



An
Bord
Pleanála

Inspector's Report

ABP-317165-23

Development	Erect dwelling house with septic tank.
Location	Tirargus, Church Hill, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	23/50319
Applicant(s)	Niamh Nic Aoidh
Type of Application	Permission
Planning Authority Decision	Grant, subject to 17 conditions
Type of Appeal	Third Party -v- Decision
Appellant(s)	James McLaughlin
Observer(s)	None
Date of Site Inspection	20 th October 2023
Inspector	Hugh D. Morrison

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The site is located 11.6km from Letterkenny town centre and 3.1km to the north of the village of Church Hill. This site lies within an upland area of the County and in a position on rising easterly slopes from Lough Akibbon. It occupies roughly half of its host field. A single bungalow lies to the east and a cluster of dwelling houses on the lower slopes lie to the west. Access to the site is off the L-1512-1, which runs south from its junction with the R251.
- 1.2. The site itself is of regular shape and it extends over an area of 0.3 hectares. This site is subject to gradients that rise generally from west north-west to east south-east and, where its boundaries coincide with the field boundaries, it is enclosed by means of hedgerows to the north and to the south. The northern boundary is also with the local road and the field gate lies in a position adjacent to the site's north-western corner.

2.0 Proposed Development

- 2.1. Under the proposal, a dwelling house would be sited in the lower, western half of the site, and cut n' fill earthworks would be undertaken to provide a level site for construction. The main body of the dwelling house would be of one-and-a-half-storey form. This dwelling house would have single storey elements to the front, western side, and rear, and it would afford four-bed/eight-person accommodation over a floorspace of 215 sqm. It would be finished largely in render with stone featuring in the front element, along with timber, and stone featuring in the side element, too. Double pitched roofs would be specified, except for the front element, where a flat roof would be specified.
- 2.2. The dwelling house would be accessed by means of a new, splayed entrance and driveway. It would be served by the mains water supply and a septic tank and percolation area, which would be sited in a position adjacent to the entrance. The new western and eastern boundaries would be enclosed by means of hedgerows.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted, subject to 17 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

See PA's response to grounds of appeal.

3.2.2. Other Technical Reports

- Donegal County Council

Area Engineer: Standard roadside drainage advice.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

See grounds of appeal.

4.0 Planning History

22/50013: Landowner applied for a dwelling house: Refused on the grounds that the applicant has failed to evidentially demonstrate a rural housing need, by virtue of the fact that he already owns and occupies a dwelling in a rural area and as such his rural need has already been met.

5.0 Policy Context

5.1. National Policy and Advice

- National Planning Framework
- Sustainable Rural Housing Guidelines

5.2. Development Plan

Under the Donegal County Development Plan 2018 – 2024 (CDP), the site lies within a stronger rural area, which is of high scenic amenity.

The following two policies apply to all rural housing applications:

RH-P-1:

It is a policy of the Council that the following requirements apply to all proposals for rural housing:

- 1. Proposals for individual dwellings shall be subject to the application of Best Practice in relation to the siting, location and design of rural housing as set out in Appendix 4 and shall comply with Policy RH-P-2;*
- 2. Proposals for individual dwellings shall be sited and designed in a manner that enables the development to assimilate into the receiving landscape and that is sensitive to the integrity and character of rural areas as identified in Chapter 7 and Map 7.1.1 of this Plan. Proposals for individual dwellings shall also be located in such a manner so as not to adversely impact on Natura 2000 sites or other designated habitats of conservation importance, prospects or views including views covered by Policy NH-P-17;*
- 3. Any proposed dwelling, either by itself or cumulatively with other existing and/or approved development, shall not negatively impact on protected areas defined by the North Western International River Basin District Plan;*
- 4. Site access/egress shall be configured in a manner that does not constitute a hazard to road users or significantly scar the landscape, and shall have regard to Policy T-P-15;*
- 5. Any proposal for a new rural dwelling which does not connect to a public sewer or drain shall provide for the safe and efficient disposal of effluent and surface waters in a manner that does not pose a risk to public health and accords with Environmental Protection Agency codes of practice;*
- 6. Proposals for individual dwellings shall be subject to the flood risk management policies of this Plan;*
- 7. In the event of a grant of permission the Council will attach an Occupancy condition which may require the completion of a legal agreement under S47 of the Planning and Development Act 2000 (as amended).*

RH-P-2:

It is a policy of the Council to consider proposals for a new rural dwelling which meets a demonstrated need (see Policies RH-P-3–RH-P-6) provided the development is of an appropriate quality design, integrates successfully into the landscape, and does not cause a detrimental change to, or further erode the rural character of the area. In considering the acceptability of a proposal the Council will be guided by the following considerations:-

- 1. A proposed dwelling shall avoid the creation or expansion of a suburban pattern of development in the rural area;*
- 2. A proposed dwelling shall not create or add to ribbon development (see definitions);*
- 3. A proposed dwelling shall not result in a development which by its positioning, siting or location would be detrimental to the amenity of the area or of other rural dwellers or would constitute haphazard development;*
- 4. A proposed dwelling will be unacceptable where it is prominent in the landscape; and shall have regard to Policy T-P-15;*
- 5. A proposed new dwelling will be unacceptable where it fails to blend with the landform, existing trees or vegetation, buildings, slopes or other natural features which can help its integration. Proposals for development involving extensive or significant excavation or infilling will not normally be favourably considered nor will proposals that result in the removal of trees or wooded areas beyond that necessary to accommodate the development. The extent of excavation that may be considered will depend upon the circumstances of the case, including the extent to which the development of the proposed site, including necessary site works, will blend in unobtrusively with its immediate and wider surroundings (as elaborated below).*

The following policy applies to rural housing applications within a stronger rural area:

RH-P-3:

It is a policy of the Council to consider proposals from prospective applicants in need of housing within an area defined as Stronger Rural Area, provided they demonstrate that they can comply with all other relevant policies of this Plan, including RH-P-1 and RH-P-2, where the applicant can demonstrate that they comply with one or more of the following:

- ♣ Persons whose primary employment is in a rural-based activity with a demonstrated genuine need to live in the locality of that employment base, for example, those working in agriculture, forestry, horticulture etc.;*

♣ *Persons with a vital link to the rural area by reason of having lived in this community for a substantial period of their lives (7 years minimum), or by the existence in the rural area of long established ties (7 years minimum) with immediate family members, or by reason of providing care to a person who is an existing resident (7 years minimum);*

♣ *Persons who, for exceptional health circumstances, can demonstrate a genuine need to reside in a particular rural location.*

This policy shall not apply where an individual has already had the benefit of a permission for a dwelling on another site, unless exceptional circumstances can be demonstrated. An exceptional circumstance would include, but would not be limited to, situations where the applicant has sold a previously permitted, constructed and occupied dwelling, to an individual who fulfils the bonafides requirements of that permission. New holiday home development will not be permitted in these areas.

5.3. Natural Heritage Designations

- Leannan River SAC (002176)
- Derryveagh and Glendowan Mountains SPA (004039)

5.4. EIA Screening

In the light of my pre-screening exercise, the need for a preliminary examination has been identified. Under Item 10(b)(i) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2022, where more than 500 dwelling units would be constructed the need for a mandatory EIA arises. The proposal is for the development of 1 dwelling. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall well below the relevant threshold, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- Attention is drawn to the refusal of 22/50013 made by the landowner for a dwelling house on the site.

- Neither the applicant nor her family are from the area.
- The appellant alleges that the applicant does not work in the area.
- The site lies in a stronger rural area and the applicant does not meet the CDP's local rural housing need requirements for a new dwelling house in this area.

6.2. **Applicant Response**

Received outside the statutory period.

6.3. **Planning Authority Response**

Reliance is placed upon the case planner's report, which informed the PA's decision. Particular attention is drawn to the applicant's economic need to live in the area, as an Irish language support teacher in local schools (cf. Section 3.2.3 of the Sustainable Rural Housing Guidelines), and to the letters of support, which confirm her employment in these schools.

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 **Assessment**

7.1. I have reviewed the proposal in the light of the National Planning Framework (NPF), the Sustainable Rural Housing (SRH) Guidelines, the Donegal County Development Plan 2018 – 2024 (CDP), relevant planning permission, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Rural settlement policy,
- (ii) Landscape and visual impacts,

- (iii) Development standards,
- (iv) Access,
- (v) Water, and
- (vi) Stage 1 screening for appropriate assessment.

(i) Rural settlement policy

- 7.2. Under the CDP, the site lies within a stronger rural area and so the provisions of Policy RH-P-3 are of relevance. The applicant has submitted a supplementary rural housing application form in which she indicates that her application is based on the fact that she is “A person whose primary employment is in a rural based activity with a demonstrated genuine need to live in the locality of that employment base.” In this respect, her application is accompanied by three letters, which testify to her role as an Irish language support teacher in schools in Glendowan and Church Hill over the last four years. This role is full-time and permanent. One letter also explicitly supports her current application.
- 7.3. The appellant expresses concern that the applicant is not from the locality of the application site. He alleges that she does not work “in the area”, and so he concludes that she does not qualify under the provisions of Policy RH-P-3. The PA has responded by underscoring its acceptance of the applicant’s rural based employment credentials. In this respect, the case planner’s report refers to Section 3.2.3 of the SRH Guidelines, which explicitly states that a rural based employment activity can encompass teachers in rural areas.
- 7.4. I note that the applicant appears to have been able to fulfil her role as an Irish language support teacher while not residing in the locality of either school. I note, too, that Glendowan (which is in the Gaeltacht) and Church Hill are, variously, 6.5km and 3.1km from the site. The applicant states that she has resided for over 7 years in Magheroarty, Gortahork, Co. Donegal, although one of her letters of support is addressed to her in Letterkenny. Either of these two locations entail commutes to work that would be significantly shortened by the proposal. One of her letters of support expressly refers to her wish “to move closer to her work”. She confirms that she has not previously obtained planning permission for a rural dwelling.
- 7.5. Turning to the appellant’s concerns, I would comment as follows:

- Given her selection of the employment criterion, that the applicant is not from the locality is irrelevant.
- Insofar as the schools in question are reasonably close to the site she could be said to be working “in the area”. In this respect, I assume that, given the scattered settlement pattern of this area, the site lies within the catchment for at least the Church Hill school.
- From the information before me, I have no reason to doubt that the applicant is employed in the two schools.

7.6. In the light of the foregoing discussion and, in particular, the cited advice of the SRH Guidelines, I conclude that the applicant does qualify under the employment criterion of Policy RH-P-3 as a candidate for a rural dwelling house on the site.

(ii) Landscape and visual impacts

- 7.7. Under the Landscape Character Assessment of County Donegal, the site lies within the Church Hill landscape character area (LCA 17), which, under the CDP, is deemed to be of high scenic amenity. This site lies on rising slopes to the east of Lough Akibbon. It is presently part of an agricultural field, which is typical of the surrounding area. A local road (L-1512-1) skirts this field to the north, and a single bungalow lies to the east. On the lower slopes lie several bungalows and one-and-a-half and two-storey dwelling houses. The commentary on LCA 17 states that there is, in principle, scope to accommodate further dwellings within the landscape.
- 7.8. The site is bound to the north by a roadside hedgerow and an agricultural gateway. Due to the rising form of this site from the west north-west to the east north-east, its profile is partially visible from the local road above the well-trimmed hedgerow. Under the proposal, cut n’ fill earthworks would be undertaken to provide a platform for a one-and-a-half storey dwelling house. Across the footprint of this dwelling house the contours rise from 125.5m to 128.5m. The proposed finished ground floor level would be 126.5m.
- 7.9. The main body of the proposed dwelling house would be of relatively narrow depth, and it would be accompanied by ancillary elements on its western side and to the rear. Its principal elevation would address the local road to the north. Thus, the siting of this dwelling house would be similar to that of the existing bungalow on higher

land to the east. These two dwellings would contrast with the above cited dwellings on the lower slopes to the east of Lough Akibbon, which have been laid out with long western elevations that overlook this Lough and the hills beyond it.

- 7.10. The local road on the western side of Lough Akibbon affords medium/long range views of the site within its landscape context. From public vantage points along this road, the existing westerly facing dwellings are prominent within the landscape. From these vantage points the western side elevation of the proposed dwelling house would “slot in” between the existing western side elevation of the bungalow on higher ground to the east and the west facing long elevation of a bungalow on lower ground to the west. An existing hedgerow along the western boundary of the host field would provide a partial screen of the western side elevation of the proposed dwelling house, and such screening would be reinforced, in time, by the planting of a hedgerow along the western boundary of the site. Nevertheless, I am concerned that the specification of render as the finishing material to the western side elevation would draw undue attention to it, and so stone should be specified instead to each of its constituent elevations to mute the presence of the dwelling house within the landscape.
- 7.11. I acknowledge that the proposal would entail cut n’ fill earthworks, which, under Policy RH-P-2(5) of the CDP, might be considered problematic. However, my observations above of the visual impact of existing dwellings that have been constructed to follow the line of contours indicates that they are more prominent. In these circumstances, I consider that a degree of cut n’ fill can be justified to ensure that a more discrete outcome is assured.
- 7.12. The proposed dwelling house itself would be of one-and-a-half storey form with half dormer windows in its principal elevation. Its mass would be eased by the ancillary elements on its front, western side, and rear elevations. Finishing materials would, with the exception of the western elevation discussed above, be appropriate.
- 7.13. I conclude that the proposed dwelling house would, subject to the specification of a stone finish to the western elevation, be compatible with the landscape and visual amenities of the area.

(iii) Development standards

- 7.14. The proposed dwelling house would afford four-bed/eight-person accommodation over a floorspace of 215 sqm. Its northern, western, and southern elevations would contain glazed openings, and so this dwelling house would be well-lit and ventilated. The dwelling house would be sited on a 0.3-hectare site, and so it would be served by ample private open space.
- 7.15. The proposed dwelling house would afford a satisfactory standard of amenity to future residents.

(iv) Access

- 7.16. Under the proposal, a new dedicated access point from the local road would be formed to the site. (The existing field gate to the north-west of this site would be retained). This access point would be of standard layout with pillars and wing walls. It would be accompanied by sightlines (2.4m x 70m) in either direction.
- 7.17. The application is accompanied by “A traffic management assessment report”, which contains a traffic speed survey of vehicles passing the site along the local road taken on Monday 29th November 2021 between 10:00 and 12:00. The accompanying analysis establishes that the 85% design speed is 47 kmph, so prompting the above cited sightline dimensions.
- 7.18. The provision of the eastern sightline would necessitate the removal of the existing roadside hedgerow. Under Condition No. 4 attached to the PA’s permission, a replacement hedgerow would be planted to the rear of this sightline and behind a dark stained tanalised fence. Due to the presence of a bend in the local road to the west of the proposed access point, the requisite western sightline would require that the hedgerow on the opposite side of this road and on the inside of the said bend be maintained at a low level. The applicant has obtained a letter of consent from the landowner in which he undertakes to do this. Condition No. 3 attached to the PA’s permission addresses these sightlines.
- 7.19. The driveway, which would accompany the proposed access point, would provide sufficient scope to park vehicles and to ensure that they could turn around, thus ensuring that all movements to and from the local road could be undertaken in forward gear.

7.20. I conclude that the proposed access arrangements for the site would be satisfactory.

(v) Water

7.21. The proposed dwelling house would, subject to Irish Water's approval, be connected to the public water mains under the adjacent local road.

7.22. Under the OPW's flood maps, the site is not the subject of any formally identified flood risk.

7.23. Surface water from the site would be discharged into a roadside drain/watercourse. Conditions Nos. 6 and 8 of the PA's permission require, variously, that the site's roadside frontage be drained, and that a drainage trap be installed across the proposed access point to the site. A further condition should be added, under which a soakaway would be required to serve the hard surfaces that would be created.

7.24. The applicant has submitted a completed site characterisation form, the main findings of which are summarised below:

- The aquifer is poor and of extreme vulnerability. The groundwater protection response is R21. Appendix E of the EPA's CoP Code of Practice entitled "Domestic Waste Water Treatment Systems" (DWWTS) states that this response is "Acceptable subject to normal good practice..."
- Local groundwater flows to the north-west.
- The trial hole was dug to a depth of 2.2m. Sub-soil consists of gravelly silt with a considerable number of cobbles and some boulders throughout. Groundwater was not encountered at a depth of 1.3m.
- The "T" (sub-surface/depth of 600mm) test result was 12.75 min/25mm. Accordingly, the sub-soil has suitable percolation properties. The assessor recommends that the invert level of the percolation area would be set at 0.4m below the ground surface.
- The assessor recommends a packaged secondary treatment system (Tricel Novo) and a percolation area.

7.25. I note that the trial hole was dug and examined in late October 2021. I note, too, that the headroom between the invert level and the recorded water table level would be

the minimum of 0.9m (Table 6.3 of the EPA's DWWTS). If the water table were to rise, then this headroom would be insufficient.

- 7.26. The completed site characterisation form variously states that the percolation area would be sited on a portion of the site where there is a shallow gradient, i.e., 1:5 – 1:20, and that the slope of this percolation area would be 1:200. The accompanying site layout plan shows the percolation area sited in a position adjacent to the proposed access point. Superimposed contours indicate that the gradient of the site at this point ranges between c. 1:7.33 and c. 1:13.75. (The gradient of 1 in 8 is the maximum cited by Section 6.2 of DWWTS).
- 7.27. In the light of the foregoing factors, I consider that the design of the proposed percolation area needs to be the subject of a detailed design, which takes account of all relevant gradients and the need to ensure that a minimum of 0.9m headroom is available throughout the year.
- 7.28. I conclude that, subject to the specification of a soakaway and a detailed design of the proposed percolation area, no water issues would arise.

(vi) Stage 1 screening for appropriate assessment

- 7.29. The requirements of Article 6(3) of the Habitats Directive as related to screening the need for appropriate assessment of a project under Part XAB, Section 177U of the Planning and Development Act, 2000 – 2023, are considered fully in this section.
- 7.30. The project is not directly connected with or necessary to the management of a European site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).
- 7.31. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European site.
- 7.32. The project is “To erect a dwelling house with a WWTs” on a site to the east of Lough Akibbon.
- 7.33. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction phase: uncontrolled surface water run-off bearing silt and pollutants, and
- Operational phase: possible pollution of groundwater from the proposed percolation area, which would accompany the WWTS.

7.34. The development site is not located in or immediately adjacent to a European site. The closest European site is the Leannan River SAC (002176) and the Derryveagh and Glendowan Mountains SPA (004039), which lie variously 0.38km and 0.48km to the west.

7.35. The Leannan River SAC has the following qualifying interests, the conservation objectives for which are either to restore (R) or maintain (M) their favourable conservation condition:

- *Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae)* [3110] – R
- *Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea* [3130] – R
- *Margaritifera margaritifera (Freshwater Pearl Mussel)* [1029] - R
- *Salmo salar (Salmon)* [1106] – R
- *Lutra lutra (Otter)* [1355] – M
- *Najas flexilis (Slender Naiad)* [1833] – R

Accompanying maps indicate that qualifying interests 3130, 1355, and 1833 are present in Lough Akibbon.

7.36. The Derryveagh and Glendowan Mountains SPA has the following qualifying interests, the conservation objectives for which are either to restore or maintain their favourable conservation condition:

- *Red-throated Diver (Gavia stellata)* [A001]
- *Merlin (Falco columbarius)* [A098]
- *Peregrine (Falco peregrinus)* [A103]
- *Golden Plover (Pluvialis apricaria)* [A140]
- *Dunlin (Calidris alpina schinzii)* [A466]

While no explicit information is given on the presence of any of these qualifying interests in Lough Akibbon, it is possible that A001 and A466 are present.

7.37. Potentially, during the construction phase, water borne pollutants from the site could affect the qualifying interests of the SAC and SPA present in Lough Akibbon.

Potentially, too, during the operational phase, waste water from the site could affect these qualifying interests.

- During the construction phase, the use of standard construction practices would ensure that water borne pollutants do not leave the site.
- During the operational phase, only waste water would be processed by means of a secondary WWTS and percolation area, which would ensure that the ultimate discharge to groundwater would be acceptable.

These measures would be undertaken to safeguard water quality regardless of the European Sites cited above.

7.38. I am not aware of any other plans or projects in the area, which could potentially give rise to cumulative impacts.

7.39. No measures designed or intended to avoid or reduce any harmful effects of the project on a European site have been relied upon in this screening exercise.

7.40. The proposed development was considered in the light of the requirements of Section 177U of the Planning and Development Act, 2000 – 2023. Having carried out screening for appropriate assessment of the project, it has been concluded that the likely project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites Nos. 002176 & 004039, or any other European site, in view of the sites' conservation objectives, and appropriate assessment (and submission of a NIS) is not therefore required.

This determination is based on the following:

- The efficacy of standard construction practices, which would ensure that pollutants do not leave the site, and
- The efficacy of the proposed WWTS and percolation area, which would ensure that any discharge to groundwater is consistent with the maintenance of water quality.

8.0 Recommendation

8.1. That permission be granted.

9.0 Reasons and Considerations

Having regard to the National Planning Framework, the Sustainable Rural Housing Guidelines, and the Donegal County Development Plan 2018 – 2024, it is considered that, subject to compliance with conditions, the proposal would comply with the County rural housing strategy. The proposed dwelling house would be compatible with the landscape and visual amenities of the area, and it would afford a satisfactory standard of amenity to future residents. Access arrangements to the site would be satisfactory. No water or Appropriate Assessment issues would arise. It would thus accord with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) Detailed plans and cross sections of the proposed area proposed to accompany the waste water treatment system shall be prepared.</p> <p>(b) Detailed plans of an on-site surface water drainage scheme incorporating a soakaway shall be prepared. This scheme shall serve all the hard surfaces created by the development.</p>

	<p>(c) Detailed plans of the roadside boundary treatment shall be prepared. These plans shall make explicit drainage arrangements, the provision of grass verges, and any temporary fencing. They shall also make explicit the layout of the site entrance, including its pillars, wing walls, drainage interceptor, and any gate(s) or cattle grid that maybe proposed.</p> <p>(d) The western elevations of the dwelling house, i.e., the two west facing gabled side elevations, and the west facing side elevation of the return, shall be finished in stone.</p> <p>Revised drawings and specifications showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of public health, good water management, and visual amenity.</p>
3.	<p>(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. 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 to this effect.</p> <p>(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.</p> <p>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.</p> <p>Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted in the interest of the proper planning and sustainable development of the area.</p>

4.	<p>The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>The external walls with render finishes shall be neutral colours such as grey or off-white.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>(a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 15th day of March, 2023, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.</p> <p>Reason: In the interest of public health.</p>
8.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition</p>

	<p>waste.</p> <p>Reason: In the interests of public safety, residential amenity, and the environment.</p>
9.	<p>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. This scheme shall include the following:</p> <p>(a) the establishment of a hedgerow along the eastern and western boundaries of the site, and the re-establishment of a hedgerow adjacent to the northern boundary behind the sightlines on either side of the access point to the site, and</p> <p>(b) the planting of trees in the south-eastern portion of the site.</p> <p>Any plants which die, are removed or become seriously damaged or diseased, within a period of five 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.</p> <p>Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.</p>
10.	<p>Prior to the commencement of occupation of the dwelling house, the sightlines shown on the submitted site layout plan shall be established, and thereafter retained for the duration of the occupation of the dwelling house. These sightlines shall have x and y dimensions of 2.4m and 70m, and no item shall intrude within them above a 1.05m in height.</p> <p>Reason: In the interest of road safety.</p>
11.	<p>The developer shall pay to the planning authority a financial contribution of €3163 (three thousand one hundred and sixty-three euro) 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</p>

	<p>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. The application of any indexation required by this condition 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.</p> <p>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.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Hugh D. Morrison
Planning Inspector

19th December 2023

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317165-23		
Proposed Development Summary	One-and-a-half-storey dwelling house, new site entrance, wastewater treatment system, and all associated site works.		
Development Address	Site in the townland of Tirrargus, Church Hill, Co. Donegal		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	
Yes	X	Class 10(b)(i) of Part 2: threshold 500 dwelling units	Proceed to Q.4
			Conclusion
			No EIAR or Preliminary Examination required

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____