



An
Coimisiún
Pleanála

Inspector's Report ACP-322801-25

Development	Retention permission for upper floor development of dwelling and garage.
Location	Curraghmongan, Ballybofey, Lifford, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2461187
Applicant(s)	Noleen Quinn
Type of Application	Retention
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant	Kevin Quinn
Observer(s)	None
Date of Site Inspection	12 th August 2025
Inspector	Matthew O'Connor

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
4.0 Planning History.....	7
5.0 Policy Context.....	7
6.0 EIA Screening	11
7.0 The Appeal	11
8.0 Assessment.....	13
9.0 Appropriate Assessment (Screening)	17
10.0 Water Framework Directive	17
11.0 Recommendation	18
12.0 Reasons and Considerations.....	18
13.0 Conditions.....	18
Appendix 1 – Form 1: EIA Pre-Screening	

1.0 Site Location and Description

- 1.1. The appeal site is 0.360ha and comprises a detached 1.5 storey dwelling and a detached garage on a modest plot in the townland of Curraghmongan, some 6km to the northwest of Ballybofey-Stranolar, Co. Donegal. The appeal site is located on the western side of a narrow hard-surfaced lane which is accessible from the L-2834-1 and contains two dwellings (the applicant and the appellant).
- 1.2. The appeal site rises gently from the lane and is on an elevated site in an area with an undulating topography. The roadside boundary of the appeal site comprises a low level wall and some planted hedging. The remaining boundaries are formed by a post and wire fence with some sparse vegetation on the northern (side) and western (rear) boundaries.
- 1.3. The surrounding locality is characterised by agricultural grasslands with associated agricultural holdings and planted coniferous forestry. There is a dispersed pattern of one-off rural dwellings in the vicinity of the appeal site which increases to higher concentrations of one-off houses in both individual and linear settings around the environs of Ballybofey-Stranolar. There are no Protected Structures or National Monuments within or adjoining the appeal site. The site is not located within a Flood Zone.

2.0 Proposed Development

- 2.1. The subject development seeks retention for an upper floor development to an existing dwelling; and, a detached domestic garage.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Grant retention for the development, subject to 3 no. conditions. The conditions are generally standard but are summarised as follows:

Condition No. 1 Development shall be maintained in accordance with lodged plans and details.

Condition No. 2 Surface and storm water discharges/connections.

Condition No. 3 Restrictions on the use of the garage building.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. First Planning Report

- The first Planner's Report, dated 11th September 2024, had regard to the submitted documentation, locational context of the site, planning history, policy framework of relevant development plans and inter departmental/referral reports.
- The Planning Authority noted the principle of the development is established on the site. There were no concerns in terms of the siting or design and no issues arose in terms of residential amenity.
- With respect to access, it was noted that visibility was poor and a condition on visibility to be reimposed.
- In terms of services, the Planning Authority noted the development was to connect to the existing wastewater treatment system and that there would be additional loading from the 2 no. bedroom. Further information was required to determine if an upgrade is required.
- Further Information was sought in relation to 1 no. items which is summarised as follows:
 1. Submit certification from a suitably qualified person that the wastewater treatment system and infiltration area have adequate capacity and condition to cater for the loadings associated the development.

3.2.3. Second Planning Report

- The second Planner's Report, dated 12th March 2025, provides an analysis of the applicant's response to the Request for Further Information.
- The Planning Authority noted that the applicant submitted a report referring to a different planning application (Reg. Ref. 2350977) and associated permitted standards for septic tank and percolation area which did not correlate with the conditions of permission for the subject in terms of septic tank size and percolation area.
- It was recommended that Clarification of Further Information be sought which requested that a revised updated report, accompanied by photographic evidence

and certified from a suitably qualified person be submitted which specifically relates to the subject site and associated conditions of Reg. Ref. 11/60212. The report was to specifically identify the as constructed septic tank size, as constructed percolation area, and clarify whether the constructed facilities has adequate capacity and condition to cater for the loadings likely to be associated with the development and EPA standards.

3.2.4. Third Planning Report

- The third Planner's Report, dated 20th May 2025, provides an analysis of the applicant's Clarification of Further Information response and forms the basis to grant retention.
- In respect of C.F.I Item No. 1, the Planning Authority note that an updated report specifically refers to the site with photographic evidence verifying the as constructed septic tank having a capacity 3300 litres which exceeds the requirements of 2,900 litres for a 4-bed dwelling (i.e. 6 PE). The response also included a copy of an invoice verifying the capacity of the tank purchased by the applicant.
- The Planning Authority noted the report indicated the installed percolation area as being 6 x 18 metres under Reg. Ref. 2350977 and makes the assumption that the agent has used an incorrect planning reference number.
- The Planning Authority noted the specifications under parent permission, Reg. Ref. 11/60212, which related to a 2,600 litre tank with 4 x 18 metres lengths for the percolation area.
- The Planning Authority deemed that the existing on-site conditions are sufficient to cater for existing arrangement on account of the confirmation of the tank size and photograph evidence showing no signs of malfunctions.

3.2.5. Other Technical Reports

- MD Engineer – No objection, subject to standard conditions
- Loughs Agency – No objection, subject to advisory on environmental practice.

3.3. **Prescribed Bodies**

- Uisce Eireann - No objection in principle, applicant has existing water borehole.

3.4. Third Party Observations

3.4.1. The Planning Authority received 3 no. third party submissions of similar compositions and whose objections are summarised as follows:

Dwelling Size and Capacity

- The subject development effectively doubles the number of potential occupants.
- Permission was granted for an attached garage but the applicant instead erected a detached garage and has used this extra space for a home office.
- The development to be retained is entirely different to the bungalow originally proposed.
- The one and a half storey house overlooks Observer's property which is less than 150 metres to the south and raises privacy concerns.
- The subject structure is not in keeping with the local landscape and amenity as it is on a hill in the Finn valley.
- Observer would have strongly objected if the development for which retention is sought was originally applied for.
- The subject development is a flagrant violation of Condition 2 of the original grant of permission which stipulates that the applicant must adhere strictly to their approved plans.
- Consent was obtained originally for a shared Right Of Way on the basis of a two-bedroom bungalow, not the four-bedroom house for which retention is sought.

Increased Traffic on Shared Right of Way

- The subject site is served by a right of way.
- Consent was provided to the applicant to use the Right of Way as part of the original planning application.
- The access road is not wide enough for two vehicles to pass each other and will struggle to accommodate any further increase in traffic.
- The responsibility for maintaining the Right of Way rests solely and exclusively with the Observer and any increase in traffic or congestion will have financial consequences on the Observer.

Inaccurate Application

- An error is made in relation to the water supply to the dwelling.

- The applicant states that a borehole/private well exists on the property providing independent water supply however it is understood that no such borehole exists.
- The drilling of the borehole for water supply was a key condition of the applicant's 2011 permission.

4.0 Planning History

4.1. The following planning history is associated with the site:

1160212 Permission GRANTED for the erection of a dwelling house and septic tank.
Applicant: Noleen Quinn.

5.0 Policy Context

5.1. Development Plan

5.1.1. The County Donegal Development Plan 2024-2030 is the operative plan.

5.1.2. The appeal site is located in a rural area of County Donegal which is not within a designated/zoned settlement. According to Map 6.3.1: 'Rural Area Types' of the Development Plan, the appeal site is located in an 'Structurally Weak Rural Area'.

5.1.3. Chapter 6: Housing contains policy on 'Refurbishment/Replacement/Extension of Existing Non-Vernacular Dwellings' which states:

RH-P-6 To consider proposals for the refurbishment, or replacement, or extension of an existing non-vernacular habitable dwelling for use as either a permanent dwelling or as a holiday home, subject to compliance with the terms of Policy RH-P- 9 below. The design, size, height and finishes of the finished dwelling must be of a scale and form such that the development integrates effectively into the host landscape.

5.1.4. With respect to Location, Siting and Design and Other Detailed Planning Considerations, the following policy is relevant:

RH-P-9 (a) Proposals for individual dwellings (including refurbishment, replacement and/or extension projects) shall be sited and designed in a manner that is sensitive to the integrity and character of rural areas as identified in Map 11.1: 'Scenic Amenity' of this Plan, and that enables the development to be assimilated into the receiving landscape. Proposals shall be subject to the application of best practice in relation to the siting, location and design of

rural housing as set out in Donegal County Council's 'Rural Housing Location, Siting and Design Guide'. In applying these principles, the Council will be guided by the following considerations:-

- i. A proposed dwelling shall avoid the creation or expansion of a suburban pattern of development in the rural area;*
- ii. A proposed dwelling shall not create or add to ribbon development (see definitions);*
- iii. 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;*
- iv. A proposed dwelling will be unacceptable where it is prominent in the landscape;*
- v. 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.*

(b) Proposals for individual dwellings shall also be assessed against the following criteria:

- i. the need to avoid any adverse impact on Natura 2000 sites or other designated habitats of conservation importance, prospects or views including views covered by Policy L-P-8;*
- ii. the need to avoid any negative impacts on protected areas defined by the River Basin District plan in place at the time;*
- iii. the site access/egress being configured in a manner that does not constitute a hazard to road users or significantly scar the landscape;*

- iv. *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;*
 - v. *Compliance with the flood risk management policies of this Plan;*
- (c) *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).*

5.1.5. Chapter 8 of the Development Plan relates to 'Infrastructure' and contains the following relevant policy in respect of residential development:

- WW-P-2 Ensure that new developments: a. do not have an adverse impact on surface and ground water quality, drinking water supplies, Bathing Waters and aquatic ecology (including Water dependent qualifying interests within Natura 2000 sites); and b. do not hinder the achievement of, and are not contrary to: i. The objectives of the EU Water Framework Directive. ii. EU Habitats and Bird Directives. iii. The associated Programme of Measures in the River Basin Management Plan 2022-2027 including any associated Water Protection or Restoration Programmes. iv. Drinking Water Safety Plan. v. The Guidelines on the Protection of Fisheries During Construction Works In and Adjacent To Waters (IFI, 2016).*
- WW-P-6 Facilitate development in urban or rural settings for single dwellings or other developments to be maintained in single ownership with a projected PE <10 in unsewered areas proposing the provision of effluent treatment by means of an independent wastewater treatment system where such systems:*
- a. Demonstrate compliance with the EPA's Code of Practice for Domestic Waste water Treatment Systems (PE <10) (EPA 2021) or any subsequent or updated code of practice.*
 - b. Would not result in an over concentration or over proliferation of such systems in an area which cumulatively would be detrimental to public health or water quality.*
 - c. Otherwise comply with Policy WW-P-2*

5.1.6. Chapter 11 relates to Natural, Built & Archaeological Heritage. Map 11.1: 'Scenic Amenity' indicates the appeal site as being situated in an 'Area of High Scenic Amenity'. According to the definition contained in Chapter 11 of the Development Plan, these are *'landscapes of significant aesthetic, cultural, heritage and environmental quality that are unique to their locality and form a fundamental element of the landscape and identity of County Donegal. These areas have the capacity to absorb sensitively located development of scale, design and use that will enable assimilation into the receiving landscape and which does not detract from the quality of the landscape, subject to compliance with all other objectives and policies of the plan'*.

5.1.7. The following objectives and policies are relevant to the proposal:

Objective L-O-1 To protect, manage and conserve the character, quality and value of the Donegal landscape.

Policy L-P-2 To protect areas identified as 'High Scenic Amenity' and 'Moderate Scenic Amenity' on Map 11.1 'Scenic Amenity'. Within these areas, only development of a nature, location and scale that integrates with, and reflects the character and amenity of the landscape may be considered, subject to compliance with other relevant policies of the Plan.

5.2. Other Relevant Guidance

EPA Code of Practice – Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), 2021

This document sets out a methodology for site assessment and selection and maintenance of Domestic Waste Water Treatment Systems including guidance on appropriate percolation values for different types of systems, setback distance and sizing of percolation areas.

5.3. Natural Heritage Designations

5.3.1. The appeal site is not located within any designated Natura 2000 sites, with the nearest designated site being the River Finn Special Area of Conservation (Site Code: 002301) which is located approximately 1.2km to the south of the site. The Croaghonagh Bog Special Area of Conservation (Site Code: 000129) is some 8.98km to the southeast of the appeal site and is also a pNHA. In addition to these designated

sites, the Tullytresna Bog pNHA (Site Code: 001870) is approximately 6.58km to the northwest of the site; the Meenagarranroe Bog NHA (Site Code: 002437) is approximately 6.63km to the south; the Cashelnavean Bog NHA (Site Code: 000122) is approximately 7.5km to the southwest of the site; and, the Lough Hill Bog NHA (Site Code: 002452) is approximately 7.6km to the south. Furthermore, the Owendoo And Cloghervaddy Bogs pNHA (Site Code: 002046) is approximately 8.39km to the southwest of the site.

6.0 EIA Screening

6.1 The subject development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 in Appendix of this report). Having regard to the characteristics and location of the subject development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The subject development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The Third Party appeal was lodged on behalf of an individual who lives to the south of the application site. The grounds of appeal are summarised as follows:

- The applicant has been granted permission on the basis that they have asserted in their parent application and retention application that they have independent and potable water supply on the site.
- This water supply is indicated by a borehole and private well in the submitted plans.
- The indicated water supply is deemed to be false and undermines the accuracy of the application.
- The applicant draws water from a reservoir on the appellant's land via piping across the appellant's lands which is a temporary arrangement.
- Condition No. 1 has not been met.
- The Planning Authority has not performed its due diligence responsibility in assessing the application.

7.2. Applicant Response

7.2.1. A response has been received on behalf of the applicants in relation to the Third Party appeal. The items raised are summarised as follows:

- The Site Layout indicated a borehole as it was the original intention to sink a borehole. However, it was deemed more economical and straight forward to connect to the public supply.
- The applicant and the appellant entered into an agreement to put a water connection in place to serve both of their houses and a pump was put in place jointly.
- The applicant pays the ESB to serve the pump allowing the houses to enjoy good water pressure.
- Whilst the plans may vary, the water connection to the applicant's house is a public connection which has been made legally and is jointly maintained.
- It is the applicants view that the connection was made as a permanent solution to serve both houses and if it is the appellants consideration that the arrangement is not a temporary solution then it is a civil matter between the applicant and the appellant and not a matter to concern An Coimisúin Pleanála.
- The Planning Authority considered the matter and the Planner's Report states that the onus is on the applicant to ensure that they have a water supply.
- The extant application is to allow for the regularisation of the upper floor so that it can be utilised within the existing dwelling as well as retention of the detached domestic garage.
- A previous permission was granted under Reg. Ref. 11/60212 and the house was constructed in and around 2013. The water supply arrangement has been in place since this time which is in excess of seven years.
- Whilst the applicant is not suggesting that the appeal is made vexatiously, it does nonetheless arise from a family dispute.

7.3. Planning Authority Response

7.3.1. A response to the appeal has been received from the Planning Authority and indicates with respect to the source of water supply that it is a separate matter to the consideration of the application and is a civil matter between the two parties. The Planning Authority further note there the temporary arrangement for the supply of

water across the lands is outside the remit of the planning system and requests that the Commission uphold the decision of the Planning Authority.

7.4. Observations

- None.

8.0 Assessment

Having examined the application details and other associated documentation on file, the Third Party appeal, the applicant's response, having conducted an inspection of the site, and having reviewed relevant local policies and guidance; I am satisfied that the main issues to be considered are those raised by the Third Party in their grounds of appeal. I am satisfied that no other substantive issues arise. This appeal can be addressed under the following headings:

- Principle of Development
- Water Supply
- Wastewater Treatment
- Appropriate Assessment (Screening)

8.1. Principle of Development

8.1.1. The principle of development has not been explicitly raised in the respective grounds of appeal, however in assessing any development, I consider that it forms a key consideration for assessment. The subject development seeks retention of an upper floor area to the existing dwelling and a detached domestic garage. The total area to be retained in the dwelling is 97sq.m.

8.1.2. The first floor area to be retained is indicated as containing 2 no. bedrooms (including an en-suite) and a store room. From my review of the submitted particulars, I consider that the general footprint, layout and height of the dwelling is effectively unchanged from the dwelling as originally approved under Reg. Ref. 11/60212. I note that the approved dwelling contained 2 no. bedrooms, kitchen, sitting room, dining room, utility, bathroom, an attached garage and an attic level. According to the submitted plans and particulars, the subject dwelling maintains its original layout at ground floor level with the exception of a 'home office' indicated as replacing the attached garage - this change has not been indicated as part of subject application.

- 8.1.3. The detached garage to be retained is located to the rear of dwelling and is of a conventional rectangular design with pitched roof. The building has an indicated floor area of 32sq.m and a height of 4.4 metres. There is a garage door and standard door on the 'front' elevation with a window on the side elevation. The detached garage is finished similarly to the main dwelling.
- 8.1.4. In my view, the principle of residential extensions and associated improvements to a dwelling is acceptable in principle and would correspond to the overarching policy provisions of Development Plan through to national guidelines in terms of residential development. As previously noted, the general design, height and footprint of the dwelling is unchanged from that approved under the parent permission. Therefore, I am satisfied that the development to be retained is appropriate and would not detract from the character or quality of the receiving landscape. Moreover, I do not consider the development would give rise to any undue diminishment to residential amenities of existing neighbouring properties in the vicinity.

8.2. Water Supply

- 8.2.1. A substantive element of this appeal relates to the matter of water supply for the applicant's property. The appellant claims the applicant has been granted permission on the basis that they have an independent water supply from a borehole as indicated on submitted particulars. However, the appellant states the water supply arrangement is false as water for the appeal site is drawn from the appellants land via a pipe to the applicant's property under a temporary arrangement. The appellant therefore considers that Condition No. 1 of the decision to grant cannot be met and the Planning Authority has not performed its due diligence responsibility in assessing the application.
- 8.2.2. In considering the grounds of appeal, I acknowledge the applicant indicated on Question 20: Services of the Application Form that water supply is by existing private well. In addition, the submitted Site Layout Plan indicates a bore hole and annotates a 19mm water pipe connected to the bore hole to serve the house. I note the applicant's response to the appeal informs that the borehole was indicated on the Site Layout Plan as this was the originally intended method of water supply. The applicant has now acknowledged in the appeal response that the borehole was not sunk due to constraints but that there was an agreement between the applicant and appellant for

a water connection to serve both houses and this jointly maintained since the dwelling was constructed.

8.2.3. Whilst I acknowledge that the water connection differs from that approved under parent permission and from what has been indicated on the submitted particulars with this application, I do not consider that it is necessary for the Commission to comment on the matter of water supply as the subject development relates to the retention of a detached domestic garage and an upper floor development to the existing dwelling. As such, the existing water supply arrangement does not part of the development and I am of the view that it is the obligation of the applicant to ensure that they have access to an appropriate water supply to serve their property. Furthermore, I refer to Section 5.13 of the Development Management Guidelines for Planning Authorities (2007) which states that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. As such, I am of the opinion that the Commission should only consider the acceptability of the subject works as applied for in this application. That said, in the interests of accuracy and clarity, should the Commission be minded to grant retention, I consider that a reasonably condition could be attached requiring the applicant to submit revised plans which correctly demonstrates the water supply arrangement for subject site.

8.3. Wastewater Treatment

8.3.1. On the basis that the subject development relates to the retention of additional floor space which includes two bedrooms (and an en-suite), I am of the view that the issue of the treatment of effluent requires consideration. The subject site is currently served by an on-site wastewater treatment system and I note that the system approved under Reg. Ref. 1160212 related to a septic tank with a capacity of at least 2,600 litres and a percolation area of 4 x 18 metres. The percolation area was recommended as being raised/mounded to ensure a minimum of 1.2 metres vertical separation of pervious material between the percolation pipes and the bedrock.

8.3.2. In the subject application, the Planning Authority requested both Further Information and Clarification of Further Information in respect of the existing on-site wastewater treatment system and its condition, capacity and suitability to serve the existing dwelling and the additional loading from the area to be retained. It was indicated by

the applicant's agent that although the subject dwelling was initially a 2-bed house, the application installed a septic tank and percolation area for a 4-bed house. The applicant's agent also provided a letter from a Plant Sale & Repair business claiming that the applicant purchased a 'Figure 8' tank in 2014. The applicant's agent provided technical details of the in-situ 4m³ septic tank stating that it has a capacity of 3,300 litres and there is a percolation area of 6 no. 18 metre long trenches. The applicant's agent calculates the loading for the tank system as 150l x 6PE + 2,000l (2,900 litres) which is claimed to provide adequate loading to cater for wastewater generated at this property and is in accordance with the EPA's Code of Practice.

- 8.3.3. In considering the above, I am of the view that the wastewater treatment system on the property is not as recommended and approved under the parent permission. The opinion provided by the applicant's agent is based on a visual inspection from the lid of an in-situ tank with the only details provided in relation to the veracity of the septic tank being a letter from a local business dated April 2025. Additionally, I consider that there is an absence of firm detail in respect of the as-constructed percolation area whereby the submitted report has indicated the size of the percolation area but it is not readily apparent from my inspection as to its actual size or whether or not it is a raised percolation area. I further note from the submitted particulars that a different planning reference number was stated by the agent in relation to the wastewater treatment system in the response to Further Information and Clarification of Further Information.
- 8.3.4. Notwithstanding the lack of evidential information on the wastewater treatment system, I have inspected the location of the existing septic tank and percolation area in the large front garden of the property. I observed this area to be in good condition with no evidence of standing water/ponding or any surface features associated with poor percolation or the presence of odours. As such, I am satisfied that there is no obvious visible evidence of malfunction with the existing system. Given that the subject development to be retained has likely only provided for a modest increase in living accommodation, I consider that the existing wastewater treatment system on this site is adequately serving the development with no adverse problems in terms of environmental pollution or public health issues.

9.0 Appropriate Assessment (Screening)

- 9.1. I have considered the subject development, which consists of the retention of an upper floor development to an existing dwelling and a detached domestic garage, in light of the requirements S177U of the Planning and Development Act 2000 (as amended).
- 9.2. The subject development is located in a rural area approximately 1.2km to the north of the River Finn Special Area of Conservation (Site Code: 002301) and 8.98km to the northeast of the Croaghonagh Bog Special Area of Conservation (Site Code: 000129).
- 9.3. These are the nearest Natura 2000 sites and the subject development has no hydrological or other connection directly to any European site(s).
- 9.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any European site. The reason for this conclusion is as follows:
- The scale and nature of the development; and,
 - The distance to the nearest European site and the lack of connections.
- 9.5. I conclude on the basis of objective information, that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore a retrospective Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

10.0 Water Framework Directive

- 10.1. The subject site is located within a rural area and the closest watercourse, an unnamed watercourse, is approximately 370 metres to the southeast of the site. In addition, some 490 metres to the northwest of the site is the 'Curraghmongan' watercourse. Both of these watercourses flow in a southerly direction before entering the River Finn which is roughly 1.35km from the subject site as the crow flies. These watercourses are each indicated as being "At Risk". The groundwater body is listed as the Ballybofey which is indicated as "Not at Risk". The subject development comprises the retention of an upper floor development to an existing dwelling and a detached domestic garage. No water deterioration concerns were raised in the planning appeal.

10.2. I have assessed the subject development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- Nature and scale of the development to be retained, and,
- Distance from nearest waterbodies and lack of hydrological connections.

10.3. I conclude that on the basis of objective information, the subject development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. I recommend that retention be GRANTED for the reasons and considerations below.

12.0 Reasons and Considerations

12.1. Having regard to the provisions of County Donegal Development Plan 2024-2030, the location of the proposed development within a rural area, the small nature and scale of the works to be retained in the context of the appeal site and surrounding area, it is considered that, subject to compliance with the conditions set out below, the development to be retained would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not endanger public safety by reason of a traffic hazard or impact on public health. The subject development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The 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.

Reason: In the interests of clarity.

2. The existing dwelling shall be occupied as a single residential unit and the first floor area to be retained shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

3. The domestic shed hereby retained shall not be used for human habitation, commercial use, industrial use or for any other purpose other than a purpose incidental to the enjoyment of the dwelling.

Reason: In the interest of development control.

4. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: To prevent flooding and in the interests of sustainable drainage.

5. Within three months from the date of grant of this retention permission, the applicant shall submit a revised Site Layout Plan correctly detailing all features with respect to services (i.e. water supply and wastewater treatment) to the Planning Authority for their written agreement so that the as-built development is consistent with the planning particulars.

Reason: In the interests of clarity.

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.

Matthew O Connor
Planning Inspector

21st August 2025

Form 1 - EIA Pre-Screening

Case Reference	ACP-322801-25
Proposed Development Summary	Retention permission for upper floor development of dwelling and garage.
Development Address	Curraghmongan, Ballybofey, Lifford, Co. Donegal
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	The development is not a Class.
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	

☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☐	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____