



An
Bord
Pleanála

Inspector's Report

ABP-318934-24

Development	Construction of a dwelling house with connection to proposed septic tank and percolation area on site.
Location	Gulladoo, Moville, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2351430
Applicant(s)	Conor McDaid and Chelsea Carey
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant(s)	Charles O'Donnell
Observer(s)	None
Date of Site Inspection	2 nd May 2024
Inspector	Ronan O'Connor

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1.0 Site Location and Description

- 1.1. The site is located within the townland of Gulladoo and is approximately 1.7km north-west of Moville. The subject site is located within a rural area that is defined as 'Under Strong Urban Influence' in the County Donegal Development Plan 2018-2024 (as varied) within an area of 'High Scenic Amenity'. The site is a plot (0.35ha) within a larger field. Onsite is a disused agricultural shed, silage pit and associated yard. The site abuts the road with direct access onto the county road (L-6421-1).

2.0 Proposed Development

- 2.1. Construction of a dwelling house with connection to proposed septic tank and percolation area on site.

3.0 Planning Authority Decision

3.1. Decision

Grant permission with conditions. Conditions of note include:

Condition 2: Occupancy condition.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The first Planner's report (dated 7th November 2011) is summarised below:

Principle

- Notes the site is within an area Under Strong Urban Influence
- Notes evidence that has been submitted to support compliance with rural housing policy/Additional information required.
- Does not appear applicant owns the site/Additional information required.

Siting and Design

- Dwelling is in keeping with established pattern of roadside development

- Will be sited approximately 20m from the centreline of the road in accordance with Para 2.11 Appendix 3 of the CDP
- FI required in relation to ridge level/in order to protect views
- Design of the proposed dwelling is considered acceptable and rural in character
- Residential Amenity
- No impact identified
- Note that application for a slatted shed to the south of the site
- 40m separation distance/considered acceptable in light of previous Board's decisions

Access

- FI required in relation to vision lines/x distance appears to fall short
- Reduction in vision lines is acceptable and in accordance with Table 3 of Appendix B of the Development Plan

Wastewater Treatment

- Site suitability report has been submitted/indicates that the site is suitable for a septic tank system discharging to ground water
- Septic tank and percolation area proposed
- Minimum distances can be achieved
- No significant impacts on water quality are envisaged
- Stage 2 AA not required

FI was recommended

3.2.2. Further Information was requested on 16th November 2023 in relation to the following issues:

1. Letter of consent from the owner of the site
2. Further documentary evidence in relation to compliance with Policy RHP-5
3. Vision Lines

4. Revised site layout plan with ridge height level with the shed on site. FFL of proposed dwelling lowered to be no higher than the existing shed/revised plans showing the above

3.2.3. Further Information was submitted on 6th December 2023.

3.2.4. The second Planner's report (dated 13th December 2023) is summarised below:

- FI Item 1 – Satisfied the applicant has sufficient legal interest in the land
- FI Item 2 – Map has been submitted which confirms the applicant's homestead to be within the rural area in accordance with Policy RH-P-5
- FI Item 3 – Location of the proposed site entrance has been located to the north of the existing shed/vision lines of 2.4m X 70m have been shown in both directions/letter of consent has been submitted from the owner of adjacent lands to the north which allows for the maintenance of same
- FI – Item 4 – Ridge height is shown level with the existing shed/FFL is lowered by 1.4m/revised design submitted
- Recommendation was to grant permission.

3.2.5. Other Technical Reports

None

3.3. **Prescribed Bodies**

Uisce Éireann – No objection subject to standard conditions

Lough Agency – No objection in principle/Comments in relation to installation/maintenance of WWTS/in relation to storm water and protection of water quality

3.4. **Third Party Observations**

3.4.1. 1 no. submission was made at application stage. Issues raised are summarised in the first Planner's report and include:

- Overlooking of applicant's lands
- Vision line not shown to the edge of the road

- Land ownership issues

3.4.2. I would note similar issues are raised in the grounds of appeal as summarised in Section 6.1 below.

4.0 Planning History

Application site

No planning history.

Adjacent Site to the south

2351261 – Current Application – Construction of a slatted shed and associated works (at Further Information Stage – FI received 28th March 2024)

5.0 Policy Context

5.1. National Planning Policy Framework

National Policy Objective 19 is of relevance to the proposed development. It requires the following:

‘Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;

In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements’.

5.2. National Policy

- Project Ireland 2040 National Planning Framework (2018) - National Policy Objective 19 is of relevance to the proposed development. It requires the following:

‘Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;

In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements’.

- Sustainable Rural Housing Guidelines for Planning Authorities (2005)

5.3. Development Plan

The relevant Development Plan is the County Donegal Development Plan 2018-2024 (as varied).

Relevant provisions/policies include:

The site lies within an area defined as an area ‘Under Strong Urban Influence’ with reference to Map 6.2.1 of the County Donegal Development Plan 2018-2024 (as varied).

RH-P-5 ‘It is a policy of the Council to consider proposals for new one-off rural housing within Areas Under Strong Urban Influence from prospective applicants that have demonstrated a genuine need for a new dwelling house and who can provide evidence that they, or their parents or grandparents, have resided at some time within the area under strong urban influence in the vicinity of the application site for a

period of at least 7 years. The foregoing is subject to compliance with other relevant policies of this plan, including RH-P-1 and RH-P-2. New holiday home development will not be permitted in these areas'

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).

RH-P-9 Design It is a policy of the Council to seek the highest standards of siting and architectural design for all new dwellings constructed within rural areas and the

Council will require that all new rural dwellings are designed in accordance with the principles set out in Appendix 4 of the County Development Plan, entitled 'Building a House in Rural Donegal – A Location, Siting and Design Guide'.

With reference to Map 7.1.1 Scenic Amenity the site is located within an Area of High Scenic Amenity

NH-P-7: Within areas of 'High Scenic Amenity' (HSC) and 'Moderate Scenic Amenity' (MSC) as identified on Map 7.1.1: 'Scenic Amenity', and subject to the other objectives and policies of this Plan, it is the policy of the Council to facilitate development of a nature, location and scale that allows the development to integrate within and reflect the character and amenity designation of the landscape.

NH-P-9 - It is the policy of the Council to manage the local landscape and natural environment, including the seascape, by ensuring any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of the area

NH-P-13: It is a policy of the Council to protect, conserve and manage landscapes having regard to the nature of the proposed development and the degree to which it can be accommodated into the receiving landscape. In this regard the proposal must be considered in the context of the landscape classifications, and views and prospects contained within this Plan and as illustrated on Map 7.1.1: 'Scenic Amenity'.

Appendix 3 Part B 'Development Guidelines and Technical Standards'

Appendix 4 Part B 'Building a House in Rural Donegal – A Location Siting and Design Guide'.

5.4. Natural Heritage Designations

- 5.4.1. None. The nearest such site the North Inishowen Coast SAC (site code 002012) which is located approximately 4.5km north-east of the site. The North Inishowen Coast pNHA (site code 002012) is also located approximately 4.5km north-east of the site.

5.5. EIA Screening

- 5.5.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

5.6. Appropriate Assessment

- 5.6.1. Having regard to the minor nature and scale of the proposed development, the site location outside of any protected site, the nature of the receiving environment and the proximity of the lands in question to the nearest European Site (the North Inishowen Coast SAC which is located approximately 4.5km north-east of the site), it is my opinion that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. 1 no. third-party appeal has been submitted from Charles O'Donnell, Drumfries, Buncrana, Co. Donegal (received on 26th January 2024). The grounds of appeal are as follows:
- Objection to the orientation of the dwelling/overlooks appellant's lands and does not address the country roads
 - Not all requirements in relation to the site assessment have been submitted/missing points 1, 2, 4d, 5 and 6
 - Pictures of the site assessment appear to show the 'P' test (tests carried out at the site surface)/site assessment itself indicates that the 'T' tests were carried out 400mm below the surface.

- Site layout map indicates percolation pipes laid north to south/given gradient of existing ground percolation pipes would not work as presented/no site section presented to the planning authority as part of the site assessment

6.2. **Applicant Response**

6.2.1. None.

6.3. **Planning Authority Response**

6.3.1. A response from the Planning Authority to the third-party appeal was received on 20th February 2024. This is summarised below:

- Majority of matters raised are dealt with in the Planner's Reports
- Acknowledged that supporting maps were not included in the site assessment/However PA considers that sufficient information was provided in the site assessment characterisation form to enable a proper assessment
- Natural slope is $\leq 1:8$ /having regard to the subsoil type, source protection area and results of the subsurface percolation test, the PA is satisfied that the proposed system is appropriate for the site
- Asks ABP to uphold the Council's decision to grant planning permission

6.4. **Observations**

6.4.1. None.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Rural Housing Policy

- Waste Water
- Orientation/Overlooking

7.2. Rural Housing Policy

7.3. I would firstly note that the issue of compliance, or otherwise, with rural housing policy, has not been raised in the third-party appeal, nor has this issue been raised as a concern by the Planning Authority, who have accepted that the applicants comply with rural housing policy Policy RH-P-5 (as set out below), following the submission of additional information in relation to same.

7.3.1. In relation to rural housing policy, I note that site lies within an area defined as an area 'Under Strong Urban Influence' with reference to Map 6.2.1 of the County Donegal Development Plan 2018-2024 (as varied). As such Policy RH-P-5 applies in this instance and this states the following:

It is a policy of the Council to consider proposals for new one-off rural housing within Areas Under Strong Urban Influence from prospective applicants that have demonstrated a genuine need for a new dwelling house and who can provide evidence that they, or their parents or grandparents, have resided at some time within the area under strong urban influence in the vicinity of the application site for a period of at least 7 years. The foregoing is subject to compliance with other relevant policies of this plan, including RH-P-1 and RH-P-2. New holiday home development will not be permitted in these areas.

7.3.2. National Policy Objective 19 of the National Planning Framework (NPF) states in relation to areas under urban influence, that it will be necessary for applicants to demonstrate 'a functional economic or social requirement for housing need' (National Policy Objective No. 19), stating that the provision of single housing in rural areas under urban influence is to be based on the core consideration of a demonstrable economic or social need to live in a rural area having regard to the viability of smaller towns and rural settlements. The Sustainable Rural Housing Guidelines 2005 further state that the housing requirements of persons with roots or links in rural areas are to be facilitated and that planning policies should be tailored to local circumstances.

7.3.3. In relation to the above, the cover letter accompanying the application states that the applicants wish to build their first family home in the area. The supplementary Rural

Housing Application Form, accompanying the application. states that the proposed dwelling will be a primary, principal and permanent residence. While Section 4 of this form is not completed (i.e. category of housing need), the applicant has included a letter of *bone fides* from Cllr. Martin McDermott, confirming that Conor McDaid (one of the applicants) has lived in Gulladoo, Moville, Co. Donegal, for a period exceeding 7 years. As part of the Further Information submission, a map was provided to the PA indicating the location where Mr. McDaid was resident, and this is the family dwelling house, located 170m to the south of this site. There is no other supporting information included with the application. However, with reference to Section 4 of the supplementary Rural Housing Application Form, it would appear that the applicant would comply with the second category of housing need, having lived in the community for a minimum of 7 years. As such, the applicants would appear to comply with the requirements of Policy RH-P-5, and have demonstrated social need as required by NPO 19 (in terms of having lived in the area for over 7 years, and with family ties in the area, by virtue of the family home being located 170m to the south of the site).

- 7.3.4. Should the Board consider that the applicants have not met the requirements of Policy RH-P-5, or the requirements of NPO 19, this would constitute a **New Issue**, in the context of this appeal.

7.4. **Waste Water**

- 7.4.1. The third-party appellant has stated that all of the required details, as set out in Section 3.4 of the Site Characterisation Form, have not been submitted and it is inferred that the documentation missing includes relevant maps which show overall drainage, groundwater flow direction and housing density in the area (Point 1 of the Section 3.4 of the Site Characterisation Form), supporting maps indicating vulnerability, bedrock classification, soil, subsoil and bedrock (Point 2), ground waterflow sketch (Point 4d) and cross-sections (Point 5). It is further stated that pictures of the site assessment appear to show the 'P' test (tests carried out at the site surface) but the site assessment itself indicates that the 'T' tests were carried out 400mm below the surface. In addition, it is stated that the site layout map indicates percolation pipes laid north to south and that, given the gradient of the existing ground, the percolation pipes would not work as presented. It is further stated that,

as no site section was presented to the planning authority as part of the site assessment, this may not have been obvious.

- 7.4.2. The Planning Authority, in their response to the appeal, acknowledge that supporting maps were not included in the site assessment. However, the PA considers that sufficient information was provided in the site assessment characterisation form to enable a proper assessment to be carried out. In relation to the site's topography, the PA state that the natural slope is $\leq 1:8$ (and therefore in compliance with the requirements of the EPA Code of Practice). The PA have concluded that, having regard to the subsoil type, source protection area and results of the subsurface percolation test, the PA is satisfied that the proposed system is appropriate for the site.
- 7.4.3. In relation to the documentation provided with the application, I note that the Site Characterisation Form submitted with the application identifies the category of aquifer as 'Poor Aquifer', with a vulnerability classification of 'extreme'. Table E1 (Response Matrix for DWWTSs) of the EPA Code of Practice Domestic Wastewater Treatment Systems identifies an 'R2¹' response category i.e. *'acceptable subject to normal good practice. Where domestic water supplies are located nearby, particular attention should be given to the depth of subsoil over bedrock such that the minimum depths required in Chapter 6 are met and the likelihood of microbial pollution is minimised'*.
- 7.4.4. The Site Characterisation Form notes that that potential targets at risk are groundwater, surface water within the open drain on the boundary and the proposed bore well on the northern section of the site. It is stated that all separation distances can be met within the proposed site and that the site seems suitable to treat effluent subject to normal good practice. It is further noted in the report that the proposed percolation area will be set back over 10m from the existing open drain and over 50m from the proposed bore well.
- 7.4.5. The Site Characterisation Form indicates that a trial hole, with a depth of 2.2m recorded firm, light brown topsoil to a depth of 0.3m, with firm, compact, yellowish brown silt to a depth of 2.2m. No water table or bedrock was encountered.
- 7.4.6. In relation to the percolation characteristics of the soil, a sub-surface percolation test result of 42.14min/25mm (previously known as a 'T' Test) was returned. This is

within the range as set out in the EPA Code of Practice (which requires a percolation value of at least 3, but not greater than 50 (for a septic tank) or 90 to 120 (for varying types of secondary treatment systems)).

- 7.4.7. The report concludes that the site is suitable for the installation of a secondary or tertiary treatment system, discharging to ground water. The recommended treatment system is a septic tank system (septic tank and percolation area) with no site improvements required.
- 7.4.8. My observations on site were that the trial hole was dry, with no standing water within. There were some patches of standing water on site but, generally speaking, the site was dry underfoot. Weather conditions at the time of my site visit were dry. With reference to guidance as set out in the EPA Code of Practice (page 23 of same), the colour of the soil did not show any evidence of mottling (which is an indication of poor permeability).
- 7.4.9. In relation to those specific issues raised within the appeal, I would note that additional details of the proposed Domestic Waste Water Treatment System (DWWTS) are provided on the site layout map (I refer to drawing dated 30th November, received by the PA on 11th December 2023). The location of the proposed septic tank and associated percolation area is indicated on same. The direction of groundwater flow is indicated, which is towards the south-east, with the proposed DWWTS located down gradient of the proposed well on site. In terms of separation distances, and with reference to Section 6.3 of the EPA Code of Practice, a distance of 50m is achieved between the proposed well and the proposed percolation area, which is in line with Table 6.2 of the EPA Code of Practice. In relation to supporting maps (i.e. groundwater vulnerability, aquifer classification etc), I would note that information in relation to same is included within the form (Section 2 of the Site Characterisation Form), but as acknowledged by the PA, is not supported by associated mapping. However, I am not of the view that this would fundamentally undermine the conclusions of the Site Characterisation Form, and the appellant has not cited any inaccuracies within the Site Characterisation Form, that would require additional verification in the form of mapping. Notwithstanding, GIS mapping

confirms that the groundwater vulnerability and aquifer classification is as per the Site Characterisation Form¹.

- 7.4.10. In relation to issue of housing density, the submitted site location map (drawing dated 30th November, received by the PA on 11th December 2023) gives an indication of the extent of development in the area with the closed dwelling located approximately 160m to the south of the site, with a cluster of dwellings located at the junctions of a number of local road, approximately 200m to the south of the site. Notwithstanding, and with reference to the EPA Code of Practice, I would note that, when considering the cumulative impact on groundwater quality, the issue of the number of existing houses in the area is only relevant where the groundwater response category is R2², R2³ or R2³, whereas as set out above, in this instance the groundwater response category is R2¹.
- 7.4.11. The third-party appellant has also stated that the, given the gradient of the existing ground, the percolation pipes would not work as presented. I note that the Site Characterisation Form notes the site is sloping field with a shallow slope (1:5 – 1:20). EPA requirements are that the slope of the site is $\leq 1:8$. The PA are of the opinion that this requirement is met. I would note that the site does generally have a shallow slope north to south, but no mapping with contours or spot heights have been provided. I would also accept that cross-sections of the proposed DWWTS have not been provided. However, I would note that the proposed DWWTS will be required to be installed to EPA requirements, and this includes the appropriate positioning of the percolation piping. A standard condition can be imposed in relation to same. In this manner, and having regard to the suitability of the soil and subsoil for the system as proposed, and the nature of the site, the Board can be satisfied that the proposed DWWTS will operate in a satisfactory manner.
- 7.4.12. In relation to the accompanying photographs (as included on the site layout map drawings as received by the PA on 25th September 2023), the third party appellant states that these indicate a surface percolation test rather than a sub-surface percolation test. I accept that the photographs are somewhat lacking in clarity on this matter. However, having regard to the totality of the information before me, I am satisfied that the required test was carried out (in this instance the sub-surface test)

¹ <https://dcenr.maps.arcgis.com/apps/webappviewer/index.html?id=7e8a202301594687ab14629a10b748ef>

and the result of same indicate the site is suitable for the waste-water system treatment as proposed.

- 7.4.13. In conclusion therefore, and having regard to the site percolation test results, and the supporting documentation accompanying the application, I consider it has been demonstrated that the site can accommodate a wastewater treatment system as recommended in the Site Characterisation Form, subject to the system being installed as recommended and in line with the EPA Code of Practice – Domestic Waste Water Treatment Systems (p.e. ≤ 10), 2021.

7.5. Orientation/Overlooking

- 7.5.1. The third-party appellant has stated that the orientation of the proposed dwelling house does not address the road, and subsequently the proposed dwelling overlooks the appellant's landholding.
- 7.5.2. In relation to the orientation of the proposed dwelling, I would note that the orientation is south facing. I would note that design guidance as set in Section 3.3 'Orientation' Part B Appendix 3 of the Development Plan states that the orientation of a house should recognise *inter alia* the path of the sun, in order to potentially reduce home heating bills. The orientation should also recognise prospects. In this instance there are views towards the south of the site. There is no requirement for the front elevation to address the road, and it is stated in Section 3.3 that the orientation shall not be determined by the alignment of the nearest road. As such, the orientation of the proposed dwelling is in line with design guidance as set out in the Development Plan.
- 7.5.3. In relation to potential overlooking, I would note that the proposed windows are set back 26.6m from the southern boundary. I am not of the view that any material overlooking of the applicant's landholding to the south would occur as a result of this proposed development. I would also note that there is a current application for a slatted shed on this landholding (as detailed in Section 4.0 of this report) and as such it would not appear that the site will come forward for a residential development. However, even if it were, at some future date, to come forward for a residential development, I am of the view that the setback from the boundary is sufficient to ensure that mutual overlooking would be avoided.

7.5.4. I am satisfied in all other respects in relation to the design and appearance of the dwelling and I am consider the development is in accordance with Policies RH-P-2 and RH-P-9 of the CDP. I am also satisfied it would site integrate adequately within the landscape, and would not detract from the value of same, in my view. I note the Planning Authority has imposed a condition in relation to planting of native hedgerow to the eastern boundary. I see no reason to omit this condition and I therefore recommend the Board impose a similar condition, which will further reduce any potential visual impact of the dwelling and would also have positive impacts on biodiversity. Overall, I consider the development is in accordance with Policies NH-P-7, NH-P-9, and NH-P-13 of the CDP.

8.0 Recommendation

Having regard to the foregoing assessment it is considered that the proposed development should be granted for the following reasons and considerations and in accordance with the following conditions.

9.0 Reasons and Considerations

The applicants have adequately demonstrated that they have a functional social requirement to live in the area, in compliance with the criteria as set out in Policy RH-P-5 of the County Donegal Development Plan 2018-2024 (as varied). Furthermore, it is considered that, subject to compliance with the conditions as set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and would not be prejudicial to public health, noting in particular that it has been adequately demonstrated that the site is suitable for the disposal and treatment of effluent. The proposed house design is in accordance with design guidance as set out in the County Donegal Development Plan 2018-2024 (as varied) noting in particular that the orientation of the proposed dwelling is in accordance with Section 3.3 'Orientation' Part B Appendix 3 of same. The proposed dwelling would not detract from the visual or residential amenities of the area, nor would there be any significant adverse impacts on the character of the landscape. The proposed development

would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The 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 submitted on the 6th Day of December 2023, 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 agree particulars.

Reason: In the interest of clarity.

2. (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 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.

Reason: To ensure that the proposed dwelling 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.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety.

4. (a) Prior to the commencement of development, details of the proposed boundary to the western (roadside) frontage and access point shall be submitted to for agreement in writing with the Planning Authority.

(b) Site access arrangements, and the provision and maintenance of visibility splays, shall comply with the requirements of the planning authority for such works.

Reason: In the interests of road safety.

5. (a) A hedgerow of semi-mature species native to the area shall be planted along the eastern site boundaries to east within the first planting season following commencement of development.

(b) In addition, all landscaping works shall be completed, within the first planting season following commencement of development, in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 6th Day of December 2023. Any trees and hedging which die, are removed or become seriously damaged or diseased, within a period of 3 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of biodiversity and the visual and residential amenity of the area.

6. (a) The proposed effluent treatment and disposal system 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 – Domestic Waste Water Treatment Systems (p.e. ≤ 10)" – The 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.

(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.

Reason: In the interest of public health.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid 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 Bord 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.

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.

Ronan O'Connor
Senior Planning Inspector

17th May 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	318934-24		
Proposed Development Summary	Construction of a dwelling house with connection to proposed septic tank and percolation area on site.		
Development Address	Gulladoo, Moville, 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	
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			
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			
Yes	X	Class (10)(b) of Schedule 5 Part 2 Construction of more than 500 dwelling units; Urban development which would involve an area greater than 2 ha in the case of a business district, 10	1 dwelling house on a site of 0.35 Ha. The applicable site area threshold is 20ha.
			Proceed to Q.4

		ha in the case of other parts of a built-up area and 20 ha elsewhere.		
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4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		

Inspector: _____

Date: _____

Appendix 2

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	318934-24	
Proposed Development Summary	Construction of a dwelling house with connection to proposed septic tank and percolation area on site.	
Development Address	Gulladoo, Moville, Co. Donegal	
<p>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.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed development is for a dwelling house. There are existing dwelling houses in proximity to the site. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature.</p> <p>The development would not result in the production of any significant waste, emissions or pollutants.</p>	<p>No</p> <p>No</p>
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the</p>	<p>The proposed dwelling is a single storey dwelling house. The development would generally be consistent with the scale of surrounding developments and would not be exceptional in scale in the context of the existing environment.</p>	<p>No</p>

<p>context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>There would be no significant cumulative considerations with regards to existing and permitted projects/developments.</p>	<p>No</p>
<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 development would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area. It is noted that the site is not designated for the protection of the landscape or natural heritage and is not within an Architectural Conservation Area.</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>		

Inspector: _____

Date: _____