



An
Coimisiún
Pleanála

Inspector's Report

ACP-323378-25

Development

Attic utilisation to provide for: (1) 4 no. additional bedrooms; (2) elevational changes to include gable & velux windows and fire escape doors (3) replacement & upgrade of the existing wastewater treatment system; & related site development works

Location Drumnacroil House, Drumnacroil TD,
Ballintra, Co. Donegal

Planning Authority Donegal County Council

Planning Authority Reg. Ref. 2560634

Applicant(s) Liam Duffy

Type of Application Retention Permission

Planning Authority Decision Grant Retention

Type of Appeal Third Party

Appellant(s) Aiden McGrory

Observer(s) None

Date of Site Inspection 29th Oct 2025

Inspector Tony Quinn

1. Site Location and Description

- 1.1 The site is located on the L7075 county road north of Ballintra, close to the N15 Ballyshannon to Donegal Town national primary route. It comprises a guest house and two adjacent sheds. The site is relatively elevated in relation to these roads but it is fairly well screened by perimeter planting on its southern boundary with the county road and its western boundary with the local road.

2. Proposed Development

- 2.1 The proposed development to be retained essentially consists of: the conversion of attic space to provide four additional bedrooms and storage space; associated changes to three elevations to provide gable windows, velux windows to the rear and three fire doors; and an upgrade to the existing wastewater treatment facilities on the site. The latter is required to address the increased capacity linked to changing the use of the guesthouse to emergency accommodation for refugees in 2022/2023.

3. Planning Authority Decision

Decision

- 3.1 Donegal County Council granted retention permission on 18th July 2025 subject to five conditions. The first condition referenced compliance with the drawings submitted on 23rd April 2025. The second underlined the necessity to prevent surface water entering the public road. The third pointed to the need for the retention of existing planting. The fourth referred to the requirement for the operation and maintenance of a wastewater treatment system for a population equivalent of 66 persons. The fifth pertained to a financial contribution for public infrastructure and facilities.

Planning Authority Reports

Planning Report

- 3.3 The planning report notes that the property on the 0.85 ha site has a long established planning permission as a guesthouse (App Ref:98/2936). It is located

within an area of High Scenic Amenity and a Structurally Weak Rural Area. The site is not located within any designated European Natura 2000 sites, though it is located c.1.8kms from Donegal Bay SPA.

- 3.4 The report states that relevant policies and objectives in the County Development Plan include Policy RHP9 on rural housing; Landscape Policy L-P-2; and Objective BIO-0-1 in respect of European Natura Sites.
- 3.5 The report identified 8 key issues relating to this application including: Principle of Development; Site and Design; Residential Amenity; Access/Traffic Safety; Public Health; Appropriate Assessment; EIA Considerations; and Development Contributions. These are considered below.
- 3.6 Principle of development is considered acceptable as it is located within a Structurally Weak Area. The retention application was triggered by a Section 5 exemption application for the change of use from guesthouse to emergency accommodation, the determination of which revealed that unauthorised works had taken place.
- 3.7 Siting and design - external changes are relatively minor and include windows to the attic floorspace gables, velux windows to the rear roof and 3 no. fire doors.
- 3.8 Residential amenity – adequate separation distances from neighbouring properties ensure that there are no issues of overlooking and loss of privacy.
- 3.9 Access – sufficient sightlines are in place at the site entrance.
- 3.10 Public health – the proposal provides for the retention of a packaged wastewater treatment system with secondary treatment tank and tertiary polishing filters and percolation area. Further information was requested in relation to this treatment system, which is explained the further information section below. In terms of surface water drainage, the discharge point to the roadside drain on the southern boundary is within the applicant's control.
- 3.11 Appropriate Assessment – Screening was not required based on the following factors: 1.8kms distance from Donegal Bay SPA; no known hydrological links; and intervening presence of local and county roads.

- 3.12 Environmental Impact Assessment – Having regard to the limited scale of the proposed development and location of the site, there is no need for EIA as there is no real likelihood of significant effects on the environment.

Further information

- 3.13 A request was made for comprehensive documentation to confirm the capacity and suitability of the wastewater treatment system including, inter alia, a report from the site assessor to verify that the system in situ is in accordance with and is operating to current EPA standards. Information was submitted by the agent which confirmed that the original wastewater treatment system was replaced in Jan/Feb 2023 and that it has sufficient capacity to ensure that EPA standards are met. The details of this information are considered in the Assessment section of this report.

Area Roads Engineer

- 3.14 Standard conditions in relation to the prevention of construction dirt on the adjoining public road and licensed waste removal were recommended.

Prescribed Bodies

- 3.15 Uisce Eireann was consulted but no response was received.

Third Party Observations

- 3.16 The third party submissions to the application originated from the appellants and these observations are reiterated in the grounds of appeal.

4. Planning History

- 4.1 Planning permission for the development of a guesthouse by the same applicant at this location dates back to 1998 (Ref: 98/2936). Planning permission (Ref: 05/20596) was also granted to demolish the two outbuildings to facilitate a two storey

extension to the guesthouse to provide a licensed bar and restaurant on the ground floor and 11 ensuite bedrooms on the first floor. This was not implemented.

5. Policy Context

Development Plan

- 5.1 There is no specific planning policy or objectives in the County Donegal Development Plan 2024-2030 relating to emergency accommodation for refugees, in keeping with the requirements of the International Protection Accommodation Service (IPAS). Chapter 6 of the Development Plan deals with housing and states that there are approximately 5,000 refugees currently living in Donegal. It notes that many have been accommodated in tourist accommodation (hotels, etc.) and that there is some uncertainty as to how long such arrangements may last.
- 5.2 The application site is located off the N15 between Ballyshannon and Donegal Town, in an Area of High Scenic Amenity. 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 a 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.
- 5.3 Wastewater treatment policies in the County Development Plan are relevant to this application. This particularly applies to Wastewater Treatment Policy 5 (WW-P-5 in Chapter 8 Infrastructure). It states that *"In areas with no public wastewater infrastructure, or where there is inadequate public wastewater treatment capacity or networks, larger developments (including commercial, retail, tourism and community developments) where they are to be maintained in single ownership with a projected PE>10 shall provide effluent treatment by means of an independent wastewater treatment system which comply with the EPA's Treatment systems for Small Communities, Business, Leisure Centres and Hotels manual or any subsequent or updated relevant code of practice."*

- 5.4 Added to the above, several of the criteria cited in WW-P-10 in the Development Plan apply. In general, development proposals shall only be permitted where it is demonstrated that:
- a. They would not negatively impact on existing or proposed water and wastewater infrastructure including the overbuilding of network infrastructure.
 - b. The location takes into account, and is compatible with, the operation/use or expansion of existing or proposed new wastewater treatment plants. In this regard a setback/buffer of 100m will normally be required between existing or proposed wastewater treatment facilities with a PE >50 and any sensitive developments which have a continuous or frequent public usage (e.g. residential, retail, community, educational).

National Policy

- 5.5 There is no specific policy relating to emergency accommodation for refugees. However, National Policy Objective 63 is relevant given the wastewater treatment dimension to this retention application. It seeks to ensure the efficient and sustainable use and development of water resources and water services infrastructure in order to manage and conserve water resources in a manner that supports a healthy society, economic development requirements and a cleaner environment.

Regional Policy

- 5.6 As per the above, regional policy in relation to wastewater is relevant. The Northern and Western Regional Assembly Regional Spatial and Economic Strategy 2020-2032 (RSES) emphasises that adequate water services infrastructure is essential for the region's economic prosperity, increased growth, and quality of life and acknowledges the existing deficiency in such infrastructure in the region. Regional Policy objectives in the RSES seek to ensure the protection and improvement of all waters (RPO 8.18) and to promote compliance with the Water Framework Directive (RPO 8.20).

Natural Heritage Designations

- 5.7 There are no natural heritage designations on or in the vicinity of the subject site.

6. EIA Screening

- 6.1 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. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of this report.

7. The Appeal

Grounds of Appeal

- 7.1 The third party lives on the property immediately west of the site and is separated from it by a rural road. His grounds of appeal are as follows:
- Public safety risk to occupants and road users as occupants have to use the N15 hard shoulder to access public facilities some 850m away.
 - The wastewater treatment arrangements onsite do not satisfy recommended separation distances and no assessment was submitted to demonstrate compliance with EPA standards. The public road drainage has been used as an extension and drain off for the percolation area.
 - Odour still emanates from the site.
 - Appellant expresses fire safety concerns and queries whether the property has ever been inspected by the County Council fire officer.
 - Appellant questions whether appropriate environmental assessments have been carried out given the proximity of Murvagh SAC and Donegal Bay SPA.
 - Appellant queries whether it is appropriate that retention permission is being sought 3 years after development.

- The building does not comply with government guidelines relating to emergency accommodation in that there is no safe pedestrian access to public services.

Planning Authority Response

7.2 The Council responded to the appeal by stating that the existing wastewater system has been inspected by the Council in 2025 and found to be compliant and does not pose a threat to the local environment. Information was submitted in support of the application that demonstrated that the capacity of the in-situ system is adequate. A report from the Site Assessor found no issues with treated effluent, with the BOD reading at the final outfall found to be compliant. The response also defers to the planner's report.

First Party Response

- 7.3 On behalf of the applicant the agent made the following points:
- There are currently 20 Ukrainian refugees residing in the premises, though it is anticipated that the business will eventually revert to B&B use.
 - The applicant contends that walking on the hard shoulder does not actually happen. A minibus is available for residents to transport them to Donegal Town in order to meet their daily and weekly needs. Children are transported to school by bus.
 - Some €40,000 was invested in upgrading the sewerage treatment system three years back.
 - The appellant's photo of green dye was a sample pit dug within the application site for the installation of the new treatment system. It was intended to allow for the testing of effluent discharges so that requirements could be checked and met.
 - The treatment tank, percolation area and reed bed are all over 10m from the boundary of neighbouring properties.

- The new wastewater treatment system was inspected and approved by the Environment Section of Donegal County Council. Confirmation was submitted with the application.
- Odours could equally be associated with another nearby business and farm located west of the appellants property.
- Fire Safety Certificates do exist for the property and the local fire officer did inspect the site.
- The Council would have screened the new effluent treatment system for impact on Murvagh SAC and Donegal Bay SPA when determining the application. This notwithstanding, the new primary, secondary and tertiary settlement and percolation facilities have greatly reduced any risk to these European designations.
- The fact that the property has been used as emergency accommodation since the Russian invasion of Ukraine in 2022 points to its compliance with standards set down by government agencies.

Observations

7.4 None.

8. Assessment

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

- Principle of development
- Wastewater treatment & residential amenity
- Traffic and public safety

Each of these subject matters is considered below.

Principle of development

- 8.2 This application for retention was actually a response to a Section 5 application made by the applicant seeking confirmation of exempted development rights to change the use of the guesthouse to emergency accommodation for international protection applicants. However, during the determination of this application it was observed by the Council that unauthorised works had taken place and that these needed to be applied for.
- 8.3 As noted by the appellant, it is far from best practice to seek retrospective planning permission after development has occurred, especially in relation to development in the countryside that requires wastewater treatment. This notwithstanding, an application for retention is still an accepted part of the planning system. Added to this, it is important to highlight that the environmental acceptability of the wastewater treatment system was inspected and assessed as suitable by the environment section of the Council at the time of the change of use several years back. A certificate of compliance from the Council's Wastewater Services Authority was recently issued in June 2025.
- 8.4 Furthermore, it is significant to note that exempted development rights exist for the temporary change of use from guesthouse use to accommodation for international protection applicants under Class 14 and Class 20F of Schedule 2 of Part 1 of the Planning and Development Regulations 2001 (as amended). However, the changes to the external appearance of this guesthouse and the upgrade to the wastewater treatment system means that the works carried out to facilitate the temporary accommodation facility for international protection applicants constitutes development under Section 3(1) of the Planning and Development Act 2000, as amended, and needs to be applied for. Against this background, it is considered that the principle of the proposed development, from a planning perspective, is acceptable.

Wastewater treatment & residential amenity

- 8.5 Photographic and written evidence confirming the date and nature of the installation and its compliance with standards was submitted by the appellant at the further information stage. Correspondence dated Dec 2022 from the Reed Bed provider noted that the previous wastewater system was unable to cope with the demands of emergency accommodation and this was evidenced by surface water ponding in and near the percolation area. Accordingly, it was necessary to replace the secondary treatment tank with one with greater capacity (66 Population Equivalent (PE)) and to install an 80 PE tertiary reed bed for further treatment before permitting eventual infiltration to a sand-based disposal pad area. Sample readings from the final outflow were issued to the Council's environment section and the primary tank was regularly emptied to ensure that BOD readings complied with standards.
- 8.6 A Certificate of Compliance by the Water Services Authority of Donegal County Council was issued for the wastewater treatment system on 30th June 2025, further to an inspection on the 18th June 2025. It states that the system was inspected/maintained in the last two years. While acknowledging the presence of boundary drainage ditches it notes that there are no down-gradient wells within 60m of the system.
- 8.7 The appellant's dwelling is located approximately 17m from the application site boundary, which compares favourably against a 10m separation distance requirement from the percolation area/polishing filter. Similarly, the appellant's boundary is approximately 8m from the application boundary, against a requirement for 3m distance from the treatment areas and is also separated from it by a rural road. The percolation area/polishing filter is just over 4m from the nearest road (minimum of 4m required) and similarly just over 10m from with the open stream that proceeds along the appellant's eastern boundary, where a minimum of 10m is required. Importantly, as noted above, a road separates the application site from this

stream. Finally, the percolation area/polishing filter is situated close to existing trees but, taking into account the falling topography, broadly respects the 3m separation distance required. Based on the above it is clear that the siting of the proposed wastewater treatment system generally respects the separation distances stipulated in guidance.

- 8.8 The appellant states that odours emanate from the site. None were discerned on the day of inspection by the Council in June 2025 and no odour assessment was requested by the Council. While it is acknowledged that the percolation area/polishing filter is located on higher ground than the appellant's site, compliance with the above separation distances should largely mitigate concerns in this regard.

Traffic and public safety

- 8.9 The appellant maintains that this location is not suitable for IPAS accommodation as occupants have to proceed along the N15 hard shoulder to access public services. On the day of site inspection it was observed that a mini-bus was available on site to transport refugees to access services in Donegal Town and elsewhere. School children are also transported by bus. In the absence of definitive information to substantiate this contention it is difficult to attach significant weight to these claims. Moreover, no evidence has been submitted which testifies to the incidence of traffic-related accidents in this regard.

9. AA Screening

- 9.1 I have considered the proposed internal and external alterations to the building and the installation of the upgraded wastewater treatment system in light of the requirements of S177U of the Planning and Development Act 2000 as amended.
- 9.2 The subject site is approximately 1.8km straight-line distant from Donegal Bay SPA 004151 and Donegal Bay (Murvagh) SAC 000133. The stream that abuts the applicant's southern boundary and appellant's eastern boundary flows northwards and eventually enters these designations via Ballintra River. Durnesh Lough SAC

000138 is situated nearer the site, 1.4km to its west. The site is not hydrologically linked to this designation, though this SAC also links into the Ballintra River.

- 9.3 The proposed development largely comprises internal and external alterations to a property that are essentially linked to a change of use, together with the installation of a wastewater treatment system. 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 European Site. The reason for this conclusion is the small scale and nature of the development; together with its distance from the nearest European site.
- 9.4 I conclude that, on the basis of objective information, 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 Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 is not required.

10. Water Framework Directive

- 10.1 The subject site is bordered to its south by a stream that links to the Ballintra River. The proposed development largely comprises internal and external alterations to a property that are linked to a change of use, together with the installation of a wastewater treatment system.
- 10.2 Water deterioration concerns were raised in the planning appeal in the respect that the appellant queried whether all the necessary checks were carried out when installing the new wastewater treatment system.
- 10.3 I have assessed the proposed wastewater treatment system and associated works 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:

- the small scale and nature of the development;
- the information submitted to demonstrate the capacity for wastewater treatment and its compliance with effluent standards; and
- The distance from the nearest water bodies, other than the neighbouring small stream.

10.4 I conclude that on 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. Recommendation

Having regard to the foregoing it is recommended that planning permission be granted for the proposed development for the reasons and considerations outlined below.

12. Reasons and Considerations

- 12.1 Having regard to the scale, nature and location of the proposed modifications of the building to be retained, together with the compliance of its wastewater treatment system to EPA guidance and standards, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of public health and environmental sustainability and would not seriously injure the amenity of the area.
- 12.2 In this regard, the proposed development is consistent with Wastewater Treatment Policies 5 and 10 (WW-P-5 and WW-P-10) of the County Donegal Development Plan 2024-2030, as supported by National Policy Objective 63 (Water Quality) and Regional Policy Objectives 8.18 and 8.20 (Wastewater Infrastructure). The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13. 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. 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.

3. The wastewater treatment system hereby permitted shall be operated and maintained in accordance with the supplier's instructions and the EPA Code of Practice 2021.

Reason: In the interest of public health and to prevent water pollution

4. 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 within 3 months of the notification of grant of permission at appeal 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 Coimisiún 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.



Tony Quinn
Planning Inspector

12th November 2025

Appendix 1 - Form 1 EIA Pre-Screening

Case Reference	ACP-322928-25
Proposed Development Summary	Utilisation of attic for 4 bedrooms, elevational changes and replacement and upgrade of wastewater treatment system
Development Address	Drumnacroil, Ballintra, 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 <u>Part 1</u>, 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.	State the Class here
<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	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>State the Class and state the relevant threshold</p>

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

Inspector:  Date: 12th November 2025