



An
Bord
Pleanála

Inspector's Report

ABP-319607-24

Development	Construction of a house with proprietary wastewater treatment system and all other associated site development works.
Location	Cashel, Creeslough, Letterkenny, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2350530
Applicant	Mary McFadden
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant	Mary McFadden
Observer(s)	None
Date of Site Inspection	18 th October 2024
Inspector	Matthew O'Connor

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
4.0 Planning History.....	5
5.0 Policy Context.....	5
6.0 The Appeal	10
7.0 Assessment.....	12
8.0 AA Screening.....	17
9.0 Recommendation.....	18
10.0 Reasons and Considerations.....	19
Appendix 1 – Form 1: EIA Pre-Screening	
Appendix 2 – Form 2: EIA Preliminary Examination	
Appendix 3 – AA Screening Determination	

1.0 Site Location and Description

- 1.1. The appeal site is 0.44ha and is located in the townland of Cashel, some 4km to the east of Creeslough, Co. Donegal. The subject site comprises an expansive area of peatland set to the rear of an existing residential plot. The subject site is primarily rectangular in shape with an elongated strip towards the public road to facilitate access from the L-5272-2 (Local Road). The lands are slightly elevated above the public road and fall from gently from west to east. The topography of the surrounding area is lightly undulating. At the time of my inspection, I observed the site to be wet underfoot and covered with heather and long grasses.
- 1.2. The eastern boundary is part formed by a planted tree lined rear boundary of an existing dwelling and a sheep wire fence demarcating an undeveloped plot of land. The northern and western boundaries are undefined. The southern boundary is also undefined and adjoins an open gully adjacent to the proposed access point. This gully drains into the Drumlackagh River at the mouth of Sheephaven Bay, to the east of the subject site.
- 1.3. The surrounding locality is characterised by its coastal setting and there are a number one-off rural dwellings in a linear arrangement to the north and northeast. There are no Protected Structures or National Monuments within or immediately adjoining the appeal site. The site is not located within a Flood Zone.

2.0 Proposed Development

- 2.1. The proposed development seeks permission for a dwelling and installation of a proprietary wastewater treatment system and associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority REFUSED permission for the following reason:

1. *The subject site is located within and in a position likely to impact on or have significant effect on the Natura 2000 site Cloghernagore Bog & Glenveagh National Park SAC (site code; 002047) and the Sheephaven SAC (site code; 001190). It is a policy of the County Development Plan, 2018 - 2024 (as varied) that "Proposals for individual dwellings shall also be located in such a manner so*

as not to adversely impact on Natura 2000 sites or other designated habitats of conservation importance, prospects or views including views covered by Policy NH-P-17” Policy RH-P-1 refers) and “to ensure that development proposals do not damage or destroy any sites of international or national importance, designated for their wildlife/habitat significance in accordance with European and National legislation including: SACs, Special SPAs, NHAs, Ramsar Sites and Statutory Nature Reserves” (policy NH-P-1 refers). Appropriate Assessment Screening has determined that the likelihood of a significant impact on the said Cloghernagore Bog & Glenveagh National Park SAC (site code; 002047) and the Sheephaven SAC (site code; 001190). Accordingly to permit the proposed development would be in breach of Article 6 of the Habitats Directive, would materially contravene Policy RH-P-1 and NH-P-1 of the County Development Plan, 2018 - 2024 (as varied) and would thereby be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The first Planner’s Report had regard to the submitted documentation and policy framework of the Development Plan. The assessment considered the locational context of the site in a ‘Stronger Rural Area’, the siting/design of proposal, access provision, services and proximity of the site to designated European Natura 2000 sites.
- Further Information was sought in relation to 5 no. items:
 - Details of documentary evidence of rural housing need;
 - Revised Site Layout Plan demonstrating ridge in line with contours, details of levels, spot level of contours, access point to road, details of surface water;
 - Erection of laths at height and location of ridge line for inspection;
 - Revised Site Layout Plan demonstrating sightlines;
 - Submission of an ecological report to enable the Planning Authority to determine whether or not Appropriate Assessment is required.

- The second Planner's Report provides an analysis of the applicant's Further Information response and forms the basis of the decision to refuse permission.
 - Letter of bona fides from an elected member deemed to be in accordance with Policy RH-P-3.
 - Revised siting/layout of the dwelling deemed acceptable and that laths erected detailing height were observed.
 - A traffic study was submitted certifying sightlines and Letter of Consent provided to achieve/maintain sightlines.
- The Planning Authority did not accept the applicant's response in respect of potential impacts on nearby Natura 2000 site(s) which indicate that mitigation measures are required however an NIS was not provided. The proposed development was considered to be non-compliant with Policy NH-P-1 of the Development Plan and recommended that permission be refused.

3.2.2. Other Technical Reports

- Area Roads Engineer - No response received.
- Local Water Services - No response received.

3.3. **Prescribed Bodies**

- An Taisce - No response received.
- Uisce Eireann - No response received.
- Dept of Housing, Local Government & Heritage - No response received.

3.4. **Third Party Observations**

- None.

4.0 **Planning History**

- There is no planning history associated with the subject lands.

5.0 **Policy Context**

5.1. **Development Plan**

- 5.1.1. The application was assessed by Donegal County Council in accordance with the policies and objectives of the County Donegal Development Plan 2018-2024. The

County Donegal Development Plan 2024-2030 was adopted by Donegal County Council on the 16th of May 2024 and came into effect on the 26th of June 2024 – with the exception of parts of the Plan affected by a Draft Ministerial Direction, none of which are relevant in the context of the subject proposal. I have assessed the proposal under the provisions of the operative Development Plan, namely the County Donegal Development Plan 2024-2030.

5.1.2. Chapter 6 of the Development Plan relates to ‘Housing’ and contains policies and objectives in respect of residential development. Section 6.3 of the Development Plan contains commentary on Rural Housing and the following objectives are considered relevant to the subject proposal:

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

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

5.1.3. The appeal site is located in a rural area of County Donegal which is not within a designated/zoned settlement. According to Map 6.3.1: ‘Rural Area Types’ of the Development Plan, the appeal site is located in an ‘Structurally Weak Rural Area’. The following policy is relevant:

Policy RH-P-3 To consider proposals for new one-off housing within ‘Structurally Weak Rural Areas’ from any prospective applicants for a dwelling house, subject to siting and design considerations and compliance with all other relevant policies of this Plan including Policy RH-P-9. New holiday homes will not be permitted in these areas.

Policy RH-P-4 It is a policy of the council to consider opportunities to deliver necessary social and affordable housing at locations around (i) rural schools and; (ii) rural settlements; subject to wastewater services being appropriately delivered and maintained by Donegal County Council as part of a social housing scheme and subject to all other relevant objectives and policies of the plan, including environmental considerations and compliance with the Habitats Directive.

With respect to Location, Siting and Design and Other Detailed Planning Considerations, the following policy is relevant:

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

- i. A proposed dwelling shall avoid the creation or expansion of a suburban pattern of development in the rural area;*
- ii. A proposed dwelling shall not create or add to ribbon development (see definitions);*
- iii. A proposed dwelling shall not result in a development which by its positioning, siting or location would be detrimental to the amenity of the area or of other rural dwellers or would constitute haphazard development;*
- iv. A proposed dwelling will be unacceptable where it is prominent in the landscape;*
- v. A proposed new dwelling will be unacceptable where it fails to blend with the landform, existing trees or vegetation, buildings, slopes or other natural features which can help its integration. Proposals for development involving extensive or significant excavation or infilling will not normally be favourably considered nor will proposals that result in the removal of trees or wooded areas beyond that necessary to accommodate the development. The extent of excavation that may be considered will depend upon the circumstances of the case, including the extent to which the development of the proposed site, including necessary site works, will blend in unobtrusively with its immediate and wider surroundings.*

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

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

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

5.1.4. As detailed in Map 11.1: 'Scenic Amenity' of the Development Plan, the appeal site is situated in an 'Area of High Scenic Amenity'. According to the definition, these are *'landscapes of significant aesthetic, cultural, heritage and environmental quality that are unique to their locality and form a fundamental element of the landscape and identity of County Donegal. These areas have the capacity to absorb sensitively located development of scale, design and use that will enable assimilation into the receiving landscape and which does not detract from the quality of the landscape, subject to compliance with all other objectives and policies of the plan'*.

5.1.5. The following policy and objective are relevant:

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

Policy L-P-2 To protect areas identified as 'High Scenic Amenity' and 'Moderate Scenic Amenity' on Map 11.1 'Scenic Amenity'. Within these areas, only development of a nature, location and scale that integrates with, and reflects the character and amenity of the

landscape may be considered, subject to compliance with other relevant policies of the Plan.

5.1.6. Chapter 8 of the Development Plan relates to 'Infrastructure' and contains policies and objectives in respect of residential development.

WW-P-2 Ensure that new developments: a. do not have an adverse impact on surface and ground water quality, drinking water supplies, Bathing Waters and aquatic ecology (including Water dependent qualifying interests within Natura 2000 sites); and b. do not hinder the achievement of, and are not contrary to: i. The objectives of the EU Water Framework Directive. ii. EU Habitats and Bird Directives. iii. The associated Programme of Measures in the River Basin Management Plan 2022-2027 including any associated Water Protection or Restoration Programmes. iv. Drinking Water Safety Plan. v. The Guidelines on the Protection of Fisheries During Construction Works In and Adjacent To Waters (IFI, 2016).

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

- A. Demonstrate compliance with the EPA's *Code of Practice for Domestic Waste water 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. Other Relevant Guidance

Rural Housing – Location Siting and Design Guide

'Building a House in Rural Donegal - A Location, Siting and Design Guide' is a guide to provide assistance to persons involved in the planning and development process of designing a house in the countryside. The document is specific to the character of Donegal and provides guidance on visual impacts and design elements.

EPA Code of Practice – Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), 2021

This document sets out a methodology for site assessment and selection and maintenance of Domestic Waste Water Treatment Systems including guidance on appropriate percolation values for different types of systems, setback distance and sizing of percolation areas.

5.3. Natural Heritage Designations

5.3.1. The appeal site is not located within any designated Natura 2000 sites but is situated in proximity to a number of designated sites. The Cloghernagore Bog and Glenveagh National Park Special Area of Conservation (Site Code: 002047) is located to the immediate south of the appeal site. This area is also indicated as part of the Drumeasan Bog pNHA (Code: 001122). The Sheephaven Special Area of Conservation (Site Code: 001190) is located approximately 95 metres to the east. This area is also indicated as part of a proposed Natural Heritage Area (Shephaven pNHA). The Derryveagh and Glendowan Mountains Special Protection Area (Site Code: 004039) is located approximately 1.72km to the south-east of the site.

5.4. EIA Screening

5.4.1. Having regard to the nature and scale of the development, which is for a one-off dwelling in a rural area, it is not considered that it falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended), and as such preliminary examination or an Environmental Impact Assessment is not required. See Form 1 and Form 2 attached to this report.

6.0 The Appeal

6.1. Grounds of Appeal

The first party appeal was lodged on behalf of the applicant, Mary McFadden, against the decision of the Planning Authority to refuse permission. The grounds of appeal can be summarised as follows:

- The refusal reason is based on the site being within a SAC, which is not accurate.
- The Planning Authority were only concerned about the Cloghernagore Bog & Glenveagh National Park SAC in the Request for Further Information. Potential

impacts on this SAC were screened out by the applicants Ecologist, but possible effects on the Sheephaven SAC were identified which could be mitigated.

- The Planning Authority did not ask for the Sheephaven SAC to be considered as part of the Request for Further Information and could have sought the submission of a Natura Impact Statement on multiple occasions but did not do so.
- The applicant should not be penalised for not submitting a report which was not requested.
- The applicant complied with the Planning Authority's guidance notes of not submitting assessments with planning applications where 'additional details' of mitigation measures are provided.
- The applicant is willing to provide further details or reports at the request of An Bord Pleanála.
- The applicant requests that An Bord Pleanála grant permission with a condition requiring that Appropriate Assessment/Natura Impact Statement is provided to Donegal County Council for approval prior to construction works commencing.
- The applicant requests that An Bord Pleanála direct Donegal County Council to reconsider the application upon receipt of an Appropriate Assessment/Natura Impact Statement.

6.2. Planning Authority Response

- A response from the Planning Authority has been received on file which requests that the decision to refuse be upheld. The following comments are included with the response:
 - The submitted ecological report did not screen out the SACs in question, it determined that there was a direct hydrological link between the site due to storm water drainage proposals.
 - The agent requested that mitigation measures be included by means of an NIS via condition.

- The Planning Authority was not in a position to grant permission for a development in the absence of all relevant information which included impacts on Natura 2000 sites and the appropriateness or not of any proposed mitigation measures.
- The Planning Authority determined that the assessment of the further information response failed to provide sufficient evidence that the development would not adversely impact on Natura 2000 sites or other designated habitats of conservation importance.
- The response to Further Information provides a confirmation that negative impacts will result as a direct result of the proposal.

6.3. Observations

- There are no observations.

7.0 Assessment

Having examined the application details, the appeal and all other documentation on file, the reports of the Planning Authority, having conducted an inspection of the site, and having reviewed relevant planning policies and guidance, I am satisfied that the main issues to be considered are those raised by the first party in their grounds of appeal. I am satisfied that no other substantive issues arise. This appeal can be addressed under the following relevant headings:

- Principle of Development (Compliance with the Rural Housing Strategy)
- Siting, Design and Layout
- Wastewater Treatment
- Surface Water Drainage
- Appropriate Assessment (Screening)

7.1. Principle of Development (Compliance with the Rural Housing Strategy)

7.1.1. The Board shall note this application was assessed under the previous County Donegal Development Plan 2018-2024 when the appeal site was located in a 'Stronger Rural Area'. The provisions of the previous Development Plan required applicants to demonstrate their need to live in the area through rural-based primary

employment; having a vital link to the rural area by reason of residency (7 years), long-established ties with immediate family members (7 years) or by provision of care to an existing resident (7 years); or, through exceptional health circumstances with a genuine need to reside in a particular rural location. This policy was not applicable where an individual already had the benefit of a permission for a dwelling on another site (unless exceptional circumstances were demonstrated) and new holiday home development was not permissible.

7.1.2. The applicant completed a Supplementary Rural Housing Application Form indicating they were born and raised in the immediate locality and are a returning emigrant. A letter of bone fides from an Elected Member of Donegal County Council was provided in response to a request for Further Information to support the applicants local need which was deemed acceptable to the Planning Authority through their own internal policy and procedure. No other supporting documentation or evidence was provided.

7.1.3. In considering the subject proposal in the context of the operative plan, I note that the appeal site is now designated as a 'Structurally Weak Rural Area' where the provisions of Policy RH-P-3 is applicable. The policy informs that proposals for new one-off dwellings can be considered from any prospective applicants, subject to siting and design consideration and compliance with all other relevant policies of the Development Plan including Policy RH-P-9 (Location, Siting and Design and Other Detailed Planning Considerations). It is my view that under this policy any prospective applicant for a dwelling house can be considered as there is no overt requirement for an applicant to demonstrate that they have a rural or urban generated need for housing any necessity to demonstrate an economic or social need. As such, I conclude that the applicant would appear to comply with the rural housing strategy.

7.2. Siting, Design & Layout (New Issue)

7.2.1. This assessment represents my *de novo* consideration of all planning matters relating to the proposed development and the issues raised by the First Party. I consider the siting, design and layout for a single one-off house in a rural area is relevant and forms a key part of Policy RH-P-3 which requires that proposals for dwellings to be considered '*subject to siting and design considerations*'.

7.2.2. Policy RH-P-9 (Location, Siting and Design and Other Detailed Planning Considerations) of the Development Plan is relevant for considering rural dwellings.

Proposals shall be designed in a manner that is sensitive to the integrity and character of rural areas and that development assimilates into the receiving landscape through best practice regarding siting, location and design. The key criterion seeks to avoid the creation/expansion of a suburban pattern of development; dwellings shall not be detrimental to the amenity of the area or of other rural dwellers or constitute haphazard development. Furthermore, rural dwellings must apply best practice in accordance with the Donegal County Council's Rural Housing Location, Siting, and Design Guide.

- 7.2.3. The appeal site is in an 'Area of High Scenic Amenity' as detailed in Map 11.1 of the Development Plan where development will be facilitated subject to being appropriate in nature and scale so as to integrate and reflect the character and amenity designation of the landscape. The Development Plan objective is to protect, manage and conserve the character, quality and value of the Donegal landscape (L-O-1). Policy L-P-2 seeks to protect these areas and only consider developments of a nature, location and scale that integrates with, and reflects the character and amenity of the landscape.
- 7.2.4. The proposed dwelling is 1.5 storey (177.13sq.m) and contains 3 no. bedrooms with a ridge height of 7 metres. On its own merits, I consider the design approach of proposed dwelling to accord with the Rural Housing – Location Siting and Design Guide and associated design principles of Policy RH-P-9 of the County Donegal Development Plan 2024-2030.
- 7.2.5. The proposed dwelling is set on its own plot in an expansive peatland area covered with heather, long grasses and isolated individual trees. The site is west/southwest of the rear boundaries of a number of one-off residences which address the local road network. From my observations, there are currently 5 no. houses within 250 metres to the immediate north/northeast of the appeal site with additional houses continuing to extend westerly towards Creeslough. The definition pertained in Chapter 6: Housing of the Development Plan in respect of ribbon development states *'whether a given proposal will exacerbate such ribbon development or could be considered will depend on...the degree to which the proposal would form a small cluster with a number of houses or other buildings with adjoining curtilages, this may incorporate backland sites in appropriate circumstances'*.
- 7.2.6. In my view, the siting of the proposed dwelling constitutes 'backland' development. The proposal would not extend the length of existing ribbon development along the

roadside; however, taken in conjunction with existing development in the immediate vicinity, the proposal would contribute to the build-up and intensification of houses in the area. I am satisfied there is limited capacity for development in this area due to the current density of existing development and I consider a further dwelling in this location would undermine the rural character despite its designation as a 'Structurally Weak Area'. It is my opinion that the proposal would be contrary to Policy RH-P-9 of the Development Plan as it would not avoid the creation/expansion of a suburban pattern of development and would constitute a haphazard form of development.

7.2.7. I also consider the proposal is incompatible with the prevailing peatland character which would be eroded from the setting of a random house which would detract from the quality of the 'High Scenic Amenity' landscape. I consider the proposal would be contrary to Objective L-O-1 and Policy L-P-2 respectively which seek to protect, manage and conserve the character, quality and value of the Donegal landscape and only consider developments that integrate with and reflect the character and amenity of the landscape.

7.2.8. I recommend that permission be refused. Notwithstanding, I note that these matters were considered by the Planning Authority but is a 'new issue' in relation to this appeal. Therefore, the Board may wish to seek the views of the parties.

7.4. Wastewater Treatment (New Issue)

7.4.1. The proposed development seeks to install a tertiary treatment system and infiltration/treatment area to serve the dwelling. Policy WW-P-6 of the Development Plan is relevant as it seeks to facilitate single dwellings in rural settings served by independent wastewater treatment systems where compliance with the EPA's Code of Practice for Domestic Waste water Treatment Systems (PE <10) (EPA 2021) is demonstrated; and, where development would not result in an over concentration/proliferation of systems which cumulatively would be detrimental to public health or water quality.

7.4.2. I have reviewed the submitted Site Suitability Assessment Report (SSAR) which indicates the aquifer category as being Poor (PI) and having an 'Extreme' groundwater vulnerability classification. The Groundwater Protection Response Category is identified as 'R2 1' which is detailed in Table E1 (Response Matrix for DWWTSs) of the EPA Code of Practice Domestic Wastewater Treatment Systems as being

‘acceptable subject to normal good practice’. The Code of Practice includes the advisory that where domestic water supplies are located nearby, particular attention should be given to the depth of subsoil over bedrock such that the minimum depths required in Section 6 of the Code of Practice are met and the likelihood of microbial pollution is minimised.

7.4.3. The SSAR states the depth of the trial hole at 0.8 metres and that bedrock was encountered at this point. The soil/sub-soil is classified as peat which is firm and indicated as compact. In respect of the percolation characteristics of the soil, the sub-surface test result is indicated at 58.50min/25mm. The comments on the results claim that the site is suitable for a wastewater treatment system and raised sand polishing filter to discharge to groundwater. The submitted drawings indicate that the required separation distances set out under Table 6.2: ‘Minimum separation distances from the entire DWWTS’ of the EPA’s Code of Practice, based on site size and separation from site boundaries and identified features.

7.4.4. Notwithstanding the presented percolation results, I have concerns regarding the suitability of the recommended system to discharge to ground water on the site. During my site inspection, I noted the lands to be very wet underfoot with standing water present in places of the proposed works along with exposed rock at the surface. On-site vegetation (heather and grasses) is indicative of the peat soil character. According to the EPA’s Code of Practice, *‘peat soils are generally unsuitable for disposal of treated waste water because they provide inadequate percolation and may result in ponding, particularly during the winter’*.

7.4.5. The proposed wastewater treatment system relies heavily on a complex engineered system along with site improvement works which include removal of existing peat layer from the area of the sand polishing filter down to bedrock (c. 800 mm), importation of topsoil approximately 600mm deep over an area of 49sq.m, and construction of a raised sand polishing filter with an area of 25sq.m to be installed on top of the imported topsoil. I note that guidance in the Code of Practice informs that site improvement works are technically difficult to carry out and, in many instances, will ‘still not be sufficient to enable the site to be used for a system incorporating discharge to ground’. To this end, I am of the view that this site would be inherently difficult to provide and maintain adequate wastewater treatment and disposal.

7.4.6. I could not be satisfied, on the basis of my own site observations, the information provided on the appeal file and site complexities that the proposed wastewater treatment system is appropriate to effectively and efficiently deal with wastewater arising from proposed development. I further consider that the impact of the proposal in conjunction with high concentration of individual foul systems serving one-off dwellings in the immediate area may give rise to potential consequential impacts for microbial contamination of groundwater in the area which would be at a variance with the County Donegal Development Plan 2024-2030, namely Policy WW-P-6. I am of the view that the proposed development would be prejudicial to public health and contrary to the proper planning and sustainable development of the area. Planning permission should therefore be refused.

7.4.7. I note that on-site wastewater treatment was considered by the Planning Authority, however, I consider that it is a 'new issue' in relation to this appeal and the Board may wish to seek the views of the parties.

7.5. Surface Water Drainage

7.5.1. Surface water is identified on the Site Layout Plan as draining east to west across the appeal site to the rear boundary of a fenced plot indicated as 'final discharge point' with a further annotation stating 'surface water to discharge into land drain'. Separately, surface water from the road is indicated by an arrow to discharge into the existing natural gully that runs parallel to the southern site boundary (bordering the Cloghernagore Bog & Glenveagh National Park SAC and which drains to the nearby Drumlackagh River at the mouth of Sheephaven Bay to the east of the site. No other technical details of the surface water drainage system have been provided.

7.5.2. I consider that there is a lack of detail for the proposed drainage arrangements and how they would appropriately collect and discharge surface water arising from the appeal site without adverse impacts on the surrounding lands. It is my view that the drainage of surface water from the subject site is likely to give rise to appropriate assessment issues.

8.0 Appropriate Assessment (Screening)

8.1. Donegal County Council's reason for refusal relates to the subject site being in a position to likely to impact on or have significant effect on the Natura 2000 site Cloghernagore Bog & Glenveagh National Park SAC and the Sheephaven SAC. It is

further stated that it is a policy of the County Development Plan, 2018 - 2024 (as varied) that *“Proposals for individual dwellings shall also be located in such a manner so as not to adversely impact on Natura 2000 sites or other designated habitats of conservation importance, prospects or views including views covered by Policy NH-P-17”* Policy RH-P-1 refers) and *“to ensure that development proposals do not damage or destroy any sites of international or national importance, designated for their wildlife/habitat significance in accordance with European and National legislation including: SACs, Special SPAs, NHAs, Ramsar Sites and Statutory Nature Reserves”* (policy NH-P-1 refers). According to the decision of the Planning Authority, Appropriate Assessment Screening determined that the likelihood of a significant impact on the said Cloghernagore Bog & Glenveagh National Park SAC and the Sheephaven SAC and that to permit the proposed development would be in breach of Article 6 of the Habitats Directive, would materially contravene the aforementioned policies and would thereby be contrary to the proper planning and sustainable development of the area.

- 8.2. Having regard to the grounds of the First Party, please refer to Appendix 2 of this report which contains a Screening for Appropriate Assessment Determination where I have concluded the following:
- 8.3. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the proposed development is likely to have a significant effect on the qualifying features of Cloghernagore Bog and Glenveagh National Park SAC and the Sheephaven SAC ‘alone’ in respect of effects associated with groundwater and surface water.
- 8.4. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project ‘alone’.

9.0 Recommendation

- 9.1. I recommend that planning permission is refused.

10.0 Reasons and Considerations

1. The proposed development is located immediately adjacent to the Cloghernagore Bog & Glenveagh National Park Special Area of Conservation (Site Code: 002047) and by extension, the Sheephaven Special Area of Conservation (Site Code 001190). There is a direct hydrological connection to these sites by an open gully that routes parallel to the southern boundary of the site and which discharges into the Drumlackagh River at the mouth Sheephaven Bay. On the basis of the information provided with the application and on the appeal file, the Board cannot be satisfied that the development would not be likely to have a significant effect on the Cloghernagore Bog & Glenveagh National Park SAC (Site Code: 002047) and the Sheephaven SAC (Site Code 001190), in view of the respective sites' conservation objectives, by reason of the site context and open nature of the gully adjacent to the southern site boundary that allows for direct discharge of surface waters to the gully. In these circumstances the Board is precluded from giving further consideration to a grant of planning permission. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to the extent of existing development in the immediate vicinity and the location of the site in an area of 'High Scenic Amenity', the Board considers that the proposed development would not avoid the creation/expansion of a suburban pattern of development in this area and constitutes a haphazard form of rural backland development which contravenes Policy RH-P-9 of the County Donegal Development Plan 2024 - 2030 which seeks that proposals for individual dwellings be sited and designed in a manner that is sensitive to the integrity and character of rural areas and avoids expansion of a suburban pattern of development. The proposed development would also result in the further erosion of the character of the 'High Scenic Amenity' area and detract from the quality of the receiving landscape which would be contrary to objective L-0-1 of the Development Plan which seeks to protect, manage and conserve the character, quality and value of the Donegal landscape and policy L-P-2 of the Development Plan where areas identified as 'High Scenic Amenity' are protected and that only development of a nature, location and scale that integrates with, and reflects the

character and amenity of the landscape may be considered. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The Board is not satisfied, having regard to the ground conditions and the recommended wastewater treatment system, that effluent arising from the subject development can be satisfactorily treated and disposed of on the site in accordance with the EPA's Code of Practice for Domestic Waste Water Treatment Systems (PE <10) (EPA 2021). It is considered that the proposed development would be at a variance with Policy WW-P-6 of the County Donegal Development Plan 2024-2030 as it would result in an over-concentration of such systems in an area which cumulatively would be detrimental to water quality. Therefore the proposed development would be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

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, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Matthew O Connor
Planning Inspector

23rd December 2024

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála	ABP-319607-24		
Case Reference			
Proposed Development Summary	Construction of a house with proprietary wastewater treatment system and all other associated site development works.		
Development Address	Cashel, Creeslough, Letterkenny, Co. Donegal		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	X	
	No		
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			Proceed to Q3.
No	X		No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X	Class 10, (b), (i) (threshold is 500 dwelling units)	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X		Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319607-24
Proposed Development Summary	Construction of a house with proprietary wastewater treatment system and all other associated site development works.
Development Address	Cashel, Creeslough, Letterkenny, Co. Donegal
The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. 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.	Examination
(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 comprises a single development of 1 no. house in a rural area. The size of the house would not be described as exceptional in the context of the existing environment. The proposal will not produce significant waste, emissions or pollutants. By virtue of its development type, it does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.
Location of the Development	Examination
(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 proposed development is situated in a rural area. Apart from the site proximity to the Cloghernagore Bog & Glenveagh National Park SAC and Sheephaven SAC, no other significant environmental sensitivities in the vicinity – potential impacts on the SACs is addressed under Appropriate Assessment (Screening).
Types and characteristics of potential impacts	Examination
(Likely significant effects on environmental parameters, magnitude and spatial extent,	Having regard to the limited nature and scale of the proposed development (i.e. a

nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).		single one-off dwelling), there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes

Inspector:

Date:

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

(only where Schedule 7A information or EIAR required)

AA Screening Determination Template (Appendix to Main Report)

Screening for Appropriate Assessment Screening Determination

Step 1: Description of the project

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The subject site is comprises the construction of a dwelling with with proprietary wastewater treatment system on a 0.44ha site in the townland of Cashel, Creeslough, Co. Donegal. The site adjoins an established cluster of linear dwellings and is sited within an expansive area of peat (as defined by the Irish Soils Information System on EPA Mapping). The subsoils are blanket peat with bedrock noted to be at the surface. The bedrock aquifer type is 'PI' – Poor' and has an 'Extreme' Groundwater Vulnerability. There is an open natural gully running to the south of the appeal site.

The reason for refusal by the Planning Authority in outlined in the Planner's Report and relates to the subject site being in a position to likely to impact on or have significant effect on the Natura 2000 site Cloghernagore Bog & Glenveagh National Park SAC and the Sheephaven SAC.

I note the grounds of the first-party appeal have been summarised in Section 6.0 of my report. I have taken the contents of the Third Party appeal into account in the following AA Screening Assessment.

The response to the First Party appeal from the Planning Authority is outlined in Section 6.2 of this report but essentially informs that the applicant did not screen out the SACs in question and it determined that there was a direct hydrological link between the site due to storm water drainage proposals. The Planning Authority was not in a position to grant permission for a development, based on the particulars submitted and in the absence of all relevant information which included impacts on Natura 2000 sites and the appropriateness or not of any proposed mitigation measures.

Step 2: Potential impact mechanisms from the project

Having regard to the proposed works and location of the proposed development, I consider that the following elements would potentially generate a source of impact/effects on European Sites:

- The impact of potential surface water discharges from the site during construction on water quality within a European site.
- The impact of foul and surface water discharges from the development during the operational phase on water quality within a European site.

- Loss or fragmentation of habitat and/or disturbance of species of conservation interest within a European site.

The appeal site is not located within a European site however, the appeal site is immediately adjacent to the Cloghernagore Bog and Glenveagh National Park SAC (Site Code: 002047) which is some 10 metres to the south of the red line site boundary and the Sheephaven SAC (Site Code: 001190) is approximately 100 metres to the east. I note the following number of European sites within a 10km search zone including:

- Derryveagh and Glendowan Mountains SPA (Site Code:004039), approx. 1.76km southeast
- Horn Head to Fanad Head SPA (Site Code 004194), approx. 5km north
- Muckish Mountain SAC (Site Code: 001179), approx. 5.2km west
- Mulroy Bay SAC (Site Code: 002159), approx. 6.5km northeast
- Sessiagh Lough SAC (Site Code: 000185), approx. 6.56km northwest
- Tranarossan and Melmore Lough SAC (Site Code 000194), approx. 7.06km north
- Horn Head and Rinclevan SAC (Site Code 000147), approx. 8.3km northwest
- Leannan River SAC (Site Code: 002176), approx. 9.08km south.

There is an open gully to the immediate south of the appeal site which forms the boundary of the Cloghernagore Bog and Glenveagh National Park SAC (Site Code: 002047). This gully is marked as a watercourse on EPA Mapping and runs eastward approximately 100 metres to the Drumlackagh River at the mouth of Sheephaven Bay which is part of the Sheephaven SAC. As such, there are direct hydrological connections to these two European sites from the subject site.

Potential impact mechanisms include those from surface water discharges from construction works and at operational stage with surface water drainage and wastewater disposal resulting in a deterioration of water quality.

With reference to EPA mapping, the proposed development is part of the Northwest Donegal Groundwater Body and, as such, groundwater pollution, as a result of construction activity and operational activity, is a potential impact mechanism.

In view of the small-scale nature of the development, the distance to the remaining sites within the 10km search zone and in the absence of any hydrological connection to these sites, I am satisfied that there is no real likelihood of significant effects on these European sites namely, Derryveagh and Glendowan Mountains SPA, Horn Head to Fanad Head SPA, Muckish Mountain SAC, Mulroy Bay SAC, Sessiagh Lough SAC, Tranarossan and Melmore Lough SAC, Horn Head and

Rinclevan SAC (Site Code 000147) and Leannan River SAC. These sites can be excluded at this stage.

There are no other readily apparent impact mechanisms that could arise as a result of this project.

Step 3: European Sites at risk

Table 1 European Sites at risk from impacts of the proposed project

Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
Indirect surface water pollution	Direct and hydrological The appeal site is in proximity to the SAC and has hydrological connection via surface water.	Sheephaven SAC	• Mudflats and sandflats not covered by seawater at low tide [1140] • Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330] • <i>Petalophyllum ralfsii</i> (Petalwort) [1395] • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] • Machairs (* in Ireland) [21A0] • Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]
Indirect groundwater pollution	Direct and hydrological The appeal site is in proximity to the SAC and has hydrological connection via groundwater.	Sheephaven SAC	• Mudflats and sandflats not covered by seawater at low tide [1140] • Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330] • <i>Petalophyllum ralfsii</i> (Petalwort) [1395] • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]

			• Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] • Machairs (* in Ireland) [21A0] • Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]
Indirect surface water pollution	The appeal site is immediately adjacent to the SAC and has a hydrological connection via surface water.	Cloghernagore Bog and Glenveagh National Park SAC	• Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] • Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] • Northern Atlantic wet heaths with Erica tetralix [4010] • European dry heaths [4030] • Alpine and Boreal heaths [4060] • Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] • Blanket bogs (* if active bog) [7130] • Depressions on peat substrates of the Rhynchosporion [7150] • Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] • Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] • Salmo salar (Salmon) [1106] • Lutra lutra (Otter) [1355] • Trichomanes speciosum (Killarney Fern) [1421]
Indirect groundwater pollution	The appeal site is immediately adjacent to the SAC and has a hydrological connection via ground water.	Cloghernagore Bog and Glenveagh National Park SAC	• Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] • Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]

			• Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] • European dry heaths [4030] • Alpine and Boreal heaths [4060] • <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinia caerulea</i>) [6410] • Blanket bogs (* if active bog) [7130] • Depressions on peat substrates of the <i>Rhynchosporion</i> [7150] • Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] • <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] • <i>Salmo salar</i> (Salmon) [1106] • <i>Lutra lutra</i> (Otter) [1355] • <i>Trichomanes speciosum</i> (Killarney Fern) [1421]
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Sheephaven SAC (Site Code: 001190)

Having regard to the relevant 'Site Synopsis' on the NPWS website, this site comprises the inner part of Sheephaven Bay and the intertidal area at Carrickgart. The site receives the flows of a number of rivers, notably the Lackagh River, the Duntally River, the Faymore River and the Carrownamaddy River. The site contains a diversity of habitats ranging from mudflats, saltmarshes and sand dunes, to lakes, rivers, heath, scrub and woodland. The intertidal mud and sandflats support moderate numbers of waterfowl in autumn and winter. The site is of particular conservation significance for the presence of good examples of several habitats listed on Annex I of the E.U. Habitats Directive and for the important bird populations it supports.

Cloghernagore Bog and Glenveagh National Park SAC (Site Code: 002047)

Having regard to the relevant 'Site Synopsis' on the NPWS website, this is an exceptionally large inland site. It includes a rich diversity of habitats and landscape features, including mountains, exposed rock and scree, blanket bogs, dry, wet and alpine heath, upland grassland, wet grassland, rivers, lakes, scrub and woodland. The site is of great scientific and conservation value, particularly for the large areas of excellent, little-damaged blanket bog it contains, including the largest intact area of blanket bog in north-west Ireland. It also includes good quality examples of semi-natural deciduous woodland, heath, oligotrophic lakes and inland cliffs. The

importance of the site is increased by the presence of a wide range of plant and animal species, including many rare or threatened Red Data Book species, and several that are listed on Annex II of the E.U. Habitats Directive or Annex I of the E.U. Birds Directive.

Step 4: Likely significant effects on the European site(s) 'alone'

Table 2: Could the project undermine the conservation objectives ‘alone’			
European Site and qualifying feature	Conservation objective (summary)	Could the conservation objectives be undermined (Y/N)?	
		Effect A (Ground water pollution)	Effect B (Surface water pollution)
Sheephaven SAC			
Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Sheephaven SAC	Please see explanation below.	Please see explanation below.
Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]	To restore the favourable conservation condition of Atlantic salt meadows (Glauco-Puccinellietalia maritimae) in Sheephaven SAC	Please see explanation below.	Please see explanation below.
Mediterranean salt meadows (Juncetalia maritimi) [1410]	To maintain the favourable conservation condition of Mediterranean salt meadows (Juncetalia maritimi) in Sheephaven SAC	Please see explanation below.	Please see explanation below.
Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]	To restore the favourable conservation condition of Shifting dunes along the shoreline with Ammophila arenaria ('white dunes') in Sheephaven SAC	Please see explanation below.	Please see explanation below.
Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	To restore the favourable conservation condition of Fixed coastal dunes with herbaceous vegetation ('grey dunes') in Sheephaven SAC	Please see explanation below.	Please see explanation below.
Machairs (* in Ireland) [21A0]	To maintain the favourable conservation condition of Machairs in Sheephaven SAC	Please see explanation below.	Please see explanation below.
Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	To maintain the favourable conservation condition of Old sessile oak woods with Ilex and Blechnum in the British Isles in Sheephaven SAC	Please see explanation below.	Please see explanation below.
Petalophyllum ralfsii (Petalwort) [1395]	To maintain the favourable conservation condition of Petalwort in Sheephaven SAC	Please see explanation below.	Please see explanation below.
Cloghernagore Bog and Glenveagh National Park SAC			
Oligotrophic waters containing very few minerals of sandy plains	To maintain the favourable conservation condition of Oligotrophic waters containing very	Please see explanation below.	Please see explanation below.

(Littorelletalia uniflorae) [3110]	few minerals of sandy plains (Littorelletalia uniflorae) in Cloghernagore Bog and Glenveagh National Park SAC		
Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]	To maintain the favourable conservation condition of Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation in Cloghernagore Bog and Glenveagh National Park SAC	Please see explanation below	Please see explanation below
Northern Atlantic wet heaths with Erica tetralix [4010]	To restore the favourable conservation condition of Northern Atlantic wet heaths with Erica tetralix in Cloghernagore Bog and Glenveagh National Park SAC	Please see explanation below	Please see explanation below
European dry heaths [4030]	To restore the favourable conservation condition of European dry heaths in Cloghernagore Bog and Glenveagh National Park SAC	Please see explanation below	Please see explanation below
Alpine and Boreal heaths [4060]	To restore the favourable conservation condition of Alpine and Boreal heaths in Cloghernagore Bog and Glenveagh National Park SAC	Please see explanation below	Please see explanation below
Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]	To maintain the favourable conservation condition of Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) in Cloghernagore Bog and Glenveagh National Park SAC	Please see explanation below	Please see explanation below
Blanket bogs (* if active bog) [7130]	To restore the favourable conservation condition of Blanket bogs (* if active bog) in Cloghernagore Bog and Glenveagh National Park SAC	Please see explanation below	Please see explanation below
Depressions on peat substrates of the Rhynchosporion [7150]	To restore the favourable conservation condition of Depressions on peat substrates of the Rhynchosporion in Cloghernagore Bog and Glenveagh National Park SAC	Please see explanation below	Please see explanation below
Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	To restore the favourable conservation condition of Old sessile oak woods with Ilex and Blechnum in the British Isles in Cloghernagore Bog and Glenveagh National Park SAC	Please see explanation below	Please see explanation below
Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]	To restore the favourable conservation condition of Freshwater Pearl Mussel in Cloghernagore Bog and Glenveagh National Park SAC	Please see explanation below	Please see explanation below
Salmo salar (Salmon) [1106]	To maintain the favourable conservation condition of Atlantic Salmon in Cloghernagore Bog and Glenveagh National Park SAC	Please see explanation below	Please see explanation below

Lutra lutra (Otter) [1355]	To maintain the favourable conservation condition of Otter in Cloghernagore Bog and Glenveagh National Park SAC,	Please see explanation below	Please see explanation below
Trichomanes speciosum (Killarney Fern) [1421]	To maintain the favourable conservation condition of Killarney Fern in Cloghernagore Bog and Glenveagh National Park SAC	Please see explanation below.	Please see explanation below.

Impact on water quality within European site(s) arising from surface water and ground water discharges from the site

As noted, the subject site is immediately adjacent to the Cloghernagore Bog and Glenveagh National Park SAC at the southern site boundary and by extension, Sheephaven SAC which is approximately 60 metres to the east. These respective sites contain a number of Annex I habitat(s) and/or the Annex II adjacent species with objectives to maintain or restore the favourable conservation conditions.

I consider that the proposed development has the potential to result in the deterioration of water quality within both the Cloghernagore Bog and Glenveagh National Park SAC and by extension, the Sheephaven SAC on account of surface water discharges containing suspended solids or pollutants during the construction and operational phases.

The gully (forming the boundary of the Cloghernagore Bog and Glenveagh National Park SAC (an by extension, the Sheephaven SAC) that runs parallel to the southern site boundary is open and proposed construction work will take place in close proximity to it. Furthermore, the operational phase (post-construction) indicates that surface water drainage from the proposed site will discharge to this drain, however, details of the nature and design of the surface water drainage system have not been provided as part of the application. There is possibility of suspended solids or pollutants being discharged to this that would be transferred to the respective SACs. In the absence of robust design details, I am unable to ascertain the adequacy of the proposed system to serve the site.

Domestic foul/wastewater is proposed to be treated by way of tertiary treatment system and sand polishing filter. A wastewater treatment system is proposed to be installed with a 25sq.m sand polishing filter above a 49sq.m area of imported topsoil. Having regard to the EPA's Code of Practice (2021), I note that there is no specification for minimum setback distances from a heritage feature or NHA/SAC/SPA however, there is a requirement for a 50 metre setback from a lake or foreshore to be maintained. Such a distance is exceeded in this instance. A Site Suitability Assessment Report was submitted with the application and it identifies that the site is suitable for installation of a packaged treatment plant and polishing filter.

Notwithstanding, I am not satisfied, based on my own site observations, site complexities and the information provided on the appeal file that the proposed wastewater treatment system is appropriate to effectively and efficiently deal with wastewater arising from proposed development. I consider this system may have consequential impacts for microbial contamination of groundwater in the area that would likely give rise to significant effects on water quality within the SACs which

may also may impact on the wider ecological functioning of these sites as they cannot be excluded at this stage.

Furthermore, I refer to the email extract on the appeal file which has been provided by the applicant's Ecologist who claims that there would be no effect on the Cloghernagore Bog and Glenveagh National Park SAC but that there could be an effect on the Sheephaven SAC. In this regard, the Ecologist states *"the site cannot be screened out due to the direct hydrological link from the SAC's which will require the installation of mitigation measures such as silt fencing, attenuation ponds etc. You cannot include mitigation measures within an ecological report, these are only allowed to be included within an NIS"*.

It is therefore evident, from the applicant's own consideration that the proposed development could have an effect on the Natura 2000 network should mitigation measures not be put in place. I further note that the appeal submission does not provide a screening assessment nor other environmental-related documentation which has sought to address the Planning Authority's reason for refusal.

Based on the above considerations, taking a precautionary approach and in the absence of details regarding construction methods, details of the proposed design and specification of the proposed surface water drainage system and concerns regarding the efficiency of the proposed wastewater treatment system, I am unable to ascertain with absolute certainty that the proposed development, if permitted in the manner proposed, will not give rise to significant direct, indirect or secondary effect on the integrity of any European sites.

I conclude that the proposed development would have a likely significant effect 'alone' on qualifying features of the Cloghernagore Bog and Glenveagh National Park SAC and the Sheephaven SAC from effects associated with water quality from surface water and ground water. An appropriate assessment is required on the basis of the effects of the project 'alone'.

Further assessment in-combination with other plans and projects is not required at this time.

Overall Conclusion - Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information

I conclude that the proposed development is likely to have a significant effect on the qualifying features of Cloghernagore Bog and Glenveagh National Park SAC and the Sheephaven SAC 'alone' in respect of effects associated with groundwater and surface water.

It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project 'alone'.