



An
Coimisiún
Pleanála

Inspector's Addendum Report

ABP-321859A-25

Development	Erection of a dwelling house with sewerage treatment system, and all associated site development works.
Location	Clarcarricknagun, Donegal Town, Co. Donegal.
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	24/61429
Applicant(s)	Adrain and Gail Walker
Type of Application	Permission
Planning Authority Decision	Permission
Type of Appeal	Third Party
Appellant(s)	Keith Wallace
Observer(s)	None
Date of Site Inspection	9 April 2025
Inspector	Claire McVeigh

1.0 Introduction

- 1.1. This report is an addendum report to the Planning Inspector's report in respect of ABP-321859-25 (dated 20 May 2025).
- 1.2. On the 30 May 2025 the Board decided to defer consideration of this case to issue a section 132 notice in respect to four items, in summary:
 - 1) The applicant is required to provide evidence as to how the proposal complies with Policy RH-P-1 and in particular to detail 'exceptional circumstances', if the applicant is relying on same, and how these exceptional circumstances accord with the policy RH-P-1.
 - 2) A letter of confirmation from Uisce Eireann regarding the feasibility of diverting the existing water supply pipe and reconnecting the water supply to the appellant's property from the existing water mains running along the front of the site.
 - 3) Revised scaled drawings to indicate that there is sufficient space in the front garden to accommodate a proprietary wastewater treatment system. The proprietary treatment system should comply with the separation standards set out in Table 6.2 of the EPA Code of Practice for Domestic Wastewater Treatment Systems (March 2021).
 - 4) Applicant to provide further information that appropriate sightlines can be achieved, particularly in a southeasterly direction
- 1.3. This report considers the submission made in response to the request for further information. I note that the submission received from the applicant in response to the section 132 notice was circulated to all parties.

2.0 Response to S132 Notice served on 10 June 2025

- 2.1. The applicant submitted the following documents:
 - Cover letter submitted by Cornerstone associates on behalf of the applicant setting out details to justify the 'exceptional circumstances', summary of correspondence in respect to the feasibility of diverting the existing water

supply pipe running through the proposed site, details with respect to the proposed WWTS and details in respect to sightlines consent.

- Copy of correspondence from Uisce Éireann/Irish Water.
- Copy of letter from Cllr. Manus Boyle confirming that Gail Walker meets the criteria for housing needs.
- Letter of consent from Derek McGinty of Folio DL52298F to allow the applicant to cut and remove hedges/bushes to provide and maintain sightlines. Copy of Folio Map DL52298F.
- Site Layout drawing No. P.002 Revision No. B Date 14.07.25

3.0 Response from the Planning Authority

None received.

4.0 Response from the third-party appellant

4.1. Response received by *Paul Doherty Architects* on behalf of the third-party appellant.

The primary concern relates to the diversion of the existing water service pipes and water metre servicing their dwelling. It is requested that these are diverted into the public road and connected to the third party's lands with a repositioned water metre on the public road.

4.2. In addition, the third-party appellant requests that:

- Grey water discharge, which services the applicant's parents' house to the northwest crossing the development site and discharging into the appellant's water services pipe network, is diverted and that the old pipe network is properly closed off.
- The foul water pipe from the applicant's parents' house crossing the appellants lands at the rear be diverted within the proposed development site and brought to an appropriate discharge point.
- Full consultation is required between all the legal registered owners and/or legal reps on behalf of the three folios (Malcolm & Hariette McDonald and Audrey Wallace).

- 4.3. Separately it is highlighted that no request for sightline consent over property within their folio has been made and no consent has been given as yet.

5.0 **Assessment**

5.1. **Compliance with Policy RH-P-1 of the current County Donegal Development Plan 2024-2030.**

- 5.1.1. The applicant has submitted some further explanatory information, see cover letter received from *Cornerstone associates*, in respect to their demonstration of 'exceptional circumstances'. Further detail is provided in respect to their current home, for which it is accepted that the applicant already had the benefit of a permission for a dwelling on another site (please refer to section 4.0 of my initial report), in terms of its future adaptability to allow for lifetime use given its stepped design and position on an elevated site and its limited thermal performance compared to today's standards. It is stated that the proposed new dwelling would be better equipped to support the applicants as "they age in place". In addition, they wish to move closer to parents to help care for them as they get older. It is stated that their current dwelling will be gifted to one of their children for use as their permanent family home.
- 5.1.2. The development plan sets out in Policy RH-O-1 that 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 bona fides requirements of that permission. The applicant in this instance does not meet with this example. However, the stated intention would be that their house would be gifted to a member of their family.
- 5.1.3. A case has been put forward for 'exceptional circumstances' to build another dwelling. The applicant already had the benefit of a permission for a dwelling on another site and is living in that home. I find it difficult, given the physical context of the site, the planning history for the site and the wording of Policy RH-P-1 which allows for other scenarios of 'exceptional circumstances' to be determined by the planning authority, to recommend a refusal of permission based on non-compliance with Policy RH-P-1. Given the site size, recognised by Septech Wastewater

Services Ltd. as “restrictive” in the Site Characterisation Form (SCF), I do continue to have concerns regarding the site’s capacity to treat and dispose of wastewater. I shall address same in section 4.3 of this report.

5.2. Water supply pipeline diversion

- 5.2.1. The applicant has been in contact with Uisce Éireann through the UE Diversions Team about the feasibility of diverting the existing water supply pipe running through the proposed site to the adjoining property (the appellants property). I note the attached copy of email sent from Uisce Éireann design engineer which states that the pipe in question is not a public water supply, and they advise that contact is made with the county council water services in relation to the shutdown of the network during the diversion works.
- 5.2.2. From the information submitted the applicant’s agent has spoken with the local UE operations team and no issues were raised in respect to rediverting the water supply. There is no formal record of this discussion.
- 5.2.3. The appellant indicates in their response that the current proposal indicates the WWTS to be constructed over the mains water supply pipe and water metre to be maintained as is which will then be located within the garden of the proposed development if the existing entrance is closed off. I would agree with the appellant that the drawing as submitted does not indicate a new water supply pipeline and repositioned water metre. The drawing is annotated that the existing water supply would be rediverted and taking into account the information submitted by the applicant, I consider that this issue could be resolved by way of condition.

5.3. Other existing infrastructure crossing the development site and connecting to pipework or passing through the appellant’s property - Grey water discharge and foul water pipework connected to the applicant’s parent’s property

- 5.3.1. I would agree with the appellant that there is a lack of detail with respect to proposals relating to the proposed development’s impact on existing storm water/grey water pipework crossing the development site from the applicant’s parents’ property and connecting with the pipework in the appellant’s property and ultimately discharging to the existing stream. In this regard, site layout plan (Drawing No. 1) of planning

register reference 98/313 (outline permission) illustrates a 300mm concrete pipe surface water drain running along the front facades of the existing dwellings. I am of the opinion that the position of this pipework and/or proposals for its relocation within the site and how this would interact with the proposed new wastewater treatment proposals should be clearly illustrated. As already stated, I continue to have concerns regarding the site's capacity to treat and dispose of wastewater, as such, I am of the view that the design of same should take into account fully the proposed position of existing services and / or proposed repositioned services. Please refer to section 5.4 in respect to wastewater treatment proposals.

- 5.3.2. In respect to the existing foul water pipework that crosses from the applicant's parents' lands through the appellants lands at the rear. I note that this infrastructure sits outside of the application site red line boundary. Having carried out a search on Land Direct website this portion of land is part of the same folio relating to the applicant's parents' property (DL2892F). I am of the view that the appellant's request for repositioning of the existing foul water pipework associated with the applicant's parent's property is not within the scope of the current application and its position is subject to existing legal easements.

5.4. Wastewater Treatment System (WWTS)

- 5.4.1. The applicant has submitted site layout drawing (Scale 1:500) drawing P-002 (Rev. no. B) of the proposed tertiary sand filter packaged WWTS. The area of the polishing filter is indicated as 12.5 sq. m. The covering letter sets out that the *"WWTS unit is located more than 7m from the house, the sand polishing filter is located 10m from the house, 3 metres from the side boundary and 4 metres from the roadside boundary fence"*.
- 5.4.2. Having reviewed the drawing submitted, as part of the response to the section 132 notice, I draw the Commission's attention to the position of the WWTS which has been repositioned on the site for the second time in an attempt to meet with the minimum separation distances required in Table 6.2 of the EPA's Code of Practice: Domestic Wastewater Treatment Systems (2021) (herein referred to as Code of Practice). The repositioned WWTS does not correspond with the drawings included with the Site Characterisation Form (SCF). Whilst the separation distances meet the

minimum requirements for the proposed filter area of 12.5 sq. metres, I highlight that infiltration area is undersized for the proposed PE of the house. The proposed dwelling has a PE of 5. As the subject site has a Percolation Value (PV) of 38.75, see Site Characterisation Form, an infiltration/treatment area of ≥ 7.5 sq. m per person is required for soil with percolation value between 21 and 40 as set out in Table 10.1 of the Code of Practice i.e. an area of 37.5 sq.m is required. The planning authority concurs with my calculations as evident in condition no. 15 of their grant of permission they require the final wastewater from the tertiary sand polishing filter be sized in accordance with Option 6 of Table 10.1 to have a gravel distribution area of no less than 37.5 sq. m. The applicant has not provided for same in the revised drawing and has retained the undersized infiltration area of 12.5 sq. m.

- 5.4.3. In conclusion on this point, the revised information as submitted does not change the findings of my initial assessment. Given the constrained nature of the site the applicant has not demonstrated that there is sufficient space to accommodate a suitably sized infiltration area of 37.5 sq. metres whilst maintaining the minimum separation distances as per Table 6.2 of the Code of Practice. I recommend that planning permission be refused as the proposed development would be prejudicial to public health.

5.5. Vehicular sightlines

- 5.5.1. I note the statement in the cover letter received from *Cornerstone associates* on behalf of the applicant which details that the existing boundary walls to the northwest are already set back from the road edge and do not restrict vision splays. In respect to the southeast, it is stated that the front boundary of the adjoining dwelling is also set back from the road edge and consent has been provided by the property owner of folio DL52298F.
- 5.5.2. The appellant notes in their response that they have not been asked for vision line consents over property within their folio nor has consent been given to date.
- 5.5.3. The letter of consent provided by property owner of folio DL52298F allows for the cutting and removal of bushes and hedges etc. along the lands in order to provide and maintain sight lines/stopping distances. As already set out in my initial report the sightlines looking south are restricted by an existing fence line that projects forward

of the roadway set back. This fence line sits on the shared boundary between the appellants and the folio DL52298F. It is not explicit from the information submitted by both parties who owns the fence and whether it can be removed to provide for clear sightlines. As such, my recommendation to refuse permission by reason of restricted sightlines remains unchanged.

- 5.5.4. I highlight to the Commission an error in my report referencing that sightlines are restricted in a south/south-westerly direction. For correctness this should read south/south-easterly direction.

6.0 Environmental Impact Assessment

- 6.1.1. Please refer to Planning Inspectors report dated 20 May 2025. The further plans and particulars, as received on the 18 July 2025, do not result in a change to the pre-screening determination.

7.0 Appropriate Assessment

- 7.1.1. Please refer to Planning Inspectors report dated 20 May 2025. The further plans and particulars, as received on the 18 July 2025, do not result in a change to the Screening Determination contained within.

8.0 Recommendation

- 8.1. I recommend that permission for the development be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. Given the constrained nature of the site, it has not been demonstrated that there would be sufficient space to accommodate a suitably sized infiltration area whilst maintaining the minimum separation distances required in accordance with Table 6.2 of the *EPA Code of Practice: Domestic Wastewater Treatment Systems* (March 2021). The Commission is not satisfied that effluent from the development can be satisfactorily treated and

disposed of on site. The proposed development would, therefore, be prejudicial to public health.

2. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a substandard road at a point where sightlines are restricted in a south/south-easterly direction.

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.

Claire McVeigh
Planning Inspector

18 September 2025