



An
Coimisiún
Pleanála

Ordú ón
gCoimisiún/Commission Order

ABP-320656-24

Na hAchtanna um Pleanáil agus Forbairt 2000 go 2022
Planning and Development Acts 2000 to 2022

Údarás Pleanála: Comhairle Contae Dhún na nGall
Planning Authority: Donegal County Council

Uimhir Thagartha ar an gClár Pleanála: 24/60539
Planning Register Reference Number: 24/60539

Achomharc ó Tara Carron, Glasbolie, Baile an tSratha, Contae Dhún na nGall, in aghaidh an chinnidh a rinne Comhairle Contae Dhún na nGall an 15^ú lá de mhí Lúnasa 2024 cead a dheonú, faoi réir coinníollacha, do Vanessa McLaughlin faoi chúram McMullin Associates Architects, Sráid Thír Chonaill, Baile Dhún na nGall, Contae Dhún na nGall, i gcomhréir le pleananna agus sonraí a taisceadh leis an gComhairle sin.

Appeal by Tara Carron of Glasbolie, Ballintra, County Donegal against the decision made on the 15th day of August, 2024 by Donegal County Council to grant subject to conditions a permission to Vanessa McLaughlin care of McMullin Associates Architects of Tirchonaill Street, Donegal Town, County Donegal in accordance with plans and particulars lodged with the said Council.

Forbairt Bheartaithe: Teaghais, garáiste/stóras agus córas cóireála fuíolluisce tí a thógáil, agus na hoibreacha gaolmhara forbartha láithreáin uile, agus iad go léir suite ag Glasbolie, Baile an tSratha, Contae Dhún na nGall.

Proposed Development: Construction of a dwellinghouse, garage/store, domestic wastewater treatment system and all associated site development works, all at Glasbolie, Ballintra, County Donegal.

Cinneadh

Cead a DHEONÚ don fhorbairt bheartaithe thuas i gcomhréir leis na pleananna agus na sonraí luaite, bunaithe ar na cúiseanna agus na cúinsí faoi bhun agus faoi réir na gcoinníollacha atá leagtha amach thíos.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Cúiseanna agus Cúinsí

Ag féachaint do láthair an láithreáin i Limistéar Tuaithe atá Lag ó thaobh Struchtúir de agus do Bheartais RH-P-3, RH-P-9 agus L-P-2 de Phlean Forbartha Contae Dhún na nGall 2024-2030, meastar, faoi réir na coinníollacha atá leagtha amach thíos a chomhlíonadh, nach ndéanfaidh an fhorbairt bheartaithe, lena n-áirítear an dearadh athbhreithnithe, díobháil mhór do thaitneamhacht amhairc ná taitneamhacht cónaithe an limistéir, nach gcuirfeadh sí sábháilteacht phoiblí i mbaol de dheasca guais tráchta, agus nach ndéanfaidh sí dochar don tsláinte phoiblí. Dá bhrí sin, bheadh an fhorbairt bheartaithe i gcomhréir le pleanáil chuí agus forbairt inchothaithe an limistéir.

P.C.

Mheas an Coimisiún gur tugadh aghaidh ar na hábhair inní a bhí aige maidir le ceist an deartha sna pleananna agus na sonraí athbhreithnithe a fuair sé an 11^ú lá de mhí an Mheithimh 2025 agus, ag féachaint do chineál agus inneachar an achomhairc sa mhéid is nár tarraingíodh ceist an deartha tí anuas ann, ba dheimhin leis an gCoimisiún nach raibh sé riachtanach an fhaisnéis bhreise a fuarthas a scaipeadh. Mar sin féin, ar chúiseanna soiléire, mheas an Coimisiún gur cheart cóip de na pleananna agus na sonraí athbhreithnithe a chur ar an gcomhad pleanála, agus tugtar aghaidh air sin i gcoinníoll uimhir 2 den ordú seo.

Coinníollacha

1. Déanfar an fhorbairt bheartaithe agus críochnófar í i gcomhréir leis na pleananna agus na sonraí a taisceadh in éineacht leis an iarratas, mar a leasaíodh leis na pleananna agus na sonraí breise a fuair an t-údarás pleanála an 31^ú lá de mhí Iúil 2024, agus leis na pleananna agus na sonraí athbhreithnithe a fuair an Coimisiún Pleanála an 11^ú lá de mhí an Mheithimh 2025, seachas de réir mar is gá ar shlí eile chun na coinníollacha seo a leanas a chomhlíonadh. I gcás go gceanglófar leis na coinníollacha sin go gcomhaontófaí mionsonraí leis an údarás pleanála, comhaontóidh an forbróir le mionsonraí den sórt sin i scríbhinn leis an údarás pleanála sula dtosófar an fhorbairt bheartaithe, agus déanfar an fhorbairt agus críochnófar í i gcomhréir leis na sonraí comhaontaithe.

Cúis: Ar mhaithe le soiléire.

2. Sula dtosófar an fhorbairt, déanfar cóip de na pleananna agus na sonraí athbhreithnithe a chuir an t-iarratasóir faoi bhráid an Choimisiúin Pleanála (mar a fuarthas an 11^ú lá de mhí an Mheithimh 2025) a chur ar aghaidh chuig an údarás pleanála lena gcur ar an gcomhad pleanála.

Cúis: Ar mhaithe le soiléire.

P. C.

3. Sula dtosófar an fhorbairt, déanfaidh an forbróir comhaontú le hUisce Éireann chun socrú a dhéanamh do nasc seirbhíse leis an soláthar uisce poiblí.

Cúis: Chun saoráidí leordhóthanacha uisce a chinntiú ar mhaithe leis an tsláinte phoiblí.

4. Ní áiteofar an teaghais go dtí go mbeidh poll maothaithe, a bheidh dhá mhéadar faoi dhá mhéadar in achar agus méadar amháin ar domhain, soláthartha, chun sástacht an údaráis pleanála, san áit atá léirithe sa phlean maidir le leagan amach an láithreáin a fuair an t-údarás pleanála an 31^ú lá de mhí Iúil 2024 agus i gcomhréir leis an tuarascáil maidir le dearadh draenála a cuireadh isteach an dáta céanna.

Cúis: Chun tuilte a chosaint agus ar mhaithe le draenáil inchothaithe.

5. Maidir le socruithe le haghaidh draenáil uisce dromchla ar an limistéar cois bóthair i gcomharsanacht éadanas an láithreáin, comhlíonfaidh siad ceanglais an údaráis pleanála le haghaidh oibreacha agus seirbhísí den sórt sin. Beidh na socruithe deartha chun scaoileadh uisce dromchla chuig an mbóthar poiblí a chosc agus chun a chinntiú nach scaoilfidh aon uisce ón mbóthar poiblí isteach ar an láithreán. Sula dtosófar an fhorbairt, cuirfidh an forbróir tograí mionsonraithe le haghaidh draenáil uisce dromchla cois bóthair faoi bhráid an údaráis pleanála lena gcomhaontú i scríbhinn aige, agus cuirfear na socruithe comhaontaithe chun feidhme chun sástacht an údaráis pleanála sula n-áiteofar an teaghais den chéad uair.

Cúis: Chun tuilte a chosaint agus ar mhaithe le draenáil inchothaithe.

P. C.

6. (a) Déanfar an lánchóras cóireála fuíolluisce agus an limistéar síothlaithe a bhfuil scagaire snasúcháin aige a cheadaítear leis seo a shuiteáil i gcomhréir leis na moltaí atá ar áireamh sa tuarascáil maidir leis an measúnacht ar oiriúnacht an láithreáin, agus beidh siad i gcomhréir leis na caighdeáin atá leagtha amach sa doiciméad dar teideal “Cód Cleachtais - Córais Chóireála Fuíolluisce Tí (Coibhéis Daonra ≤ 10)” – An Ghníomhaireacht um Chaomhnú Comhshaoil, 2021.
- (b) Laistigh de thrí mhí ó chéad áitiú na teaghaise, cuirfidh an forbróir tuarascáil ó dhuine atá cáilithe go cuí (agus a bhfuil árachas slánaíochta gairmiúla aige nó aici) faoi bhráid an údaráis pleanála ina ndeimhneofar go bhfuil an córas cóireála fuíolluisce agus na hoibreacha gaolmhara tógtha agus ag oibriú i gcomhréir leis na caighdeáin atá leagtha amach sa doiciméad ón nGníomhaireacht um Chaomhnú Comhshaoil dá dtagraítear thuas.

Cúis: Ar mhaithe leis an tsláinte phoiblí agus chun truailliú uisce a chosc.

7. Beidh gach cábla seirbhíse a bhaineann leis an bhforbairt bheartaithe (amhail cáblaí leictreacha, cáblaí teileachumarsáide agus cáblaí comhchoiteanna teilifíse) lonnaithe faoi thalamh.

Cúis: Ar mhaithe le taitneamhacht amhairc agus cónaithe.

8. Sula dtosófar an fhorbairt, soláthrófar spréanna léargais a bheidh 70 méadar ar fad sa dá threo ar an imeall bóthair neastaoibh ag pointe a bheidh 2.4 méadar siar ó imeall an bhóthair ag an mbealach isteach d’fheithiclí. Tomhaisfear infheictheacht sa phlána ceartingearach ó airde súile tiománaí a bheidh idir 1.05 méadar agus dhá mhéadar a bheidh suite ag an slánachar ón rochtain dhíreach ar airde ruda a bheidh idir 0.26 méadar agus 1.05 méadar. Déanfar na spréanna léargais a chothabháil go buan.

Cúis: Ar mhaithe le sábháilteacht tráchta.

P.C.

9. Cuirfear mionsonraí faoi ábhair, dathanna agus uigeacht na mbailchríoch seachtrach uile ar na foirgnimh bheartaithe agus dromchla agus bailchríoch choirre an chabhsáin bheartaithe rochtana araon faoi bhráid an údaráis pleanála, agus comhaontófar iad i scríbhinn leis, sula dtosófar an fhorbairt. Déanfar an fhorbairt bheartaithe i gcomhréir leis na mionsonraí comhaontaithe.
- Cúis:** Ar mhaithe le taitneamhacht amhairc.

10. Sula dtosófar an fhorbairt, cuirfidh an forbróir plan tírdhreacha faoi bhráid an údaráis pleanála lena chomhaontú i scríbhinn aige, ar plan tírdhreacha é ina ndéanfar socrú do na crainn fhásta feadh éadanas an bhóthair a choinneáil (ach amháin i gcás gur gá iad a bhaint chun críocha rochtana), do gach crann, tor agus fál sceach fóna eile ar an láithreán a choinneáil agus d'fhálta sceach de speiceas leathfhásta atá dúchasach don limistéar a chur ar theorainneacha cliathánacha agus theas an láithreáin. Is le linn an chéad séasúir cuir tar éis an fhorbairt a thosú a chuirfear an scéim cuir i gcrích, mar a cheadófar ar deireadh í. Aon chrainn agus aon fhálta a bhainfear, a éagfaidh nó a thiocfaidh chun bheith an-damáistithe nó an-ghalach laistigh de thréimhse cúig bliana ón bhforbairt a thosú, cuirfear ina n-ionad crainn agus fálta de mhéid chomhchosúil agus de speiceas comhchosúil laistigh den chéad séasúr cuir eile, ach amháin i gcás go gcomhaontófar a mhalairt leis an údarás pleanála.
- Cúis:** Ar mhaithe le taitneamhacht amhairc.

11. Íocfaidh an forbróir leis an údarás pleanála ranníocaíocht airgeadais i leith bonneagar agus saoráidí poiblí a rachaidh chun tairbhe d'fhorbairt i limistéir an údaráis pleanála, ar nithe iad a sholáthróidh an t-údarás nó a sholáthrófar thar a cheann, nó a bhfuil sé beartaithe ag an údarás iad a sholáthar nó a bhfuil sé beartaithe iad a sholáthar thar a cheann, i gcomhréir le téarmaí na Scéime Ranníocaí Forbartha arna déanamh faoi alt 48 den Acht um Pleanáil agus Forbairt, 2000, arna leasú. Déanfar an ranníocaíocht sula dtosófar an fhorbairt nó trí cibé íocaíochtaí céimnithe a éascóidh an t-údarás pleanála, agus beidh sí faoi réir aon fhorálacha innéacsaithe is infheidhme den Scéim tráth na híocaíochta. Comhaontófar mionsonraí chur i bhfeidhm na Scéime idir an t-údarás pleanála agus an forbróir nó, cheal comhaontú, tarchuirfear an ní chuig an gCoimisiún Pleanála chun cur i bhfeidhm cuí théarmaí na Scéime a chinneadh.

Cúis: Ceanglaítear leis an Acht um Pleanáil agus Forbairt, 2000, arna leasú, go ndéanfaí coinníoll lena gceanglaítear ranníocaíocht i gcomhréir leis an Scéim Ranníocaí Forbartha arna déanamh faoi alt 48 den Acht a chur i bhfeidhm i leith an cheada.

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 set out 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.

P.C.

The Commission considered that the revised plans and particulars received by it on the 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 the further information received. However, for reasons of clarity, the Commission considered that a copy of the revised plans and particulars should be put on the planning file and this is addressed in condition number 2 of this order.

Conditions

1. The proposed 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 received by the planning authority on the 31st day of July, 2024 and the revised plans and particulars received by An Coimisiún Pleanála on the 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development, a copy of the revised plans and particulars submitted by the applicant to An Coimisiún Pleanála (as received on the 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 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 received by 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 works and services. 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 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 in the site suitability assessment report 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) shall be located underground.

Reason: In the interest of visual and residential amenity.

8. Prior to commencement of development, visibility splays of 70 metres shall be provided in each direction to the nearside road edge at a point 2.4 metres back from the 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 metres and 1.05 metres. The visibility splays shall be permanently maintained.

Reason: In the interest of traffic safety.

9. Details of the materials, colours and textures of all the external finishes of both the 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 proposed development shall be carried out in accordance with the agreed details.

Reason: In the interest of visual amenity.

10. Prior to 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 with the planning authority.

Reason: In the interest of visual amenity.

P.C.

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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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



Patricia Calleary

**Coimisinéir Pleanála den Choimisiún Pleanála
atá údaraithe go cuí chun
séala an Choimisiúin a fhíordheimhniú.**

Arna dhátú an 25 lá seo de Meitheamh 2025.