



An
Coimisiún
Pleanála

Inspector's Report PL-501404-DL-26

Development	Construction of house and garage and all associated site works.
Location	FIGARY, FAHAN, LIFFORD PO
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2650039
Applicant(s)	Sean McDonagh
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Sean McDonagh
Observer(s)	None
Date of Site Inspection	30 th June 2026
Inspector	Ronan Murphy

1.0 Site Location and Description

- 1.1. The appeal site is located within the townland of Figary, Fahan, adjacent to an existing housing estate known as Gollan Hill which includes a number of dwellings of various designs set around an internal estate road which winds around a steep hill to the northeast of Fahan.
- 1.2. The appeal site which has a stated area of c. 0.24ha comprises of a vacant site which is heavily vegetated and is bound by a dwelling within the Gollan Hill residential development to the south, the Gollan Hill estate road to the west and vacant land to the east and west.
- 1.3. Access to the site is proposed via a proposed driveway accessed from the Gollan Hill housing development.

2.0 Proposed Development

- 2.1. The development comprises of the construction of a dwelling with connection to primary wastewater treatment plant along with connection to existing public sewer. The proposed development also comprises of the construction of a garage with all associated site works.
- 2.2. The proposed development would have a floor area of c. 180m², would have a height of c. 6.8m and would be finished in a mixture of smooth plaster and stone finish with a blue / black slate roof.
- 2.3. The proposed garage would be located to the south-east of the proposed dwelling, would have a floor area of 43.2m², a height of 4.8m with a smooth plaster finish and a blue / black slate roof.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 By order dated 30/4/26 the Planning Authority decided to refuse planning permission for 5 reasons as set out below:

1. The site of the proposed development is located within an 'Area under Strong Urban Influence, as set out in the Donegal County Development Plan 2024-2030. Within

these areas, it is the policy of the Council as stated in Policy RH-P-1 to consider proposals for new one-off rural housing based on the core considerations of demonstrable 'economic or social' need as defined in the plan.

The applicant is seeking a house in this rural area on the basis of 'social need' and has also provided information in relation to 'economic need. 'Based on the information submitted in support of the application, the Planning Authority is not satisfied that the applicant has adequately demonstrated a 'social need' or 'economic need' to reside in this rural area. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria set out in the plan. The proposed development would be contrary to Policy RH-P-1 of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposal is contrary to Policy RH-P-9 of the County Donegal Development Plan 2024-2030 in that the dwelling, if granted, would lead to a sprawling of a cluster of residential development in a rural area, expanding the development in an unsustainable northeasterly direction into undeveloped adjoining lands, causing further erosion of the rural and landscape character of this visible and elevated coastal hillside. To permit the development would have a significant detrimental impact on the visual and scenic amenity of the area and set a precedent for similar development accessed from the northeastern estate road.

Accordingly, to permit the proposed development would materially contravene the aforementioned policy provisions of the County Donegal Development Plan 2024-30 and would thereby be contrary to the proper planning and sustainable development of the area.

3. Having regard to the fact that the subject site is in third party ownership and currently served by a private access road, the Planning Authority is not satisfied on the basis of the information submitted that the applicant has sufficient legal interest to build on or access the site. Accordingly, to permit the proposed development would be contrary to the proper planning and sustainable development of the area.

4. Connections are proposed to both the public watermain and public sewer. On the basis of information submitted, the Planning Authority is not satisfied that the applicant has sufficient legal interest to form connection to the public watermain and existing foul sewer from the site nor has it been established, via a Pre-Connection Enquiry

(PCE) that adequate infrastructure is available. Accordingly, to permit the proposed development would be contrary to the proper planning and sustainable development of the area.

5. The proposal is contrary to Policy F-P-1 of the County Donegal Development Plan 2024-2030, in that it has not been demonstrated that storm / surface waters can be appropriately collected, managed and disposed of to an appropriate discharge point. Accordingly, to permit the proposed development would be prejudicial to public health and the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1 There is one planning report on file, dated 22/4/26. The area planner outlines the following concerns:

- The applicant is not the owner of the subject lands and that no letter of consent from the landowner has been included with the application.
- Insufficient information has therefore been submitted to demonstrate evidence of a social need to live in the area in accordance with Policy RH-P-1.
- Insufficient information has been submitted to demonstrate evidence of an economic need to live in the area in accordance with Policy RH-P-1.
- Insufficient information has therefore been submitted to enable the Planning Authority to ascertain if the applicant has a link to the rural area for a period in excess of 7 years.
- The proposal would extend a suburban pattern of development creating an excessive density in a rural area and further erode the rural character, having a significant detrimental impact on the visual and scenic amenity of the area.
- Farhan's wastewater treatment has capacity issues and that Uisce Éireann have advised that in order to ensure adequate provision of wastewater infrastructure and to assess feasibility of connection(s) to the network, the applicant is required to engage with Uisce Éireann through the Pre-Connection Enquiry (PCE) process and submit the outcome of the PCE to the Planning

Authority. Consent for connection to infrastructure along the estate road will also likely be required.

- Uisce Éireann have advised that in order to ensure adequate provision of public water infrastructure and to assess feasibility of connection(s) to the network, the applicant is required to engage with Uisce Éireann through the Pre-Connection Enquiry (PCE) process and submit the outcome of the PCE to the Planning Authority. Consent for connection to infrastructure along the estate road will also likely be required.

3.2.2. Other Technical Reports

- **EE Roads:** Report dated 1/4/26 outlining no objection, subject to conditions.

3.3. Prescribed Bodies

Uisce Eireann: Response dated 8/4/26 requesting further information relating to the need for the applicant to engage with Uisce Éireann through the Pre-Connection Enquiry (PCE).

3.4. Third Party Observations

3.4.1 No third-party observations were received.

4.0 Planning History

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

Site to the south

Reg. Ref. 2151926: Application for (1) amendments to the façade and fenestration of an existing dwelling house (2) construction of an extension of an existing shed to form a new gym / play area with basement storage and all associated site development works. Permission granted, subject to conditions.

Other sites within the area

Reg. Ref. 2550055: Application for construction of a single storey dwelling and treatment plant, an Appropriate Assessment / Natura Impact Assessment accompanies this application. Permission refused for 4 reasons:

1. *Policy RH-P-9b (iv) of the County Donegal Development Plan (2024-2030) requires that proposals for individual dwellings shall provide for the safe and efficient disposal of effluent and surface waters in a manner that does not pose a risk to public health and accords with Environmental Protection Agency codes and practises. The Planning Authority considers the proposal has the potential to cause public health related issues due to the steep gradient, ground conditions and the limited dimensions of the site and the close proximity of existing houses and associated communal septic tank. Therefore, the Planning Authority is of the opinion that foul effluent associated with the proposed development cannot be satisfactorily treated by means of wastewater treatment system and that the proposed development would result in an unacceptable risk of water pollution. The proposed development would, therefore, be prejudicial to public health and contrary to the aforementioned policy.*
2. *The proposal is contrary to Policy F-P-1 of the County Donegal Development Plan 2024 2030, in the absence of detail and information, regarding the proposed surface water arrangements (rainwater harvesting system, oil interceptor and underground sump). It is therefore considered that it has not been demonstrated that storm/surface waters can be appropriately collected, managed and disposed of to an appropriate discharge point in accordance with 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' (DoEHLG 2009) therefore, if granted, would create an unacceptable residual flood risk to the site and/ or private property or public infrastructure elsewhere within the catchment. Accordingly, to permit the proposed development would be prejudicial to public health and the proper planning and sustainable development of the area.*
3. *The subject site is located within proximity, and in a position likely to impact on or have significant effect on Lough Swilly SAC (Site Code: 002287), and Lough Swilly SPA (Site Code: 004075) and has not outlined satisfactory mitigation measures. It is a policy of the County Donegal Development Plan, 2024-2030 to "need to avoid any adverse impact on Natura 2000 sites or other designated*

habitats of conservation importance” - (Policy RH-P-9 refers) and BIO-P-1 “To require all developments to comply with the requirements of the EU Habitats Directive and EU Bird Directive, including ensuring that development proposals: (a) Do not adversely affect the integrity of any European/Natura 2000 site (i.e. Special Areas of Conservation and Special Protection Areas)”.

On the basis of the information submitted in support of the planning application, and in particular the failure to detail a site-specific Mitigation and Monitoring Plan or to provide certainty regarding the detail of all construction works and associated mitigation, ongoing monitoring and general best practice measures, the Planning Authority is not satisfied that the proposed development would not have an adverse effect on the integrity of the Natura 2000 site. Accordingly, to permit the proposed development would be in breach of Article 6 of the Habitats Directive, would materially contravene Policy RH-P-9 and BIO P-1 of the County Donegal Development Plan, 2024-2030 and would thereby be contrary to the proper planning and sustainable development of the area.

- 4. The proposal is contrary to Policy RH-P-1 of the County Donegal Development Plan 2024-2030 in that sufficient evidence of an economic or social need to live in this area under strong urban influence has not been demonstrated. Accordingly, to permit the development would materially contravene the aforementioned Policy of the Plan and would therefore be contrary to the proper planning and sustainable development of the area.*

Reg. Ref. 2461959. Application for the erection of an extension to an existing dwelling house including all other site development works. Permission granted, subject to conditions.

5.0 Policy Context

5.1 Development Plan

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

Objective RH-O-1: which seeks to ensure that new residential development in rural areas provides for genuine rural need.

Objective RH-O-2: Which seeks to protect rural ‘Areas Under Strong Urban Influence’, rural ‘Areas Under Strong Holiday Home Influence’, and rural areas immediately outside towns from intensive levels of unsustainable urban/suburban residential development.’

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

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

An exceptional circumstance would include, but would not be limited to, situations where the applicant has sold a previously permitted, constructed and occupied dwelling, to an individual who fulfils the Bonafide’s requirements of that permission. New holiday homes will not be permitted in these areas.’

Policy RH-P-9 sets the design standards for rural housing proposals.

Policy L-P-2 of the County Donegal Development Plan 2024-2030 states it is a policy, ‘To protect areas identified as ‘High Scenic Amenity’ and ‘Moderate Scenic Amenity’ on Map 11.1 ‘Scenic Amenity’. Within these areas, only development of a nature, location and scale that integrates with, and reflects the character and amenity of the landscape may be considered, subject to compliance with other relevant policies of the Plan.’

Policy BIO-P-1 which requires all developments to comply with the requirements of the EU Habitats Directive and EU Bird Directive.

Policy BIO-P-2 which seeks to Ensure that all developments seek to conserve/protect the qualifying interests of Ramsar Sites, Nature Reserves, Natural Heritage Areas

(NHA), proposed Natural Heritage Areas (pNHA), the Cró na mBroanáin Red Grouse Sanctuary and any species protected under the Wildlife Act.

Policy TS-P-1 which seeks 'To require compliance with the following technical standards, where applicable, in addition to all other relevant policy provisions of this Plan and relevant Governmental guidance and standards.

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

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

5.2 National/Regional Plans/Policies

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

- National Policy Objective 24: - Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.
- National Policy Objective 28: - Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

Sustainable Rural Housing, Guidelines for Planning Authorities, 2005'

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

5.4 Natural Heritage Designations

5.4.1 The subject site is not located within or adjacent to a European Site. The nearest designated site is the Lough Swilly SAC (Site Code: 002287) which is located c.435 m to the west of the site and the Lough Swilly SPA (Site code: 004075) which is located c. 500m to the west of the site.

5.4.2 In addition to this, the Lough Swilly Including Big Isle, Blanket Nook & Inch Lake (Site Code: 000166) which is located c. 435m 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. Grounds of Appeal

7.1.1 A first party appeal has been received against the decision of the Planning Authority to refuse planning permission has been received which can be summarised as follows:

- The current county development states that it is the policy of the council to consider proposals for new one-off housing within “areas under strong urban influence” from prospective applicants that can provide evidence of a demonstrable economic or social need to live in these areas.

- Information has been submitted to the planning authority that my parents have lived in the Fahan area for more than 7 years. Eircode of their house was provided on application form “B “submitted with the planning application.
- I also confirmed that i lived & worked all my life in the Fahan area and also provided the Eircode of my current rented accommodation in the area.
- It would appear that they did not consider this information when making their decision.
- The proposed site would be accessed from the existing access road which was constructed when the “Golan heights” development was being constructed. Houses are built on both sides of this access road up to the proposed entrance to my site
- To allow development to continue along the access road would complete this development and would not lead to a sprawling of a cluster of residential development in a rural area.
- In their refusal, the planners state that “to permit the development would have a significant detrimental impact on the visual and scenic amenity of the area.” i do not believe this is correct as the proposed house would be built on the lowest section of the undeveloped land.
- The site is surrounded by mature shrubbery which i would retain if planning permission was granted.
- The dwelling house, if constructed, would not be visible from the approach roads to or the county road through Fahan village.
- The floor and ridge level of the proposed house would be much lower than the existing houses to the north of the proposed house. the floor level of the proposed house is shown as 102.86m with the floor level of the existing house to the north the site shown as 118.97m.
- A letter the owners of the site and access road submitted with the planning application giving consent for me to apply for planning permission on their land. It would appear that the planning authority did not consider this information when making their decision.
- Uisce Eireann advised the planning authority to seek further information from the applicant in regard to the need for a pre-connection enquiry (PCE) to access feasibility of connection to the public water / wastewater infrastructure. No

further information request was issued and if the planning authority had requested further information in relation to this matter, it would have given the opportunity to discuss the proposed connection with Uisce Eireann via a pre-connection enquiry

- The Planning Authority did not seek further information in regard to this the collection and disposal of storm / surface water. Had a further information request been issued, it would have given the opportunity to liaise with Uisce Eireann in relation in this regard.

7.2. Planning Authority Response

7.2.1 A response has been received from the Planning Authority by letter dated 15/6/26 which stated that the majority of matters raised by the appellant have been addressed in the Planning Report. In addition to this the Planning Authority outline the following points:

- The Planning Authority can confirm that a letter of consent from the owner of the land was submitted with the application and was mislabelled resulting in an oversight from the planner. However, the letter of consent would also need to confirm that the applicant has the right to use the private access road to access the subject lands.
- Refusal reasons 3,4 and 5 largely relate to technical matters which could be easily resolved, however, will not alter the fundamental reasons why the proposed development is considered unacceptable, namely rural housing need and consequential continuous sprawl of development outside Fahan.
- The Planning Authority respectfully requests that An Coimisiún Pleanála uphold the decision of the Planning Authority to refuse permission in this case. Should the Coimisiún decide to grant permission they may use whatever conditions they deem to be appropriate.

7.3. Observations

7.3.1 There are no observations on file.

7.4. Further Responses

7.4.1 There are no further responses on file.

8.0 Assessment

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

- Principle of Development / rural housing need
- Siting and design
- Legal Interest
- Sewerage connections
- Stormwater / Sewerage connections
- Flood Risk
- Appropriate Assessment
- Water Framework Directive

8.2 Principle of development

8.2.1 The subject site is adjacent to an existing residential estate to the east of Fahan which is outside the settlement boundary of Fahan as shown on the settlements of the *Donegal County Development Plan 2024-2030*. Having consulted Map 6.3.1 of the *Donegal County Development Plan 2024-2030*, I note that the appeal site is within an Area Under Strong Urban Influence.

8.2.2 In such cases Policy RH-P-1 applies. This policy seeks to consider proposals for new one-off rural housing within 'Areas Under Strong Urban Influence' from prospective applicants that can provide evidence of a demonstrable economic or social need to live in these areas including, for example, the provision of evidence that they, or their parents or grandparents, have resided at sometime within the area under strong urban influence in the vicinity of the application site for a period of at least 7 years. The

foregoing is subject to compliance with other relevant policies of this plan, including Policy RH-P-9.

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

Rural Housing need

8.2.4 The first reason for refusal states that the Planning Authority is not satisfied that the applicant has adequately demonstrated a 'social need' or 'economic need' to reside in this rural area. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria set out in the plan. The proposed development would be contrary to Policy RH-P-1 of the development plan.

Social need

8.2.5 In response to this the first party states that information was submitted to the planning authority that his parents have lived in the Fahan area for more than 7 years. In addition to this, the Eircode of the applicant's parents' house was provided on application "Form B" submitted with the planning application.

8.2.6 I refer the Coimisiún to the Rural Housing Application Form (Form B) submitted with the initial application. This provides the following information:

- The dwelling would be a primary, principal and permanent residence.
- The applicant currently lives in Fahan and has lived in a separate address within Fahan since May 2005. The applicant has provided an Eircode for the address they currently live in.
- The applicant's parents have been living in Figary for 60 years. The applicant has provided an Eircode for the address his parents have lived in for 60 years.

8.2.7 I have considered the addresses provided for both the applicant and his parents and note that the addresses provided are all within the settlement boundary of Fahan as set out in Map 6.3.1 of the *Donegal County Development Plan 2024-2030* and are not within an area designated as an Area Under Strong Urban Influence. In addition to this, I make the Coimisiún aware that I have considered the *Donegal County*

Development Plan 2102-2018 and the Donegal County Development Plan 2018-2024, and I note that the addresses provided were within the settlement boundary of Fahan.

- 8.2.8 While it is clear that the applicant and his parents have lived within the Fahan for a substantial period of time, Policy RH-P-1 requires that applicants demonstrate that the applicant provides evidence that they, or their parents or grandparents have resided within the area under strong urban influence in the vicinity of the application site for a period of at least 7 years. In my opinion, the applicant has not demonstrated that either he, his parents or grandparents have lived in an area under strong urban influence and therefore does not comply with Policy RH-P-1. In addition to this, the applicant has not demonstrated any exceptional circumstances for the need for a dwelling within this rural area under strong urban influence.

Economic need

- 8.2.9 In terms of economic need I refer the Coimisiún to the Rural Housing Application Form (Form B) submitted with the initial application which states that the applicant works in farming / maintenance at an address in Buncrana. However, the address provided by the applicant is for an office building on Old Road in Buncrana and not for a farm or rural enterprise. The definition of economic need as set out in Chapter 6 of the *Donegal County Development Plan 2024-2030* is *Persons working full-time or part-time in rural areas including full-time farming, forestry or marine related occupations, part-time occupations where the predominant occupation is farming/natural resource related or Persons whose work is intrinsically linked to rural areas such as teachers in rural schools.*
- 8.2.10 While the applicant's job may well fulfil an occupation which sits within the definition of economic need as set out above, I am not satisfied that the applicant has provided sufficient information to demonstrate this.
- 8.2.11 Having considered the foregoing, while I would accept that the applicant has demonstrated that they are a genuine local person I would note that there is a distinct difference, in planning terms, between a rural generated house and an urban generated house.
- 8.2.12 Having considered all of the information available to me, including the letter of bone fides from one of the Councillors of Donegal County Council, I am not satisfied that the applicant has demonstrated a social or economic need for a dwelling in an Area

Under Strong Urban Influence having regard to the information presented in the initial application and in their appeal. The proposal would therefore be contrary to Policy RH-P-1 of the *Donegal County Development Plan 2024-2030* and refusal is recommended on this basis.

8.3 Sprawling Development

- 8.3.1 Reason No. 2 for refusal states that the proposal is contrary to Policy RH-P-9 of the County Donegal Development Plan 2024-2030 in that the dwelling, if granted, would lead to a sprawling of a cluster of residential development in a rural area, expanding the development in an unsustainable northeasterly direction into undeveloped adjoining lands, causing further erosion of the rural and landscape character of this visible and elevated coastal hillside.
- 8.3.2 In response the first party states that the proposed site would be accessed from the existing access road which was constructed when the Gollan Hill development with houses are built on both sides of this access road up to the proposed entrance to the appeal site and that to allow development to continue along the access road would complete this development and would not lead to a sprawling of a cluster of residential development in a rural area.
- 8.3.3 I refer the Coimisiún to Map 6.3.1 of the *Donegal County Development Plan 2024-2030* which shows that the appeal site is outside the development boundary of Fahan. Further to this, a large portion of the existing residential development within the existing residential area known as Gollan Hill is also outside the development boundary of Fahan.
- 8.3.4 In addition to this, I refer the Coimisiún to Map 11.1 of the Donegal County Development Plan 2024-2030 which shows that the appeal site is within the Areas of High Scenic Amenity.
- 8.3.5 The appeal site is within an elevated position relative to the existing residential development in proximity to the proposal. In this regard I refer the Coimisiún to Drawing No. SDB/100 SS 'Site Section' which shows that the proposed dwelling would be located at an elevation of c.102m, which c.2m above the existing dwelling to the south of the site. In addition to this, the proposed dwelling would have a maximum height of c.6.8m.

- 8.3.6 I refer to Policies RH-P-9 and L-P-2 of the *Donegal County Development Plan 2024-2030* which in summary seeks to protect the integrity and character of rural areas identified as 'High Scenic Amenity' and to ensure that only development of a nature, location and scale that integrates with, and reflects the character and amenity of the landscape may be considered.
- 8.3.7 In terms of impacts on the visual amenities of the surrounding area, the proposed dwelling would be located close to the centre of the site at an elevated located c. 102m above sea level. Given this location, the proposed dwelling would be visible from public view from areas such as Lisfannon Beach. However, the general character of this area has the feel of a residential estate at elevation set around an existing estate access road. Having been on site and considered the plans submitted with the application, I note that the proposal would have the visual effect of extending this existing residential development, notwithstanding this, I am satisfied that the proposed development would not be overly prominent within the local landscape in the area which is semi residential in character and as a result would not impact the overall character and is generally acceptable in this regard. This reason for refusal is not warranted in my opinion.
- 8.3.8 In terms of impact on existing properties in the vicinity, I note that the proposed dwelling would be set back c. 20m from the western boundary of the land and c. 27m from the southeastern boundary of the land. In addition to this, the proposed dwelling would be set back c.41m from the rear elevation of the existing dwelling to the south of the site. I am satisfied that the proposed dwelling would not have undue impacts on the existing dwelling to the south by the way of overlooking, overshadowing or overbearing development.

8.4 Legal Interest

- 8.4.1 Reason No.3 for refusal states that the subject site is in third party ownership and currently served by a private access road and that the Planning Authority is not satisfied on the basis of the information submitted that the applicant has sufficient legal interest to build on or access the site.
- 8.4.2 In response the first party states that a letter the owners of the site and access road submitted with the planning application giving consent for me to apply for planning

permission on their land. It would appear that the planning authority did not consider this information when making their decision.

- 8.4.3 I refer the Coimisiún to a letter from Donegal County Council dated 15/6/26 which stated a letter of consent from the owner of the land was submitted with the application. I note that a letter of consent from the owner of the land was submitted with the application, this letter is dated 31/3/25. I am satisfied that the applicant has sufficient legal interest in the appeal site to make a Planning Application.

Road Access

- 8.4.4 I note that I note that the road within the Gollan Hill residential area would appear to be a private road and is not taken in charge by the Planning Authority. It is not clear from the information provided whether or not the landowner has the right to create a new access onto this road.
- 8.4.5 Reason No.3 for refusal states that site s in third party ownership and currently served by a private access road, and that the Planning Authority is not satisfied on the basis of the information submitted that the applicant has sufficient legal interest to build on or access the site.
- 8.4.6 The first party states that the proposed site would be accessed from the existing access road which was constructed when the “Gollan hill” residential development was being constructed. Houses are built on both sides of this access road up to the proposed entrance to my site and that to allow development to continue along the access road would complete this development.
- 8.4.7 I have considered all of the information available to me; I am unable to verify if the landowner has legal access to the internal road within the adjacent housing estate.
- 8.4.8 Notwithstanding this, in my opinion, this would be a legal matter, on which the Coimisiún is unable to adjudicate. In this regard, I refer the Coimisiún to Section 34(13) of the Planning and Development Act, 2000 (as amended), which states ‘a person shall not be entitled solely by permission under this section to carry out any development’. There is therefore an obligation on the applicant to ensure that they have full legal title before proceeding with any permitted development. This matter could be dealt with by way of condition requiring that the developer provides the Planning Authority with conformation of consent to use this road prior to the commencement of development should the Coimisiún be of a mind to grant planning permission.

8.5 Sewerage Connections new issue

- 8.5.1 Reason No.4 for refusal states that on the basis of information submitted, the Planning Authority is not satisfied that the applicant has sufficient legal interest to form connection to the public watermain and existing foul sewer from the site nor has it been established, via a Pre-Connection Enquiry (PCE) that adequate infrastructure is available.
- 8.5.2 In response the first party states that Uisce Eireann advised the planning authority to seek further information from the applicant in regard to the need for a pre-connection enquiry (PCE) to access feasibility of connection to the public water / wastewater infrastructure. No further information request was issued and if the planning authority had requested further information in relation to this matter, it would have given the opportunity to discuss the proposed connection with Uisce Eireann via a pre-connection enquiry
- 8.5.3 In the first instance, I note that the proposed development includes a sewerage treatment system is proposed before connecting to the main foul sewer. The application material does not include any information with respect to this treatment system and there is no information with respect to the site suitability for such a system. It is not clear whether or not the system would discharge to ground or directly to the sewer. In addition to this, it would appear that this application was not referred to the Environmental Health Officer in Donegal County Council. Given this lack of information, I cannot be satisfied that effluent from the site can be satisfactorily treated and disposed on site and that the proposal would therefore not be prejudicial to public health.
- 8.5.5 This is a new issue, and the Commission may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out in this report, it may not be necessary to pursue the matter further.
- 8.5.4 In addition to this, I make the Coimisiún aware that the capacity of the Fahan WWTP is at an amber status on the Uisce Eireann capacity register, which was published in April 2026, which can be found at <https://www.water.ie/connections/developer-services/capacity-registers/wastewater-treatment-capacity-register/donegal>. The amber status indicates that there is potential spare capacity, additional analysis of applications may be required on an individual basis considering their specific load

requirements. In this regard, I note that the response of Uisce Éireann which requests that the applicant engage with Uisce Éireann by submitting a pre-Connection Enquiry (PCE) to assess feasibility of connection to the public water / wastewater infrastructure. I note that the Planning Authority opted not to request further information in relation to this issue, as refusal was recommended on a more substantial issue.

8.5.5 Notwithstanding the above, it is noted that planning permission has been granted for an enhancement to the wastewater system in Fahan. These works include upgrading the existing plant (to turn it into a wastewater pumping station) along with the construction of a 6.2km stretch of wastewater main connecting the upgraded pumping station to the wastewater treatment plant at Buncrana. I have been unable to find a date for when these works would be completed.

8.5.6 Having considered the above, I am of the view that new residential development which seeks to connect to the wastewater services would be premature until there is appropriate capacity for wastewater treatment in the settlement of Fahan. Therefore, in my opinion, the proposed development is premature, and permission should be refused on this basis.

8.6 Storm / Surface Water Connection

8.6.1 Reason No. 5 for refusal states that the proposal is contrary to Policy F-P-1 of the *Donegal County Development Plan 2024-2030*, in that it has not been demonstrated that storm / surface waters can be appropriately collected, managed and disposed of to an appropriate discharge point.

8.6.2 In response the first party state that the Planning Authority did not seek further information in regard to this the collection and disposal of storm / surface water. Had a further information request been issued, it would have given the opportunity to liaise with Uisce Éireann in relation in this regard.

8.6.3 I refer the Coimisiún to Drawing No. SMD/1003 'Site Layout Plan' which shows that the watermains in located within the public road to the northwest of the site. However, with respect to surface water the plan states that it is proposed to be sent to the existing public water drain. However, I note that the exact point of discharge has not been shown on this drawing.

8.6.4 Policy F-P-1 of the *County Donegal Development Plan 2024-2030* seeks to only permit development where flood or surface water management issues can be successfully addressed.

8.6.5 I have considered all the information before me and in my opinion, similar to my discussion relating to reason No. 3 this matter could be dealt with by way of condition requiring that the developer provides the Planning Authority with details relating to how storm / surface waters can be appropriately collected, managed and disposed of to an appropriate discharge point should the Coimisiún be of a mind to grant planning permission.

8.7 Flood risk

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

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

9.0 AA Screening

9.1 In accordance with Section 177U of the Planning Act, and on the basis of the information considered in this Appropriate Assessment screening, I conclude that it is not possible to exclude that the proposal alone or in combination with other plans and projects will give rise to significant effects on the Lough Swilly SAC (site code: 002287) or the Lough Swilly SPA (Site Code: 004075) or other European sites in view of those sites' conservation objectives.

9.2 This is a new issue, and the Commission may wish to seek the views of the parties, however this is not recommended given the other reasons for refusal noted previously.

10.0 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 LISFANNAN_010 (IE_NW_39L170710) is c. 1.1km to the north of the site and its ecological status is classified as under review at present. This is illustrated on the EPA mapping (<https://gis.epa.ie/EPAMaps/>).
- 10.4 I have carried out a screening for the purposes of the WFD (Appendix 3). As noted above, and notwithstanding the relatively modest scale of the proposal, I am not satisfied that, having regard to the lack of information provided, the wastewater would not result in a risk of deterioration of waterbodies or that it would not jeopardise these waterbodies in reaching their WFD objectives.
- 10.5 On the basis of information provided, it cannot be concluded that the proposal will not result in a risk of deterioration on any water body, specifically groundwaters, either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any waterbody in reaching its objectives.

11.0 Recommendation

- 11.1. I recommend that planning permission be refused for the following reasons and considerations.

12.0 Reasons and Considerations

1. Having regard to the location of the site of the proposed development within an 'Area Under Strong Urban Influence' as identified in the *Donegal County Development Plan 2024-2030*, Policy RH-P-1 considers proposals for new one-off rural housing within 'Areas Under Strong Urban Influence' from prospective applicants which can provide evidence of a demonstrable economic or social need to live in these areas. Having regard to the information provided by the application, it is considered that the applicant

has not demonstrated either an economic or social need to live in the is area. The proposed development, therefore, does not accord with the policy RH-P-2 of the *Donegal County Development Plan 2024-2030*. Accordingly, the proposed development would be contrary to the proper planning and sustainable development of the area.

2. The proposed development is located outside the settlement boundary of Fahan where the existing wastewater treatment plant is indicated as having potential spare capacity in Uisce Eireann's Wastewater Treatment Capacity Register (April 2026). It is therefore considered that the proposed development would be premature having regard to the existing capacity constraint of the sewerage facilities and the unprescribed time period within which these capacity constraints might reasonably be expected to cease or be resolved. The proposed development would be contrary to the proper planning and sustainable development of the area.
3. Having regard to the proximity of the appeal site to nearby European sites and the lack of information submitted with the application in this regard, including the full extent of groundworks, including those required to facilitate the proposed sewerage treatment system and the possibility of the associated effects of these works on the Lough Swilly SAC (site code: 002287) or the Lough Swilly SPA (Site Code: 004075) or any other European site the Commission cannot be satisfied that the proposed development, individually, or in combination with other plans and projects would not be likely to have an adverse effect on these European sites in view of the sites conservation objectives. There remains significant reasonable scientific doubt that the proposed development would not adversely impact on the integrity of the Lough Swilly SAC (site code: 002287) or the Lough Swilly SPA (Site Code: 004075) and other European sites, and these matters cannot be addressed by way of planning conditions.

In such circumstances, the Commission is currently precluded from granting permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Ronan Murphy
Planning Inspector

4 August 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501404-DL-26
Proposed Development Summary	Construction of house and garage and all associated site works.
Development Address	Figary, Fahan, Co. Donegal
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, no further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☐ No, it is not a Class specified in Part 1. Proceed to Q3	

3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b) of Part 2, Schedule 5 (i) Construction of more than 500 dwelling units: 1 dwelling on 0.24ha
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)?	
No ☒	Pre-screening determination conclusion remains as above (Q

Inspector: _____ **Date:** _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-501404-DL-26
Proposed Development Summary	Construction of house and garage and all associated site works.
Development Address	Figary, Fahan, Co. Donegal
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposal comes forward as a stand-alone project. The development does not require any demolition works. The development does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The subject site is not located within or adjacent to a European Site. The nearest designated site is the Lough Swilly SAC (Site Code: 002287) which is located c.435 m to the west of the site and the Lough Swilly SPA (Site code: 004075) which is located c. 500m to the west of the site. In addition to this, the Lough Swilly Including Big Isle, Blanket Nook & Inch Lake (Site Code: 000166) which is located c. 435m to the south of the site.

Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Likely effects would be generally limited to the construction phase through increased noise and dust from construction traffic and operations but will be substantially below the threshold of significance through established construction management practices. Notwithstanding the scale of the proposal, it is uncertain whether there is potential to adversely impact on environmental parameters or on the ecological sensitivities of the aforementioned European sites, but this is unlikely to reach the threshold of significant for the project as a whole. See AA Screening below.
Conclusion	
There is no real likelihood of significant effects on the environment.	

Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required)

Screening for Appropriate Assessment

Test for likely significant effects

Case Reference Number: PL-501404-DL-26

Step 1: Description of the project and local site characteristics

The appeal site is within a rural area in proximity to the settlement boundary of Fahan, Co. Donegal. The site is at an elevated location looking towards Lough Swilly and Lisfannon Beach.

Brief description of project

The development comprises of the construction of a dwelling with connection to primary wastewater treatment plant along with connection to existing public sewer. The proposed development also comprises of the construction of a garage with all associated site works.

Brief description of development site characteristics and potential impact mechanisms

The appeal site is currently vacant and has an area of 0.24ha which is at an elevated location c. 435m from the Lough Swilly SAC (Site Code: 002287) which is located c.435 m to the west of the site and c. 500m from the Lough Swilly SPA (Site code: 004075) to the west of the site.

In addition to this, the Lough Swilly Including Big Isle, Blanket Nook & Inch Lake (Site Code: 000166) which is located c. 435m to the south of the site.

There is no know hydrological link between the site and any Natura 2000 site.

Screening report

N

Natura Impact Statement

N

Relevant submissions

No third-party submissions raised specific concerns in terms of impacts on the European Sites.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Lough Swilly SAC (site code: 002287)	Estuaries [1130] Coastal lagoons [1150] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Molinia meadows on calcareous, peaty, or clayey-silt-laden soils (Molinion caeruleae) [6410] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Phocoena phocoena (Harbour Porpoise) [1351] Lutra lutra (Otter) [1355]	c. 435 m to the west	No direct connection known. However, there are concerns that the storm / surface waters cannot be appropriately managed on site. There may be a potential indirect by way of groundwater.	Y
Lough Swilly SPA (Site Code: 004075)	Great Crested Grebe (Podiceps cristatus) [A005] Grey Heron (Ardea cinerea) [A028] Whooper Swan (Cygnus cygnus) [A038] Greylag Goose (Anser anser) [A043] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052]	c.500m west	No direct connection known. However, there are concerns that the storm / surface waters cannot be appropriately managed on site. There may be a potential indirect by way of groundwater	Y

	Mallard (Anas platyrhynchos) [A053] Scaup (Aythya marila) [A062] Goldeneye (Bucephala clangula) [A067] Red-breasted Merganser (Mergus serrator) [A069] Coot (Fulica atra) [A125] Oystercatcher (Haematopus ostralegus) [A130] Knot (Calidris canutus) [A143] Dunlin (Calidris alpina) [A149] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Greenshank (Tringa nebularia) [A164] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Common Tern (Sterna hirundo) [A193] Greenland White-fronted Goose (Anser albifrons flavirostris) [A395] Wigeon (Mareca penelope) [A855]			
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	Shoveler (<i>Spatula clypeata</i>) [A857] Sandwich Tern (<i>Thalasseus sandvicensis</i>) [A863] Wetland and Waterbirds [A999]			
¹ Summary description / cross reference to NPWS website is acceptable at this stage in the report ² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species ³ if no connections: N				
Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*			
Qualifying interests				
	Impacts	Effects		
Lough Swilly SAC (site code: 002287) Estuaries [1130] Coastal lagoons [1150] Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330] Molinia meadows on calcareous, peaty, or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]	Direct: Nil Indirect Negative impact (temporary) on surface water / water quality due to construction related emissions including increased sedimentary and construction related pollution. The proposal includes a sewerage treatment system. No details are provided with respect to the site's suitability for this. There is a potential negative impact on the ground water quality.	Given the proximity of the SAC to the appeal site and in the absence of evidence to demonstrate otherwise (including demonstration that the storm / surface water could be appropriately collected, managed or treated and disposed of to an appropriate discharge point, it is not currently possible to conclude that the proposed development would be unlikely to result in ex-situ habitat impacts and general disturbance of a magnitude that could affect the SCI species for which the SPA is designated. Conservation Objectives could be undermined.		

Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Phocoena phocoena (Harbour Porpoise) [1351] Lutra lutra (Otter) [1355]		
	Likelihood of significant effects from proposed development (alone): Uncertain	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A	
	Impacts	Effects
Lough Swilly SPA (Site Code: 004075) Great Crested Grebe (Podiceps cristatus) [A005] Grey Heron (Ardea cinerea) [A028] Whooper Swan (Cygnus cygnus) [A038] Greylag Goose (Anser anser) [A043]	Direct: Nil Indirect Negative impact (temporary) on surface water / water quality due to construction related emissions including increased sedimentary and construction related pollution. The proposal includes a sewerage treatment system. No details are provided with respect to the site's suitability for this. There is a potential negative impact on the ground water quality.	Given the proximity of the SAC to the appeal site and in the absence of evidence to demonstrate otherwise, it is not currently possible to conclude that the proposed development would be unlikely to result in ex-situ habitat impacts and general disturbance of a magnitude that could affect the SCI species for which the SPA is designated. Conservation Objectives could be undermined.

Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Mallard (<i>Anas platyrhynchos</i>) [A053] Scaup (<i>Aythya marila</i>) [A062] Goldeneye (<i>Bucephala clangula</i>) [A067] Red-breasted Merganser (<i>Mergus serrator</i>) [A069] Coot (<i>Fulica atra</i>) [A125] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162]		
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Greenshank (Tringa nebularia) [A164] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Common Tern (Sterna hirundo) [A193] Greenland White- fronted Goose (Anser albifrons flavirostris) [A395] Wigeon (Mareca penelope) [A855] Shoveler (Spatula clypeata) [A857] Sandwich Tern (Thalasseus sandvicensis) [A863] Wetland and Waterbirds [A999]		
	Likelihood of significant effects from proposed development (alone) Uncertain	
	If no, is there likelihood of significant effects occurring in combination with other plans or projects? N/A	

*Where a restore objective applies it is necessary to consider whether the project might compromise the objective of restoration or make restoration more difficult.

Step 4: Conclude if the proposed development could result in likely significant effects on a European site

Based on the lack of information provided by the applicant and review of the relevant Conservation Objectives and supporting documents, it is not currently possible to exclude the possibility that the proposed development alone would result in significant effects on the Lough Swilly SAC (site code: 002287) or the Lough Swilly SPA (Site Code: 004075) or other European sites from effects associated with the construction and operational phase of the proposed development.

Screening Determination

Finding of likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000, as amended, and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposal alone or in combination with other plans and projects will give rise to significant effects on the the Lough Swilly SAC (site code: 002287) or the Lough Swilly SPA (Site Code: 004075) or other European sites in view of those sites' conservation objectives.

Appropriate Assessment is required.

Appendix 3: Water Framework Directive Screening and Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	PL-501404-DL-26	Townland, address	Fahan, Figary, Lifford PO, Donegal
Description of project		The development comprises of the construction of a dwelling and garage including a sewerage treatment system with connection to existing public sewer. The proposed development also comprises all associated site works.	
Brief site description, relevant to WFD Screening		The appeal site is located in a rural area of County Donegal in proximity to a housing estate on an elevated site. The appeal site which has a stated area of c.0.24ha and is currently vacant and is heavily vegetated.	
Proposed surface water details		To public storm drain	
Proposed water supply source & available capacity		Public water supply	
Proposed wastewater treatment system & available capacity, other issues		To public sewer via sewerage treatment system	
Others?		The site is not within a Flood Zone.	
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection			

Identified water body		Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody		c.1.1km	LISFANNAN_010 (IE_NW_39L170710)	Under review	Under review	None identified	Surface water run-off.
Groundwater Waterbody		Below grounds	Lough Swilly IEGBNI_NW_G_059	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.							
Construction Phase							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	LISFANNAN_010 (IE_NW_39L170710)	Surface water discharged to public drains	Sedimentation, Siltation due to construction, Hydrocarbon spillages/leaks from machinery, plant	Standard construction practice CEMP & SUDS would 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 to any surface waterbody.	Screened In.

2.	Ground	Lough Swilly IEGBNI_NW_ G_059		Wastewater from the proposed development proposed to be sent via sewerage treatment system to public sewer	Conditions could be imposed to ensure that the sewerage Treatment facility maintained to appropriate EPA standards and connected to the public sewer in agreement with Usisce Eireann	No, no mitigation required.	Screened In.
Operational Phase							
1.	Surface	LISFANNAN_ 010 (IE_NW_39L1 70710)	Surface water discharged to public drains	Sedimentation, Siltation due to construction, Hydrocarbon spillages/leaks from machinery, plant	None proposed but standard construction practices anticipated.		Screened In
2	Ground	Lough Swilly IEGBNI_NW_ G_059	Wastewater from the proposed development proposed to be sent via sewerage treatment system to public sewer	Hydrocarbon spillage / pollution, stormwater / wastewater pollution	None proposed and concerns relate to the potential interaction between the sewerage treatment and the ground given the lack of information provided in the	Yes, Potential remains for untreated effluent / stormwater migration directly to ground /	Screened In

					application and appeal documents	surface waters in the absence of information provided	
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STAGE 2: ASSESSMENT				
Details of Mitigation Required to Comply with WFD Objectives				
Groundwater				
Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1: Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<u>Objective 2 : Groundwater</u> Protect, enhance, and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	<u>Objective 3:Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)

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

	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Yes
Development Activity	Surface water management to prevent pollution and control runoff quantity; specific wastewater management measures to demonstrate site suitability and negate the risk of migration to stormwater infrastructure in order to prevent pollution.	Surface water management to prevent pollution and control runoff quantity; specific wastewater management measures to demonstrate site suitability and negate the risk of migration of pollutants to groundwater	N/A	Yes