



Inspector's Report

PL-500636-DL-26

Development	Construction of a dwelling and garage with all associated site works.
Location	Hall Demesne, Mountcharles, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2561415
Applicant(s)	Gregory & Monica Gallagher
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Agnes Mullin
Observer(s)	Peter Kennedy
Date of Site Inspection	23 rd March 2026
Inspector	Terence McLellan

1.0 Site Location and Description

- 1.1. The appeal site is located in Mountcharles, Donegal. It comprises a field located to the rear of the existing dwellings that line the L-1875-1 Local Road in the south-west of the village. Access to the field is provided via a shared laneway from the L-1875-1, on which the Applicant claims a Right of Way. This then links to the Applicant's own existing agricultural access lane which is gated.
- 1.2. The site has a stated area of 0.26 hectares however it is carved out of the Applicant's much larger landholding which covers the wider field. The field is currently in grass and levels reduce towards the south/south-east. In terms of the discreet site, there is a c.9m fall in site level.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of a dwelling with detached garage, wastewater treatment system and all associated site development works. The proposed dwelling would provide four bedrooms and c.234sqm of floorspace overall. The dwelling would comprise two separate one and a half storey buildings joined by a single storey element and would be finished in render, stone and slate. The total ridge height would be 6.5m. Access would be provided from the existing agricultural access laneway that in turn is accessed from a shared laneway linking to the L-1875-1 Local Road.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Donegal County Council granted permission by Order dated 19th December 2025, subject to 17 conditions. The conditions are generally standard. Condition 3 prohibits use of the dwelling as a holiday home or for short term rental accommodation. Other conditions of note include:

5. Prior to commencement of development the existing roadside boundary shall incorporate an entrance with a minimum width at road fence to line of gates of 9.15m minimum depth from road fence to line of gates of 2.45m and a minimum

width on line of gates of 4.9m as set out in Figure 16.1 in Chapter 16 of the County Donegal Development Plan 2024-2030.

Reason: To preserve the amenities of the area and in the interests of traffic safety.

9. The finished floor level of the dwellinghouse shall not exceed 118.5m above the centreline of the adjoining public road detailed as datum of 127.58m on the site layout plan submitted to and received by the Planning Authority on 18/08/2025.

Reason: To ensure the integration of the development, preserve the amenities of the area and to cater for orderly development.

3.2. Planning Authority Reports

3.2.1. The first Planner's Report contains the following points of note:

- There are various rights of way and ownership disputes. The Applicant's legal interest needs to be confirmed.
- Siting and design are considered acceptable. The site is well screened, and the proposed dwelling has a low profile design.
- Wastewater treatment and surface water drainage proposals are considered acceptable.

3.2.2. The report concluded in a request for Further Information to address concerns regarding documentary evidence of the right of way, evidence of ownership or written consent from landowners to undertake works on the agricultural lane access, revised plans showing the ownership of the Third Party that has provided consent with regard to visibility splays (south of the entrance), provision of written consent from the northern landowner to provide and maintain visibility splays.

3.2.3. Further Information was received on 10th December 2025 and addressed in the second Planner's Report. The Further Information included documentary evidence of the right of way, which the Applicant also considered sufficient to deal with the matter of third party ownership. It is stated that vision lines to the north can be achieved without requiring Third Party consent. The information submitted satisfied the Planning

Authority's requirements, as set out in the second Planner's Report, concluding in a grant of planning permission.

3.3. **Other Technical Reports**

- 3.3.1. The Planning Authority consulted the Area Roads Engineer, but no response is recorded. I do however note that the Second Planner's Report states, in reference to the Further Information response, that that a site meeting was held with the Area Roads Engineer and agreement was reached that the entrance shall be at 90 degrees to the roadway and that vision lines of 70m can be achieved in each direction without additional works.

3.4. **Prescribed Bodies**

- 3.4.1. I note that the Planning Authority consulted An Taisce; Department of Housing, Local Government, and Heritage; The Heritage Council; and Uisce Éireann. No response was recorded.

3.5. **Third Party Observations**

- 3.5.1. Three observations were submitted in response to the planning application, two of which pertain to the Appellant and the Observer. The observations are summarised in the Planner's Report and are on file for the Commission's information. I am satisfied that the main points are covered by the grounds of appeal which are set out in detail in Section 7.

4.0 **Planning History**

Subject Site

- 4.1. **Planning Authority Reference 04/501:** An application was withdrawn seeking permission for two dwellings on the site. It is stated in the Planner's Report that the reason for withdrawal reasons related to the Applicant's legal interest.

5.0 **Policy Context**

5.1. **County Donegal Development Plan 2024-2030**

- 5.1.1. The site is located in an area designated as an Area of High Scenic Amenity.

- 5.1.2. Chapter 21 Settlement Frameworks identifies settlement envelopes, town centre boundaries and land for inter alia residential, amenity, opportunity sites, community & education facilities, regeneration opportunities and TEN-T Priority Route Improvement Projects, Donegal and the latter is in the case of Lifford only. The site is located on unzoned land within the boundary of the Settlement Framework of Mountcharles.
- 5.1.3. As the site is within the settlement boundary, it is my opinion that the rural housing policies would not apply.

Chapter 6 – Housing

- 5.1.4. UB-P-4: To ensure that new residential development is carried out in serviced areas or those areas where the provision of required planned infrastructure (e.g. roads, footpaths, wastewater, water supply social and community infrastructure etc. including school provision) is imminent.
- 5.1.5. UN-P-9: It is the policy of the Council both to protect the residential amenity of existing residential units and to promote design concepts for new housing that ensures the establishment of reasonable levels of urban residential amenity.
- 5.1.6. UB-P-10 It is a policy of the Council to require layouts of residential development to be designed and constructed having regard to best practice in terms of Universal Design, including the guidance for housing development set out in the National Disability Authority publication, 'Building for Everyone: A Universal Design Approach'.

5.2. **Natural Heritage Designations**

- 5.2.1. The site is not located within or immediately adjacent to any European Sites. The nearest European Sites are:
- Donegal Bay SPA (Site Code: 004151), c. 540m to the south/south-east.
 - Donegal Bay (Murvagh) SAC (Site Code: 00133), c. 540m to the south/south-east.

6.0 **EIA Screening**

- 6.1. 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.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. A Third Party appeal has been received from Mullin and Sons Ltd, for and on behalf of Agnes Mullin. The grounds of appeal can be summarised as follows:

- Access arrangements rely on lands that are not available to the Applicant. These lands are required to facilitate access and visibility standards. There is uncertainty as to whether or not the development can be implemented in accordance with the permission.
- Visibility splays and sightlines do not reflect on-site conditions. Visibility is constrained by speed, road alignment, gradient, boundary features, vegetation and roadside enclosure.
- Visibility cannot be achieved and maintained within the Applicant's ownership.
- The development would introduce an additional vehicle entrance where multiple entrances exist in close succession. It would create a traffic hazard and increase the risk of vehicle conflict.
- A Traffic Assessment has not been submitted.
- The site is in a sensitive location with an absence of footpaths, proximity to a school, opposite a church and subject to regular pedestrian movements including elderly and children. An additional access presents an unacceptable risk.
- The access is substandard, narrow, and shared. There are no facilities for pedestrians, and the development would intensify its use.
- A legal right of way does not address the suitability of the laneway for additional residential traffic, servicing, or emergency access. It does not address access/visibility, maintenance, widening, or shared use.
- The access and associated traffic movements would result in increased noise, headlight disturbance and safety concerns.

- Access work impacts on local surface water management have not been examined.
- Conditions cannot be used to remedy fundamental deficiencies in a proposal and fail to address Road Safety concerns.
- The lane is prone to flooding and there is a need for extensive drainage interventions.
- The application includes third party land within the red line boundary.
- Entrance pillars and gates that define and physically control the access road are owned by a third party. They materially affect access and visibility. The architects have failed to show these structures and the entrance to the driveway of station house. This is misleading and a material omission.
- The pillars and gates are part of the historical fabric of the former railway. No assessment of the development's impact on historical context has been provided.
- Claims that no works are proposed to the existing boundaries are inconsistent with the inclusion of third party lands and structures within the red line plan.
- There has been a lack of transparency and deficient public participation. A letter from the Applicant's solicitor has not been included on the public file and no documentary evidence of access rights, ownership or consent has been made public.
- The OPR have been critical of DCC and highlighted the need for a precautionary and rigorous approach to development on narrow rural roads such as those in the Mountcharles area. This was not addressed in the planner's Report.

7.2. Applicant Response in the case of a 3rd Party Appeal

7.2.1. A response has been received from William Donoghue and Associates, for and on behalf of the Applicants, Gregory and Monica Gallagher. The main points can be summarised as follows

- The site is not located on a fast rural road. It is within the settlement boundary of Mountcharles in an area characterised by established residential frontage development with numerous individual accesses onto the village road (50km/h) where there is discontinuous pedestrian infrastructure typical of a small Donegal town/village.

- The proposal is small scale residential infill and aligns with CDP objectives to accommodate housing growth within settlements.
- The appeal seeks to apply standards that would effectively sterilise infill sites within settlements.
- Policy requires that development does not give rise to a traffic hazard, not that village streets be retrofitted to rural or regional road standards.
- The proposal is for a single house and traffic generation will be minimal and consistent with existing residential use.
- The Appellant's traffic hazard claims are unsubstantiated and unsupported by evidence. They are speculative concerns.
- Visibility to the north does not rely on Third Party ownership. Visibility to the south does but consent has been obtained. No works are proposed on lands without ownership or consent.
- ACP have held that it is appropriate to grant subject to conditions where compliance is achievable, conditions are a lawful mechanism to ensure road safety, and permission should only be refused where compliance is demonstrably impossible.
- Access to the site is via a legally established and unrestricted right of way extending from the public road to the site, approximately 2.7m in width and typical of accesses serving single dwellings in villages and semi-rural contexts in Donegal.
- The planning system is not the forum for resolving private legal disputes. Freehold ownership is not required where legally enforceable easements exist, and reasonable improvement works are permissible to ensure safe use.
- Concerns regarding cumulative entrances and village road function are unfounded given the existing numerous residential accesses along the road, low traffic volumes associated with individual dwellings, and the absence of any collision patterns or congestion.
- Absence of pedestrian footpaths is a feature of the existing village environment. The proposal would not materially alter pedestrian conditions or give rise to an unacceptable hazard.

- Surface water and drainage were addressed by condition. The Appellant offers no hydrological or engineering evidence to demonstrate flood risk, inadequacy of proposed measures or a failure of the Planning Authority's approach.
- The appeal relies on assertion, selective photography and anecdotal commentary. It is subjective and speculative.
- The Appellant lives in London and does not experience the day to day operation of the village road network.
- Claims regarding the ongoing maintenance of adjoining lands are not supported by the evidence which shows lack of upkeep and unmanaged vegetation.
- In appeals relating to small villages, ACP has consistently accepted direct access onto village roads, rejected the application of rural roads standards in settlement boundaries, recognised the absence of footpaths as a common legacy issue, and upheld permissions for single dwellings where traffic generation is modest and conditions are imposed.
- The Applicant's drawings clearly distinguish between lands under the Applicant's control and lands subject to consent.
- Visibility splays have been agreed with the roads authority and are reflected in revised drawings.
- The Appellant's own mapping illustrates the right of way and undermines their argument.

7.3. Planning Authority Response

7.3.1. The Planning Authority response to the appeal can be summarised as follows:

- The access is a private laneway. The use of the laneway is a civil matter.
- Consider that the Applicant has demonstrated sufficient legal interest and related issues are civil matters.
- The subject site is within the settlement framework of Mountcharles and the principle of development is acceptable.
- The site entrance is on a 50km/h zone where speeds are generally slower due to nearby junctions. Visibility can be achieved without reliance on a Third party.

- The Applicant has submitted a legal document to confirm the extent of their land ownership which is suitable to permit the construction of a dwelling.
- No amenity impacts are anticipated.

7.4. Observations

7.4.1. An observation has been received from Peter Kennedy. The main points can be summarised as follows:

- The access lane extends beyond the Applicant's legal boundary and encroaches onto the Observer's lands. The narrow agricultural laneway is in the Observer's ownership and is necessary to preserve safety.
- Development would materially interfere with lawful access and the safety and enjoyment of the Observer's home.
- The proposal gives rise to unacceptable traffic safety risk due to the nature and form of the access and hazardous turning movements.
- Access is required by the Observer at all times due to the nature of their work as a taxi driver.
- Development would lead to increased traffic movements, turning conflicts, damage to neighbouring land and property, substantial costs and requirements for compensation, and loss of established residential safety and character.
- The access is substandard, narrow, lacks pedestrian provision and would compromise safety.
- The proposal fails to comply with accepted road design and safety guidance due to restricted visibility, insufficient carriageway width, absence of pedestrian protection, and overdevelopment of minor roads.
- There is no benefit to the local environment, and it is not financially viable.
- The development fails to comply with the Donegal County Development Plan due to overdevelopment of minor roads, hazardous proliferation of entrances and intensified traffic, creation of a traffic hazard, flooding and impacts on a natural water course, alterations to the rural character, residential amenity, and safety, reliance on substandard sightlines, restricted geometry and constrained access arrangements.
- There has been a lack of consideration of the brook which flows under the lane and regulates water from Station Road to the shore.

8.0 **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, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues to be considered in this appeal are as follows:

- Ownership and Legal Interest
- Access and Traffic Safety
- Amenity
- Flooding and Drainage
- Procedural Matters

8.2. **Ownership and Legal Interest**

8.2.1. A number of issues are raised regarding ownership and legal interest. The Appellant submits that the application includes lands within the red line boundary that are not within the Applicant's control. This issue is echoed by the Observer. Further matters are raised in connection to this matter in the context of traffic safety and visibility, I will deal with these separately below.

8.2.2. The Applicant submits that they have the benefit of a legally established and unrestricted right of way extending from the public road to the site, and that no works are proposed on lands without ownership or consent. The Applicant argues that the drawings clearly distinguish between lands under the Applicant's control and lands subject to consent and it is submitted that the Appellant's own mapping illustrates the right of way, undermining their argument. It is stated that the planning system is not the forum for resolving private legal disputes and that freehold ownership is not required in situations where a legally enforceable easement exists and reasonable improvement works are permissible to ensure safe use.

- 8.2.3. The Planning Authority considered that the access is a private laneway and the use of such is a civil matter. It was considered that Applicant demonstrated sufficient legal interest.
- 8.2.4. At the outset I would advise the Commission that I do not doubt the existence of a right of way that benefits the Applicant. The Applicant's field is accessed from the main road via the laneway, this is the only way to access the land, and it seems reasonable to me that a right of way would exist. Furthermore, and as pointed out by the Applicant, the documentation and plans submitted by the Appellant indicate a right of way to the benefit of the Applicant. As shown on the map in Appendix B of the Appellant's submission, a right of way is highlighted in yellow and extends from the main road to the second set of agricultural gates. This would also align with the map provided by the Applicant's solicitor as part of the Further Information submission that sought to demonstrate ownership/rights of way.
- 8.2.5. However, the site plan submitted with the application extends the red line boundary to the first set of agricultural gates. The land registry entry for Folio 26562 (the Applicant's land) does not show this stretch of the lane (or in fact any part of the lane) as being within the Applicant's control. From the information available to me on file, including the submissions made by both the Appellant and the Applicant, the claim that the red line plan extends beyond the Applicant's ownership appears to be entirely reasonable and based on the information on file, it seems at least possible that the Applicant's ownership doesn't start until the second set of agricultural gates. This wouldn't change my conclusions on the matter of a right of way, which I conclude does exist for the benefit of the Applicant.
- 8.2.6. I also note that the existing laneway where the Applicant claims a right of way is only surfaced as far as the Observer's property. The remainder of the laneway is a narrow and constrained grass track, consistent with its nature as an agricultural access. Upgrade works would therefore be required to the laneway outside of the Applicant's control in order to surface it in a manner suitable for vehicles and it is not clear from the documentation whether the terms of the easement provide for this. Even if they do, the right of way is specifically for nine feet (as set out in the documentation provided by the Appellant and referred to by the Applicant) which would not address the constrained and narrow nature of the lane.

8.2.7. Whilst I agree with the Planning Authority that issues regarding title to land are civil matter for the courts, noting that the planning system is not designed as a mechanism for resolving disputes about title to land or rights over land, and that Section 34(13) of the Planning Act does not entitle a person solely by reason of a permission to carry out any development, I do consider that this is a matter that should be resolved by way of Further Information in the event that the Commission grant permission, given that an accurate red line plan is fundamental to the terms of the application and the documentation of same.

8.3. Access and Traffic Safety

8.3.1. The core issue raised in both the appeal and the observation is that the development would compromise road safety and create a traffic hazard as a result of the constrained access, the intensified use, and the presence of multiple entrances in close succession. Concerns are raised regarding the lack of pedestrian facilities, and it is stated that a legal right of way does not address the unsuitability of the laneway for additional residential traffic, servicing, or emergency access. It is argued that visibility splays cannot be achieved without reliance on Third Party lands.

8.3.2. The Applicant argues that there is a legally established and unrestricted right of way and that the access proposed is typical of villages and semi-rural contexts in Donegal. The Applicant submits that visibility splays can be achieved without relying on third party lands and that traffic generation would be low. It is the Applicant's position that the site is suitable for development in a traffic and transport context.

8.3.3. At the outset I would advise the Commission that my traffic related concerns relate to the laneway only. I have considered the issues raised on the wider road and pedestrian network but I consider these to be generally unfounded. The site would be accessed from the L-1875-1 via a shared laneway that serves the dwelling fronting onto the L-1875-1, in addition to the Applicant's site and another agricultural landholding which is located to the north of the subject site. The access laneway is dog legged with a straight formation from the L-1875-1 in a south/south-west direction and then turning to proceed in a south-east direction. The laneway narrows significantly following the turn and remains so for the remainder of its length. Shortly after the turn to the south-east there is the first set of agricultural gates, followed by a second set of gates around 22m further down the lane as it moves into the Applicants site. The gated entrance to

the adjoining agricultural landholding to the north is immediately adjacent, and almost perpendicular to, the second set of gates.

- 8.3.4. The Applicant's right of way extends from the boundary of the L-1875-1. On the plans submitted, this extends to the first set of agricultural gates, at which point the plans show the rest of the lane as being within the red line plan and under the Applicant's control. The Commission will note my previous concerns regarding the accuracy of the red line plan. From the turn to the south-west the laneway narrows. The narrowest points are 2.7m wide and the Applicant's right of way is for nine feet (c2.74m). Some isolated parts of the lane do widen but for the most part it is narrow, the 6.5m measurement on the drawings appears to be reflective of the planning boundary as opposed to laneway width and does not reflect the width noted at my site inspection. I would note that ditch and bank boundaries further impede the width of the lane but that c. 2.7m would be the minimum width I encountered. From the turn in the laneway where it narrows, the distance to the exit from the lane into the wider development site is c.69m.
- 8.3.5. Addressing visibility first, I have no concerns regarding visibility from the laneway onto the main road or visibility from the observer's dwelling onto the shared lane. In my opinion suitable visibility would be provided onto the main road and the maintenance of visibility splays would not require any interventions on Third Party land.
- 8.3.6. However, in my opinion the nature and constrained width of the laneway after it turns to the south-west, in addition to the length of the narrow section, is such that it would not be appropriate or sufficient to serve additional residential development. The proposed dwelling would intensify the use of the constrained section of the lane and could lead to vehicle conflict with vehicles emerging from the Observer's dwelling as well as agricultural traffic emerging from the field to the north. Whilst I note that this section of the laneway is generally straight, the overall distance is long at 69m and would necessitate vehicles reversing long distances in the event that they meet.
- 8.3.7. Again, noting the width and length of the narrow section of the lane, I would have concerns regarding how the site would be serviced, particularly with regard to access for emergency vehicles. Although generally a matter for building control, the Building Regulations Part B Table 5.1 requires an access road of minimum width 3.7 metres, an access/gateway of minimum 3.1 metres and that a fire-fighting appliance should be

able to get within 45m of the principal entrance to a house. I do not see how these standards would be achieved.

- 8.3.8. Furthermore, I have no objection to the principle of developing the land for residential use, given its location within the settlement boundary and the fact that it wouldn't result in any amenity impacts. However, I do believe that permitting residential on this site, would set an undesirable precedent for the provision of further residential development relying on the laneway as an access, particularly having regard to the Applicant's wider landholding, the disposition of the carved out development site within that landholding, and the adjoining field to the north.
- 8.3.9. Notwithstanding the potentially low traffic nature of a dwellinghouse it is, overall, my opinion that the proposed development would be accessed from a substandard and constrained laneway that is inadequate in terms of its width and structure and would, therefore, endanger public safety by reason of a traffic hazard. Furthermore, having regard to the other lands accessed from the same laneway, including the neighbouring field to the north in addition to the Applicant's wider landholding, it is considered that the proposed development would set an undesirable precedent for future residential development reliant on this deficient access that would further intensify road safety impacts. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

Amenity

- 8.3.10. In regard to amenity issues raised in the appeal in terms of noise and disturbance from vehicles using the laneway, I do not consider that these impacts would be so significant as to warrant refusal of permission, having regards to the location of the site within the settlement boundary. Property damage would be a civil matter.

8.4. Flooding and Drainage

- 8.4.1. Concerns are raised by both the Appellant and the Observer in regard to surface water implications of the small stream that passes under the access laneway. It is submitted that the stream causes flooding, that insufficient consideration has been given to the impact of access works on surface water management and that extensive drainage interventions would be needed.

- 8.4.2. The Applicant considers that surface water and drainage were addressed by condition and argues that the Appellant offers no hydrological or engineering evidence to demonstrate flood risk, inadequacy of proposed measures or a failure of the Planning Authority's approach.
- 8.4.3. The stream is on land outside the Applicant's control. While I note the content of the Council's conditions, it is not clear how they would be addressed. The Commission should note my comments above with regard to potential errors on the red line plan and the terms of the easement. The access lane rises from the stream to the second set of agricultural gates, which from the available documentation appears to be where the Third Party ownership ends and the Applicant's ownership begins, although for reasons stated this would conflict with the red line plan. From this point the land slopes downwards to the Applicant's proposed dwelling. No surface water from this part of the site would fall towards the stream or exacerbate flooding.
- 8.4.4. The surface water that would require management would be that water which would flow back down to the stream from the second set of gates. The Council's conditions require a full frontage or roadside drain. From the information available to me this would constitute work outside the Applicant's control but on land on which the Applicant has the benefit of a right of way, albeit restrictive in width. I have no objection to the principle of the Council's condition, and I consider that it would address the matter. However, the issues of ownership and legal interests to carry out those works needs to be resolved. I recommend that the Commission address this by way of Further Information in the event that permission is granted.

8.5. **Procedural Matters**

- 8.5.1. A number of procedural matters have been raised by the Appellant, including that the process hasn't been transparent as letters provided by the Applicant's solicitor are not on public file, meetings were conducted with the Area Engineer regarding visibility without involving all parties, and that no heritage assessment has been undertaken with regard to the historically significant railway structures (stone gate pillars).
- 8.5.2. The letter from the Applicant's solicitor is on the planning register and was submitted in response to the Further Information request. I have addressed the letter earlier in this report. The meeting with the Area Engineer, as noted in the Planner's Report, was on the matter of visibility splays. From the Planner's Report it appears that this meeting

was confirming facts on site, i.e. that the entrance should be at 90 degrees to the roadway and that vision lines of 70m can be achieved in each direction without additional works. I do not consider that the interests of any parties were prejudiced by this meeting. In terms of the stone pillars at the second agricultural entrance gate, I note that these are not covered by any heritage designation. Furthermore, it is not stated in the appeal documentation that the pillars would be removed.

9.0 **AA Screening**

9.1. I have considered the proposal in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in Mountcharles and located around 540m from the European Sites of Donegal Bay, which are the closest European Sites to the subject site. The development is for a single dwellinghouse with associated wastewater treatment system. No appropriate assessment issues were raised as part of the appeal. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European site. The reason for this conclusion is as follows:

- The nature and scale of the works and the availability of wastewater services.
- The location of the site, the surface water proposals, the proposed wastewater treatment plant and site suitability assessment
- The separation distance from the nearest European site and lack of meaningful connections.
- The screening determination of the Planning Authority.

9.2. I conclude, on the basis of objective information, that the 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 (under Section 177V of the Planning and development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1. There are no water courses in the immediate vicinity of the appeal site. The proposal is for a new dwelling. No water deterioration concerns were raised in the planning appeal. 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 & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.
- 10.2. 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 nature and scale of the works;
 - The location of the site, the surface water proposals, the proposed wastewater treatment plant and site suitability assessment.
- 10.3. 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.

11.0 Recommendation

- 11.1. I recommend that the Commission refuse planning permission, for the reasons and consideration stated below.

12.0 Reasons and Considerations

1. The proposed development would be accessed from a substandard and constrained laneway that is inadequate in terms of its width and structure and would, therefore, endanger public safety by reason of a traffic hazard. Furthermore, having regard to the other lands accessed from the same laneway, including the neighbouring field to the

north in addition to the Applicant's wider landholding, it is considered that the proposed development would set an undesirable precedent for future residential development reliant on this deficient access that would further intensify road safety impacts. 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."

Terence McLellan
Senior Planning Inspector

22nd April 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500636-DL-26
Proposed Development Summary	Construction of a dwelling and garage with all associated site works.
Development Address	Hall Demesne, Mountcharles, 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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(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)	

<p>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</p>	
<p><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.</p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p>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?</p>	
<p><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 of the Roads Regulations, 1994. No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. 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>Class 10. Infrastructure projects (b) (i) Construction of more than 500 dwelling units.</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>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>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500636-DL-26
Proposed Development Summary	Construction of a dwelling and garage with all associated site works.
Development Address	Hall Demesne, Mountcharles, Co. Donegal.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(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).</p>	<p>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</p> <p>The proposed development is for the construction of a single storey detached dwelling house with wastewater treatment system and polishing filter. The project due to its size and nature will not give rise to significant production of waste during both the construction and operation phases or give rise to significant risk of pollution and nuisance.</p> <p>The construction of the proposed development does not have potential to cause significant effects on the environment due to water pollution. The project characteristics pose no significant risks to human health. The proposed development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p>

<p>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).</p>	<p>Briefly comment on the location of the development, having regard to the criteria listed</p> <p>The site is within the settlement boundary of Mountcharles.</p> <p>The subject site is not located in or immediately adjacent to ecologically sensitive sites. It is considered that, having regard to the limited nature and scale of the development, there is no real likelihood of significant effect on other significant environmental sensitivities in the area.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p> <p>The size of the proposed development is notably below the mandatory thresholds in respect of a Class 10 Infrastructure Projects of the Planning and Development Regulations 2001 as amended. There is no real likelihood of significant cumulative considerations having regard to other existing and/or permitted projects in the adjoining area.</p>
<p>Conclusion</p>	

Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)