

An
Coimisiún
Pleanála

Commission Order
ABP-322694-25

Planning and Development Act 2000, as amended

Planning Authority: Donegal County Council

Planning Register Reference Number: 2461934

Appeal by Daniel Arnold of Meenacahan, Inver, County Donegal against the decision made on the 15th day of May 2025, by Donegal County Council to grant subject to conditions a permission to Órlaith Nic Suíbhne care of Cornerstone Associates of Mountain Top, Letterkenny, County Donegal in accordance with plans and particulars lodged with the said Council.

Proposed Development: Chun cead pleanála le teach cónaí atá ann cheana a leathnú agus a athchóiriú le leasuithe ingearchlónna. Cead chun an dabhach séarachais atá ann cheana a dhíchoimisiúnú agus córas nua cóireala séarachais a shuiteáil agus na hoibreacha forbartha go leir a bhaineann leo i Mínacathan, Inbhear, Chontae Dhún na ngall I mbaile fearainn Mínacathan. Rinneadh athbhreithniú ar an bhforbairt atá beartaithe le fógraí poiblí breise a fuair an t-údarás pleanála an 31ú lá de Mhárta 2025.

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 provisions of the County Donegal Development Plan 2024-2030, the location of the site in a rural area, the nature and scale of the proposed development, and its relationship with the existing cottage on the site and the surrounding area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be generally acceptable, would be in keeping with the pattern of development in the area, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would be acceptable in terms of design, public health and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1:

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Lough Nillan Bog (Carrickatlieve) Special Area of Conservation (Site Code: 000165) and the Lough Nillan Bog Special Protection Area (Site Code: 004110) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on the Lough Nillan Bog (Carrickatlieve) Special Area of Conservation (Site Code: 000165) and the Lough Nillan Bog Special Protection Area (Site Code: 004110) in view of the sites' Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Sites,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) the mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the aforementioned European Sites. In overall conclusion, the Commission was satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

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 March 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. The mitigation measures contained in the submitted Natura Impact Statement shall be implemented in full.

Reason: To protect the integrity of European Sites.

3. The existing dwelling and extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

4. The amended vehicular access, including the provision of visibility splays, setbacks and roadside drainage, shall comply fully with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to commencement of development.

Reason: In the interest of traffic safety and to prevent flooding and pollution.

5. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

6. Prior to commencement of development, the developer shall enter into a connection agreement with Uisce Éireann to provide for a service connection to the public water supply and shall include any specific requirements, if appropriate.

Reason: In the interest of public health and to ensure adequate water facilities.

7. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included in the site characterisation report submitted with the planning application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency (EPA), 2021.
- (b) Treated effluent from the wastewater treatment system shall be discharged to the infiltration area which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (c) Within three months of the completion of the development, 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 EPA document referred to above.
- (d) The existing septic tank shall be decommissioned and removed in accordance with the standards set out in the EPA document referred to above.

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

8. A comprehensive landscaping and boundary scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) Details of all landscaping along with proposed locations of trees and/or other landscape planting in the development, including details of proposed species, settings and any trees to be removed/retained.

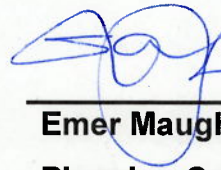
(b) Details of boundary treatments at the perimeter of the site.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme. All landscaping works shall be completed within the first planting season following commencement of development, in accordance with landscape drawings submitted to the planning authority. Any trees and hedging which die, are removed or become seriously damaged or diseased, within a period of two years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

9. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, construction traffic management, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.



Emer Maughan

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 2nd day of October 2025.