

An
Coimisiún
Pleanála

Commission Order
PL-500732-DL

Planning and Development Act 2000, as amended

Planning Authority: Donegal County Council

Planning Register Reference Number: 25/61398

Appeal by Martin Sheridan against the decision made on the 15th day of January, 2026 by Donegal County Council to grant subject to conditions a permission to Alan Dolan in accordance with the plans and particulars lodged with the said Council.

Proposed Development: Construction of a new part two-storey detached dwelling, a part two-storey detached domestic garage, a single storey agricultural shed with the provision of separate on-site wastewater treatment system, together with associated site works, all at Clondallon, Rathmullan, County Donegal, as revised by the further public notices received by the planning authority on the 14th day of November, 2025 which included the submission of a Natura Impact Statement.

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 policy framework provided by the Donegal County Development Plan 2024-2030, including Policy RH-P-3 (Rural Housing in Structurally Weak Areas), and the guidance set out in the Environmental Protection Agency's Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (2021), it is considered that, subject to compliance with the conditions set out below, the proposed development which is appropriately proportioned and responds to its rural setting, would be an acceptable form of development at this location. Having further regard to the separation distances provided, the proposed boundary and landscape treatments, it is considered that the proposed development would not seriously injure the amenities of the neighbouring properties or the character of the area. The proposed development would be acceptable in terms of traffic safety having regard to the low-speed traffic environment where the site is located. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1:

The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Lough Swilly Special Area of Conservation (Site Code: 002287) and the Lough Swilly Special Protection Area (Site Code: 004075) 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 Swilly Special Area of Conservation (Site Code: 002287) and the Lough Swilly Special Protection Area (Site Code: 004075) 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 14th day of August, 2025 and on the 14th day of November, 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. Prior to commencement of development, the following shall be agreed in writing with the planning authority:

- (a) A revised storm water drainage plan and storm water management plan, including the omission of the stormwater overflow pipe discharging into the stream to the north of the site.
- (b) Drainage arrangements, including the disposal and attenuation of surface water.

Reason: In the interest of public health and surface water management.

4. The overall site shall be for residential and agriculture use only, and not for any other commercial use.

Reason: In the interest of clarity and to regulate the use of the proposed development in the interest of the proper planning and sustainable development of the area.

5. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter, unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act 2000, as amended, to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation. This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

- (c) The permitted dwellinghouse shall not be used for the purposes of a holiday home or as short-term rental accommodation. Such holiday home or short-term rental use shall only be permitted if authorised by a separate grant of planning permission.

Reason: To ensure that the proposed dwellinghouse is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

6. (a) The proposed wastewater drainage system shall be in accordance with the standards and separation distances set out in the document entitled "Code of Practice – Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)"– Environmental Protection Agency, 2021.
- (b) The developer shall enter into a maintenance contract with the manufacturers/suppliers of the wastewater treatment system to ensure satisfactory performance at all times.
- (c) The developer shall submit documentary evidence signed by a suitably qualified person holding indemnity insurance (at least one million euro) stating that the wastewater treatment system has been installed in accordance with the Environmental Protection Agency's guidelines.

Reason: To prevent pollution and ensure the proper servicing of the proposed development.

7. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to surrounding properties.

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

8. Slurry generated by the proposed development shall be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025 (S.I. No. 588/2025). Where slurry or manure generated by the proposed development is moved to other locations, details of such movements shall be notified to the Department of Agriculture, Food & the Marine in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025 (S.I. No. 588/2025) (as amended). Where slurry or manure is removed by a third-party by agreement to be land spread elsewhere, details of such an agreement (to include name of the third-party, lands to be spread, amounts of material) shall be furnished to the planning authority in which said lands are located.

Reason: To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of watercourses

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

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

Reason: In order to safeguard the residential amenities of property in the vicinity.


11. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following:
- (a) All mitigation measures contained in the Natura Impact Statement.
 - (b) The collection and disposal of construction waste, including asbestos.
 - (c) Surface water run-off from the site.
 - (d) On-site road construction.
 - (e) Environmental management measures during construction, including working hours, noise control, dust and vibration control and the monitoring of such measures.

A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the proposed development.

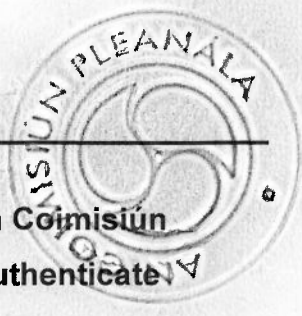
Reason: In the interest of environmental protection, residential amenities, public health and safety, environmental and archaeological protection.

12. 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 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.



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



Dated this 4th day of *June* 2026.