



An
Coimisiún
Pleanála

Direction
CD-019982-25
ABP-320656-24

The submissions on this file and the Inspector's report were considered at a meeting held on 18/06/2025.

The Commission decided (on a 2:1 split vote) to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner:

Patricia Calleary
Patricia Calleary

Date: 18/06/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the location of the site in a Structurally Weak Rural Area and to Policies RH-P-3, RH-P-9 and L-P-2 of the County Donegal Development Plan 2024-2030, it is considered that, subject to compliance with the conditions below, the proposed development including the revised design would not seriously injure the visual or residential amenities of the area, would not endanger public safety by reason of a traffic hazard, and would not be prejudicial to public health. The

proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered the revised plans and particulars received by An Coimisiún Pleanála on 11th day of June 2025 addressed its concerns on the matter of design, and having regard to the nature and content of the appeal where the matter of the house design was not raised, the commission was satisfied that it was not necessary to circulate this information received. However, for reasons of clarity, the Board considered that a copy of the revised plans and particulars should be put on the planning file and this is addressed in Condition 2 of this order.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 31st day of July 2024, and the revised plans and particulars received by An Coimisiún Pleanála on 11th day of June 2025 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of the development, a copy of the revised plans and particulars submitted by the applicant to by An Coimisiún Pleanála (as received by An Coimisiún Pleanála on 11th day of June 2025) shall be forwarded to the planning authority for placement on the planning file.

Reason: In the interest of clarity.

3. Prior to the commencement of development, the developer shall enter into an agreement with Uisce Éireann to provide for a service connection to the public water supply.

Reason: To ensure adequate water facilities in the interest of public health.

4. The dwelling shall not be occupied until a soak pit, two metres by two metres in area and one metre in depth, has been provided in the position indicated on the site layout plan submitted to the planning authority on the 31st day of July, 2024 and in accordance with the drainage design report submitted on the same date, to the satisfaction of the planning authority.

Reason: To prevent flooding and in the interest of sustainable drainage.

5. Arrangements for surface water drainage on the roadside in the vicinity of the site frontage shall comply with the requirements of the planning authority for such services and works. The arrangements shall be designed to prevent the discharge of surface water on to the public road and to ensure that no water from the public road discharges on to the site. Prior to the commencement of development, the developer shall submit detailed proposals for roadside surface water drainage for the written agreement of the planning authority and the agreed arrangements shall be implemented to the satisfaction of the planning authority before the dwelling is first occupied.

Reason: To prevent flooding and in the interest of sustainable drainage.

6. (a) The packaged wastewater treatment system and percolation area with polishing filter hereby permitted shall be installed in accordance with the recommendations included within the site suitability assessment report

submitted to the planning authority on the 18th April 2024 and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.

- (b) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works are constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution.

- 7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) located outside buildings or not attached to buildings shall be located underground.

Reason: To preserve the visual amenity of the area.

- 8. Prior to the commencement of any building works, visibility splays of 70 metres shall be provided in each direction to the nearside road edge at a point 2.4 metres back from road edge at the location of the vehicular entrance. Visibility in the vertical plane shall be measured from a driver's eye height of 1.05 metres and two metres positioned at the setback distance in the direct access to an object height of between 0.26 metre and 1.05 metres. The visibility splays shall be permanently maintained.

Reason: In the interest of traffic safety.

9. Precise details of the materials, colours and textures of all the external finishes of both proposed buildings and the surface and edge finishing of the proposed access driveway, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The development shall be carried out in accordance with the agreed details.

Reason: In the interest of visual amenity.

10. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, a landscape plan providing for the retention of the mature trees along the road frontage (except where their removal is required for access) and of all other sound trees, shrubs and hedgerows on the site and for planting the lateral and southern site boundaries with hedgerows of semi-mature species native to the area. The scheme of planting, as finally approved, shall be carried out during the first planting season after the commencement of development. Any trees and hedging that are removed, die or become seriously damaged or diseased within five years of the commencement of development shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed by the planning authority.

Reason: In the interest of visual amenity.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the 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.