



An
Coimisiún
Pleanála

Inspector's Report

PL-500048-DL

Development	Dwelling house, garage, wastewater treatment system and associated works.
Location	Druminderry Upper and Lower, Buncrana, Co. Donegal.
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2561360
Applicant(s)	Lauren McKeever and Shane McLaughlin
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellants	John and Henry Donaghey
Observer(s)	None

Date of Site Inspection

16th January 2026

Inspector

John Duffy

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Appendix 1 – Form 1: EIA Pre-Screening
Form 2: Preliminary Examination

1.0 Site Location and Description

- 1.1. The appeal site measures 0.4ha and is located in the townland of Druminderry Upper and Lower, approximately 5.5km north-east of Buncrana town centre. The site comprises part of a larger agricultural field with gently sloping topography downwards in a westerly direction, away from the public road.
- 1.2. The site is located on the western side of a single width local tertiary road (L-17217), which is not a through road, and serves a small number of detached rural houses on individual plots, predominantly of single storey or dormer design.
- 1.3. The roadside (eastern) boundary comprises a grassed bank and a post and wire fence. Similarly, the western, southern and northern boundaries are all bounded by post and wire fencing.
- 1.4. The subject site is located in a designated 'Area of Moderate Scenic Amenity.'
- 1.5. A Standing Stone (Ref. DG029-022) set in a field boundary is located c 60m south-east of the site.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Construction of a dormer type dwelling with 4 bedrooms (c 248sqm). Roof ridge height is c 6.7m.
 - Construction of a single storey garage (c 118sqm); roof ridge height of c 6.3m.
 - Installation of a domestic waste water treatment system (WWTS) with percolation area.
 - Connection to public water supply.
 - All associated works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority granted permission on the 18th of September 2025 subject to 17 no. conditions. Noteworthy conditions include the following:

- Condition 2: Occupancy condition (7 years).
- Condition 4: Provision of 70m sightlines in both directions required.
- Conditions 5 and 14: Boundary treatment.
- Conditions 7, 8 and 10: Drainage, surface water collection.
- Condition 12: Garage not to be used for business or residential purposes without separate grant of permission; to be constructed concurrently with or subsequent to house.
- Condition 15: Water supply from public watermain.
- Condition 16: Wastewater treatment.
- Condition 17: Financial contribution.

3.1.2. Planning Authority Reports

Planning Reports

- The Planning Officer's Report had regard to the submitted application documentation, third party observation, the location of the site in the rural area, planning history, internal departmental report and Development Plan policies.
- Site is located within an 'Area Under Strong Urban Influence.'
- Noted that other than the submitted letter from a Councillor no other forms of evidence is provided confirming applicant's rural housing need but that the planning authority is satisfied the principle of development is acceptable based on the submitted bona fide letter.
- The siting of the proposed house will not result in ribbon development and its design is in keeping with neighbouring dwellings. Similarly the design, scale and siting of the proposed garage is also acceptable. As such, it is concluded

the proposed dwelling will not adversely impact on the Moderate Scenic Amenity designation of the area.

- No issues arise in terms of loss of privacy, overlooking or residential amenity.
- A traffic survey is provided confirming average vehicular speed along the local road as 48.72km/h and therefore a sightline distance of 70m is acceptable, as indicated on the submitted plan. The application is supported by a consent letter from a nearby landowner confirming their permission for the applicants to achieve and maintain required sightlines over adjoining hedgerows.
- The planning authority is satisfied the subsoil is suitable to treat and dispose of wastewater given the findings of the Site Suitability Assessment. A conventional septic tank system is proposed.
- Surface water to connect to an open drain along the southern boundary and the discharge point falls within the applicant's boundary.
- The applicant proposes to make a new connection onto the public watermain and there is no objection subject to Irish Water capacity and connection agreements.
- No issues raised with respect to AA or EIA.
- A Standing Stone (Ref. DG029-022) is located c 60m south-east of the site and it is considered the proposed development will not impact upon its setting.

Other Technical Report

Roads Report: Area Engineer recommended a standard condition for roadside drain be included.

3.2. Prescribed Bodies

Uisce Éireann (UÉ) was invited to comment on the proposal. No subsequent submission was received.

3.3. Third Party Observations

One third party observation was received by the planning authority. Matters raised are summarised as follows:

- Proposed entrance would result in a safety hazard. Road is in a poor state of repair. There is a blind dip in the road when approaching the entry point from the Bunrana side.
- Traffic report is not a true reflection of the situation. There are large traffic volumes in the mornings and evenings.
- Consent for sightlines not given by observer whose lands border the site at the rear and side.
- Possible sewage overflow onto observer's lands due to site topography.
- Water may flow onto the road from the site.
- No existing houses are constructed this side of the road.

4.0 Planning History

Subject site

No recent planning history.

Sites to north east (on opposite side of road)

PA Reg. Ref. 2561099 relates to an August 2025 decision to grant permission for construction of a house with effluent treatment plant and domestic garage at Druminderry Upper and Lower, Bunrana, Co. Donegal.

PA Reg. Ref. 2561269 relates to a September 2025 decision to grant permission for construction of a house with wastewater treatment system and percolation area, and connection to services at Druminderry Upper and Lower, Bunrana, Co. Donegal.

5.0 Policy Context

5.1. Development Plan

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

5.1.2. Chapter 6 relates to 'Housing' and includes policies and objectives relating to residential development. Section 6.3 relates to Rural Housing and the following objectives are considered pertinent to the proposed development.

RH-O-1 To ensure that new residential development in rural areas provides for genuine rural need.

RH-O-2 To protect rural 'Areas Under Strong Urban Influence', rural 'Areas Under Strong Holiday Home Influence', and rural areas immediately outside towns from intensive levels of unsustainable urban/suburban residential development.

RH-O-4 To ensure that rural housing is located, designed and constructed in a manner that does not detract from the character or quality of the receiving landscape having particular regard to Map 11.1: 'Scenic Amenity' of this Plan.

- 5.1.3. The subject site is located in a rural area outside a designated / zoned settlement. Map 6.3.1 'Rural Area Types' confirms the appeal site is located within an 'Area Under Strong Urban Influence.' In this regard, the following policy is relevant:

RH-P-1: To consider proposals for new one-off rural housing within 'Areas Under Strong Urban Influence' from prospective applicants that can provide evidence of a demonstrable economic or social need (see 'Definitions') to live in these areas including, for example, the provision of evidence that they, or their parents or grandparents, have resided at some time within the area under strong urban influence in the vicinity of the application site for a period of at least 7 years. The foregoing is subject to compliance with other relevant policies of this plan, including Policy RH-P-9.

This policy shall not apply where an individual has already had the benefit of a permission for a dwelling on another site, unless exceptional circumstances can be demonstrated.

An exceptional circumstance would include, but would not be limited to, situations where the applicant has sold a previously permitted, constructed and occupied dwelling, to an individual who fulfils the bonafides requirements of that permission.

New holiday homes will not be permitted in these areas.

- 5.1.4. Policy RH-P-9 (below) is also relevant in terms of Location, Siting and Design and other Detailed Planning Considerations.

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. Map 11.1 'Scenic Amenity' demonstrates that the appeal site is located within an 'Area of Moderate Scenic Amenity' defined in Chapter 11 as follows:

Areas of Moderate Scenic Amenity (MSA): These are primarily landscapes outside Local Area Plan Boundaries and Settlement framework boundaries, that have a unique, rural and generally agricultural quality. These areas have the capacity to absorb additional development that is suitably located, sited and designed subject to compliance with all other objectives and policies of the Plan.

The following objective and policy are relevant:

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

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.

- 5.1.6. Chapter 8 relates to 'Infrastructure' and includes relevant policies and objectives in respect of residential development as follows:

WW-O-3 *To facilitate the provision of an adequate, reliable and clean supply of drinking water in accordance with relevant standards, including the protection of drinking water sources, and the provision of new/upgraded water collection, treatment, and distribution infrastructure.*

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.

5.1.7. The Development Plan also includes *Rural Housing – Location, Siting and Design Guide* which provides guidance to those involved in the planning and development process of designing a house in the countryside. The document is specific to the character of Donegal and provides advice on design, siting and other matters.

5.2. National Guidance

5.2.1. Revised National Planning Framework (NPF)

The First Revision of the NPF was approved by the Houses of the Oireachtas following the decision of Government on 8th April 2025 to approve the Final Revised NPF. Relevant objectives include:

National Policy Objective 24: Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

National Policy Objective 28: Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere: In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements; In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.3. **Section 28 Ministerial Guidelines**

Sustainable Rural Housing, Guidelines for Planning Authorities (2005)

The appeal site is located within a rural area under strong urban pressure. The Guidelines state that these areas exhibit characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network.

Section 3.2.3 sets out general criteria for considering whether a person is an intrinsic part of the rural community:

‘Such persons will normally have spent substantial periods of their lives, living in rural areas as members of the established rural community. Examples would include farmers, their sons and daughters and or any persons taking over the ownership and

running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes. Examples in this regard might include sons and daughters of families living in rural areas who have grown up in rural areas and are perhaps seeking to build their first home near their family place of residence. Returning emigrants who lived for substantial parts of their lives in rural areas, then moved abroad and who now wish to return to reside near other family members, to work locally, to care for elderly family members, or to retire should also be accommodated.'

Circular Letter SP 5/08 was issued after the publication of the guidelines. It emphasises that 'all planning applications for houses in rural areas, regardless of where the applicant comes from or whether they qualify under specific criteria, must continue to be determined on the basis of the proper planning and sustainable development of the area, in accordance with development plan policies regarding over-arching environmental concerns, including the protection of natural assets, landscape, siting and design, traffic safety etc.'

5.4. Other Relevant Guidance

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

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

5.5. Natural Heritage Designations

The subject site is not located within or immediately adjacent to any European Site. The nearest European Site is the Lough Swilly SAC (Site Code 002287) which is located approximately 4.4km west of the subject site.

5.6. EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed 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 proposed development,

therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

A third party appeal is submitted by John and Henry Donaghey of 73 Cockhill Park, Buncrana, Co. Donegal against the planning authority's decision to grant permission for the proposed development.

6.1. Grounds of Appeal

The grounds of appeal may be summarised as follows:

- The location of the proposed access point to the site is of major concern. The width of the road is narrow and it is not possible for two cars to pass each other, which necessitates reverse manoeuvres on the road to occur.
- The submitted traffic report is not a true reflection of traffic on the road. The survey was undertaken at a time when there was no school traffic or traffic associated with people travelling to and from work.
- The site is located at the corner of lands owned by the appellants and they have never been approached by anyone seeking consent for provision of vision lines.
- The Councillor supporting the applicants as referenced in the application knows very little about the area. The area is overloaded and this can be seen on the Folio.
- There are no houses on this side of the road and the proposal represents a serious safety issue.
- Sewage / Seepage: This is of great concern. There will be problems with rainfall from the site moving to the road which is already in a state of disrepair.

The appeal submission includes the following:

- Copy of the appellant's objection to the planning authority. This is summarised in Section 3.3 of this Inspector's Report.
- Several photographs of the roads leading to the subject site.

- Copy of the planning authority's decision.

6.2. Applicant Response

The response from the applicants, received on 3rd of November 2025 may be summarised as follows:

- The applicants wish to build their home close to family and continue to positively contribute to their community.
- The road in question is not a through road and is used only by residents and limited farm access.
- Traffic speeds on the road reflect the quiet and rural character of the area.
- The objector has referred to the main road (L-1721-3) and not the smaller local road serving the houses (L-17217-0).
- The proposed house would be set back 5m from the road which would improve safety by provision of additional space for vehicles to pull in or pass if needed.
- Required sightlines do not cross the objector's property. Where consent was required, the appropriate form is appropriately completed (copy attached to response).
- Applicants are not aware of any planning policy that identifies a sloping site as grounds for refusal of permission.
- A full Site Suitability Assessment was carried out by a Consulting Engineer and this addresses all relevant environmental and drainage considerations (copy attached to response).
- Two other permissions have been granted in the immediate area in recent months. No objections were raised in respect of those applications despite the same conditions being present in respect to roads.
- The objections are disappointing and without reasonable basis. Notwithstanding, the applicants are open to further engagement and providing additional information or clarification if required.

6.3. **Planning Authority Response**

The planning authority's response received on 10th of November 2025 considers that the issues raised in the appeal are addressed in the planner's report which recommended a grant of permission.

6.4. **Observations**

None.

7.0 **Assessment**

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

- Principle of development / Compliance with Rural Housing Strategy
- Siting and Design
- Wastewater Treatment and Drainage
- Traffic, Access and Sightlines
- Water Framework Directive – Screening
- Appropriate Assessment

7.1. **Principle of Development / Compliance with Rural Housing Strategy**

- 7.1.1. The appeal site is located approximately 5.5km to the north-east of Buncrana town centre, within an area identified in Map 6.3.1 – Rural Area Types of the County Donegal Development Plan 2024-2030 as an 'Area Under Strong Urban Influence.' As such, Policy RH-P-1 applies and states that rural housing is permitted in this area where applicants can provide evidence of a demonstrable economic or social need to live in the area (e.g. provision of evidence that they or their parents or grandparents, have resided at some time within the vicinity of the application site for a period of at least 7 years). It is also a requirement that proposals comply with other relevant

policies of the Plan including Policy RH-P-9 relating to location, siting and design considerations.

7.1.2. In consideration of what constitutes an 'Economic' or 'Social' need, the Development Plan includes the following definitions:

Economic Need

Persons working full-time or part-time in rural areas including:

- *Full-time farming, forestry, or marine related occupations,*
- *Part time occupations where the predominant occupation is farming/natural resource related.*
- *Persons whose work is intrinsically linked to rural areas such as teachers in rural schools.*

Social Need

Persons who are Intrinsic part of the Rural Community including:

- *Farmers, their sons, and daughters and or any persons taking over the ownership and running of farms,*
- *People who have lived most of their lives in rural areas.*
- *Returning emigrants who lived for substantial parts of their lives in rural areas.*

7.1.3. A Rural Housing Application Form was submitted with the application. The applicants have indicated they have lived at Foffenagh, Ballymagan for 27 years and at Slavery Road, Bunrana for 32 years. In terms of supporting documentary evidence, other than aerial maps indicating the location of the subject site relative to that indicated to be one of the applicant's family home and the other applicant's grandmother's home, and correspondence from the applicants stating that they were raised in or from the area (Foffenagh and Kinnego), the applicants have substantially relied on a Bona Fide letter from an Elected Member of Donegal County Council. This letter, from Councillor Jack Murray, dated 25th July 2025, indicates that one of the applicant's has a lifelong connection to the local community and is from an adjoining townland, while the other applicant's family is from the nearby rural community of Kinnego.

- 7.1.4. According to the Planning Officer's assessment, no other forms of evidence have been provided to confirm the applicants rural housing need (in the form of birth certificates, marriage certificates, utility bills, school reports, or letters from employers). Reference is made in the Planning Officer's report to the local authority's practice and procedures and that the planning authority is satisfied that the principle of the development in terms of rural housing need is acceptable based on the submitted bona fide letter.
- 7.1.5. I have considered the information provided with the application and I do not consider the applicants have demonstrated compliance with Policy RH-P-1 of the Donegal County Development Plan 2024-2030. In my opinion, the applicants have failed to provide any information or evidence to substantiate either a genuine 'Economic' or 'Social' need to live in the area to support the subject application. Further, I consider that the applicants have not adequately demonstrated that they, their parents, or grandparents have resided in the vicinity of the application site for a period of at least 7 years. In my view such information is essential to establish long-standing links or ties to the area.
- 7.1.6. I am not satisfied that a letter of support from an Elected Member or a stated family connection to the area in the absence of any supporting documentary evidence constitutes an adequate basis from which to consider a grant of permission. While such a bona fide letter has been deemed acceptable to the planning authority, I consider that it constitutes only internal procedure / practice rather than an adopted policy context enshrined in the County Development Plan. The appeal site and its surrounds is under significant pressures for rural housing and is appropriately defined as an 'Area Under Strong Urban Influence' in the County Development Plan. In my view the development of further one-off housing in this rural area without adequate justification would only serve to undermine the role of Buncrana as a 'County Growth Driver' in the Settlement Hierarchy for County Donegal, which may undermine its ability for economic growth, urban consolidation and service provision.
- 7.1.7. In conclusion, I consider the applicants have failed to demonstrate a functional connection to this rural area and have provide no demonstrable 'Economic' or 'Social' need to live in the rural area in compliance with policy RH-P-1 of the County Donegal

Development Plan 2024-2030. I recommend therefore that permission be refused on this basis.

7.2. Siting and Design

- 7.2.1. I note that Policy RH-P-9 (*Location, Siting and Other Detailed Planning Considerations*) in Chapter 6 (Housing) of the County Donegal Development Plan is relevant as it relates to rural housing. Similarly, Donegal County Council's *Rural Housing – Location, Siting and Design Guide* is pertinent to this proposal.
- 7.2.2. Policy RH-P-9 requires that proposals be designed in a manner that is sensitive to the integrity and character of rural areas and that the development assimilates into the receiving rural landscape through best practice regarding siting, location and design of rural housing. Key requirements are to avoid the creation / expansion of a suburban pattern of development, that the proposal is not detrimental to the amenity of the area or to other rural dwellers or constitute haphazard development. Other considerations for assessment include avoiding adverse impacts on Natura 2000 sites or designated habitats / protected areas and views / prospects, site access and egress, the safe and efficient disposal of effluent and surface waters, and compliance with flood risk management.
- 7.2.3. In terms of siting and design, the proposed development is broadly centrally positioned on the site, with a setback of approximately 23.5m from the public road. The proposed house faces east and is slightly angled in addressing the public road. The proposed finished floor level (FFL) is indicated as 96.536, below that of the public road and the nearest houses opposite the site which have levels of 98.87 and 100.17, reflecting the topography of the area.
- 7.2.4. The proposed dormer type rural dwelling has a floor area of c 248sqm and accommodates four double bedrooms, two of which are at attic level. Pitched roof ridge height is c 6.7m. From the submitted elevation drawings, the external finishes appear to comprise a mixture of neutral coloured render and natural stone for the walls and a tiled / slate roof. The proposed development also includes a detached domestic garage to the north-west of the proposed house measuring c 118sqm and with a roof ridge height of c 6.3m. Three panelled garage doors are evident on the southern

elevation with the gable wall finished in stone facing the public road. Boundary treatment of post and wire fences are proposed on all sides of the site other than the front boundary, where the boundary treatment is unclear.

- 7.2.5. The proposed development would be the first dwelling constructed on the western side of the local road and as such it would not give rise to or exacerbate ribbon development.
- 7.2.6. Overall, having reviewed the submitted particulars, I consider the design of the proposed dwelling to generally accord with the policy objectives and design principles of Policy RH-P-9 of the Donegal County Development Plan in terms of siting, design, layout and materials. The proposed dwelling would have a design and appearance that would be consistent when viewed in the context of existing houses in the immediate area and I do not consider that it would be particularly prominent in the landscape.
- 7.2.7. In my opinion, the proposed garage structure is over-sized and it would read as a second unit on the site. I note that no justification for the large size of the garage is provided in the application documentation. Should the Commission decide to grant permission for the proposed development, I recommend inclusion of a condition requiring omission of the structure.
- 7.2.8. Having regard to the design and position of the proposed dwelling on the subject site I do not anticipate any undue impacts arising on the amenities of nearby rural dwellers.
- 7.2.9. Other matters referenced in Policy RH-P-9, including access arrangements, wastewater treatment and disposal, impact on Natura 2000 sites and compliance with the Water Framework Directive are considered below.

7.3. Wastewater Treatment and Drainage

Wastewater Treatment

- 7.3.1. The proposed development includes the installation of a septic tank and intermittent in-situ soil filter system to serve the proposed dwelling. The appellant raises concerns that sewage may overflow onto their lands due to the topography of the site.

- 7.3.2. In assessing the proposed development, I note that Policy WW-P-6 of the Development Plan is relevant as it seeks to facilitate development for single dwellings in rural settings served by independent wastewater treatment systems where compliance with the EPA's Code of Practice for Domestic Waste Water Treatment Systems (PE <10) (EPA 2021) is demonstrated, and where development would not result in an over concentration / proliferation of such systems which cumulatively would be detrimental to public health or water quality. Furthermore, part (b)(iv) of Policy RH-P-9 (Location, Siting and Design and Other Detailed Planning Considerations) of the Development Plan requires new developments to demonstrate the safe and efficient disposal of effluent in accordance with Environmental Protection Agency codes of practice.
- 7.3.3. I have reviewed the Site Suitability Assessment Report (SSAR) submitted with the planning application. It notes the aquifer category as being Poor (PI) with a 'Moderate' groundwater vulnerability classification. The Groundwater Protection Response Category is identified as 'R1' which is detailed in Table E1 'Response Matrix for DWWTSs' of the Code of Practice for Domestic Waste Water Treatment Systems as being 'Acceptable subject to normal good practice (i.e. system selection, construction, operation and maintenance in accordance with this CoP).'
- 7.3.4. The SSAR notes that neither bedrock nor the water table were encountered at the bottom of the trial hole which had a stated depth of 2.0m. The soil / subsoil texture is classified as gravelly silt/clay which is crumb and compact between 0.1m – 0.4m and blocky and stiff for the remaining trial hole depth. A T value / sub-surface test for soil percolation is given as 59.13min/25mm. Based on the EPA CoP 2021 (Table 6.4), the site is suitable for a secondary treatment system and soil polishing filter or for a tertiary treatment system and infiltration system.
- 7.3.5. I note the assessor recommends installation of a prefabricated septic tank and gravity distribution intermittent in-situ soil filter system. Section 8.1.1 of the EPA CoP 2021 relates to intermittent soil filter systems and notes they may be used with septic tanks in particular circumstances, including in areas with a percolation value between 51-75, such as the subject site. The filters use a bed of gravel to distribute the septic tank effluent, in contrast to percolation areas which distribute effluent beneath the ground

surface via trenches. In this case, having regard to the contours of the subject site, the intermittent soil filter is gravity fed. Section 8.1.1 confirms that such filters do not require an additional polishing stage because that is built in beneath the filter gravel in the underlying soil and / or subsoil.

7.3.6. During my site inspection I noted the extensive on-site vegetation, specifically rushes, which I note are visual markers of wet ground conditions and poorly drained soils. However, notwithstanding these factors, I note the photographs in the SSAR indicating layers of compact silt and clay which would limit percolation performance. The photographs show wet material near the surface with drier material below. The assessor's evaluation advises that it should be possible to improve percolation rates through loosening up and I would concur with this view.

7.3.7. I am satisfied that the minimum separation distances and associated requirements can be met on the site and accord with the EPA CoP 2021.

7.3.8. I note that the site gradually slopes downwards in a westerly direction from the local road. This topography corresponds with the assessor's on-site assessment, describing the slope as shallow in the SSAR. I note that the slope of the proposed infiltration / treatment area is stated as 'Level' in Section 4.0 of the SSAR. Having regard to the overall gently sloping topography of the subject site, the nature of the proposed development and the results of the SSAR which indicate the site is suitable for onsite wastewater treatment, I would not anticipate sewage seepage onto adjoining lands provided the DWTTS and intermittent soil filter system are properly installed and maintained.

7.3.9. Having regard to the foregoing, I consider it has been demonstrated that the subject site can accommodate a wastewater treatment system and that the proposal would be in accordance with Policy RH-P-9(b)(iv) and Policy WW-P-6 of the County Donegal Development Plan 2024-2030. Should the Commission be minded to grant permission, I recommend that appropriate conditions be attached requiring the applicants to construct the wastewater treatment system in accordance with recommendations provided in the SSAR and that any detailed specifications be agreed with the planning authority.

Surface Water

- 7.3.10. The appellant is concerned that surface water from the site will flow on to the road from the subject site.
- 7.3.11. Documentation on file indicates there is an existing open drain along the southern boundary of the site to which surface water will be directed. Given the gently sloping nature of the lands downwards to the west, I would anticipate the surface water would flow away from the public road. I also note the site layout drawing contained in the SSAR which indicates the provision of a 100mm drain encompassing the proposed soil polishing filter which shall discharge to the drain at the southern boundary of this site.
- 7.3.12. Notwithstanding the foregoing, should the Commission be minded to grant permission for the proposed development I consider the management of surface water drainage for a single dwelling on this site could be addressed by way of an appropriate condition, subject to agreement of such a proposal with the planning authority.

7.4. Traffic, Access and Sightlines

- 7.4.1. The appellant raises concerns regarding the location of the vehicular access, noting the condition and narrow width of the local road which does not allow two cars to pass each other. The appellant also considers the submitted Traffic Report to be inaccurate as it does not consider traffic associated with journeys to and from schools and work. In addition, the appellant notes they were not asked for consent to facilitate sightlines.
- 7.4.2. The appeal site adjoins the local tertiary road L-17217, which is not a through road. As observed at the site inspection, this road, which is narrow in configuration requiring one vehicle to pull-in in order to allow a second vehicle to pass, is lightly trafficked. The L-17217 serves approximately six houses and given the narrow configuration of the road, I noted that a low speed environment prevails.
- 7.4.3. A traffic survey was provided in support of the application indicating the average speed of vehicles along the road as 48.72km/h recorded in the 85th percentile. As such sightlines of 70m are acceptable in both directions. The appellant is not satisfied that

the traffic survey, undertaken between 11am and noon (on Wednesday 16th July 2025) has accurately captured the full extent of traffic on the road. In my view, given the limited number of existing houses along this road, that the road is not a through road, and having regard to the narrow configuration of the carriageway and an existing bend in the road, to the south-east of the site, which encourages low speed, I consider the traffic survey undertaken to be acceptable. I note also that the Roads Engineer and the planning authority raised no road safety concerns in respect of the proposal.

7.4.4. Having reviewed the site layout plan, it is apparent that 70m sightlines to the north of the proposed recessed entrance are achievable and as such no consent from the adjoining landowner to facilitate sightlines in this direction would be required. I note that the applicants have provided a letter of consent from a nearby landowner to the south-east to carry out works to achieve and maintain sightlines in that direction, immediately proximate to the bend in the road.

7.4.5. To conclude, I consider the vehicular access from the public road to the proposed development would be acceptable and that appropriate sightlines in both directions are achievable. As such, I do not consider the proposed development would endanger public safety by reason of traffic hazard.

7.5. **Water Framework Directive - Screening**

7.5.1. The subject lands comprise agricultural grasslands in a rural area, located approximately 5.5km north-east of Buncrana town centre. The Crana River flows approximately 0.225km to the north-east of the subject site. The proposed development relates to the construction of a four bedroom house, detached garage, installation of a DWWTS, connection to public water supply and all associated works. There is an existing open drain along the southern boundary of the site to which surface water will be directed.

7.5.2. I have assessed the proposed 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 and ground water bodies 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 groundwater bodies either qualitatively or quantitatively. The reasons for this are as follows:

- The nature of the works comprising a small scale of development.
- The lack of direct hydrological connections from the site to any surface and transitional water bodies.
- Standard pollution controls that would be implemented.

7.5.3. I conclude 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.

8.0 Appropriate Assessment Screening

8.1. I have considered the proposed development comprising the construction of a house, garage, installation of a DWWTS, connection to public water supply and all associated works in the light of the requirements of Sections 177S and 177U of the Planning and Development Act 2000, as amended.

The proposed development is not located within or immediately adjacent to any European Site. The nearest European Site is the Lough Swilly SAC (Site Code 002287) which is located approximately 4.4km west of the subject site.

8.2. Having considered the nature, scale and location of the project, I am satisfied it can be eliminated from further assessment because it could not have any effect on a European Site.

The reasons for this conclusion are as follows:

- Relatively small scale and nature of the proposed development.
- Location-distance from nearest European Site and lack of connections.
- Absence of any meaningful direct and indirect pathways to any European Site.
- Taking into account the screening determination of the planning authority.

- 8.3. 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 any other plans or projects.
- 8.4. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000 as amended) is not required.

9.0 Recommendation

- 9.1. I recommend that permission be refused.

10.0 Reasons and Considerations

1. Having regard to the provisions of the County Donegal Development Plan 2024-2030, the location of the site in an Area Under Strong Urban Influence, Policy RH-P-1 of the Development Plan and the documentation on file submitted as part of the application and appeal, it is considered that the applicants have not provided sufficient evidence to demonstrate a housing need at this location and, that in the absence of such, the proposed development would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

John Duffy
Planning Inspector

10th February 2026

Form 1 - EIA Pre-Screening

No EIAR Submitted

Case Reference	PL-500048-DL
Proposed Development Summary	Permission for a house, garage, DWWTs, connection to public water supply and all associated works.
Development Address	Druminderry Upper and Lower, Buncrana, 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.	State the Class here
<input 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 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	

<p>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><input checked="" 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>Class 10(b)(i) Construction of more than 500 dwelling units.</p> <p>This proposal involves the construction of one dwelling and is significantly sub-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: _____

Form 2 - EIA Preliminary Examination

Case Reference	PL-500048-DL
Proposed Development Summary	Permission for a house, garage, DWWTS, connection to public water supply and all associated works.
Development Address	Druminderry Upper and Lower, Bunrana, Co. Donegal
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The development would not result in the production of significant waste, emissions, or pollutants. No significant risks of accidents or to human health. No demolition works proposed.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	Briefly comment on the location of the development, having regard to the criteria listed The size of the site at 0.4ha is not exceptional. The Crana River flows approximately 0.225km to the north-east of the subject site. Landscape classification of site and surrounding area: Area of Moderate Scenic Amenity. There is no direct hydrological connection present which would give rise to significant impact on water courses in the wider area (whether linked to any European site or other sensitive receptors). The site is not located within or adjoining any European Sites. The nearest European Site is the Lough Swilly SAC (Site Code 002287) which is located approximately 4.4km to the west. A Standing Stone (Ref. DG029-022) is located c 60m south-east of the site.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters,	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.

magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	There are no other locally sensitive environmental sensitivities in the vicinity of relevance. There would be no significant cumulative considerations.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out. Not applicable to this appeal case.
There is a real likelihood of significant effects on the environment.	EIAR required. Not applicable to this appeal case.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)