

An  
Bord  
Pleanála

**Board Direction**  
**BD-015781-24**  
**ABP-317286-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/03/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the Donegal County Development Plan, and in particular Policy RH-P-6, it is considered that, subject to compliance with conditions, the proposal would comply with this Policy. It would, as revised, be compatible with the site's landscape context and the visual amenities of the area. It would be accessed satisfactorily, and no outstanding water or appropriate assessment issues would arise. The proposal would thus accord with the proper planning and sustainable development of the area.

### **Conditions**

1	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and subsequently amended by the plans and particulars received by the planning authority on 17 <sup>th</sup> April 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the
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	<p>development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2	<p>The proposed development shall be amended as follows:</p> <p>(a) Detailed plans of the exact siting of the percolation area proposed to accompany the waste water treatment system shall be prepared. Such siting shall reflect the separation distances cited in Table 6.2 of the EPA's Code of Practice for Domestic Waste Water Treatment Systems (March 2021).</p> <p>(b) Detailed plans of the roadside boundary treatment shall be prepared. These plans shall make explicit drainage arrangements, the provision of a sealed hard surface to accompany the carriageway, and the type and height of walls, fences, and gate proposed.</p> <p>(c) Detailed plans of a land drainage scheme for the site shall be prepared.</p> <p>(d) Detailed plans of the extent and layout of any proposed garden area.</p> <p>Revised drawings and specifications showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of public health, good water management, and visual amenity.</p>
3	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste. It shall also incorporate the mitigation measures set out the applicants' "Method Statement of Proposed</p>

	<p>Works incorporating Mitigation and Precautionary Measures to Mitigate against any Impact upon Surface Waters/Water Quality at St. John's Point SAC" and as per NIS Mitigation and Precautionary Measures as per Natura Impact Statement (Stage 2 ) submitted to PA on 05<sup>th</sup> January 2023</p> <p><b>Reason:</b> In the interests of public safety, residential amenity, and the environment.</p>
4	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
5	<p>Prior to commencement of development, the developer shall enter into a water connection agreement(s) with Uisce Eireann.</p> <p><b>Reason:</b> In the interest of public health.</p>
6	<p>(a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 21<sup>st</sup> day of December, 2022, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.</p> <p>(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.</p> <p>(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.</p> <p>(d) Surface water soakways shall be located such that the drainage</p>


	<p>from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.</p> <p>(e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.</p> <p><b>Reason:</b> In the interest of public health.</p>
7	<p>Details of the materials, colours and textures of all the external finishes to the proposed extensions to the barn shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
8	<p>Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwellinghouse without a prior grant of planning permission.</p> <p><b>Reason:</b> In order to afford the planning authority the opportunity to control such development in the interest of visual amenity.</p>
9	<p>Prior to the commencement of occupation of the dwelling house, the sightlines shown on the submitted site layout plan shall be established, and thereafter retained for the duration of the occupation of the dwelling house. These sightlines shall have x and y dimensions of 2.4m and 70m, and no item shall intrude within them above a 1.05m in height.</p> <p><b>Reason:</b> In the interest of road safety.</p>
10	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting</p>

development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

**Board Member**

**Date:** 08/03/2024

  
Liam Bergin