



An
Bord
Pleanála

Inspector's Report

ABP-317787-23

Development

Retention permission is sought for the following:

- (i) Minor repositioning of access laneway and houses nos. 1, 2, 3 & 4.
- (ii) Existing site finished and associated works to houses nos. 1 & 2.
- (iii) Existing effluent treatment systems for houses nos. 1 & 2.
- (iv) Completion of construction of houses nos. 1 & 2
- (v) Completion of construction of house no. 3.

Planning permission is sought for the following:

- (vi) Completion of construction of access laneway.
- (vii) Construction of surface water drainage system to site entrance and access laneway.
- (viii) Construction of access footpath from roadside entrance to house no. 4.
- (ix) Installation of new effluent

	<p>treatment systems for houses nos. 3 & 4 within the curtilage of the said houses.</p> <p>(x) Completion of site finishes to houses nos. 3 & 4.</p> <p>(xi) Completion of construction of house no. 4.</p> <p>(xii) Completion and construction of all associated site works.</p>
Location	Tonduff, Buncrana, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	23/50850
Applicant(s)	Dermot Carragher, Stephen Brown, John Cutliffe, Laura Marshall & Martin Carlin
Type of Application	Retention permission and permission
Planning Authority Decision	Grant, subject to 14 conditions
Type of Appeal	Third Party -v- Decision
Appellant(s)	Ann Marie Noone
Observer(s)	None
Dates of Site Inspections	18 th October 2023 & 19 th March 2024
Inspector	Hugh D. Morrison

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	6
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History.....	6
5.0 Policy and Context.....	7
5.1. Development Plan.....	7
5.2. Natural Heritage Designations	7
5.3. EIA Screening	7
6.0 The Appeal	7
6.1. Grounds of Appeal	7
6.2. Applicant Response	9
6.3. Planning Authority Response	10
6.4. Observations	10
6.5. Further Responses.....	10
7.0 Assessment.....	11
8.0 Recommendation.....	17
9.0 Reasons and Considerations.....	17
10.0 Conditions	18

Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The site is located on the Inishowen Peninsula, 7.7km to the north north-west of Buncrana and 1.6km to the east of Dunree Head. This site lies within rolling countryside, which is punctuated by one-off dwelling houses along the local road network. It is accessed off this network.
- 1.2. The site itself is of roughly regular shape and it extends over an area of 2.66 hectares. This site is accessed by means of a road which runs through its centre from its north-western corner. On the north-eastern side of this road the site has been laid out to provide 4 housing plots (Nos. 1 – 4 from the north-west to the south-east). These plots are subject to gentle gradients that rise towards the north-east. A steep embankment rises to the rear of these plots. A detached dwelling house has been constructed on each of these plots. These dwelling houses have been sited towards the rear of the plots in an informal row. They are of one-and-three-quarters/two-storey form and they provide four-bed/eight-person accommodation. The dwelling houses exhibit a commonality of design with front gabled features incorporating windows with a vertical emphasis and stone finishes to their elevations. The dwelling houses on plots nos. 1 & 2 (158 sqm each) and plots nos. 3 & 4 (240 sqm each) are of similar size to one another. The former two dwelling houses are completed and occupied and the latter two are substantially completed. Each dwelling house is served by an individual driveway, which is accessed from the site road, and which runs through the accompanying front garden.
- 1.3. On the south-western side of the road, at some remove from the road itself, runs a sheough, which flows in a north-westerly direction. Beyond the sheough, along the south-western boundary of the site there is a stream, which flows in a north-westerly direction, too. This portion of the site is largely overgrown, although existing effluent treatment plants for the dwelling houses on plots nos. 1 & 2 are sited in positions adjacent to the road.

2.0 Proposed Development

- 2.1. Under the proposal, retention permission is sought for the following:

- (i) Minor repositioning of access laneway and houses nos. 1, 2, 3 & 4 originally granted planning permission under 05/70161.
- (ii) Existing site finished and associated works to houses nos. 1 & 2 originally granted planning permission under 05/70161.
- (iii) Existing effluent treatment systems for houses nos. 1 & 2.
- (iv) Completion of construction of houses nos. 1 & 2 originally granted planning permission under 05/70161.
- (v) Completion of construction of house no. 3 originally granted planning permission under 07/70963.

2.2. Under the proposal, planning permission is sought for the following:

- (vi) Completion of construction of access laneway to include compacted gravel finish to laneway originally granted planning permission under 05/70161.
- (vii) Construction of surface water drainage system to site entrance and access laneway originally granted planning permission under 05/70161.
- (viii) Construction of access footpath from roadside entrance to house no. 4 originally granted planning permission under 05/70161.
- (ix) Installation of new effluent treatment systems for houses nos. 3 & 4 within the curtilage of the said houses.
- (x) Completion of site finishes to houses nos. 3 & 4 originally granted planning permission under 07/70963.
- (xi) Completion of construction of house no. 4 originally granted planning permission under 07/70963.
- (xii) Completion and construction of all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was granted subject to 14 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The case planner states that the 4 no. dwelling houses were substantially completed by November 2009, and thus within the lifetime of the parent permission. He also states that the previously required sightlines are *in-situ*, and the 2 no. septic tanks and percolation area, which serve the dwelling houses on sites nos. 1 & 2, are sited where the originally proposed communal WWTS was to have been sited.

3.2.2. Other Technical Reports

None

3.3. Prescribed Bodies

Department of Housing, Local Government & Heritage: Archaeological monitoring conditions requested.

3.4. Third Party Observations

See grounds of appeal.

4.0 Planning History

- 05/70161: 5 no. one and three-quarter-storey dwelling houses with WWTS and associated works: Following receipt of further information, 4 no. dwelling houses permitted.
- 07/70963: Change of house type to two-storey dwelling house on sites nos. 3 & 4: Permitted.
- 18/50892: Withdrawn.
- PP/6535: Pre-planning consultation occurred on 15th May 2022.

5.0 Policy Context

5.1. 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 core strategy objective and policy of the CDP are of relevance:

CS-O-14: *To seek the effective resolution of unfinished residential development.*

CS-P-7: *It is a policy of the Council to consider proposals that seek to resolve existing unfinished residential development, including through appropriate reconfiguration of developments, and such proposals shall be considered outside the population targets set by the core strategy.*

5.2. Natural Heritage Designations

North Inishowen Coast SAC & pNHA (002012)

5.3. EIA Screening

See the pre-screening and preliminary assessment appendices to my report.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant contests the applicants' claim that they own the entire site, as she owns some of it, and the matter is the subject of legal proceedings.

The completed application forms refer to a public sewer, which does not exist.

One of the applicant's has failed to disclose his address.

The appellant has submitted the following in support of her appeal (these copies were also submitted with her original objection to the PA):

- A copy of the completed application form.
- A copy of the completed appeal form, with the 4 no. relevant Eircodes.

- A copy of the agent's cover letter, which is critiqued as follows:
 - The main issue is not the incomplete access road, but the omission of the communal WWTs in favour of 2 no. septic tanks, which have been sited on the appellant's land.
 - The dwelling house on site no. 4 has built a conservatory, which encroaches onto the appellant's land.
 - The access road has been repositioned and so each of the front gardens has been extended by 3m, thereby encroach upon the appellant's land.
 - The access road is in the appellant's ownership and so any works, e.g., footpath and surface water drainage arrangements, to it require her consent.
 - The proposed WWTs would not be capable of being satisfactorily accommodated within the front gardens of sites nos. 3 & 4.
- A copy of the applicant's site plan bearing the appellant's notation.
- A copy of the site plan drawn by the appellant's architect.
- A copy of the applicant's drawings with respect to site no. 4.
- A copy of the applicant's drawings with respect to site no. 4, with the appellant's notation.
- A copy of the applicant's drawings with respect to the dwelling house on site no. 4, with the appellant's notation.
- A copy of a report prepared by the appellant's architect concerning the matters in dispute with the applicants.
- A copy of the applicant's original objection to the PA.

The appellant continues with the following further grounds of appeal:

- The proposed retention of 2 no. and addition of 2 no. WWTs would occur in an area where there is already 1 no. pre-existing one that serves the dwelling house adjacent to the junction between the local road and the access road. An over concentration of WWTs would ensue.

- Unauthorised and excessive excavation in sites nos. 3 & 4 need to be addressed, as they pose a potential risk of slippage, which would affect residents and users of an agricultural lane to the rear of these sites.
- Several conditions attached to the PA's permission would require the appellant's consent, e.g., works to the access road, services, and a hydrant.

6.2. Applicant Response

The applicants have responded to the grounds of appeal on a thematic basis, which I have summarised below.

Addresses

- While the applicants' addresses were submitted to the PA, as they represent sensitive information, these addresses are not publicly available.

WWTSs

- A copy of a Land Registry document dated November 2006 has been submitted, which states that within 21 years a communal WWTS can be installed on the site, and thereafter maintained. This WWTS was to have been sited in the same portion of the site as the existing septic tanks and percolation area have been installed in, which serve sites nos. 1 and 2.
- The proposed WWTSs for sites nos. 3 and 4 would be capable of being accommodated satisfactorily within these sites.

Access road

- The line of the "as built" access road differs from that proposed under the parent permission (05/70161). This realignment occurred from the outset of the development, and the current applicants purchased their residential properties with it *in-situ*. They now simply propose to complete the access road.

Boundaries to site no. 4

- The applicants have undertaken a land survey of the site, which shows the boundaries of each house site (cf. Appendix 2 to their response). This survey shows that the dwelling house on site no. 4 has been sited wholly within this

site's boundaries, even if the siting itself differs from what was proposed under the parent permission (05/70161).

- The applicants accept that the fencing around sites nos. 1 and 4 departs in places from the boundaries to these sites, and so they undertake to correct these departures.

Excavation to the rear of dwelling houses on sites nos. 3 and 4

- The excavation in question was undertaken by the original developer.
- The appellant's concern over the safe use of the lane that passes to the rear of these sites is noted.

Site entrance

- The PA's Condition No. 3 requires that the junction between the local road and the access road be completed along with a footpath along the length of the access road within a 12-month period. The appellant withholds her consent to these works. The aforementioned Land Registry document is cited with respect to the provision of services to the site.

Residents group

- The applicants would be open to the possibility of forming a residents' group to address the future maintenance of the access road and communal services.

6.3. Planning Authority Response

The PA refers to the case planner's report.

6.4. Observations

None

6.5. Further Responses

None

7.0 Assessment

7.1. I have reviewed the proposal in the light of the County Donegal Development Plan 2018 – 2024, relevant planning history, 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) Planning history, land ownership, and procedural matters,
- (ii) Amenity,
- (iii) Access,
- (iv) Water, and
- (v) Appropriate Assessment.

(i) Planning history, land ownership, and procedural matters

- 7.2. The parent permission for the site was granted to application 05/70161. Originally, this application proposed 5 no. dwelling houses, which would have been laid out in a curved arrangement. However, as revised, it proposed 4 no. dwelling houses in an informal row. Under this application, too, a communal WWTP and percolation area were proposed, which would have been sited between the sheough and the stream in the south-western portion of the site.
- 7.3. The parent permission was amended by application 07/70963, which proposed a change of house type for the dwelling houses on plots nos. 3 & 4. This application was permitted.
- 7.4. The PA's case planner includes within his report a photograph of the site from November 2009, which shows the dwelling houses with their roofs on. He concludes that these dwelling houses were substantially completed within the 5-year period sanctioned by the parent permission, which was granted on 25th November 2005. He also concludes that the current application is not, therefore, for the provision of new housing but for the retention of the 4 no. dwelling houses "as built", along with relatively minor proposed works. I concur with these conclusions.
- 7.5. The appellant's husband, Eamon Noone, was the applicant for 05/70161, and Oliver Gallagher was the applicant for 07/70963. The site edged red in both these applications was the same. A comparison between this site and the current

application site indicates that the former contains the latter one along with additional lands to the north-west and to the north-east. The current application has been made on the basis that the applicants own the current application site. The appellant contests this claim. She has submitted a copy of the plan from the Land Registry Folio DL58131F, which states that she owns this site, except for the 4 no. house plots. (She also owns a little extra land on the eastern boundary of the site). The contesting claims over land ownership are the subject of an on-going civil law case in the courts.

- 7.6. The PA's case planner noted in his report that the above cited plan indicates neither a private right of way along the site access road nor a wayleave to the two effluent treatment systems adjacent to this road. At the appeal stage, the applicants have submitted a copy of the Land Registry Folio DL24640¹, which indicates that land was transferred from Eamon and Annmarie Noone to Oliver Gallagher in November 2006. The accompanying plan shows the land as comprising the 4 no. house plots². It also shows a private right of way along the site access road and a wayleave to a WWTS and associated percolation area on the southern side of this road. *Prima facie* the works, which are the subject of the current application lie within the areas thus highlighted in this plan. Nevertheless, Section 34(13) of the Planning and Development Act, 2000 – 2023, makes clear that “A person shall not be entitled solely by reason of a permission under this section to carry out any development.”
- 7.7. The appellant expresses concern that the “as built” site access road has encroached southwards onto her land and the “conservatory” to the dwelling house on plot no. 4 encroaches onto it, too. The applicants respond by drawing attention to their existing site plan (drawing no. PD02), which shows by means of blue hatching the permitted layout of the site with the “as built” layout superimposed. While they insist that the dwelling house on plot 4 is wholly within this plot's boundaries, they accept the need to alter slightly the alignment of fencing on the western and south-eastern boundaries. The difference in scales between the above cited plan attached to Land Registry Folio DL24640 and drawing no. PD02 militate against any definitive position on the routing of the site access road.

¹ I accessed the Land Direct website on 12/03/24. It highlighted Land Registry Folio DL24640 as referring to land at some remove to the north-east of the current application site.

² Each house plot is the subject of its own Land Registry Folio.

- 7.8. The appellant also expresses concern that works to the site access road, such as the provision of a footpath and surface water drainage, would need her consent, as landowner. However, insofar as the applicants appear to have a private right of way over this access road, questions as to its control, and hence the opportunity to complete it, may not simply be answered by reference to land ownership. The applicants refer to Land Registry Folio 24640 in this respect.
- 7.9. The appellant raises several procedural matters, which the applicants have responded to. I will discuss these matters below.
- 7.10. The completed application forms indicate that there is an existing connection to a public wastewater sewer. This is incorrect. Nevertheless, I am satisfied that the submitted plans and supporting documentation indicate that no one need be mis-led by this inaccuracy, as the proposal clearly shows that the dwelling houses on plots nos. 1 & 2 would continue to be served by 2 no. existing effluent treatment systems and a percolation area, while the dwelling houses on plots nos. 3 & 4 would be served by individual WWTPs and percolation areas.
- 7.11. The addresses of the applicants have not been disclosed. The applicants' agent points out that addresses are sensitive information, which is not normally made public. The PA has however been furnished with the same, by way of the standard form bearing questions 28 – 30 (inclusive), i.e., a continuation of the application form.
- 7.12. I conclude that in the light of my discussion of planning history, land ownership, and procedural matters, there are no impediments to the Board assessing/determining the current application/appeal in the normal manner.

(ii) Amenity

- 7.13. The applicants existing site plan (drawing no. PD02) depicts the slight repositioning of the site access road and each of the dwelling houses on their respective house plots. These alterations in siting have not had any significant effect upon the previously permitted layout envisaged for the site, and so they have not given rise to any new issues with visual and residential amenity.
- 7.14. The appellant expresses concern over the stability of the embankment to the rear of each of the house plots. The aforementioned plan shows that, in the cases of house

plots nos. 1 & 2, a retaining wall has been constructed at the foot of this embankment. However, this measure has not been undertaken in the cases of house plots 3 & 4. The applicants report that the excavation of this embankment was undertaken by the original developer. In these circumstances, I consider that it is for each householder to satisfy themselves over the stability of the embankment to the rear of their residential properties.

- 7.15. I conclude that, given the planning history of the site, the proposal would be compatible with the visual and residential amenities of the area.

(iii) Access

- 7.16. The applicants propose to retain the site access road in its slightly altered position, and to complete it by means of a compacted gravel surface and an accompanying footpath along its north-western side. They also propose to install a surface water drainage system to this road.
- 7.17. During my site visit, I observed that the site access road has been partially constructed, and that the sightlines available at its junction with the adjoining local road accord with those previously permitted.
- 7.18. While I raise no objection to the proposed compacted gravel surface to the site access road, I consider that its interface with the adjoining local road would need to ensure that any loose gravel that may arise is not at risk of being dragged/washed onto the local road. This matter could be conditioned.
- 7.19. The submitted plans do not make explicit where surface water from the proposed drainage system would discharge to. Given the permeable surface proposed for the road, such discharge would be likely to be minimal. The planning history of the site indicates that it was previously envisaged as being to the existing sheugh within the site. This matter, too, could be conditioned.
- 7.20. I conclude that, subject to conditions, the proposals for the site access road would be acceptable.

(iv) Water

- 7.21. The applicants propose the retention of 2 no. septic tanks and a percolation area that serve the dwelling houses on house plots nos. 1 & 2. Under the original and revised planning permissions for the site, all of the dwelling houses were to be served by a

communal WWTP and a percolation area, which would have been sited between the sheugh and the stream in the south-western portion of the site. This WWTP and percolation area were not installed. Instead, the 2 no. septic tanks and an accompanying percolation area were installed between the site access road and the sheugh.

- 7.22. During my site visits, I observed that the 2 no. septic tanks were *in-situ* as shown on drawing no. PD03. I observed, too, the stone that the case planner refers to in his report, as follows:

Two separate septic tanks were noted to be in place upon inspection of the site, there was no piped discharge to any drain after the tanks and the polishing filter areas were well drained with the receiving substrate having been modified with the addition of stone to improve drainage. There was no ponding of water visible or foul odours detected. The ground down hill of the percolation areas was boggy marshy land and there was no free-flowing stream present as the maps submitted would lead one to expect.

I understand the reference in this quotation to “no free-flowing stream” as being to the presence of a sheugh with standing water in it beyond the area of stone.

- 7.23. The previously permitted site layout plan (drawing no. PD01) shows a percolation area that would have served the 4 no. dwelling houses in a position adjacent to the stream, which flows along the south-western boundary of the site. I consider that, if the installed percolation area is compared with the previously permitted one, then its siting is to be preferred, ecologically.
- 7.24. The PA granted retention permission. It attached Condition No. 8(a) to this permission, which states the following:

The treatment systems and percolation areas serving houses nos. 1 & 2 shall be maintained accessible by the owners and occupants of the individual houses that they serve and otherwise those areas shall remain undeveloped and shall not be landscaped in a manner that would detract from their sewerage treatment function.

I consider that any retention permission should be subject to a comprehensive condition, which includes the above cited access and landscaping requirements and an inspection report on the 2 no. septic tanks and percolation area, along with any remedial measures that may be needed to ensure their satisfactory operation and a timeline for the implementation of such measures. Evidence of a maintenance

contract should also be sought. Any public health concerns would thereby be addressed.

7.25. Turning to the proposed new effluent treatment systems for the dwelling houses on plots Nos. 3 & 4, these systems and their accompanying percolation areas would be installed in each of their front gardens. They have been proposed based on the findings of the applicants' "Site suitability assessment report". This report drew upon fieldwork undertaken in plot No. 3 only. Given that this plot adjoins plot No. 4 and is of comparable composition and topography, I concur with the PA's acceptance of its applicability to plot No. 4, too. I will draw upon the report in my assessment below.

- The aquifer is poor and of extreme vulnerability. The groundwater protection response is R21. Appendix E of the EPA's CoP DWWTSs states that this response is "Acceptable subject to normal good practice."
- Local groundwater is assumed to flow in a south-westerly direction.
- The trial hole was dug to a depth of 2m. Between ground level and a depth of 0.4m fill material occurs, i.e., gravelly sandy silt/clay with extensive cobbles. Between 0.4m and 0.8m the original top-soil occurs, i.e., gravelly sandy silt/clay. Thereafter, gravelly sandy silt/clay with extensive cobbles and boulders occur. Neither bedrock nor the water table was encountered.
- The "T" (sub-surface/depth of 800mm) tests yielded a result of 34.64 min/25mm. "P" tests were not undertaken. While this "T" test result indicates that the site would be suitable for either a septic tank or a secondary WWTS, the site assessor concludes that only the latter should be considered, due to the restricted nature of the site.

7.26. In the appendix to the report, the assessor includes a site layout sketch and a cross section of the proposed WWTS and sand/soil polishing filter, which would be sited in plot No. 3. These drawings and the assessor's detailed specification, which is set out in his recommendation, would ensure that wastewater from the dwelling house on plot No. 3 would be capable of being handled satisfactorily. If the approach thus outlined were to be replicated in plot No. 4, then wastewater from this dwelling house would be capable of being handled satisfactorily, too. The submitted site layout plan (drawing no. PD04) shows such provision. A condition should be attached to any permission requiring that this provision be depicted by means of a cross section.

Both WWTs and their accompanying percolation areas should be conditioned to ensure that they are protected from surface water run-off from higher ground to the north-east. In this respect, the OPW's flood maps do not show the site as being the subject of any formally identified flood risk.

- 7.27. I conclude that, subject to conditions, wastewater would be capable of being handled satisfactorily.

(v) Appropriate Assessment

- 7.28. The site is neither in nor beside a European site. The nearest such site is the North Inishowen Coast SAC (004012), which lies 0.875 km to the north-west of the site. While the stream, which runs along the south-western boundary of the site, flows into this SAC, the hydrological link established by this stream between the site and the SAC would be unaffected by the proposal. In this respect, I note that the works proposed for retention exhibit only minor differences from those previously permitted (05/70161 & 07/70963). I note, too, that the proposed works are relatively minor in nature, and they would be undertaken in the central and north-eastern portions of the site, and so at some remove from the stream. Accordingly, no appropriate assessment issues would arise.
- 7.29. Having regard to the nature, scale, and location of the proposal, the nature of the receiving environment, and the proximity to the nearest European site, it is concluded that no appropriate assessment issues arise as the proposal would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. That retention permission and permission be granted.

9.0 (i) Reasons and Considerations

Having regard to Objective CS-O-14 and Policy CS-P-7 of the Donegal County Development Plan 2018 – 2024 and the planning history of the site, it is considered that, subject to compliance with conditions, the proposed retention of works already undertaken on the site would be compatible with the visual and residential amenities

of the area, road safety, and public health. These works would thus accord with the proper planning and sustainable development of the area.

Conditions

1.	<p>The works delineated under items (i) – (v) (inclusive) of the description of development shall be retained 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>Within 12 weeks of the date of this order, the applicants shall submit to the Planning Authority a report by a suitably qualified person on the condition of the septic tanks and percolation area that serve the dwelling houses on plots Nos. 1 & 2. This report shall make any remedial recommendations that may be appropriate and provide a timeline for their implementation. It shall be accompanied by a copy of a five-year maintenance agreement for the septic tanks and percolation area, and undertakings to clear the septic tanks and percolation area and their immediate vicinity of any vegetation that may impede their operation. The Planning Authority shall agree in writing this report and its accompanying agreement and undertakings.</p> <p>Reason: In the interest of public health.</p>
3.	<p>The dwelling houses on plots Nos. 1, 2, 3 & 4 shall only be used as permanent places of residence for their occupants. They shall not be used as second homes or holiday homes.</p> <p>Reason: In the interest of clarity, and in order to comply with Development Plan policy.</p>

10.0 (ii) Reasons and Considerations

Having regard to Objective CS-O-14 and Policy CS-P-7 of the Donegal County Development Plan 2018 – 2024 and the planning history of the site, it is considered that, subject to compliance with conditions, the proposed works for the site would be compatible with the visual and residential amenities of the area, road safety, and public health. These works would thus accord with the proper planning and sustainable development of the area.

Conditions

1.	<p>The works delineated under items (vi) – (xii) (inclusive) of the description of development shall be undertaken 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) Comprehensive plans of the surface water drainage system for the site access road. These plans shall show the discharge of surface water to the sheugh on the site.</p> <p>(b) Details of how surface gravel would be retained on the site access road and not dragged or washed onto the adjoining public road.</p> <p>Revised drawings 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 road safety.</p>
3.	<p>The site access road serving the development, including its turning head, junction with the public road, footpath, and kerbs, shall comply with the detailed standards of the planning authority for such road works. Prior to</p>

	<p>the commencement of these works, a timeline for their completion shall be agreed with the planning authority.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
4.	<p>Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
5.	<p>(a) The treatment plant and polishing filter for the dwelling house on Plot No. 3 shall be located, constructed and maintained in accordance with the details submitted to the planning authority, 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. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.</p> <p>(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.</p> <p>(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.</p> <p>(d) Surface water soakways shall be located such that the drainage from</p>

	<p>the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.</p> <p>(e) 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 and that the polishing filter is constructed in accordance with the standards set out in the EPA document.</p> <p>Reason: In the interest of public health.</p>
6.	<p>(a) Prior to the commencement of development, a detailed site layout plan and cross section of the proposed treatment plant and polishing filter and a detailed specification of these items for the dwelling house on Plot No. 4 shall be submitted to and agreed in writing with the planning authority. Thereafter, the treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details agreed with the planning authority, 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. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.</p> <p>(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.</p> <p>(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the</p>

	<p>installation.</p> <p>(d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.</p> <p>(e) 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 and that the polishing filter is constructed in accordance with the standards set out in the EPA document.</p> <p>Reason: In the interest of public health.</p>
--	--

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

27th March 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317787-23		
Proposed Development Summary	Retention permission sought for amendments to previously granted permissions (05/70161 & 07/70963), and permission sought for completion works.		
Development Address	Tonduff, Buncrana, 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) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	x	Class 11(c) of Part 2	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	No EIAR or Preliminary Examination required
Yes		Threshold: WWTPs with a capacity greater than 10,000 PE.	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-317787-23	
Proposed Development Summary	Retention permission sought for amendments to previously granted permissions (05/70161 & 07/70963), and permission sought for completion works.	
Development Address	Tonduff, Buncrana, Co. Donegal	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? 		

<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The site is 0.875 km from the nearest European site. The relationship between the proposal and this site is discussed in my report under the heading of Appropriate Assessment.</p>	<p>No</p> <p>No</p>
<p>• Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p><u>Schedule 7A Information required to enable a Screening Determination to be carried out.</u></p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector: _____

Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)