

Planning and Development Act 2000, as amended

Planning Authority: Donegal County Council

Planning Register Reference Number: 25/60349

Appeal by Denis McGill and others care of Crossroads, Killygordon, County Donegal against the decision made on the 1st day of May, 2025 by Donegal County Council to grant subject to conditions a permission to Nomadic Foods Limited care of Carr Architects of Unit 1, Northern Point Business Park, Ballybofey, County Donegal in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development for which retention planning permission is sought consists of the change of use of an existing dwellinghouse from residential to office accommodation for the use of the adjacent Nomadic Foods operation. The developments for which planning permission is sought include site works associated with and ancillary to the above development to be retained including (a) the provision of pedestrian access linkages to the existing adjacent Nomadic Foods car park and to the public footpath, (b) demolition of the existing detached domestic garage, (c) erection of a Totem sign near the existing vehicular entrance to the property, and (d) the provision of a proprietary wastewater treatment system to replace the existing septic tank at Crossroads, Killygordon, County Donegal.

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.

Reasons and Considerations

Having regard to the nature and scale of the proposed development, its location in a rural settlement and the objectives of the Donegal County Development Plan 2024-2029 including those relating to Economic Development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenity of neighbouring properties and would be acceptable in terms of public health and pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission noted the findings of the Site Characterisation Form that concluded the site was suitable for the satisfactory treatment and disposal of wastewater and the Inspector's assessment that the proposed treatment system and sand polishing filter were suitably sized. The Commission decided, given the large area of land available for the provision of an infiltration area, that the details of the location of the infiltration area could be agreed with the planning authority by condition, as suggested by the Inspector.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, 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.
 - (a) Prior to the commencement of development, revised drawings showing the location of the infiltration area and demonstrating compliance with the separation distances specified in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021 shall be submitted for agreement to the planning authority.
 - (b) The existing septic tank shall be decommissioned and removed under the supervision of a suitably qualified competent person who can demonstrate same.
 - (c) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application 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.

- (d) Treated effluent from the wastewater treatment system shall be discharged to a percolation area/polishing filter which shall be provided 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.
- (e) Within three months of its installation, 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 is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above and that the existing septic tank has been appropriately decommissioned and removed.

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

3. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

4. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Site development and building works shall be carried out between the hours of 0700 and 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

6. Opening hours of the premises shall be between 0800 hours and 2000 hours on Mondays to Fridays, 0800 and 1800 hours on Saturdays, 1400 to 1800 hours on Sundays and shall exclude public holidays and bank holidays.

Reason: In the interest of residential amenity.

7. 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 within three months of the date of this Order 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.

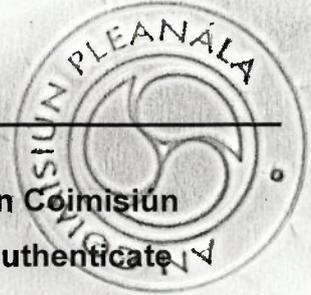
Mary Gurr

Mary Gurr

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.



Dated this *23* day of *September* 2025