response can be summarised as follows:

- The applicant is simply seeking to complete to the highest and latest standards the previously permitted and commenced (ghost estate) housing scheme.
- The majority of the remainder of the original site must now be completed upon what is a zoned, fully serviced, brownfield site set within an existing, recently developed suburban zone on the outskirts of the town.
- It is submitted that the Local Authority has adopted a balanced and pragmatic approach in the consideration and assessment of the subject proposal. The planning officer assessed and considered all relevant aspects of the proposal to include residential amenity; open space, vehicular and pedestrian access; services; flooding and impact on any Natura sites and deemed the proposal to be acceptable subject to clarification by way of further information.
- The infill residential development (on brownfield lands) proposed upon the subject site complies with the zoning objective for the lands as outlined, including new residential development, in accordance with the provisions of the development plan.
- The Letterkenny Plan must also be considered in conjunction with the County Development Plan 2024-2030 as general policies and standards contained within the

CDP are also applicable within the Letterkenny Plan area. In this regard relevant policies contained within the current CDP (2024-2030) include UB-P-4, which seeks to ensure that new development is carried out in serviced areas.

- The brownfield infill residential scheme proposed, which seeks to complete, at an appropriate density, an existing serviced estate within an established suburban area of the town, would comply with the stated objectives and policies of the development plan as outlined (both Letterkenny Plan and CDP).
- it is the case that the Sustainable Residential Development and Compact Settlement Guidelines (2024) echo the Government objectives of promoting increased residential densities in appropriate locations.
- Letterkenny is designated as a Regional Growth Centre. It is a policy and objective of the Guidelines that residential densities of 35dph to 50dph (net) shall generally be applied at suburban and edge locations of Regional Growth Centres, and that densities of up to 100dph (net) shall be open for consideration at 'accessible' suburban/urban extension locations.
- The aim of national policy and guidance is clearly for an uplift or increase in density in appropriate locations. The subject site is located in a suburban location within the settlement framework of Letterkenny, a Regional Growth Centre, and would have a density of 28 dph. Whilst this would be marginally lower than the 35dph - 50dph parameter set for such an outer suburban location, there is no absolute impediment to the consideration of slightly higher or indeed slightly lower densities in appropriate locations.
- A newly emerging suburban location within the town, with numerous new housing estates in close proximity, it is the case that services such as shops and schools have been developing in this wider area in recent times.
- The density as outlined above, is entirely acceptable and therefore the proposal, which has no overlooking/overshadowing or any other negative implications for surrounding properties, represents the optimum residential scheme for this brownfield site.
- Any additional traffic associated with this moderate number of houses is well within normal acceptable limits for such a small-scale estate in this suburban zone.



- The proposed development was comprehensively assessed by Local Authority DCC engineers in both Road Design and Area (Local) Roads sections. Whilst Further information was sought in relation to a number of minor internal roads issues (DMURS compliance etc), it is the case that no council engineers had any objection or difficulty with the scheme as proposed.
- Any increase in traffic volumes arising from this very modest 42no unit infill estate completion, would in reality be almost insignificant in the context of the daily commuting patterns and traffic flows in the general suburban area. The proposed completion of this unfinished estate would not therefore constitute a traffic hazard as suggested.
- The residential scheme is proposed to connect to all existing services at the Lios na Greine estate to include foul and storm drainage infrastructure and also water supply.
- The imposition of standard conditions as included by the Planning Authority (conds 15 & 16) in respect of connections to existing infrastructure (as included in the parent permission Ref 06/40228 and also adjacent permission for residential estate (Ref 24/60240) will be acceptable to the applicant and fully complied with.
- Letterkenny, as the primary growth centre in the northwest region would be positively considered for funding to upgrade essential services in the short term with a view to removing infrastructural impediments to addressing the shortfall in housing provision.
- It is further considered that the suitability of the subject brownfield infill suburban site for residential development has been reinforced by the recent decision of the Commission to grant permission for a similar suburban residential development (with a requirement or similar upgrades to service provision) on the outskirts of Letterkenny)

## **7.4 Planning Authority Response**

- 7.4.1 A response to the first party appeal has been received from the Planning Authority by letter dated 15<sup>th</sup> May 2026 which states that the contents of the third-party appeal have been noted, and that the matters raised by the appellants have been previously addressed in the planning reports. The Planning Authority relies on these reports and respectfully asks An Coimisiún Pleanála to uphold the decision of the Council to grant planning permission.

### 7.3 Observations

7.3.1 A third party observation has been received from Martin Devasia on behalf of the Lios Na Greine Residents Association. I make the Coimisiún aware that this observation includes a number of appendices.

- Within part of Rosemount Homes Planning Application, it was indicated that they did not carry out a Flood Risk Assessment, however, Lios Na Greine has suffered previous flood events leading to flooding of back gardens.
- The area has a very heavy clay type and has very poor drainage. For new housing developments on heavy ground with flooding issues, it is recommended that a staged, site specific, approach that prioritises managing surface water. A Flood Risk Assessment should be carried out.
- It is considered poor practice to have the backs of houses in a row facing the entrance of a new housing development. Instead, the design should prioritise creating an attractive “active frontage” where the front facades of houses face the entrance road creating a welcoming and safe first impression.
- The approach to an estate should be attractive and visually pleasing. Having the backs of houses -often accompanied by fences, bins, washing lines and rear garden spaces facing the main entrance is generally seen as unattractive and a poor use of space.
- In the new development, on approach on local road L--1 1441-2, your first visual impression is the back of proposed house numbers 1, 2, 3, 4, 42, 41, 40, 39. This will have a negative impact on us as Lios na Greine Residents, both visually and will intrude on our privacy.
- The proposed building materials for the new development is not in keeping with the current dwellinghouses in the area.
- The finishing on the proposed development is completely opposed to the finishing within the current development. The properties in Lios na Greine have been finished with natural stone, which is in keeping with the surrounding area, whereas the proposed yellow brick for the new development is more seen in built up cities.

- There are no services or amenities within a 4km radius of the proposed development. There is no public transport available in the Lisnennan area, and this means that the average walking distance is at least one hour to various essential services, therefore creating the necessity for car journeys to access the town of Letterkenny.
- The proposed development does not provide easy pedestrian access to any essential services or amenities as it is located out of town up a very steep hill.
- There is no retail, recreational or social fabric to sustain such a development in our immediate area, this creates a higher dependency on car use for transport. This would negatively impact on the environment with more congestion and pollution.
- A survey of residents concluded that on average each household made 10 journeys per day in and out of the estate. The proposed development would increase this to 400 per day which would gravely impact negatively on the current residents with noise pollution, congestion, disruption of peace and would make the area less safe for children to play.
- Lisnennan Road is very dangerous road for speeding with numerous accidents. Donegal County Council invited the Minister for Transport to Letterkenny to witness the severe traffic congestion in the area which includes the Lisnennan area.
- This new proposed high density urban development is totally out of character with the area and the previous plans for the site. The land was recently rezoned but is completely surrounded by zoned local environmental and open space land and is not an urban area.
- This new proposed high-density development is so far out of town with no playing fields or sports areas in the vicinity or included in the proposed plans. There are no clubs or recreation facilities within walking distance which could lead to antisocial behaviour.
- This area consists mainly farmland, one off single detached houses and private bungalows. We strongly feel this density of development is in the wrong location as it is not in keeping with the residential area and is totally out of character.
- The proposed terrace housing and small 2 bed semi-detached townhouses do not provide adequately sized gardens or green areas and would encourage children/teenagers to roam as there are no facilities in the area.

- The proposed development has a green area of approximately twice the size of our green area and is expected to accommodate 42 properties. This is totally inadequate and would cause future problems.
- The proposed development and layout will be overlooking some of the current residences with the back garden and houses facing directly into their open space which invades privacy and reduces quality of life.
- The development is substandard and the proposed development would back onto the entry to the estate.
- Houses 1-4 will have their house and back gardens looking directly into the private open space of the existing property at No.3 Lios Na Greine and proposed houses 37 and 38 will invade the privacy and be overlooking the current house at No.27 Lios Na Griene.
- The boundary fence currently erected between No. 3 Lios Na Greine and the development is off kilter in so far as part of the development land is registered to No. 3 Lios Na Greine and should form part of their property, however the developer intends developing that part of the property as the back gardens for the newly proposed properties No. 1, No.2, No.3 and No.4. This issue should be remediated before any works are carried out on site.

## **7.5 First Party Response to the Third-Party Observation**

7.5.1 A response to the third-party observations has been received from Harley Newman Planning Consultants on behalf of the first party. This can be summarised as follows:

- The applicant firmly believes that the substantive issues outlined by the Lios Na Greine residents have been comprehensively addressed in the previously submitted response to the grounds of appeal.
- With regard to flooding, it is the case that the planning application was accompanied by a technical report by K2 Design Consulting Engineers which addressed the issue of any potential flooding in this area and confirmed that the subject site, locally elevated, is not located within or proximate to any identified flood zones that a Flood Risk Assessment is not required.

- This approach was acceptable under Reg. Ref. 24/60240.
- With regard to an alleged boundary issue to the rear of proposed units 1 to 4, the applicant is not aware of any such dispute as described. Notwithstanding it is the case that any such issue would be a civil and not a planning matter.
- The applicant wishes to reiterate that the high-quality brownfield infill residential scheme proposed which seeks to complete at an appropriate density and with appropriate house type varieties an existing ghost estate within an established suburban area of town is supported by the NPF and RSES and would comply with the stated objectives and policies of the local development plan.
- The proposed development would not seriously injure the residential properties in the vicinity or compromise traffic or pedestrian safety complies with the provisions of the development plan and would constitute a high quality much needed addition to the housing provision / choice on the town is fully in accordance with the proper planning and sustainable development of the area.

## **7.6 Planning Authority response to the Third-Party Observation**

7.6.1 By letter dated 5/6/26 the Planning Authority responded to the third party observation and states that the contents of the third party observation has been noted and the matters raised have previously been addressed in the planning reports by the assistant planner and that the Planning Authority relies on these reports and is satisfied that the proposal is consistent with national and local policies specifically those set out in the County Development Plan 2024-2030.

## **8 Assessment**

8.1 I make the Coimisiún aware that this assessment is based on the updated plans and particulars submitted at Further Information stage. 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.
- Traffic / Transportation.

- Flooding.
- Water Framework Directive.
- Appropriate Assessment.

## 8.2 Principle of Development

8.2.1 As per the current Letterkenny Plan, the appeal site is within the 'Established Development' Zone which has the objective '*To conserve and enhance the quality and character of the area, to protect residential amenity and allow for development appropriate to the sustainable growth of the settlement, including new residential development, subject to all relevant material planning considerations, all the policies of this Plan, relevant national/regional policy/guidance including environmental designations and subject to the proper planning and sustainable development of the area.*' Having regard to the land use zoning matrix set out in Table 7.2 residential development is open for consideration.

8.2.2 Having considered the above. I am satisfied that the proposed development is acceptable in principle, subject to a full assessment of the proposed development.

### *Duration of permission*

8.2.3 The application seeks a 10-year permission. In this regard I refer the Coimisiún to Section 7.4 of the Development Management Guidelines which state that Planning authorities may grant permission for a duration longer than 5 years if they see fit, e.g. for major developments (for example for wind energy developments) but it is the responsibility of applicants in the first instance to request such longer durations in appropriate circumstances.

8.2.4 I note that the Statutory Notices submitted with the application seeks permission for a 10-year duration. However, neither the application material nor the various appeal responses have outlined the reason for the duration of the permission.

8.2.5 Notwithstanding the above, I would agree with the area planner in this case that a 10-year duration is required as the water infrastructure in the area is required to be upgraded. In this regard, I refer the Coimisiún to the submission from Uisce Éireann on file (dated 5<sup>th</sup> December 2025) which states that *significant water supply constraints currently exist in the Letterkenny and Inishowen areas, requiring substantial level of service upgrades to meet demand and that upgrades are currently planned by Uisce Éireann to address this issue, but a timeline for their resolution cannot be guaranteed.*

8.2.6 Given this identified constraint, it is considered that a 10-year timeframe is acceptable in this instance.

#### *Density*

8.2.7 Third parties have outlined concerns that the proposed development would be a high-density urban development which is totally out of character with the area and the previous plans for the site.

8.2.8 In response to this, the first party appeal response states that the appeal site is brownfield and that the proposed development comprises of an infill development which complies with the Letterkenny Plan, *the Donegal County Development Plan 2024-2030* and the Sustainable Residential Development and Compact Settlement Guidelines (2024).

8.2.9 In the first instance I note that the Letterkenny Plan and Local Transport Plan Policy LK-H-P-1 supports the principle of multiple residential development on lands where the zoning objective, zoning matrix and/or policy wording pertaining to the subject lands, support or are consistent with, such a use. In determining the appropriate density and form of development on lands zoned as Established Development, due regard will be had to the site location and context, particularly in light of the compact growth objectives of national planning policy.

8.2.10 The RSES for the region supports consolidated growth and higher densities, promoting compact urban growth by making better use of under-used land and buildings within the existing built-up urban footprint, and to drive the delivery of quality housing and employment choice for the region's citizens. Regional Policy Objective 3.7.27 of the RSES stipulates that a default housing density of 35 units per hectare should be considered in Letterkenny. I also note that Regional Policy Objective 3.7.29 seeks to consolidate existing neighbourhoods through a series of targeted measures, this includes Lisnennan.

8.2.11 In addition to this, the National Planning Framework promotes the principle of 'compact growth' at appropriate locations, facilitated through well-designed, higher-density development. The National Planning Framework prioritises the provision of new homes at increased densities through a range of measures including, amongst others, increased building heights and promoting more compact and sustainable urban development within the existing urban envelope.

8.2.12 The Compact Settlements Guidelines echo the objectives of the National Planning Framework and the RSES for the region by promoting increased residential densities in

appropriate locations. I note that Letterkenny is a Regional Growth Centre and it is a policy and objective of the Compact Settlements Guidelines that residential densities of 35dph to 50dph (net) shall generally be applied at suburban and edge locations of Regional Growth Centres, and that densities of up to 100dph (net) shall be open for consideration at 'accessible' suburban/urban extension locations.

8.2.13 The proposal would have a density of 28dph, this is marginally below the lower range as set out in the Compact Settlements Guidelines. Therefore, I must consider whether the density of the proposed development makes sufficiently efficient use of zoned, serviced land on the outskirts of an identified Regional Growth Centre. In this regard, I refer the Coimisiún to Section 3.4 of the Compact Settlements Guidelines which notes that the density ranges set out should be considered and refined, generally within the ranges set out, based on consideration of centrality and accessibility to services and public transport; and considerations of character, amenity and the natural environment. In addition to this I refer the Coimisiún to Policy LK-H-P-1 of the Letterkenny Plan and Transport Plan 2023-2029 which states that *'in determining the appropriate density and form of development on lands zoned as Established Development, the planning authority will have due regard to the site location and context, particularly in light of the compact growth objectives of national planning policy'*.

8.2.14 The appeal site is on the edge of the built-up area of Letterkenny (c. 4.3km from the town centre) and is close to the top of long steep hill. The appeal site is not proximate to any high frequency public transport and is a c.47-minute walk from the town centre. In addition to this, I note that the local character is one of lower density residential development (including single houses and house estates with detached dwellings). In my opinion, it would be difficult to provide a higher density development on this site without impacting on the prevailing scale of the area.

8.2.15 Having considered the above, I am satisfied that the appeal site could be considered to be a peripheral location as defined in Table 3.8 of the Compact Settlements Guidelines and that the density of the proposed development provides a reasonable balance between making the most sustainable use of serviced lands with the protection of the character of the area and the amenity of abutting residential development. In light of this, I am satisfied that the density is acceptable in this case.

*Layout*



- 8.2.15 The grounds of appeal highlight concerns that the proposed development would not respect the character and pattern of existing development, integrate appropriately with its surroundings and avoid overdevelopment of sites. Concerns are also outlined that the backs of house No.1, 2, 3, 4,42, 41, 40, 39 would not face towards the access road through the existing Lios Na Greine development and that the proposed building materials for the new development is not in keeping with the current dwellinghouses in the area.
- 8.2.16 The proposed development comprises of 42 No. houses set out in a mixture of semi-detached, and terraced configurations with heights of 2 and 2.5 storeys (dwellings with front facing dormers). I refer the Coimisiún to drawing No. L2416/PL.003 'Proposed Site Layout'. This drawing shows that house No's 1, 2, 3, 4,42, 41, 40, 39 would not face the existing development and that the back of the houses would present to the existing dwellings on Lios na Greine and the existing access road.
- 8.2.17 I note the concerns of the third parties in this respect, however, in my opinion the layout of the proposed development is acceptable. I have come to this conclusion having regard to the location of the proposed development within a suburban area. While I note that the design of the dwellings would be a change in built form from the established dwellings in the area, I am satisfied that there is sufficient capacity within the receiving environment to absorb the development without it harming visual amenity. Furthermore, the proposal is a more efficient use of zoned and serviced land within the built-up footprint of the Letterkenny and therefore complies with Local, Regional and National planning policy with respect to the delivery of houses at a higher density with the development boundaries of towns.

### *Design*

- 8.2.18 The proposed houses would comprise of two and two a half storey dwelling (with heights of between c. 9.05m and c.9.6m). The dwellings would be finished in a mixture of brick (in a light-yellow colour and textured render in a white colour). A number of the dwellings would include projecting stair enclosures. This finish is generally for House Type A, facing the main access road.
- 8.2.19 In overall terms, I am satisfied that the design of the dwellings would be typical of a residential development at the periphery of a town such as Letterkenny and that the design of the dwellings would not visually detract from the residential amenity of the surrounding area.

### *Quality of the proposed dwellings*

8.2.20 In assessing the proposed development including the Schedule of House Types submitted with the application material (Appendix B of the Design Statement prepared by Morgan Architects), I note that all the dwellings exceed the minimum overall floor area requirements as set out in Quality Housing for Sustainable Communities: Design Guidelines 2023. While I note that the aggregate Living / Kitchen / Dining area of House Type G is marginally below the minimum requirement, I am satisfied that this would be acceptable as the overall floor area is above the minimum requirements set out in the Quality Housing for Sustainable Communities: Design Guidelines 2023.

### *Private Open space*

8.2.21 Private open space to serve each of the dwellings is proposed by way of back gardens. I note the concerns of the third parties with respect to the size of the private open space provided by the proposed development.

8.2.22 In this regard, I refer the Coimisiún to Drawing No. L2416/PL.003 'Proposed Site Layout' which includes a schedule of garden areas for each of the dwellings. The relevant private open space areas for the dwellings range between c.48m<sup>2</sup> to 226m<sup>2</sup> and therefore I am satisfied that the back gardens would comply with the minimum area standards set out in SPPR2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024. This is considered to be acceptable.

### *Overall Scheme Landscaping – Public Open Space*

8.2.23 The plans submitted with the Further Information response shown that an area of c.1,574m<sup>2</sup> is proposed within a single large area of public open space close to the centre of the site. This would equate to 10.5% of the overall site area and as such would comply Policy and Objective 5.1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024.

8.2.24 Notwithstanding this, I am of the opinion that this area would benefit from the inclusion of a play space for children (such as swings etc) to ensure that the area is as useable as possible. This matter could be dealt with by way of condition, should the Coimisiún be of a mind to grant planning permission.

### *Car parking*

- 8.2.25 I refer the Coimisiún Table 1 of the applicants cover letter submitted with the initial application which states that 2 car parking spaces are proposed per dwelling. Table 3.8 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024 outlines that in intermediate and peripheral locations, defined in Chapter 3 (Table 3.8) the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling.
- 8.2.26 However, having considered the drawings submitted with both the initial application and in response to the Further Information requested, I am note that the car parking proposed is by way of back-to-back parking (example at dwelling No's 30,31,32, 34 and 36). I am not satisfied that such a provision is acceptable. In my opinion the parking should be provided in a standard side by side configuration to the front of the dwellings. This matter could be dealt with by way of condition, if the Coimisiún is of a mind to grant planning permission.
- 8.2.27 With regard to bicycle parking, I note that provision for such is not detailed on any plans submitted with the initial application or in the further information response. I refer the Coimisiún to SPPR 4 of the Residential Development and Compact Settlements Guidelines for Planning Authorities 2024 which states that all new housing schemes (including mixed-use schemes that include housing) include safe and secure cycle storage facilities to meet the needs of residents and visitors.
- 8.2.28 In order to comply with SPPR4 of the Residential Development and Compact Settlements Guidelines for Planning Authorities 2024, the applicant should be required to provide safe and secure bicycle storage. This matter can be dealt with by way of condition should the Coimisiún be of a mind to grant planning permission.

#### *Wastewater*

- 8.2.29 The proposed development would connect to an existing pump station to the north-west of the site. The pump station is not within the ownership of the applicant, nor is it in public ownership.
- 8.2.30 However, it is noted that in their response dated 11/11/25 the Taking in Charge Department of Donegal County Council states that the existing foul pump station, the adjoining estate, Lios na Greine, was taken over by DCC in October 2023, with the estate and foul pump station accepted by UÉ's TiC team in December 2023. The land transfer of the pump station to UÉ has been ongoing since. This is considered to be acceptable.

## *Residential Amenity of surrounding properties*

### *Overlooking*

8.2.31 I note third party concerns with respect to potential overlooking from the proposed development. In broad terms and having considered the layout of the proposed development including the set back of proposed units as shown on the amended site layout plan submitted with the Further Information response, I do not have any concerns that the proposed development would lead to any undue overlooking within the proposed development. I have come to this conclusion having noted the separation distances between back-to-back dwellings within the proposed development are greater than 16m as set out in SPPR1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024.

8.2.32 In addition to this, I note that the majority of the proposed dwellings do not directly oppose dwellings with existing residential development. Notwithstanding this, I note that the rear elevations of Units No's 3 and 4 face towards the rear garden of No. 3 Lios na Greine. In addition to this, proposed units 37 would face towards the rear garden of No. 37 Lios na Greine.

8.2.33 Proposed Units 3 and 4 would be set back c. 15.1m from the rear garden of No. 3 Lios na Greine. While this is below the 16m as set out in SPPR1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024, it is only marginally below this figure, and I am satisfied that it is acceptable.

8.2.34 Proposed Unit 37 would be set back c. 7.9m from the back garden of No.37 Lios na Greine. Given this set back, I do have concerns that there is a potential for proposed unit No.37 has the potential to cause undue overlooking of the private open space of No. 37 Lios na Greine. In my opinion proposed Unit 37 should be omitted from the scheme and that proposed Unit 38 be reorientated to ensure that the proposed development would not have an undue impact on surrounding properties by way of overlooking. This matter could be dealt with by way of condition, should the Coimisiún be of a mind to grant planning permission.

### *Overshadowing / Overbearing*

8.2.35 Having considered the amended layout plan submitted in response to the Further Information request, I do not have concerns with respect to the potential of the proposed development having an undue impact on the residential amenity of abutting residential

development by way of overshadowing. I have come to this conclusion having regard to the relatively modest heights of the proposed development in combination with the setbacks from the site boundaries.

8.2.36 In addition to the above, I do not have concerns with respect to overbearing development, in this regard, I have considered the fact that proposed dwelling No.36. would be set back c. 4.2m from the rear boundary of No. 6 Castlebane. In addition to this, the proposed development would be set back c. 13.1m from the rear elevation of No.6 Castlebane. While I note this set back, I am satisfied that this is acceptable in an urban context and having regard to the enhanced hedgerow planting proposed on the boundary between No.6 Castlebane and dwelling No.36.

### **8.3 Traffic / Transportation**

8.3.1 The third-party appeals have outlined concerns with respect to the volume of traffic which may be generated by the proposed development. Objectors note that the proposed development will generate a substantial increase in vehicular movements, which will intensify an already hazardous situation. In addition to this, the third parties state that Lisnennan Road is very dangerous road for speeding with numerous accidents.

8.3.2 In response the first party states that any additional traffic associated the proposed development is well within normal acceptable limits and that the proposed development was comprehensively assessed by Local Authority engineers in both Road Design and Area (Local) Roads sections. Whilst Further information was sought in relation to a number of minor internal roads issues (DMURS compliance etc), it is the case that no council engineers had any objection or difficulty with the scheme as proposed.

8.3.3 In the first instance I make the Coimisiún aware the neither the initial application material nor the further information responses included a Traffic Impact Assessment. However, I note that, upon receipt of Further Information, that the Roads Department of Donegal County Council outlined no objection subject to conditions.

8.3.4 The proposal seeks to use the existing access / egress from Lios na Greine onto the public road (L-1144-1). This access includes a dedicated right hand turn lane from the north bound carriageway. In addition to this, I refer the Coimisiún to Drawing No. 10441-K2D-XX-01-DR-C-001 'Proposed Road Site Layout Plan' submitted at Further Information stage which shows that a new raised table is proposed to be located c.5m from the give way line at the access onto the L-1144-1. I am satisfied that this would control the speed of cars both

entering and exiting the site and that the access to the land is acceptable from a car safety perspective.

8.3.5 I note the concerns of the third parties with respect to the increase in traffic on the local road network as a result of the proposed development. The appeal site is positively zoned for residential purposes within a predominantly residential area. I am satisfied that that the relatively small number of traffic movements generated by the proposed development would not have an undue impact on traffic movements within this area of Letterkenny in general and therefore the proposed development is acceptable in this regard.

8.3.6 With regard to the internal road network I note that the internal roads have widths of 5m and footpaths have widths of 1.8m. In addition to this, the road network includes raised tables at a number of locations throughout the network. The road / footpath widths comply with DMURS, and I note that the Roads Design Engineer was satisfied with the road layout (after a consideration of the applicant's response to the Further Information request). I am therefore satisfied that the internal road layout is acceptable.

#### **8.4 Flooding**

8.4.1 Third parties outline concerns that Lios Na Greine has suffered previous flood events leading to flooding of back gardens. In addition to this, it is stated that the area has a very heavy clay type and has very poor drainage and that for new housing developments on heavy ground with flooding issues, it is recommended that a staged, site specific, approach that prioritises managing surface water. A Flood Risk Assessment should be carried out.

8.4.2 In response to this, the first party appeal response states that the planning application was accompanied by a technical report by K2 Design Consulting Engineers which addressed the issue of any potential flooding in this area and confirmed that the subject site, locally elevated, is not located within or proximate to any identified flood zones that a Flood Risk Assessment is not required.

8.4.3 I note the Engineering Services Report-Planning Submission prepared by K2 Design as submitted with the initial application states that the site is elevated in comparison to surrounding areas and that there is no evidence of past flooding in the area as identified in the Past Flood Event Local Area Summary Report.

8.4.4 I make the Coimisiún aware that I visited the site after a period of rain following a longer period of dry, warm weather and I note that there were a number of examples of standing

water on the site. Notwithstanding this, I have consulted the flood mapping system ([www.floodinfo.ie](http://www.floodinfo.ie)) and I note that the subject land is within Flood Zone 'C'.

- 8.4.5 I note the concerns of the third parties, and I have considered the Planning System and Flood Risk Management which state that Zone C has a low probability of flooding and that development in this zone is acceptable from a flood risk perspective. This includes highly vulnerable land uses such as residential.
- 8.4.6 The Planning System and Flood Risk Management document also states that Sustainable Drainage Systems (SuDS) can play a role in reducing and managing run-off to surface water drainage systems as well as improving water quality and contributing to local amenity. In this regard I refer the Coimisiún to the Engineering Services Report submitted with the application which outlines that the proposed development includes SuDS measures such as Attenuation storage with flow control devices sized to contain a 1 in 100-year storm event with an increase of 20% for predicted climate change to limit discharge from the site during extreme rainfall events. In addition to this, it is noted that the attenuation system will hold the required 1 in 100-year storm event (plus climate change allowance) before discharging to the adjacent watercourse north of the site via flow control devices. In addition to this, in response to the Further Information request the applicant clarified that permeable asphalt to be provided at private driveways.
- 8.4.7 Having considered all of the foregoing; I am satisfied that the proposal is acceptable from a flood risk perspective.

## **9 AA Screening**

- 9.1 I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The application is for the construction of 42 houses with connection to all existing services already on site at Lios Na Greine, Lisnennan, Letterkenny, Co. Donegal.
- 9.2 The appeal site is not located within or adjoining any designated site. The nearest European Sites in close proximity to the appeal site are as follows:
- Lough Swilly SPA (Site Code: 004075) which is located c.2.08km to the south of the site.

- Lough Swilly SAC (Site Code: 002287) which is located c.2.08km to the south of the site.
- Leannan River SAC (Site Code: 002176) which is located c. 5.3km to the north of the site.
- River Swilly Valley Woods pNHA (Site Code: 002011) which is located c.634m to the south of the site.
- Lough Swilly Including Big Isle, Blanket Nook & Inch Lake pNHA (Site Code: 000166) which is located c.2.08km to the south of the site.

9.3 There is no hydrological link between the subject site and the European sites.

9.4 Having considered the nature, scale, and location of the proposed development, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

## **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 appeal site is located c.132m to the south of the KNOCKYBRIN\_010 river waterbody (IE\_NW\_39K240610). The classification of this waterbody is under review in proximity to this appeal site. This is illustrated on the EPA mapping (<https://gis.epa.ie/EPAMaps/agriculture>).

10.4 I have assessed the application for the construction of a residential development for which permission is sought and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale, and location of the project, 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. I have come to this conclusion having regard to the following:

- The site is connected to the public water and drainage services.
- The site is connected to an existing foul pumping station to the northwest of the site.

10.5 Please see Appendix 3 below.

## **11 Recommendation**

11.1 I recommend that planning permission be granted.

## **12 Reasons and Considerations**

12.1 Having regard to the provisions of the 'Established Development' Zone of the appeal site, its proximity to Letterkenny Town Centre and to the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or property in the vicinity and would be acceptable in terms of the protection of existing residential amenity, traffic and pedestrian safety and flooding. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 6<sup>th</sup> September 2026, 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. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.

**Reason:** Having regard to the identified water infrastructure constraints in the area the Coimisiún considered it reasonable and appropriate to specify a period of the permission in excess of five years.

3. Prior to the commencement of development:

- a) An updated plan to show the omission of House No. 37 from the proposed development and the reorientation of House No.38.
- b) Updated plans to back-to-back parking replaced with standard side-to-side parking to the front of dwellings.
- c) Updated plans to show the location and numbers of safe and secure bicycle storage for the permitted development.

**Reason:** In the interest of residential amenity of surrounding properties and of future residents.

4. 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 are agreed to in writing with the planning authority.

(b) Requirements of Donegal County Council's Road Design Department, Area Roads Engineer, Chief Fire Officer, Housing Capital Department and Taking in Charge Department are agreed in writing.

(c) All amenity/open spaces, roads, footpaths, public lighting, water, and wastewater services shall be completed in accordance with the standards and conditions set out in the Departmental publication Recommendations for Site Development Works for Housing Areas, except where superseded.

(d) Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

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

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

**Reason:** In the interest of sustainable transportation, and traffic and pedestrian safety.

6. a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

- 7. The developer shall enter into water and wastewater connection agreements with Uisce Eireann, prior to commencement of development.

**Reason:** In the interest of public health

- 8. 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.

**Reason:** In the interests of visual and residential amenity

- 9. 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) Measures to ensure that there no pollutants including dust and hydrocarbons enter any water bodies.
- (ii) collection and disposal of construction waste,
- (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, and environmental protection.

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

**Reason:** In the interest of sustainable waste management.

11. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during

the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

**Reason:** In the interest of sustainable transport and safety.

12. 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 Coimisiún 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.

13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

14. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in

writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Coimisiún Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

15. 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 Coimisiún 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.

16. The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of road safety measures in the form of central islands, signs streetlights, road markings and speed bumps., which benefits the proposed development. The amount of the contribution shall be agreed between the planning

authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme, and which will benefit the proposed development.

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**

---

Ronan Murphy  
Planning Inspector

16<sup>th</sup> July 2026



## Appendix 1: Form 1 EIA Pre-Screening

|                                                                                                                                                                                                                                                                       |                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| <b>Case Reference</b>                                                                                                                                                                                                                                                 | <b>PL-501197-DL-26</b>                                                                 |
| <b>Proposed Development Summary</b>                                                                                                                                                                                                                                   | 10-year permission for the construction of 42 dwellings and all associated site works. |
| <b>Development Address</b>                                                                                                                                                                                                                                            | Lios Na Greine, Lisnennan, Letterkenny, Co. Donegal                                    |
| <b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>                                                                                                                                                                                                                        |                                                                                        |
| <b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>                                                                                                                                                            | <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:<br>- The execution of construction works or of other installations or schemes,<br>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) |                                                                                        |
| <b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>                                                                                                                       |                                                                                        |

|                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Yes, it is a Class specified in Part 1.<br><b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>                                                                                                                   |                                                                                                                                                                                                                                                                                                                                |
| <input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                |
| <b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b> |                                                                                                                                                                                                                                                                                                                                |
| <input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.<br><b>No Screening required.</b>                                             |                                                                                                                                                                                                                                                                                                                                |
| <input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.<br><b>EIA is Mandatory. No Screening Required</b>                                                                                                                       |                                                                                                                                                                                                                                                                                                                                |
| <input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.<br><br><b>Preliminary examination required. (Form 2)</b><br><b>OR</b>                                                                                                   | Class 10 of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for a development comprising the construction of more than 500 dwellings, or for urban development which would involve an area greater than 2 hectares in the case of a business district, |

|                                                                                                                                                                 |                                                                                                                                                                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>If Schedule 7A information submitted proceed to Q4.<br/>(Form 3 Required)</b>                                                                                | <p>10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> <p>The proposal comprises of 42 dwellings on a site of c.1.494 hectares in a residential area.</p> |
| <b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b> |                                                                                                                                                                                                |
| <b>Yes</b> <input type="checkbox"/>                                                                                                                             | <b>Screening Determination required (Complete Form 3)</b>                                                                                                                                      |
| <b>No</b> <input checked="" type="checkbox"/>                                                                                                                   | <b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>                                                                                                                      |

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

## Appendix 2: Form 2 - EIA Preliminary Examination

|                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Case Reference</b>                                                                                                                                                                                                                                                                        | <b>PL-501197-DL-26</b>                                                                                                                                                                                                                                                                                                                                                            |
| <b>Proposed Development Summary</b>                                                                                                                                                                                                                                                          | 10-year permission for the construction of 42 dwellings and all associated site works.                                                                                                                                                                                                                                                                                            |
| <b>Development Address</b>                                                                                                                                                                                                                                                                   | Lios Na Greine, Lisnennan, Letterkenny, Co. Donegal                                                                                                                                                                                                                                                                                                                               |
| <b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Characteristics of proposed development</b><br><br>(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). | The proposed residential development comes forward as a standalone project, and it does not involve 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. |
| <b>Location of development</b><br>(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                                                   | The development is situated on a brownfield site and surrounded by existing residential development to the south-east and east and permitted residential development to the north.<br><br>There is no direct hydrological links to any European sites. The development is removed from sensitive natural habitats, dense centres of population and                                |

|                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).                                                                                         | designated sites and landscapes of identified significance in the County Development Plan.                                                                                                                                                                                                  |
| <b>Types and characteristics of potential impacts</b><br><br>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation). | Having regard to the nature of the proposed development, 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. |
| <b>Conclusion</b><br><br>Having considered all of the information available to me I consider that there is no potential for significant effects on the environmental factors and that an EIA is not required                                                                   |                                                                                                                                                                                                                                                                                             |
| <b>Likelihood of Significant Effects</b>                                                                                                                                                                                                                                       | <b>Conclusion in respect of EIA</b>                                                                                                                                                                                                                                                         |
| <b>There is no real likelihood of significant</b>                                                                                                                                                                                                                              | <b>EIA is not required.</b>                                                                                                                                                                                                                                                                 |

|                                    |  |
|------------------------------------|--|
| <b>effects on the environment.</b> |  |
|------------------------------------|--|

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

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

### Appendix 3: Standard AA Screening Determination

| Screening for Appropriate Assessment<br>Test for likely significant effects                                                                                                                                               |                                                                                                                                                                                    |                                                                                                |                                                     |                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|-----------------------------------------------------|---------------------------------------------------|
| <b>Case Reference Number: PL-501197-DL</b>                                                                                                                                                                                |                                                                                                                                                                                    |                                                                                                |                                                     |                                                   |
| <b>Step 1: Description of the project and local site characteristics</b><br>The proposal comprises of the construction of 42 houses, and all associated sites work at Lios Na Greine, Lisnennan, Letterkenny, Co. Donegal |                                                                                                                                                                                    |                                                                                                |                                                     |                                                   |
| <b>Brief description of development site characteristics and potential impact mechanisms</b>                                                                                                                              |                                                                                                                                                                                    | Construction of 42 dwellings and connection to all existing services already on site.          |                                                     |                                                   |
| <b>Screening report</b>                                                                                                                                                                                                   |                                                                                                                                                                                    | No                                                                                             |                                                     |                                                   |
| <b>Natura Impact Statement</b>                                                                                                                                                                                            |                                                                                                                                                                                    | No                                                                                             |                                                     |                                                   |
| <b>Relevant submissions</b>                                                                                                                                                                                               |                                                                                                                                                                                    | No third-party submissions raised specific concerns in terms of impacts on the European Sites. |                                                     |                                                   |
| <b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>                                                                                                                          |                                                                                                                                                                                    |                                                                                                |                                                     |                                                   |
| European Site (code)                                                                                                                                                                                                      | Qualifying interests <sup>1</sup><br>Link to conservation objectives (NPWS, date)                                                                                                  | Distance from proposed development (km)                                                        | Ecological connections <sup>2</sup>                 | Consider further in screening <sup>3</sup><br>Y/N |
| Lough Swilly SAC (site code: 002287)                                                                                                                                                                                      | Estuaries [1130]<br>Coastal lagoons [1150]<br>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]<br>Molinia meadows on calcareous, peaty, or clayey-silt-laden soils | c.2.08km to the south of the site.                                                             | No, no hydrological connection from the appeal site | <b>No</b>                                         |

|                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                           |                                                            |                  |
|---------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|------------------------------------------------------------|------------------|
|                                             | <p>(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>Lough Swilly SPA (Site Code: 004075)</p> | <p>Great Crested Grebe (Podiceps cristatus) [A005]</p> <p>Grey Heron (Ardea cinerea) [A028]</p> <p>Whooper Swan (Cygnus cygnus) [A038]</p> <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>c.2.08km to the south of the site.</p> | <p>No, no hydrological connection from the appeal site</p> | <p><b>No</b></p> |



|                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                           |                                                            |                  |
|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|------------------------------------------------------------|------------------|
|                                              | <p>Curlew (Numenius arquata) [A160]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Greenshank (Tringa nebularia) [A164]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Common Gull (Larus canus) [A182]</p> <p>Common Tern (Sterna hirundo) [A193]</p> <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>Leannan River SAC (Site Code: 002176)</p> | <p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</p>                                                                                                                                                                                                                                                                                     | <p>c. 5.3km to the north of the site.</p> | <p>No, no hydrological connection from the appeal site</p> | <p><b>No</b></p> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                  |  |  |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Margaritifera<br>margaritifera<br>(Freshwater Pearl<br>Mussel) [1029]<br><br>Salmo salar (Salmon)<br>[1106]<br><br>Lutra lutra (Otter)<br>[1355]<br><br>Najas flexilis (Slender<br>Naiad) [1833] |  |  |  |
| <b>No</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Likelihood of significant effects from proposed development (alone):</b><br><b>N</b>                                                                                                          |  |  |  |
| <b>None</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b><br><b>N</b>                                                                      |  |  |  |
| <b>Step 4: Conclude if the proposed development could result in likely significant effects on a European site.</b><br><br>I conclude that the development (alone / in combination with other plans and projects) does not result in likely significant effects on a European site. No mitigation measures are required to come to this conclusion.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                  |  |  |  |
| <b>Screening Determination</b><br><br>In accordance with Section 177U of the Planning and Development Act 2000, as amended, I conclude that the development individually or in combination with other plans or projects does not give rise to significant effects on the Lough Swilly SAC (site code: 002287), the Lough Swilly SPA (Site Code: 004075) or the Leannan River SAC (Site Code: 002176) or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.<br><br>This determination is based on: <ul style="list-style-type: none"> <li>• The relatively modest scale of the development and lack of impact mechanisms that could significantly affect a European site,</li> <li>• The lack of any hydrological connection with any of Natura 200 site</li> <li>• Consideration of the conservation objectives of:</li> </ul> |                                                                                                                                                                                                  |  |  |  |

Lough Swilly SAC (site code: 002287), the Lough Swilly SPA (Site Code: 004075)  
or the Leannan River SAC (Site Code: 002176)

## Appendix 4: Water Framework Directive Screening and Assessment

| WFD IMPACT ASSESSMENT STAGE 1: SCREENING                                           |                        |                                                                                                                                                                                                                                                                                                            |                                                             |
|------------------------------------------------------------------------------------|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| Step 1: Nature of the Project, the Site and Locality                               |                        |                                                                                                                                                                                                                                                                                                            |                                                             |
| <b>An Bord Pleanála ref. no.</b>                                                   | <b>PL-501197-DL-26</b> | <b>Townland, address</b>                                                                                                                                                                                                                                                                                   | Site at Lios Na Greine, Lisnennan, Letterkenny, Co. Donegal |
| <b>Description of project</b>                                                      |                        | Construction of 42 dwellings and connection to all existing services already on site.                                                                                                                                                                                                                      |                                                             |
| <b>Brief site description, relevant to WFD Screening</b>                           |                        | <p>The appeal site is located on the outskirts of Letterkenny, Co. Donegal and is within an emerging residential area.</p> <p>The appeal site which has a stated area of c. 1.494ha and is currently vacant and overgrown. The site is generally flat with access to site via an existing estate road.</p> |                                                             |
| <b>Proposed surface water details</b>                                              |                        | Set to adjacent watercourse via two hydro brake devises.                                                                                                                                                                                                                                                   |                                                             |
| <b>Proposed water supply source &amp; available capacity</b>                       |                        | Public water supply                                                                                                                                                                                                                                                                                        |                                                             |
| <b>Proposed wastewater treatment system &amp; available capacity, other issues</b> |                        | Discharge to public wastewater treatment.                                                                                                                                                                                                                                                                  |                                                             |
| <b>Others?</b>                                                                     |                        | 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 run-off, drainage, groundwater)                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|---------------------------------------------------|---------------------------------------------------|-------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| River Waterbody                                                                                                                                                            |           | c.132m                                            | KNOCKYBRIN_010 river waterbody (IE_NW_39K240610 ) | Under review                                                                                    | Moderate                                                                                                       | None identified                                                                                                                                | Surface water run-off.                                                                                                                |
| Groundwater Waterbody                                                                                                                                                      |           | Below grounds                                     | Lough Swilly (IEGBNI_NW_G_05 9)                   | Good                                                                                            | Not at risk                                                                                                    | None identified                                                                                                                                | 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. |           |                                                   |                                                   |                                                                                                 |                                                                                                                |                                                                                                                                                |                                                                                                                                       |
| Operational 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)<br><br>Detail                                                                                                           | Determination** to proceed to Stage 2. Is there a risk to the water environment? (if ‘screened’ in or ‘uncertain’ proceed to Stage 2. |
|                                                                                                                                                                            |           |                                                   |                                                   |                                                                                                 |                                                                                                                |                                                                                                                                                |                                                                                                                                       |
| 3.                                                                                                                                                                         | Surface   | KNOCKYBRIN_010 river waterbody (IE_NW_39K2 40610) | Surface water discharged to watercourse           | Sedimentation, Siltation due to construction, Hydrocarbon spillages/leaks from machinery, plant | Standard construction practice CEMP & SUDS which will reduce run-off volumes and improve run-off water quality | No. I am satisfied that surface water, in principle, could be adequately managed on site and that there will be no significant pollution risks | Screened out.                                                                                                                         |

|                              |               |                                |     |                                                                                             |                                                                                                      |                             |                      |
|------------------------------|---------------|--------------------------------|-----|---------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|-----------------------------|----------------------|
|                              |               |                                |     |                                                                                             |                                                                                                      | to any surface waterbody.   |                      |
| 4.                           | <b>Ground</b> | Lough Swilly (IEGBNI_NW_G_059) |     | Wastewater from the proposed development will be discharged to the existing pumping station | Conditions to ensure that the Wastewater Treatment facility maintained to appropriate EPA standards. | No, no mitigation required. | <b>Screened out.</b> |
| <b>DECOMMISSIONING PHASE</b> |               |                                |     |                                                                                             |                                                                                                      |                             |                      |
| 5.                           | N/A           | N/A                            | N/A | N/A                                                                                         | N/A                                                                                                  | N/A                         | N/A                  |

