



An
Coimisiún
Pleanála

Inspector's Report PL-501372-DL-26

Development	Retention of mobile home on site for a temporary period until dwelling house has been completed including all other site development works.
Location	Kill, Dunfanaghy, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2660402
Applicant(s)	Joanne Dawson
Type of Application	Retention
Planning Authority Decision	Grant Retention with Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Sarah Ganly
Observer(s)	None
Date of Site Inspection	30 th June 2026
Inspector	Ronan Murphy

1.0 Site Location and Description

- 1.1. The appeal site is located within the townland of Kill which is located just outside the settlement boundary of Dunfanaghy c. 3km from the town centre. The area in which the site is located has a mixed-use character including one-off housing, farms, farm buildings, and a mobile home / holiday park.
- 1.2. The appeal site which has a stated area of c. 0.064ha comprises of the existing mobile home for which retention is sought and is bound by a residential dwelling to the east, open fields to the south and west and the L-3243-1 local road to the north (with a mobile home / holiday park on the opposite side of the road).
- 1.3. Access to the site is via an existing entrance from the L-3243-1.

2.0 Proposed Development

- 2.1. The application seeks to retain an existing mobile home on site for a temporary period until a dwelling house has been completed.
- 2.2. The mobile home for which retention is sought has a floor area of c.39.7m and a height of c. 3.1m from ground floor level (c.0.5m from ground on stumps and the mobile home itself 2.6m.)
- 2.3. There is an area of gravel around the area in which the mobile home is located.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 By order dated 30/4/26 the Planning Authority decided to granted retention planning permission subject to 6 conditions.

3.1.2 Conditions

Condition 1 states that the permission expires 10/05/2029 (the expiry date of the permission granted under planning application Ref. No. 20/51311)

Condition 2 states that the mobile home the subject of this permission shall be used as a temporary principal residence by the applicant and their family only and shall not be used for the purposes of a holiday home or as short-term rental accommodation.

Condition 3 requires that within 2 months of the date of the Notification of Final Grant of Permission, details of a screen fence to be erected along the eastern boundary of the site shall be submitted to the Planning Authority for written agreement.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1 There is one planning report on file dated 28/4/26. The area planner notes that Planning permission was granted on the site in May 2021 for demolition of a flat-roofed building and the construction of a detached house with all associated site development works (Ref. 20/51311). In addition to this, it is noted that an extension of Duration was granted in respect of this permission, extending the appropriate period to 10/05/2029 (Ref.25/50169).

3.2.1.2 In addition the area planner states that the principle of providing temporary accommodation on the site in the form of a mobile home, until such time as the dwelling is constructed is considered reasonable.

3.2.1.3 The development raises no siting/design concerns, and the development is not considered to give rise to any adverse impacts on the High Scenic Amenity designation. However, it is noted that the mobile home has been positioned immediately next to an existing dwelling on adjoining lands. It is noted that one of the mobile home's bedroom windows does look directly into the neighbouring property's garden and screening would be required to ensure the residential amenity of this property.

3.2.2. Other Technical Reports

- **Roads and Transportation Department:** Report dated 27/3/26 outlining no objection, subject to conditions.

3.3. Prescribed Bodies

3.3.1 There are no responses from prescribed bodies on file.

3.4. Third Party Observations

3.4.1 The Planning Authority received one third party observation which can be summarised as follows:

- Mobile home has been on site since Mid-April 2025 and is the subject of an ongoing unauthorised development complaint (Ref. UD2557). Granting permission would reward non-compliance with planning laws.
- No construction timeframe is defined. Mobile home could remain on site with no certainty as to its eventual removal.
- Loss of daylight and overbearing presence given proximity to boundary.
- Negative impact on the visual appearance of the area, decline in quality of living environment, reduction in the attractiveness and perceived value of neighbouring homes.
- Mobile home exceeds 25sqm, includes multiple rooms and is configured for full-time residential occupation, goes beyond what could be considered short term accommodation.
- Adversely affects sightlines onto the road raising safety concerns.
- Residing in mobile homes during construction as become 'common practice' is not a planning justification and should not outweigh prolonged unauthorised occupation.
- Any assessment of the application should fully consider the ongoing unauthorised development complaint and the cumulative duration of occupation since April 2025.

4.0 Planning History

Reg. Ref. 25/50169: Application for extension of duration to Reg. Ref. 20/51311 for 3 years (to 10/05/2029). Extension of duration granted.

Reg. Ref. 20/51311: Application for the demolition of a flat roofed building and the construction of a detached house with all associated site development works. Permission granted, subject to conditions.

Sites in the area

Reg. Ref. 2560326: Application for slatted agricultural shed. Permission granted, subject to conditions.

Reg. Ref. 2461909: Application for a dwelling with connection to public sewer and all associated site works. Permission granted, subject to conditions.

Reg. Ref. 2350216 (ABP Ref. 318879-24). Application for Construction of a caravan, motorhome and camping park, construction of a facility building and all other associated site development works. Permission granted, subject to conditions. This decision was the subject of a third party to An Bord Pleanála where the decision of the Planning Authority was upheld.

Enforcement

Ref. Ref.UD2557. Case relating to the siting of a mobile home on the site.

5.0 Policy Context

5.1 Development Plan

5.1.1 The operative plan for the area is the *Donegal County Development Plan 2024-2030*. The following policies and objectives are pertinent:

L-P-2: Which seeks to 'to protect areas identified as 'High Scenic Amenity' and 'Moderate Scenic Amenity' on Map 11.1 'Scenic Amenity

BIO-P-1: which requires that all developments comply with the requirements of the EU Habitats Directive and EU Bird Directive, including ensuring that development proposals: a. Do not adversely affect the integrity of any European/Natura 2000 site.

BIO-P-2: which seeks to ensure that all developments seek to conserve/protect the qualifying interests of Ramsar Sites, Nature Reserves, Natural Heritage Areas (NHA), proposed Natural Heritage Areas (pNHA), the Cró na mBroanáin Red Grouse Sanctuary and any species protected under the Wildlife Act

Policy TS-P-1: which requires compliance with the following technical standards, where applicable, in addition to all other relevant policy provisions of this Plan and relevant Governmental guidance and standards.

5.2 Natural Heritage Designations

- 5.2.1 The subject site is not located within or adjacent to a European Site. The nearest designated sites are the Horn Head and Rinclevan SAC (Site Code: 000147) which is located c.298m to the north-east of the site and the Sessiagh Lough SAC (Site Code: 000185) which is located c. 1.8km to the south-west of the site. The Sheephaven SAC (Site Code: 001190) is located c.3.2km to the east of the site.
- 5.2.2 In addition to this, the Horn Head to Fanad Head SPA (Site Code: 004194) which is located c. 1.2km to the west of the site.
- 5.2.3 The Horn Head and Rinclevan pNHA (Site Code: 000147) is located c. 325m to the north-east of the site and the Sessiagh Lough (Site Code: 000185) which is located c. 1.18km to the south-east of the site.

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. Please see Appendix 1.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1 A third party appeal against the decision of Donegal County Council to grant retention planning permission has been received from Sarah and Andrew Ganly. The appeal can be summarised as follows:
- The mobile home has been on site and in use since April 2025 and is the subject of an ongoing enforcement case and the development is in place for a significant period prior to any planning application being made.

- The decision to grant retention permission regularisation a prolonged breach of planning control, no meaningful weight was given to the duration or nature of the breach. The matter was treated as a standard application. This approach undermines the planning system and effectively rewards non-compliance.
- The permission allows for the mobile home to remain until 10th May 2029 or until the associated dwelling is occupied, there is no defined or enforceable construction timeline for the dwelling.
- In practice this allows the structure to remain on site for a number of years in addition to the period it has already been in place, this is not temporary in any real planning sense and constitutes a medium to long term residential use.
- The site is located within an area identified as being under strong holiday home influence. The permission includes a condition that the mobile home must not be used as a holiday home or short-term accommodation, however, there has been no proper assessment or whether this condition reflects the actual use.
- The applicant's principal residence is located in Dublin. On that basis alone, the mobile home does not constitute a principal residence. In addition, the applicant previously maintained a mobile home in the adjacent caravan park for approximately the last 20 years. This establishes a clear pattern of use in the area that is consistent with holiday accommodation rather permanent residence.
- The Planning Authority has not assessed this issue and has instead relied on a condition which is not realistic and is extremely difficult to monitor or enforce. A condition cannot render acceptable a development that is fundamentally contrary to the objectives of the Development Plan.
- The mobile home is located in close proximity to the boundary with our property and directly overlooks our garden and elements of our house. This results in a loss of privacy and a diminished level of amenity.
- The Planning Authority sought to address this by way of condition requiring a screen fence.
- This is not an adequate response, the impacts are already present, no screening currently exists and the condition does not specify sufficient detail to

ensure effectiveness. Any such screening would further detract from the visual amenity of the site and cannot fully mitigate overlooking to a satisfactory extent.

- The structure is not minor and represents a substantial unit in the context of its location and proximity to neighbouring property. There has been no meaningful assessment on the impact on daylight, outlook, or enclosure.
- The structure is an independent residential unit of significant scale and goes beyond what could reasonably be considered short-term or ancillary accommodation. The Planning Authority has assessed the proposal as ancillary to a future house but has failed to assess the scale, configuration, and standalone nature of the structure as it currently exists.
- The issues brought up in the initial objection were not properly addressed. The responses provided in the Planners Report are general in nature and rely on conditions rather than a proper assessment of the impacts identified. This does not represent a reasoned evaluation of the issues raised.
- The decision acknowledges that the site lies within an area under strong holiday home pressure, which overlooking of neighbouring property occurs and that there is an existing unauthorised development.
- Despite this, it concludes that the development does not impact residential amenity and is acceptable. This conclusion is not supported by the evidence set out within the Planners own report.

7.2. Applicant Response

7.2.1 A response has been received from Michael Friel Architects and Surveyors on behalf of the first party. The response can be summarised as follows:

- The applicant has long established connections and links to Dunfanaghy going back many generations.
- The applicant's grandfather was born in Milford and her father moved to Dublin for work. A house was retained on the site since that time.
- Permission was granted under Reg. Ref. for 20/51311 to allow for the demolition of their former house and the erection of a new dwelling house. As

this house was not built within the time allotted by the permission, the permission was extended and permission was granted for the retention of the mobile home.

- The mobile home has been placed at the only location which will allow the house to be built while also allowing for living accommodation to be retained during the building process. Such is the genuine nature of the applicant of the applicant to erect the house; the mobile home has been positioned so as to allow for the house to be built in the near term without the need for the mobile home to be moved during the building process.
- The site where the mobile home is located previously had a house located on it which was a semi-detached house which was attached to the house next door. The owner of the land next door agreed to the location of the mobile home.
- The only difference between the location of the previous dwelling on the land and the mobile home is that the mobile home protrudes a little further than the building line of the neighbouring dwelling in a northerly and southerly direction, albeit there is separation between the dwelling and the mobile home.
- The mobile home is availing of the wastewater connection which was in place to serve the demolished home and will also serve the new house when constructed.
- The only window which overlooks the property is a bedroom window located to the rear of the mobile home. The curtains of this window are closed at all times when in use, therefore every effort is being made to ensure no disruption of overlooking is caused. The condition to provide screen fencing between the mobile home and the adjacent property will preclude any overlooking from occurring.
- The applicant and her family care for the applicant's father who resides in a local nursing home in Donegal. The applicant fully intends to use the permitted dwelling as her primary residence. This has been accepted by Donegal County Council.

- The question for An Coimisiún Pleanála is not to consider the attachment of the applicant to the area rather whether it is reasonable for the applicant to have a mobile home placed on her site while she builds a house permitted on the site.
- The principle of this is long established in Co. Donegal.
- The applicant did previously occupy a mobile home within the adjacent Caravan site to live close to her parents who lived close by.
- Any residential amenity impacts will be for a short-lived period of time and should not be assessed as a permanent structure. There are many instances within Donegal where temporary permissions are afforded to persons to have a mobile home located on their site whilst their house is being built. This is such an instance, and it should be supported by An Coimisiún Pleanála just as it has been by Donegal County Council.
- The Planners report outlines the issues which were considered and outlines a response to all of the issues that were raised by the appellants. Conditions have been placed on the temporary permission to reduce any impact which the development will have on the neighbouring property including that the permission will expire on 10th May 2029 which is the same date as the expiration of the permission for the permitted dwelling, the mobile home cannot be used as short term let or rental accommodation and a screen fence is to be erected along the eastern boundary of the site.
- This shows that the appellants concerns have been addressed by the Planning Authority and the measures by way of conditions have been put in place to reduce any impact which may be brought to bear upon the adjacent holiday home.
- Vision lines for the neighbouring property along the country road have not been impeded in any way contrary to the submission of the appellant.
- The applicant genuinely believed that as a live permission existed on the site that the placement of the temporary mobile home during the construction was exempt development and they have in good faith applied for retention permission for the temporary placement and use of the structure as per this application.

7.3. Planning Authority Response

7.3.1 A response from the Planning Authority has been received by way of letter dated 17th June 2026 which states that the contents of the third-party appeal has been noted and that the majority of matters raised by the appellant has been previously addressed in the Planning report. On this basis it is the respectful view that the decision to grant planning permission, subject to conditions be upheld.

7.4. Observations

7.4.1 There are no observations on file.

7.5. Further Responses

7.5.1 There are no further responses on file.

8.0 Assessment

8.1. Having considered all documentation on file, including submissions / observations, the reports of the local authority, consultees and inspected the site, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of development
- Siting and Design
- Traffic Safety
- Flooding
- Water Framework Directive
- Appropriate Assessment

8.2 Principle of Development

8.2.1 The appeal site is not located just outside but immediately adjacent to the settlement boundary of Dunfanaghy. The appeal site is located within an area identified as an 'Areas Under Holiday Home Pressure.' In addition to this, the site is within an area of 'High Scenic Amenity.' Policy L-P-2 which seeks to 'to protect areas identified as 'High Scenic Amenity' and 'Moderate Scenic Amenity' on Map 11.1 'Scenic Amenity'. In

addition to this, it is stated that 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.'

8.2.2 I note that a dwelling existed on the site prior to its demolition pursuant to a permission which was granted in 2021 (Reg. Ref. 20/51311) for the demolition of the dwelling and its replacement with a new dwelling on the land. Except for the demolition of the previous dwelling, this permission was not enacted, and permission was subsequently granted to extend the duration of permission (Reg. Ref. 25/50169).

8.2.3 The development for which retention is sought comprises of a mobile home for a temporary period (until such time as the permitted dwelling house has been completed) within an area where mobile homes are not uncommon, in this regard I note that there is a mobile home / holiday park on the opposite side of the road. In my opinion, notwithstanding the fact that the appeal site is within an area of 'High Scenic Amenity,' having regard to the holiday home development in the area, I am satisfied that the concept of a temporary mobile home on the appeal site would not be out of character with the area and is satisfactory in principle. This is subject to a full assessment of the proposal against the policies and objectives of the *Donegal County Development Plan 2024-2030*.

Need for the temporary structure

8.2.4 The appellant outlines concerns that the applicant's principal residence is located in Dublin and therefore the mobile home does not constitute a principal residence.

8.2.5 The first party appeal response states that the applicant has long established connections and links to Dunfanaghy going back many generations and that the applicant and her family care for the applicant's father who resides in a local nursing home in Donegal.

8.2.6 I note that the bone fides of the applicant with respect to a rural housing need were accepted by the Planning Authority when assessing the application under Reg. Ref. 20/51311. The proposal is for a temporary mobile home while the permitted dwelling is being constructed.

8.2.7 Condition 2 of the Notification of Decision to Grant Planning Permission requires that the mobile home shall be used as a temporary principal residence by the applicant and their family and shall not be used for the purposes of a holiday home.

8.2.8 While I note the concerns of the third party, I am satisfied that the use of the temporary mobile home would be restricted to the applicant and family members for the purposes of a temporary permanent residence while the permitted dwelling is constructed and as such is generally acceptable in this case.

Temporary nature of the mobile home

8.2.9 The third-party appellant highlights concerns that the permission allows for the mobile home to remain until 10th May 2029 or until the associated dwelling is occupied, there is no defined or enforceable construction timeline for the dwelling.

8.2.10 In response the first party states that Conditions have been placed on the temporary permission and that the permission will expire on 10th May 2029 which is the same date as the expiration of the permission for the permitted dwelling.

8.2.11 I refer the Coimisiún to Condition 1 of the Notification of Decision to Grant Planning Permission which links the expiry date of this permission to the expiry date of the permission granted under Reg. Ref. 20/51311 (the permission for the dwelling on the land) which is 10/05/2029 or upon first occupation of the dwelling permitted under Reg. Ref. 20/51311, whichever occurs first.

8.2.12 I note the concerns of the third party, however, having considered the conditions set out in the Notification of Decision to Grant Planning Permission and having considered the previous permission on the site for a dwelling (the duration of which was extended to 10th May 2029), I am satisfied that the linking of the date of expiration of the temporary mobile home to the expiry date of the dwelling permitted on the site is reasonable and will ensure that the mobile home will be occupied on a temporary basis. In addition to this, I am satisfied that there is a defined and enforceable timeframe for the use of the temporary mobile home.

Retention

8.2.14 I note the concerns of the third party that the decision to grant retention permission in effect comprises a regularisation of a prolonged breach of planning control and that

this approach undermines the planning system and effectively rewards non-compliance with planning requirements.

8.2.15 In my opinion, the purpose of retention is to allow the Planning Authority to assess whether the completed works complies with development plan policies and objectives and I am satisfied that a legitimate process has been followed in this case.

8.3 Siting and Design

8.3.1 The third-party appeal outlines concerns that the structure is an independent residential unit of significant scale and goes beyond what could reasonably be considered short-term or ancillary accommodation. In addition to this the appellant has outlined concerns that the Planning Authority has assessed the proposal as ancillary to a future house but has failed to assess the scale, configuration, and standalone nature of the structure as it currently exists.

8.3.2 In response to this, the first party appeal response states that the mobile home has been placed at the only location which will allow the house to be built while also allowing for living accommodation to be retained during the building process and that The site where the mobile home is located previously had a house located on it which was a semi-detached house which was attached to the house next door.

8.3.3 The mobile home for which retention is sought has an area of c.39.7m² and a height of c. 3.1m from ground floor level (c.0.5m from ground on stumps and the mobile home itself 2.6m). The mobile home is set back c. 1.6m from the eastern boundary of the land. The mobile home has the appearance of a standard mobile home as would be found in many holiday parks.

8.3.4 In assessing this application, I have had regard to Policy RH-P-9 of the *Donegal County Development Plan 2024-2030*, In addition to this, I have considered the Donegal County Council's 'Building a House in Rural Donegal - A Location Siting and Design Guide'.

8.3.5 In terms of impacts on the visual amenities of the surrounding area, the mobile home is located towards the eastern boundary of the of the site, near to an existing dwelling. Given this location, the temporary mobile home is visually prominent from public view. The site is open to the public realm and there is no planting to screen the structure

from view on the approach road. The appeal site is not within the settlement boundary of Dunfanaghy, but it is proximate to the boundary. The character of the area is mixed and generally appears semi-rural with one-off housing, farm buildings, and a mobile home park immediately opposite the appeal site all within the surrounding area. Having been on site and considered the plans submitted with the application, I note that the mobile home is clearly visible in the local environment, notwithstanding this, I am satisfied that the temporary mobile home is not visually prominent within the local landscape and it does not impact on the visual amenity of the area and is generally acceptable. I have come to this conclusion having regard to the character of the area, including a mobile home / holiday park on the opposite side of the road.

- 8.3.6 In terms of impact on existing properties in the vicinity, I note that the mobile home is adjacent to the eastern boundary of the land (a setback of c.1.6m). The dwelling to the east includes an area of private open space to the rear of the property. An existing low boundary wall separates the appeal site from the adjoining residential property.
- 8.3.7 I note that there is a window within the south-eastern elevation of the mobile home which serves a bedroom. This window may have the potential to overlook a portion of the private open space associated with the neighbouring dwelling.
- 8.3.8 Given the proximity of the mobile home to this boundary and the limited screening afforded by the existing wall, I am concerned that the mobile home may cause overlooking and would result in an unacceptable loss of residential amenity for the occupants of the adjoining property.
- 8.3.9 In this regard, I note that Condition 3 of the Notification of Decision to Grant Planning permission requires that details of a screen fence erected along the eastern boundary of the site shall be submitted to the Planning Authority for written agreement.
- 8.3.10 In my opinion, concerns relating to overlooking could be reasonably assuaged by way of a screening fence along the eastern boundary of the appeal site that bounds with the area of private open space. This would ensure that the temporary mobile home would not have an undue impact on the residential amenity of the property to the east. A condition will be recommended to reflect this.
- 8.3.11 Having considered the foregoing, I am satisfied that the development for which retention is proposed is acceptable. I have come to this conclusion having considered Policy RH-P-9 of the Donegal County Development Plan 2024-2030 and Donegal

County Council's 'Building a House in Rural Donegal - A Location Siting and Design Guide'.

8.4 Traffic Safety

8.4.1 The appeal site is accessed via a single entrance from the L-3243-1. I refer the Coimisiún to Drawing No. 01 'Site Layout' which shows that sightlines of 160m are achieved to the west and east of the existing vehicular access to the site.

8.4.2 I have considered this drawing, and I am satisfied that the sightlines are achieved and that the development complies with Table 1.3 of the TII publication DN-GEO-03031 'Rural Road Link Design' which shows that the Desirable Minimum Stopping Sight Distance for a road with a 60km speed is 90m. This is considered to be acceptable. Having inspected the site and viewed the location of the proposed entrance and given the relative low volume of traffic using the public road and the low travelled speed, I am satisfied that an adequate sightline distance is available in both directions and the proposed development would cause any traffic hazard.

8.5 Flooding

8.5.1 I have consulted the flood mapping system (www.floodinfo.ie) and I note that the subject land is within Flood Zone 'C'.

8.5.2 Having considered all the foregoing; I consider the proposed development would not result increase the risk of flood either within the site itself or the surrounding area. The proposal is acceptable from a flood risk perspective.

9. AA Screening

9.1 I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The proposed development is located within a rural area of County Donegal just outside of the settlement boundary of Dunfanaghy and comprises of the retention of an existing mobile home on site for a temporary period until a dwelling house has been completed.

9.2 The subject site is not located within or adjacent to a European Site. The nearest designated sites are the Horn Head and Rinclevan SAC (Site Code: 000147) which is located c.298m to the north-east of the site and the Sessiagh Lough SAC (Site Code: 000185) which is located c. 1.8km to the south-west of the site. The Sheephaven SAC (Site Code: 001190 is located c.3.2km to the east of the appeal site).

- 9.3 In addition to this, the Horn Head to Fanad Head SPA (Site Code: 004194) which is located c. 1.2km to the west of the site.
- 9.4 The Horn Head and Rinclevan pNHA (Site Code: 000147) is located c. 325m to the north-east of the site and the Sessiagh Lough (Site Code: 000185) which is located c. 1.18km to the south-east of the site.
- 9.5 There is no hydrological link between the subject site and the European sites.
- 9.6 Having considered the nature, scale, and location of the proposed development, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.7 This determination is based on:
- The nature, scale, and location of the development.
 - The intervening land uses between the subject site and the European site.
 - The distance between the appeal site and European site and the absence of hydrological or other ecological pathways to any European site.

10 Water Framework Directive

- 10.1 The purpose of the EU Water Framework Directive is an initiative aimed at improving water quality throughout the European Union. The Directive was adopted in 2000 and requires governments to take a new approach to managing all their waters; rivers, canals, lakes, reservoirs, groundwater, protected areas (including wetlands and other water dependent ecosystems), estuaries (transitional) and coastal waters.
- 10.2 An Coimisiún Pleanála and other statutory authorities cannot grant development consent where a proposed development would give rise to a deterioration in water quality.
- 10.3 The DUNFANAGHY_010 (IE_NW_38D500770) is located c.273m to the northeast of the site. The risk status of the DUNFANAGHY_010 (IE_NW_38D500770) is currently under review. This is illustrated on the EPA mapping (<https://gis.epa.ie/EPAMaps/>).
- 10.4 I have assessed the proposal and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary,

restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.5 The reason for this conclusion is as follows:

- The scale of the proposed development,
- The distance between the appeal site and the River Waterbodies, and
- The mobile home is connected to public water drainage and wastewater facilities.

11 Recommendation

11.1 I recommend that retention permission be granted.

12 Reasons and Considerations

12.1 Having regard to the provisions of *Donegal County Development Plan 2024-2030*, the location of the proposed development within a rural area, the small nature and scale of the works to be retained in the context of the appeal site and surrounding area, it is considered that, subject to compliance with the conditions set out below, the development to be retained would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not endanger public safety by reason of a traffic hazard or impact on public health. The subject development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13 Conditions

1. The development shall be retained in accordance with the plans and particulars submitted with the planning application, save as may otherwise be required by the following conditions.

Reason: To clarify the plans and particulars for which retention permission is granted.

2. The mobile home for which retention permission is granted shall be used as a temporary principal residence by the applicant and their family only and shall not be used for the purposes of a holiday home or as short-term rental accommodation without the written approval of the Planning Authority.

Reason: In order to define the terms of the permission and to ensure a balance between permanent homes and holiday homes in accordance with Rural Housing Policies of the Donegal County Development Plan 2024-2030

3. Within two months of the date of this decision details of a screen fence to be erected between the appeal site and the area of private open space of the dwelling to the east shall be submitted to and agreed in writing with the Planning Authority.

Reason: To protect the residential amenities of the property to the east of the site.

“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.”

Ronan Murphy
Planning Inspector

28 July 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501372-DL-26
Proposed Development Summary	Retention of mobile home on site for a temporary period until dwelling house has been completed including all other site development works.
Development Address	Kill, Dunfanaghy, 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)	
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)?	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Screening for Appropriate Assessment Test for likely significant effects				
Case Reference Number: PL-501372-DL-26				
Step 1: Description of the project and local site characteristics The appeal site is a residential site with a rural area just outside the settlement boundary of Dunfanaghy, Co. Donegal. A previous dwelling on the site has been demolished, and planning permission has been granted for a replacement dwelling on the site. The area has a mixture of residential dwellings and a mobile home park.				
Brief description of development site characteristics and potential impact mechanisms		Retention of mobile home on site for a temporary period until dwelling house has been completed including all other site development works.		
Screening report		No		
Natura Impact Statement		No		
Relevant submissions		No third-party submissions raised specific concerns in terms of impacts on the European Sites.		
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N
Horn Head and Rinclevan SAC (Site Code: 000147)	Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	c.298m to the north-east	No, no hydrological connection from the appeal site	No

	Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170] Humid dune slacks [2190] Machairs (* in Ireland) [21A0] Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130] <i>Vertigo geyeri</i> (Geyer's Whorl Snail) [1013] <i>Halichoerus grypus</i> (Grey Seal) [1364] <i>Petalophyllum ralfsii</i> (Petalwort) [1395] <i>Najas flexilis</i> (Slender Naiad) [1833]			
Horn Head to Fanad Head SPA (Site Code: 004194)	Fulmar (<i>Fulmarus glacialis</i>) [A009] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Shag (<i>Phalacrocorax aristotelis</i>) [A018] Barnacle Goose (<i>Branta leucopsis</i>) [A045] Peregrine (<i>Falco peregrinus</i>) [A103] Kittiwake (<i>Rissa tridactyla</i>) [A188] Guillemot (<i>Uria aalge</i>) [A199] Razorbill (<i>Alca torda</i>) [A200] Chough (<i>Pyrrhocorax pyrrhocorax</i>) [A346] Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]	c. 1.2km to the south-west.	No, no hydrological connection from the appeal site	No

Sessiagh Lough SAC (Site Code: 000185)	Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] Najas flexilis (Slender Naiad) [1833]	c.1.8km to the south-west	No, no hydrological connection from the appeal site	No
Sheephaven SAC (Site Code: 001190)	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Machairs (* in Ireland) [21A0] Old sessile oak woods with Ilex and Blechnum	3.2km to the east	No, no hydrological connection from the appeal site	No

	in the British Isles [91A0] Euphydryas aurinia (Marsh Fritillary) [1065] Petalophyllum ralfsii (Petalwort) [1395]			
No	Likelihood of significant effects from proposed development (alone): N			
None	If no, is there likelihood of significant effects occurring in combination with other plans or projects? N			
Step 4: Conclude if the proposed development could result in likely significant effects on a European site. I conclude that the development (alone / in combination with other plans and projects) does not result in likely significant effects on a European site. No mitigation measures are required to come to this conclusion.				
Screening Determination In accordance with Section 177U of the Planning and Development Act 2000, as amended, I conclude that the development individually or in combination with other plans or projects does not give rise to significant effects on the Horn Head and Rinclevan SAC (Site Code: 000147), the Horn Head to Fanad Head SPA (Site Code: 004194) and the Sessiagh Lough SAC (Site Code: 000185) or any other European site, in view of the sites Conservation Objectives, an Appropriate Assessment (and submission of a NIS) is not therefore required. This determination is based on: - The relatively modest scale of the development and lack of impact mechanisms that could significantly affect a European site, - The lack of any hydrological connection with any of Natura 2000 sites - Consideration of the conservation objectives of: The Horn Head and Rinclevan SAC (Site Code: 000147), the Horn Head to Fanad Head SPA (Site Code: 004194) and the Sessiagh Lough SAC (Site Code: 000185)				

Appendix 4: Water Framework Directive Screening and Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	PL-501372-DL-26	Townland, address	Kill, Dunfanaghy, Co. Donegal
Description of project		Retention of mobile home on site for a temporary period until dwelling house has been completed including all other site development works.	
Brief site description, relevant to WFD Screening		The appeal site is a residential site with a rural area just outside the settlement boundary of Dunfanaghy, Co. Donegal. A previous dwelling on the site has been demolished, and planning permission has been granted for a replacement dwelling on the site. The area has a mixture of residential dwellings and a mobile home park.	
Proposed surface water details		To existing land drain	
Proposed water supply source & available capacity		Public water supply	
Proposed wastewater treatment system & available capacity, other issues		Public Drain	
Others?		The site is not within a Flood Zone.	
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection			

Identified water body		Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody		c.273m	DUNFANAGHY_010 (IE_NW_38D500770)	Moderate	Under review	None identified	Surface water run-off.
Groundwater Waterbody		Below ground	Northwest Donegal (IE_NW_G_049)	Good	Not at risk	None identified	Groundwater
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
Operational Phase							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if ‘screened’ in or ‘uncertain’ proceed to Stage 2.
3.	Surface	DUNFANAGH Y_010 (IE_NW_38D500770)	Surface water discharged to public system	None		No. the site is connected to the public drain. No mitigation required	Screened out.
4.	Ground	Northwest Donegal (IE_NW_G_049)	None identified	None		No, no mitigation required.	Screened out.

DECOMMISSIONING PHASE							
5.	N/A	N/A	N/A	N/A	N/A	N/A	N/A