



An
Coimisiún
Pleanála

Inspector's Report

ACP-322922-25

Development

Demolition of rear extension,
replacement rear extension,
renovation works, new septic
tank/sewage treatment works and
associated site works.

Location

Breaghy & Dooghan, Castlefinn,
Lifford, Co Donegal.

Planning Authority

Donegal County Council.

Planning Authority Reg. Ref.

25/60610

Applicant(s)

Rachael McGlinchey

Type of Application

Permission

Planning Authority Decision

Grant permission with conditions

Type of Appeal

Third Party

Appellant(s)

Gavin Wright.

Observer(s)

Leo McGinty on behalf of Local
Residents

Date of Site Inspection

2nd September 2025

Inspector

Una Smyth

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1.0 Site Location and Description

- 1.1. The irregular shaped site with a given area of 0.08Ha is located in the town land of Breaghy & Dooghan, north of Castlefin town, Co Donegal on the L2324. The existing dwelling is a road fronting semi-detached, single storey property with a hipped roof and pebble dash finish. A laneway access to a third-party farm is located along the northern and western boundary which is defined by a mature hedge of conifer trees.
- 1.2. The surrounding area is predominantly rural in nature with a small number of dwellings and a commercial business and associated industrial buildings in proximity. The adjacent attached dwelling has previously been altered and extended.
- 1.3. The site is located within an area of High Scenic Amenity and falls within a Structurally Weak Rural Area. The site is not located within any designated European Natura 2000 sites; situated approximately 1.8km north from the River Finn SAC and approximately 1.2km south from the Deelee River

2.0 Proposed Development

- 2.1. Planning permission is sought for (1) Construction of extension and renovation works to existing dwelling house, (2) Demolition of existing single storey flat roof extension to the rear of the dwelling house and (3) Installation of new septic tank /sewage treatment system and associated site development works.

3.0 Planning Authority Decision

3.1. Decision

On 6th June 2025, Donegal County Council issued a decision recommending granting of permission for the development sought, subject to conditions.

3.1.1. Conditions

The development shall be carried out strictly in accordance with lodged plans and details, received on 17/04/2025, save as hereinunder otherwise required

Reason: To define the permission.

2 All external finishes shall match those of the existing dwelling in terms of colour, texture and materials, or as otherwise agreed by the Planning Authority in writing.
Reason: In the interests of visual amenity.

3 (a) No surface water from site shall be permitted to discharge to public road and applicant shall take steps to ensure that no public road water discharges onto site.

(b) Storm water/Surface water disposal shall be piped to existing services onsite.

Reason: To prevent flooding and ensure the protection of waters.

4 (a) The existing septic tank shall be decommissioned and removed under the supervision of a suitably qualified competent person who can verify same. This decommissioning shall be documented and submitted to the Planning Authority prior to completion of the development.

(b) A wastewater treatment system (Independently certified by IAB, BSI or ISO EN) suitable for a population equivalent of 4 No persons shall be installed, operated and maintained in strict accordance with the supplier's instructions and the 2021 Environmental Protection Agency Code of Practice, "Wastewater Treatment and Disposal Systems Serving Single Houses" and shall be in strict accordance with the site specific recommendations as detailed within the Site Suitability Assessment Report that accompanies this application.

(c) No part of the percolation area/ sand polishing filter shall be within:

- 10m of any dwelling,
- 3m of the boundary of the adjoining site,
- 4m of the nearest road boundary,
- 10m of the nearest stream or ditch,
- 3m of the nearest trees,
- 5m of the surface water soakaway which shall be located down gradient of the polishing filter area.

(d) A gravel filled land drain shall be constructed around the perimeter of the sand polishing filter, set back at a distance of at least 2 metres in order to protect the area from surface water run-off from the higher ground on the site. This land drain shall connect to existing storm water drains.

(e) Any existing drainage ditches along the site borders and at the roadside shall be piped and back filled with 50mm clean graded stone. This shall not interfere with the discharge and distribution of surface water from the site.

(f) All site works shall take place so as to not to cause any damage to existing water mains.

Reason: In the interests of orderly development and public health.

3.2. Planning Authority Reports

3.2.1. The planning report dated 02/06/2025 forms the basis for the decision by the PA to grant permission. In making this recommendation, the planning officer assessed the information submitted by the applicant against the relevant policy objectives as well as considering the third -party concerns. The planning officers report included the following comments:

- The principle of an extension to an existing residential property is considered acceptable.
- The design, height and finishes of the proposed refurbishment/extension are acceptable and the development is deemed to comply with County Donegal Development Plan 2024- 2030 as it is not considered to give rise to adverse impacts on the High Scenic Amenity Area.
- Works were carried out to the adjacent semi-detached property and also recent grant for upgrading of works to sanitary arrangements. No issues were raised regarding these developments in relation to the rock base. Damage to third property from vibrations from rock breaking is a civil matter between both parties
- An access onto the laneway was noted however, the laneway is private and less then 3meters and as such would be exempt from planning requirements. Right of way over the laneway is a legal matter outside the remit of the planning authority.
- Velux windows in roof, facing the neighbouring property are not considered to overlook as extension is only single storey

- **Other Technical Reports**

Area Roads Engineer – No objection

3.3. Prescribed Bodies

None

3.4. Third Party Observations

A letter of support was received from a local resident on behalf of other local residents which contained 31 other signatures.

4.0 Planning History

None on application site

Adjacent site PA Ref 23/51258: Decommissioning connection to existing septic tank and the installation of new suitable replacement effluent treatment system with associated facilities and all associated site development works. Granted 12th October 2023.

5.0 Policy Context

5.1. Development Plan

The County Donegal Development Plan, 2024-2030, is the statutory plan for the area. The plan sets the local planning policy context including provision of rural development.

- The subject site is located within an area designated as 'Structurally Weak Rural Area'. In these areas, Rural Policies Policy RH-P-7 and Policy RH-P-9 are applicable.
- The purpose of Policy RH-P-7 - Rural Design is to consider proposals for the refurbishment of derelict traditional buildings within rural areas, for use as either a permanent dwelling or as a holiday home, subject to the following criteria: a.) The proposed development will provide for the retention of the majority of the existing building. b.) Proposals for extensions shall respect the character and appearance of the traditional building. The design, size, height

and finishes of the proposed refurbishment/ extension must respect the architectural character of the original building type unless otherwise agreed with the Planning Authority, and the finished building must otherwise be of a scale and form such that the development integrates effectively into the host landscape. c.) Compliance with the terms of Policy RH-P-9 below'.

- Policy RH-P-9 states that 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.
- The subject site also falls within an area of 'High Scenic Amenity' (HSA): HAS's 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. L-P-2 of the Plan states 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.
- Chapter 16 of the County Donegal Development Plan 2024-2030 sets out the relevant development controls and technical guidelines are set out in 'Technical Standards'. Policy TS-P-1 specifically requires developments to following technical standards, where applicable, in addition to all other relevant policy provisions of this Plan and relevant Governmental guidance and standards.'

5.2. Natural Heritage Designations

- 5.2.1. The subject site is located approximately 1.8km north of the River Finn SAC

6.0 EIA Screening

- 6.1. The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001. No mandatory requirement for EIA therefore arises and there is no requirement for a screening determination. (Refer to Form 1 in Appendix of report.)

7.0 The Appeal

7.1.1. Grounds of Appeal

7.1.2. One Third-Party appeal was received from the neighbouring attached property. The appeal against the planning authority's notification of decision to grant permission can be summarised as follows:

- No issues with the application to renovate the property.
- Concerns that the surrounding area solid rock and use of a rock breaker may cause structural damage to appellants property. Queries who is responsible and liable for repairs.
- Velux windows are an invasion of privacy.

7.2. Applicant Response

- None

7.3. Planning Authority Response

7.3.1. The Planning Authority's response to the grounds of appeal can be summarised as follows: -

- Extensive renovation works to appellants attached property with no issues regarding potential structural impacts. Damage is a civil matter.
- The scale and nature of the proposed velux windows is not considered to impact negatively on the private amenity of the attached property

7.4. Observations

7.4.1. One letter of support from Mr Leo McGlinchey was received on behalf of local residents and was signed by 31 others. Their comments can be summarised as follows:-

- Support the redevelopment of a vacant and deteriorating property, as renovation and reoccupation of the property would represent an improvement to the area.
- The concerns raised by the appeal have been comprehensively addressed by the Local Authority

8.0 Assessment

- 8.1. I have reviewed the planning history on site and the site zonings in relation to the County Donegal Development Plan 2024-2030. The Third-Party references in their submission that they have no objections to the form of the development proposed other than the rear velux windows and the fact the property is located on solid rock, and rock breaking may cause damage to his property. I will deal with each matter in turn.
- 8.2. Velux windows.
- 8.2.1. The proposal indicates a single storey rear extension with a pitch roof. The plans indicate two velux windows on the southeastern roof which face the rear of the neighbouring attached property. The velux windows are located approximately 4 metres from ground floor level in a single storey room with a high ceiling. Windows on the ground floor along this elevation are screened by the existing boundary wall between the two dwellings. The absence of overlooking on adjoining properties would rule out any significant negative impact on residential amenity.
- 8.3. Potential damage from rock breaking.
- 8.3.1. During the process of the planning application, the PA received correspondence from the Bennett family, as well as from the Appellant, which raised concerns regarding damage to property from vibrations caused by working the hard bed rock. The appellant has recently been granted permission for upgraded wastewater treatment system while also having undertaken repairs to their property which directly adjoins the appeal property, without any issues of damage raised. I also note bedrock located at a depth of 1.7m as indicated by the trial pit excavation, detailed in the Site Suitability Assessment Report. Ultimately, the matter of damage to third party property is a civil matter which lies outside the remit of planning, The grant of permission does not amount to permission to damage third party property and any potential damage resulting from the development is for the parties involved to resolve.
- 8.4. Upgrade of wastewater treatment system.
- 8.4.1. The proposed development would provide for an improvement in wastewater treatment and disposal arrangements over the existing communal system

(permission granted for new system for adjacent property). The Site Character Assessment indicates that the location and ground conditions are suitable for same. I note that the PA raised no concerns with regard to wastewater disposal and subject to compliance with the provisions of the EPA code of practice, the development is considered to be acceptable.

8.5. Other matters

- 8.5.1. The PA have attached a condition requiring all external finishes to match those of the existing dwelling in terms of colour, texture and materials. The existing dwelling has a dark grey/beige/cream pebble dash finish, while the attached property has white dash. The plans submitted indicated finishes to be smooth render, painted white. I note smooth render finishes on a number of properties in the area. I find the proposed palette of materials and colours is an improvement from the existing, and more in keeping with the adjacent attached property and other development in the area.

9.0 AA Screening

- 9.1. I have considered the proposal for the demolition and replacement of single storey rear return, alterations to the existing dwelling and the installation of new septic tank/sewage treatment system in light of the requirements of S177U of the Planning and Development Act 2000 as amended.
- 9.2. The subject site is not located within, adjoining or neighbouring any designated site; the River Finn SAC is located over 1.8km south.
- 9.3. The proposed works are modest in scale and are domestic in purpose.
- 9.4. No nature conservation concerns were raised in the planning application or appeal.
- 9.5. Having considered the modest nature and scale of the project, its location, lack of a hydrological or other pathway between the site and European sites, and the screening report of the LPA, I can 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.
- 9.6. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177 V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1. The subject site is located approximately 1.8km north of the River Finn SAC and approximately 1.2km south of the Dee River
- 10.2. The proposed development is for replacement rear extension and alterations to a domestic dwelling and new septic tank/sewage treatment system.
- 10.3. No water deterioration concerns were raised in the planning application or appeal.
- 10.4. I have assessed the proposal 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 and 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 bodies either qualitatively or quantitatively.
- 10.5. The reason for this conclusion is as follows
- the modest nature, limited scale and domestic use of the development sought,
 - the distance from the nearest Water body
 - the nil concern from the LPA,
- 10.6. I conclude that the basis of objective information, that the proposed 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 permission is granted subject to conditions below.

12.0 Reasons and Considerations

12.1.1. Having regard to the nature and scale of the proposed development and the relevant policies contained within the County Donegal Development Plan 2024-2030, I consider the proposed development would be in accordance with the proper planning and sustainable development of the area, subject to the conditions set out below. There is no significant negative impact on residential amenity due to the absence of overlooking on the adjoining property and damage to property is a civil matter which lies outside the remit of the planning system.

13.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, received by the planning authority on the 17th day of April 2025.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>3 (a) No surface water from site shall be permitted to discharge to public road and applicant shall take steps to ensure that no public road water discharges onto site.</p> <p>(b) Storm water/Surface water disposal shall be piped to existing services onsite.</p> <p>Reason: To prevent flooding and ensure the protection of waters.</p>
3.	<p>(a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 17th April 2025 and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent \leq 10) " – Environmental Protection Agency, 2021</p> <p>(b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled</p>

"Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.

(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interests of orderly development and public health.

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.


U Smyth
Planning Inspector

17th September 2025

Appendix 1 - Form 1 EIA Pre-Screening

Case Reference	ACP322922-25
Proposed Development Summary	Demolition of rear extension, replacement rear extension and renovation works, and new septic tank/sewage treatment works and associated site works.
Development Address	Breaghy & Dooghan, Castlefinn, 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)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> 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)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> 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?	

<input checked="" type="checkbox"/> 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 proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination.
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
<input type="checkbox"/> 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)	State the Class and state the relevant threshold

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 <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: *M. Anyon* Date: 17th September 2025

Appendix 2: Standard AA Screening Determination Template**Test for likely significant effects**

(For use in all cases where de minimis Screening Determination (Template 1) is used in
body of Report)

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project		The proposed development is the demolition and replacement of single storey rear return, alterations to the existing dwelling and the installation of new septic tank/sewage treatment system		
Brief description of development site characteristics and potential impact mechanisms		The proposed development site is the residential curtilage of a domestic dwelling, located within an area of High Scenic Amenity and designated a Structurally Weak Rural Area The host dwelling is a single storey semi-detached dwelling situated predominantly rural in nature. The site is not located within any designated European Natura 2000 sites; and is located approximately 1.8km north from River Finn SAC and approximately 1.2km south from the Deelee River		
Screening report		No – Donegal County Council screened out the need for an AA		
Natura Impact Statement		No		
Relevant submissions		None		
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N
Finn River SAC (002301)	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Northern Atlantic wet heaths with Erica tetralix [4010] Blanket bogs (* if active bog) [7130] Transition mires and quaking bogs [7140] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355]	Approx 1.8km	No direct connection	N

¹ Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³if no connections: N

Further commentary/discussion

Due to the modest nature and scale of the project, its location, lack of a hydrological or other pathway between the site and European sites, and the screening report of the LPA, I consider, 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.

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site Finn River SAC (002301) Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110] Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] Blanket bogs (* if active bog) [7130] Transition mires and quaking bogs [7140] <i>Salmo salar</i> (Salmon) [1106] <i>Lutra lutra</i> (Otter) [1355]	[Direct: None Indirect: Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution.	The minor nature of the proposed development, lack of direct ecological connections or pathways and the distance from any receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC. There would be no significant disturbance to any species or features of interest. Conservation objectives would not be undermined.
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Possibility of significant effects (alone) in view of the conservation objectives of the site*NO	
	Impacts	Effects

	Likelihood of significant effects from proposed development (alone): No
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No
Step 4: Conclude if the proposed development could result in likely significant effects on a European site	
<p>I conclude that the proposed development (alone) would not result in likely significant effects on the Finn River SAC. The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. No further assessment is required for the project. No mitigation measures are required to come to these conclusions.</p>	
<p>Screening Determination</p> <p>Finding of no likely significant effects</p> <p>In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on The Finn River SAC or any other European site in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.</p> <p>This determination is based on:</p> <ul style="list-style-type: none"> • The proposed works are modest in scale and are domestic in purpose • The subject site is not located within, adjoining, or neighbouring any designated site, the Finn River SAC is located over 1.8km away with no direct connections. • No nature conservation concerns were raised in the planning application or appeal. 	