



An
Coimisiún
Pleanála

Inspector's Report PL-501134-DL-26

Development	Construction of a dwelling and garage including all associated site works.
Location	Kirkstown, Letterkenny, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2660053
Applicant(s)	Kirk Mullen
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Joan Cullen
Observer(s)	None
Date of Site Inspection	6 th July 2026
Inspector	Elaine Power

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	5
3.4. Third Party Observations	5
4.0 Relevant Planning History	5
5.0 Policy Context	6
6.0 EIA Screening	9
7.0 The Appeal	9
7.1. Grounds of Appeal	9
7.2. Applicant Response	10
7.3. Planning Authority Response	11
7.4. Observations	11
8.0 Assessment	12
9.0 AA Screening	18
10.0 Water Framework Directive	19
11.0 Recommendation	20
12.0 Reasons and Considerations	20
13.0 Conditions	20
Appendix 1: EIA Pre-Screening	
Appendix 2: EIA Preliminary Examination	

1.0 Site Location and Description

- 1.1. The appeal site is located within cluster of dwellings in the townland of Kirkstown, Co. Donegal, c. 2km west of Letterkenny town centre. The surrounding area is in transition from a traditional rural settlement to a suburban area. There are a significant number of dwellings fronting onto the local road network.
- 1.2. The appeal site has a stated area of 0.325 ha and forms part of a larger landholding with the ownership of the applicants family. The site is bound to the north, south and east by existing dwellings and to the west (rear) by greenfield lands. The site is gently sloping in a north to south direction. The site boundaries generally comprise mature trees and vegetation. There is an open drain located to the rear of the site.
- 1.3. There is an existing disused agricultural gate to the site which provides access to a private road. The entrance to the site is located c. 65m from the L5944 (public road). This private road currently provides access to one house to the south of the appeal site.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a part single / part two-storey dwelling house with a stated area of 258sqm and septic tank and a separate domestic garage with a stated area of 109sqm.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 15 no. conditions.

Condition 2 restricts the occupancy of the dwelling to a person who belongs to the same category of housing need as the applicants for the first seven years.

Condition 3 excludes the use of the house as a holiday home or short term rental accommodation.

Condition 4 requires permanent visibility splays of 70m to be maintained in each direction to the nearside road edge at a point 2.4m back from road edge at location of the vehicular entrance where the private road adjoins the local road.

Condition 5 requires the roadside boundary to be removed along entire road frontage of site and a new dark stained tanalised timber fence, back planted with a hedgerow of species native to the area, to be located along a line at least 5 metres from centre line of private road. The fence and hedgerow 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 of Chapter 16 (Technical Standards) of the County Donegal Development Plan, 2024-2030 and based on new fenceline.

Condition 6 requires all overhead and underground poles and lines to be set back to line of new fenceline at developer's expense, and no obstructing pole(s) shall be left on layby.

Condition 12 requires all site boundaries to be planted with hedgerow of semi-mature species native to the area and at least 10 no. semi mature broadleaf trees to be planted within the first planting season.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planners Report dated 10th March 2026 notes the sites location within the settlement framework of Letterkenny on lands zoned Local Environment. Policy LK-H-P-4 provides for limited residential development on lands zoned Local Environment subject to a genuine local housing need and design considerations. The report notes the applicants longstanding connection to the local area and considers that the proposed siting and design would integrate satisfactorily with the surrounding development pattern and would not adversely impact on the character of the area or existing residential amenity.

Having regard to the comments of the Roads Section and the limited scale of development proposed (a single dwelling), it is considered that the proposal would not give rise to an unacceptable traffic hazard and subject to compliance with the EPA Code of Practice and appropriate planning conditions, it is considered that the

proposal can adequately treat and dispose of wastewater without risk to public health or the environment.

The report concludes that having regard to the location of the subject site, outside of and removed from any sensitive designations, to the nature and scale of the development and the policies of the current development plan, it is considered that subject to compliance with conditions the proposed development would not injure the amenities of the area, would not be prejudicial to public health and would not endanger public safety by reason of a traffic hazard.

3.2.2. *Other Technical Reports*

Area Engineer: Report dated 5th February 2026 stated that there was no objection subject to standard conditions.

3.3. *Prescribed Bodies*

Uisce Eireann: Report dated 28th January 2026 states that there is insufficient information submitted with the plans and particulars to ensure adequate provision of public water and wastewater services and to assess feasibility of connection(s) to the network, the applicant is requested to submit the following information to Donegal County Council Planning Authority by way of Further Information.

3.4. *Third Party Observations*

The Planning Authority received five submissions. The concerns were raised regarding traffic safety and access arrangements, landownership, residential amenity, visual amenity, design and scale of the house, the scale, location and use of the garage and wastewater.

An email in support of the proposed development was submitted by way of unsolicited further information from Cllr. Ciaran Brogan.

4.0 *Relevant Planning History*

Appeal Site

None

Surrounding Sites

24/50071: Permission was granted in 2024 to an extension and alteration to an existing house to the east of the appeal site

5.0 Policy Context

5.1. *Letterkenny Plan and Local Transport Plan 2023 – 2029*

This is a statutory document that is referred to as an LAP in Chapter 2 of the Donegal Development Plan 2024 – 2030. The appeal site is zoned ‘Local Environment’ with the associated land use objective to *provide for limited development only ensuring no significant negative impact on the landscape setting or the biodiversity quality of the area.*

Residential development is open for consideration. There is a footnote with this objective which states that proposals for single dwellings may be considered under this zoning objective where they otherwise accord with, inter alia, the Councils housing policies, conservation policies and policies regarding the appropriate integration of development into the receiving landscape.

The following are considered relevant.

Policy LK-H-P-4: It is a policy of the Council to consider limited residential development proposals in areas identified as ‘Local Environment’ in accordance with the following:

- Proposals for single dwellings within areas zoned ‘Local Environment’ will only be considered in circumstances where the land in question is in family ownership and where the applicant/s can demonstrate a genuine need to reside on the subject site. Proposals for multiple housing developments (i.e. 2 or more dwellings) within areas zoned ‘Local Environment’ will not be considered.
- Any proposal for a single dwelling on lands zoned as ‘Local Environment’ will only be permitted where it can be demonstrated that the proposal:
 - a) Would integrate harmoniously with the local landscape, utilising and retaining key landscape features such as trees and hedgerows and;

b) Would not have an adverse impact on the existing character of the area or the residential amenity of adjoining properties.

5.2. ***Donegal Development Plan 2024 - 2030***

Chapter 6 Housing sets out policies and objectives relating to residential developments. The following are considered relevant.

Policy UB-P-5 CC: It is the policy of the Council to guide urban residential development in a sequential manner, outwards from the core area in order to maximise the utility of existing and future infrastructure provision, promote the achievement of sustainability, avoid 'leap- frogging' to more remote areas and to make better use of underutilised land.

Policy UB-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.

5.3. ***EPA Code of Practice Domestic Wastewater Treatment Systems,2025***

This document provides guidance on the site characterization, design, operation, and maintenance of domestic wastewater treatment systems.

5.4. ***Northern and Western Regional Spatial Economic Strategy 2020-2032***

The RSES provides a high-level development framework for the Northern and Western Region that supports the implementation of the National Planning Framework (NPF) and the relevant economic policies and objectives of Government. It provides a 12-year strategy to deliver the transformational change that is necessary to achieve the objectives and vision of the Assembly.

The site is located within the Letterkenny Regional Growth Centre. The Strategic Plan for Letterkenny provides a framework for growth and investment to build its function as the primary urban centre in Donegal. Relevant Policies include

- **RPO 3.7.20:** To grow Letterkenny to a Regional Centre to a minimum of 27,300 residents by 2040.
- **RPO 3.7.22:** To ensure that at least 40% of all newly developed lands (Residential, Enterprise and Employment) are within the existing built-up urban area of Letterkenny.

- **RPO 3.7.23:** To provide an additional 3,000 - 4,000 residential units within Letterkenny to facilitate the growth as set out in RPO 3.7.20, above.

5.5. ***National Planning Framework First Revision (2025)***

The National Planning Framework is a high-level strategic plan for shaping the future growth and development of the county to 2040. It is a framework to guide public and private investment, to create and promote opportunities for our people, and to protect and enhance our environment - from our villages to our cities, and everything around and in between.

It states that the major policy emphasis on renewing and developing existing settlements established under the NPF 2018 will be continued, rather than allowing the continual expansion and sprawl of cities and towns out into the countryside, at the expense of town centres and smaller villages. It includes revised figures of 50,000 units per annum in the years to 2040. The NPF was revised to allow planning for an additional 950,000 people in Ireland between 2022 and 2040.

Relevant Policy Objectives include:

- National Policy Objective 7: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.
- National Policy Objective 8: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- National Policy Objective 9: Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- National Policy Objective 12: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Policy Objective 14: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets that can accommodate changing roles and functions, increased residential population and employment activity,

enhanced levels of amenity and design and placemaking quality, in order to sustainably influence and support their surrounding area to ensure progress toward national achievement of the UN Sustainable Development Goals.

5.4 Natural Heritage Designations

The appeal site is not located within or immediately adjacent to a designed area. The nearest designated sites are as follows:

- Lough Swilly SAC (002287), c. 3.6km southeast of the appeal site.
- Leannan River SAC (002176), c 5.1km northwest of the appeal site.
- River Swilly Valley Woods pNHA (002011), 700m south of the appeal site.
- Lough Swilly Including Big Isle, Blanket Nook and Inch Lake pNHA (000166), c.3.6km southeast of the appeal site.
- River Swilly Valley Woods (002011) c. 4.2km northeast of the appeal site
- Leannan Valley Woods (001155), c 5.1km northwest of the appeal site.

6.0 EIA Screening

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment, refer to Appendix 1 and 2 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

The third party appeal from Joan Cullen against the Planning Authority's decision to grant permission includes a copy of the Planning Authority's Decision Notification and the appellants original submission. The planning grounds raised in the appeal are summarised below.

- The size of the proposed house is excessive and not in keeping with the traditional character of the five adjacent bungalows.
- The proposed development would negatively impact on the residential amenity of adjacent properties with regard to overlooking.
- Concerns regarding traffic safety due to the existing 70m sightlines. The local road is a busy route as it is used to avoid Letterkenny. There have been two previous traffic accidents at this location.
- Concerns that the site floods. Surface water from the site currently flows onto the public road. Photographs are submitted with the appeal indicating surface water run off.
- Uisce Eireann initially confirmed that there was insufficient information submitted with the application.

7.2. Applicant Response

The applicants response to the appeal is summarised below.

Principle of Development

- The appeal site is located within the town boundary of Letterkenny and zoned Local Environment.
- The proposed development complies with policy LK-H-P-4. The site is within family ownership, and the house would be a permanent family home.

Design Approach

- The design of the house was considered acceptable to the Planning Authority.
- The proposed house respects the established building line of the adjacent property and is located within a cluster of residential dwellings.
- The location of the house and the garage, the proposed hedge and the limited height of the house ensure there is no overlooking of adjacent properties.

Traffic

- The access lane is an established and existing access to the families landholding.

- The proposed development does not include a new vehicular access. The lane is currently used by the applicants family to access their landholding. There would be no additional traffic generated by the proposed house as the applicant currently uses the surrounding road network.
- The speed limit is 60km/hr with 70m sightlines, which is in accordance with Donegal County Council Technical Standards.
- The traffic accidents referred to by the appellant occurred over a 25 year period and related to driver error and not the design of the road.

Flooding

- Resurfacing of the public road has caused the boundary wall at the appellants property to be lower than the road. This results in surface water draining towards her property. Donegal County Council have provided a drain at this location. However, it can become blocked and surface water cannot enter the public network.
- The existing private access lane includes surface water drainage which connects to the public network. No surface water from the access lane flows to the public road.
- The proposed development would not result in any surface water run off onto the public road.

7.3. Planning Authority Response

The Planning Authority note the content of the appeal and consider that all matter raised in the appeal were previously addressed in the Planners Report. The Planning Authority refer the Commission to the Planners Report and request that the decision to grant permission is upheld.

7.4. Observations

None

8.0 Assessment

8.1. Having examined the appeal details and all other documentation on file, including all of the submissions received in relation to the appeal, the report of the local authority and inspected the site, and having regard to relevant policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development.
- Residential Amenity.
- Water Services.
- Traffic.
- Other Issues.

8.2. ***Principle of Development***

8.2.1. The appeal site is zoned 'Local Environment' in the Letterkenny Plan and Local Transport Plan 2023 - 2029 with the associated land use objective to *provide for limited development only ensuring no significant negative impact on the landscape setting or the biodiversity quality of the area*. Residential development is open for consideration. There is a footnote with this objective which states that proposals for single dwellings may be considered under this zoning objective where they otherwise accord with, inter alia, the Councils housing policies.

8.2.2. The relevant housing policy is Policy LK-H-P-4 of the Letterkenny Plan and Transport Plan. It states that proposals for single dwellings within areas zoned 'Local Environment' will only be considered in circumstances where the land in question is in family ownership and where the applicant can demonstrate a genuine need to reside on the subject site.

8.2.3. The information provided indicates that the appeal site is within the applicants ownership and forms part of a larger family landholding. The application form states that the applicant current lives with his parents / family and that the proposed house would be his permanent family home. With regard to a genuine need to reside at the subject site the application form states that the applicant wishes to be close to family. The response to the appeal states that the applicants family have farmed and lived in the area for generations and that the applicant would continue to farm the family lands.

Having regard to the sites location within the town boundary of Letterkenny and the applicants social ties to the area I agree with the Planning Authority that the applicant complies with the provisions of Policy LK-H-P-4.

- 8.2.4. In addition, Policy UB-P-5 CC of the Development Plan seeks to guide urban residential development in a sequential manner, outwards from the core area in order to maximise the utility of existing and future infrastructure provision, promote the achievement of sustainability, avoid 'leap- frogging' to more remote areas and to make better use of underutilised land. National Policy Objective 7 of the National Planning Framework (NPF) aims to deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth. RPO 3.7.20, RPO 3.7.22 and RPO 3.7.23 of the North-West RSES all support the compact growth of Letterkenny and increased population and residential units within the Regional Centre.
- 8.2.5. It is my view that the provision of a single house on this zoned site within a cluster of residential dwellings within the settlement boundary of Letterkenny is acceptable in principle and would contribute towards consolidating the urban environment which is in accordance with national, regional and local policy objectives.

8.3. ***Design Approach***

- 8.3.1. Policy LK-H-P-4 of the Development Plan also states that any proposal for a single dwelling on lands zoned as 'Local Environment' will only be permitted where it can be demonstrated that the proposal would integrate harmoniously with the local landscape, utilising and retaining key landscape features such as trees and hedgerows and would not have an adverse impact on the existing character of the area or the residential amenity of adjoining properties.
- 8.3.2. The third party raised concerns that the proposed house is excessive and not in keeping with the traditional character of the five adjacent bungalows.
- 8.3.3. The proposed development comprises the construction of part single / part 2 storey house with a stated area of 258sqm and a separate single storey garage with a stated area of 109sqm. The house and garage are located in the eastern (front) portion of the site. The western (rear) portion of the site comprises the rear garden and would accommodate the septic tank and percolation area.

- 8.3.4. The ground floor of the proposed house has a stated area of 194sqm and accommodates an open plan Kitchen / Dining / Living Room, a separate dining room, utility room, home office, entrance hall, master bedroom with ensuite, a bathroom and associated storage and circulation areas. The first floor has a stated area of 64sqm and accommodates three bedrooms and a bathroom with associated circulation space.
- 8.3.5. The house has a contemporary design approach and generally comprises two separate elements, in this regard a single storey element and a two storey element. The two storey element has a pitched roof with a maximum height of c. 7.6m. The single storey element has a pitched roof with a maximum height of c. 4.7m. The two elements of the building are connected by the main entrance which has a flat roof element, c. 3m in height.
- 8.3.6. Details of the proposed external material are not provided. However, the drawings indicate that the two storey element would be finished in render, while the single storey element would be finished a contrasting material which appears to be metal cladding or timber. The single storey element appears to have a stone finish on the front elevation. I have no objection to the contemporary design approach. However, it is considered appropriate that a condition be attached to any grant of permission that the final external materials be agreed with the Planning Authority.
- 8.3.7. The proposed single storey garage had a pitched roof with a maximum height of c. 6.6m. The drawings submitted indicate that it would have a render finish. The garage is subdivided internally to provide a c. 45sqm storage area and a c. 70sqm vehicular garage. The drawings submitted stated that the storage area would be used for the storage of surfboards, kayaks and bikes. I have no objection in principle to the proposed garage, however, given its size it is considered appropriate that a condition be attached that it remain ancillary to the main dwelling house.
- 8.3.8. There is existing mature vegetation along the sites boundaries. The Site Layout Plan submitted indicates that additional planting would be provided to screen the proposed house.
- 8.3.9. The proposed house is located within a cluster of residential dwellings within the town boundary of Letterkenny. The surrounding area is in transition from a traditionally rural settlement to a suburban area. The appeal site is a greenfield site previously used for

agriculture. There are no protected structures on the site, and the site is not listed as being of historic, cultural or archaeological importance. There are no protected landscapes or designated views or prospects in the wider area. The concerns of the third party that the proposed house is not in keeping with the traditional character are noted. However, there are a variety of house sizes and types within the vicinity of the site including a two-storey house immediately south of the appeal site, accessed from the private laneway. The siting of the proposed house to the rear of an existing dwelling, is similar to the existing pattern of development, which includes backland and ribbon development and along the local road network. Having regard to the size of the site (0.32 ha), the backland location, I am satisfied that the proposed house is proportionate to the site, is similar to the established pattern of development and can be absorbed within the wider landscape without significantly impacting on the visual amenities of the area and would be in accordance with the provisions of Policy LK-H-P-4 of the development Plan.

8.4. Residential Amenity

- 8.4.1. Concerns are raised that the proposed house would result in undue overlooking of adjacent properties. Policy UB-P-9 of the Development Plan seeks 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.
- 8.4.2. The proposed house is bound to the north, south and east by existing residential dwellings. The proposed house is located a minimum of 17m from the sites boundaries and a minimum of c. 30m from the adjacent properties. The proposed garage is located c. 2m from the sites eastern boundary and c. 8m from an existing single storey shed and c. 20m from an existing dwelling to the east of the appeal site. There are no windows on the eastern elevation of the garage.
- 8.4.3. It is acknowledged that the proposed house and garage would be visible from the adjacent properties. However, having regard to the relatively limited height of the house and garage, the separation distances and as there are no windows on the eastern elevation of the garage, I am satisfied that the proposed development would not negatively impact on existing residential amenities in terms of overlooking,

overbearing impact or overshadowing and is in accordance with the provisions of Policy UB-P-9 of the Development Plan.

8.5. ***Traffic***

- 8.5.1. Access to the site is from the L5944 (public road) via a private lane c. 50m in length by c. 6m in length. This private road currently provides access to the appeal site and one house. Information submitted by way of unsolicited further information states that the applicant has a legal right of way over this private lane. The proposed entrance to the appeal site is c. 5m in width and in a similar location to the existing agricultural gate. I have no objection to the proposed access arrangements.
- 8.5.2. The third party raised concerns regarding a potential traffic hazard due to the volume of traffic on the local road network and the available sightlines from the laneway onto the public road.
- 8.5.3. The applicant submitted a Traffic Survey in support of the application. The survey was carried out on Thursday 25th October 2025 and indicates a total of 14 vehicular movements over a 90 minute period with an average speed of less than 50 km/hr. The site layout plan indicates that there are minimum 70m sightlines in both directions, c. 2.4m back from the edge of the public road. Having regard to the nature and scale of the proposed development, the existing available sightlines, the likely volume of traffic on the local road and on the laneway, I am satisfied that the proposed development would not result in a traffic hazard. It is also noted that the Planning Authority raised no concerns in this regard.

8.6. ***Water Services***

Wastewater

- 8.6.1. The third party notes the submission from Uisce Éireann which states that in order to assess feasibility of connection to the public wastewater infrastructure the applicant is required to engage with Uisce Éireann through the Pre-Connection Enquiry (PCE). It is proposed to install a septic tank with percolation area. Therefore, it is not proposed to connect to the public network.
- 8.6.2. Wastewater would flow by gravity from the proposed dwelling to the septic tank. Treated effluent from the septic tank would flow by gravity to a distribution box, which would evenly distribute the treated wastewater to the percolation trenches and

ultimately discharge to groundwater. The septic tank is located c. 12m from the proposed dwelling and the percolation area is located a minimum of c. 11.5m from the house. Table 6.2 of the 'EPA Code of Practice for Waste Water Treatment and Disposal Systems Serving Single Houses' sets out minimum separation distances to a variety of feature and notes that the separation distances should be increased where possible. The proposed system exceeds the minimum recommended separation distances set out in the EPA Code of Practice.

- 8.6.3. The Site Suitability Assessment Form notes that the site is a greenfield site with a stream located to the rear (west). The assessment states that the house would have a PE of 6. The trial hole for the house was 1.9m deep and recorded gravely silt and clay. The water table and bedrock were not encountered. With regard to the percolation characteristics of the soil, an average T value was recorded as 31.69. This indicates that the site is suitable for the installation of an on-site domestic wastewater treatment system.
- 8.6.4. No concerns were raised by the Planning Authority regarding the provision of on-site wastewater treatment system to serve the proposed house.

Water

- 8.6.5. It is proposed to connect the house to the public water mains. The third party notes the submission from Uisce Éireann which states that in order to assess feasibility of connection to the public water infrastructure the applicant is required to engage with Uisce Éireann through the Pre-Connection Enquiry (PCE). It was recommended that this information be requested by further information. It is acknowledged that the applicant has not demonstrated that they have submitted a Pre-Connection Enquiry to Uisce Éireann and that a connection to the public mains is feasible. However, having regard to the availability of a public water main and the nature and scale of the proposed development I am satisfied that this could be addressed by way of condition in this instance.

Surface Water

- 8.6.6. The third party states that the site floods and surface water from the site currently flows onto the public road. The OPW Flood Maps (www.floodinfo.ie), which I accessed in July 2026, indicate that the appeal site is not within a flood zone. In response to the appeal the applicant notes that the levels on the public road vary which can result in

surface water ponding. Donegal County Council provided a drain along the public road. However, it can become blocked and surface water cannot enter the public network. The response also states that the existing private access lane includes surface water drainage which connects to the public network. Therefore, no surface water from the appeal site can flow to the public road.

- 8.6.7. The site layout drawing indicates that surface water from the site would flow by gravity to the open drain to the rear (west) of the site. The applicant has not provided any details of SuDS measures to be provided within the site to attenuate surface water runoff. However, I am satisfied that this could be addressed by way of condition. Overall, I am satisfied that the proposed development would not increase the risk of flood both within the site or at adjacent sites.

8.7. *Other Issues*

- 8.7.1. Condition 2 of the Planning Authority's grant of permission restricts the occupancy of the dwelling to a person who belongs to the same category of housing need as the applicants for the first seven years. The applicant raised no objection to the condition. However, as the proposed house is located within the town boundary of Letterkenny on zoned land, where residential use is open for consideration and the proposed development was not assessed under rural housing need it is my opinion that there is no requirement to restrict the occupancy of the proposed dwelling in this instance.
- 8.7.2. Condition 3 of the Planning Authority's grant of permission excludes the use of the house as a holiday home or short term rental accommodation. Chapter 6 Housing of the Development Plan states that holiday homes are a big issue for Donegal County Council. However, as the site is located within the town boundary of Letterkenny, which is not identified in the Development Plan as being under pressure from holiday homes and the applicant has not applied for permission for a holiday home and has stated that the proposed development would be a permanent family residence it is my opinion that this condition is unwarranted in this instance.

9.0 AA Screening

- 9.1. I have considered the appeal in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended.

- 9.2. The proposed development is located within the urban area of Letterkenny. The nearest designed site is Lough Swilly SAC (002287), c. 3.6km southeast of the appeal site.
- 9.3. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment as it could not have any effect on a European Site. The reason for this conclusion is as follows:
- The location of the development.
 - The nature and extent of the proposed development.
 - The distance to the nearest European Site.
 - The lack of a direct hydrological or ecological pathway to a European Site.
- 9.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 9.5. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 is not required

10.0 Water Framework Directive

- 10.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.
- 10.2. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.
- 10.3. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.
- 10.3.1. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

It is recommended that permission be granted subject to conditions

12.0 Reasons and Considerations

Having regard to the sites location within the town boundary of Letterkenny, its 'Local Environment' zoning objective where residential use is open for consideration, the provisions of Policy LK-H-4 of the Letterkenny Plan and Local Transport Plan 2023 - 2029 and to the nature, scale and design of the proposed house and the established pattern of development in the surrounding area it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not result in a deterioration of water quality and would be acceptable in terms of traffic safety and convenience. The proposed development and the development to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 17th day of October 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development the applicant shall submit for the written agreement of the planning authority details of materials, colour and texture of all the external finishes to the proposed house.

Reason: In the interest of visual amenity and to ensure an appropriately high standard of development.

3. The site shall be landscaped as per the Site Layout Plan. The landscape scheme shall be carried out within the first planting season following substantial completion of external construction works. The existing hedgerow and trees at the sites boundaries shall be retained and maintained.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity and integrating the development into the landscape.

4. All service cables associated with the proposed development, such as electrical, telecommunications and communal television, shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Details of the ducting shall be submitted to and agreed in writing by the planning authority prior to the commencement of development.

Reason: In the interests of visual and residential amenity

5. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

6. a) The septic tank hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on [date] and shall be in accordance with the standards set

out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.

(b) Treated effluent from the septic tank shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.

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

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

7. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála

to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Elaine Power

Senior Planning Inspector

16th July 2026

Appendix 1: EIA Pre-Screening

Case Reference	PL-501134-DL-26
Proposed Development Summary	Construction of a house.
Development Address	Kirkstown, Letterkenny, 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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ 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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	10 (b)(i): Construction of more than 500 dwelling units. 10 (b)(iv): Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. 15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2: EIA Preliminary Examination

Case Reference	PL-501134-DL-26
Proposed Development Summary	Construction of a house
Development Address	Kirkstown, Letterkenny, 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).	The proposed development comprises the construction of a single house on zoned land within the urban area of Letterkenny. The nature and scale of the proposed development is minor not regarded as being significantly at odds with the surrounding pattern of development. No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects. Given the nature and scale of the proposed development it would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.
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)	The appeal site is located in the townland of Kirkstown c. 2km from Letterkenny town centre. The site is located within a cluster of existing residential dwellings. The surrounding area is in transition from a traditionally rural settlement to a suburban area. There are no protected structures on the site, and the site is not listed as being of historic, cultural or archaeological

e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	importance. There are no protected landscapes in the wider area. It does not host any species of conservation interest. This site is not located on, in or adjacent to any ecologically sensitive site and does not have the potential to impact any such sites. Having regard to the location of the site and the nature and scale of the development there is no potential to significantly affect environmental sensitives in the area, including protected structures or any building of architectural merit.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
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.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)