

DONEGAL COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (AS AMENDED)

NOTIFICATION OF DECISION TO GRANT

TO: PAULINE DOHERTY JOHNSTON
D/O STEVEN QUINN
DERRYKILLEW
BALLYSHANNON
CO. DONEGAL
F94 VK00

Planning Register Number: 24/61783

Valid Application Received: 06/11/2024

Further Information Received Date: 09/05/2025 26/06/2025

In pursuance of the powers conferred upon them by the above-mentioned Acts, Donegal County Council has by Order dated 08/08/2025 decided to GRANT PERMISSION for development of land, namely:-

ERECTION OF A DWELLING HOUSE, EFFLUENT TREATMENT SYSTEM AND INFILTRATION AREA AT STRAGALLY CLOGHAN BALLYBOFEY CO. DONEGAL IN ACCORDANCE WITH THE PLANS SUBMITTED WITH THE APPLICATION.

Subject to the 17 conditions set out in the attached schedule.

Signed on behalf of Donegal County Council
County House
Lifford
Tel: 074 9153900



for Senior Ex. Planner
Date: 8th August 2025

See final page for details of appeal procedures.

SCHEDULE

1. Development shall be carried out strictly in accordance with lodged plans and details, particularly the following revised plans and details received on the 09/05/2025.
 - Revised Site Layout No. 0398-A (02) and correspondence from Septech Ltd, identifying with location and distance wells and third party wastewater treatment systems from site is in accordance with 2021 Environmental Protection Agency, "Code of Practice Domestic Waste Water Treatment Systems (Table E2) and identifying location of a proposed bored well in lieu of connection to public mains.
 - Revised House Type Drawing No.1 entitled Proposed Dwelling house Revised Design
 - Natura Impact Statement, by Jessica Devlin

Save as hereinunder otherwise required.

Reason: To define the permission.

2. (i) The premises the subject of this permission shall (when constructed) be used for the purposes of a dwelling and subject to paragraph (iii) below the following restrictions shall apply during the period of seven years commencing on the first such use –
 - (a) The dwelling shall be used as the principal place of residence of the applicant **or** with the written consent of the Planning Authority by any person(s) with a need for a dwellinghouse, **and**
 - (b) This permission will inure only for the benefit of the land and such persons entitled to use the dwelling as per paragraph (a) above **and**
 - (c) The above restrictions will be embodied in an agreement under Section 47 of the Planning and Development Act, 2000 (as amended) to be entered into on the first application being made for written consent per paragraph (a) above and where a consent is granted the entry into the agreement will be a condition precedent of such consent.
- (ii) Within two months of the first use/occupation of the dwelling, the applicant shall submit to the Planning Authority written confirmation of the person(s) using/occupying the dwelling in accordance with paragraph (a) and the date of commencement of such use/occupation.
- (iii) The above restrictions shall cease to apply (earlier than the seven-year period stipulated) on a sale of the dwelling by a mortgagee in possession but excluding use of the dwellinghouse as a holiday home.

Reason: In order to define the terms of the permission and to comply with the Rural Housing Policy of the County Donegal Development Plan, 2024-2030.

3. The dwelling the subject of this permission shall be used as a permanent house only and shall not be used for the purposes of a holiday home or as short-term rental accommodation. Such holiday home or short-term rental use to be commenced only if authorised by a separate Grant of Permission.

No. 3 cont'd

Applicant is advised that “holiday home” or “short term rental” for the purpose of this condition means a secondary place of residence that does not form a principal and main residence but excludes second homes occupied on an intermittent basis by persons who are returning emigrants. “Permanent house” for the purpose of this condition means the principal and main residence.

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 County Donegal Development Plan, 2024 – 2030.

4. Prior to commencement of development, permanent visibility splays of 50 metres shall be provided in each direction to the nearside road edge at a point 2.4 metres back from road edge at location of vehicular entrance. Visibility in the vertical plane shall be measured from a driver's eye- height of 1.05 metres and 2 metres positioned at the setback distance in the direct access to an object height of between 0.26 metres and 1.05 metres. Vision splays shall be calculated and provided as per Figure 16.2 of Chapter 16 of the County Donegal Development Plan 2024-2030.

Reason: In the interests of traffic safety

5. The existing roadside boundary shall be removed along entire road frontage of site and new dark stained tanalised timber fence, back planted with a hedgerow of species native to the area, shall be located along a line at least 5 metres from centre line of public road. Said 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 of the County Donegal Development Plan 2024-2030 and based on new fence line.

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

6. All overhead and underground poles and lines shall be set back to line of new fence line at developers' expense and no obstructing pole(s) shall be left on layby.

Reason: In the interests of traffic safety.

7. Full frontage or roadside drain (whichever is appropriate) shall be piped with concrete pipes of adequate size in accordance with details to be agreed with the Executive Engineer for the area (Telephone: 074 9153900) unless otherwise agreed in writing with the Planning Authority.

Reason: To preserve road drainage.

8. Area between old and new front boundaries shall be soiled to a height no higher than 100mm above the level of the adjacent carriageway and shall be seeded with grass.

Reason: To preserve the amenities of the area.

Continuation of Schedule – Order No. 2025PH2322

9. No surface water from site shall be permitted to discharge to public road and applicant shall take steps to ensure that no public road water discharges onto site.

Reason: To prevent flooding.

10. Entrance shall incorporate an access channel or other similar drainage trap, together with suitable drainage pipework in order to prevent discharge of surface water onto public road. Said works shall be carried out prior to first occupation of the dwelling hereby permitted.

Reason: To prevent flooding.

11. (a) All mitigation measures contained in S7 of the Natura Impact Assessment Report received by the Planning Authority on 09/05/2025 shall be implemented in full.
(b) All works associated with the development shall be confined to the proposed development site. No filling or encroachment onto nearby watercourse within the River Finn Special Area of Conservation shall occur.
(c) All waste associated with the development shall be disposed of in an environmentally friendly manner and off site at an authorised/licensed facility.
(d) Site preparation and construction shall adhere to best practice and shall conform to the Inland Fisheries Ireland Requirements for the Protection of Fisheries Habitat during Construction and Development Works at River Sites (www.fisheriesireland.ie – section relating to Construction Stage).
(e) Post construction surface water run-off from hardcore/concreted/tarmac areas shall be directed to an appropriate attenuation measure. If such attenuation is not achievable, then surface water run-off shall be treated via serviced sediment and oil interceptor traps, prior to discharge to any stream/drainage channel that flows into the Special Area of Conservation.

Reason: To ensure the integrity and preservation of designated EU habitats and their qualifying interests

12. (a) Electrical, ducted and cabled services shall be underground.
(b) Roof shall be blue/black and external walls white or as otherwise agreed by the Council in writing.
(c) The gables and roof edge shall be defined by simple traditionally inspired plaster roof edging only and heavy pvc box eaves, fascia and soffit or any overriding of the walls of the structure is not permitted.
(d) Quoins to walling are not hereby permitted.
(e) any stone cladding/boundary walling shall be from stone local to the area.

Reason: To preserve the amenities of the area.

13. All sound trees, shrubs and hedgerow shall be retained save as herein otherwise required and any tree or shrub species subsequently dying shall be replaced.

Reason: To preserve the amenities of the area.

Continuation of Schedule – Order No. 2025PH2322

14. All site boundaries shall be planted with hedgerow of semi-mature species native to the area and at least 5 no. semi-mature broadleaf trees shall be planted on site within first planting season following commencement of development. The trees to be planted shall be a mix selected from the following list of species (unless otherwise agreed in writing with the Planning Authority):

Fearnog (Alder/*Alnus glutinosa*),
Crann Creathach (Aspen/*Populus tremula*),
Draighean (Blackthorn/*Prunus spinosa*),
Crann Fia-Ull (Crab apple/*Malus sylvestris*),
Coll (Hazel/*Corylus avellana*),
Sceach Gheal (Hawthorn/*Crataegus monogyna*),
Cuileann (Holly/*Ilex aquifolium*),
Dair Ghallda (Pedunculate Oak/*Quercus robur*),
Dair Ghaelach (Sessile Oak/*Quercus petraea*),
Caorthann (Rowan/Mountain Ash (*Sorbus aucuparia*),
Fionncholl (Whitebeam/*Sorbus spss*),
Saileach (Willow/Sallys/ *Salix spss*),
Leamhan Sleibhe (Wych Elm/*Ulmus Glabra*).

Any trees dying within subsequent three years shall be replaced.

Reason: To preserve the amenities of the area.

15. Potable water supply shall be from bore hole in accordance with information submitted 09/05/2025.

Reason: In the interests of orderly development and public health.

16. (a) A secondary packaged wastewater treatment system shall be installed in accordance with The Environmental Protection Agency's 2021 Code of Practice Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10), meeting the standards of SR 66 & IS EN 12566 Part 3, and be suitable for a population equivalent (PE) of 5. The wastewater treatment system shall be operated and maintained in accordance with Chapter 12 of the Code of Practice. This is a legal requirement under The Water Services Acts of 2007 and 2012.
- (b) All wastewater shall be conveyed from the development to the secondary packaged waste water treatment system via pipework measuring 100 – 110mm in diameter, and shall achieve a minimum fall of 1:40 to 1:60 depending on the material used as per the requirements of Table 7.3 of the Code of Practice
- (c) A sand polishing filter shall be created to further treat the secondary wastewater. It shall comprise of no less than 15m². The hydraulic loading should not exceed 60L/m²/day. The sand polishing filter shall be created in accordance with Table 8.2, Chapter 8 of the Code of Practice. Gravel layers within the sand polishing filter must be vented to the open air. The internal vertical sides of the sand polishing filter must be lined with an impermeable material to prevent lateral migration of wastewater from the filter. The bottom of the filter must not be lined. The filter may be soil covered and sown with grass.

Continuation of Schedule – Order No. 2025PH2322

- (d) Wastewater from the system shall be evenly distributed to each of the infiltration pipes via a suitable sump pump distribution device. Pressure distribution pipes shall be a minimum 25mm in diameter with 4-6mm perforations facing downwards over a 250mm depth layer of gravel.
- (e) There shall be a minimum subsoil depth of unsaturated material beneath the infiltration pipework and the bedrock/water table. In this instance that required depth will be 0.9m.
- (f) The final wastewater from the tertiary sand polishing filter shall be evenly discharged to a 300mm deep gravel distribution area (pea gravel, 12-32mm) which shall be sized in accordance with Option 6 of Table 10.1, Chapter 10 of the Code of Practice. In this instance the gravel distribution area shall be no less than 125m².
- (g) A gravel filled land drain shall be constructed 2m up-gradient of the infiltration area in order to protect the area from surface water run-off from the higher ground on the site. This land drain must connect to existing storm water drains.
- (h) The packaged wastewater treatment systems and the infiltration area shall be at least 7m from the proposed dwelling (or any adjacent dwelling).
- (i) No part of the infiltration/treatment area shall be within:
 - **10m** from neighbouring infiltration/treatment areas
 - **3m** of the boundary of the adjoining site
 - **4m** of the nearest road boundary
 - **10m** of the nearest stream or drainage ditch
 - **3m** of the nearest trees
 - **4m** from any slope break or cut in slope.
 - **5m** of the surface water soak away which should be located down gradient of the infiltration area h. 15m from the up-gradient domestic well.
- (j) Documentary evidence detailing a five-year maintenance contract between the applicant/owners and the suppliers of the wastewater treatment system shall be forwarded to the Planning Authority upon its installation.
- (k) All parts of this condition shall be complied with in full prior to first occupation of the house hereby permitted.

Reason: In the interests of orderly development and public health.

17. The applicant (or person at the relevant time entitled to the benefit of the permission) shall pay a contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority that is already provided or is intended will be provided by the Authority. The amount of the contribution will be as set out below and is determined in accordance with the "Donegal County Council Development Contribution Scheme 2016 - 2021" (made under Section 48 of the Planning and Development Act, 2000 (as amended)). The total contribution and breakdown of same in respect of the different classes of public infrastructure and facilities provided/to be provided by the Authority are –

Dwellinghouse up to 200m² €2,024.71

TOTAL: **€2,024.71**

No. 17 cont'd

The total contribution shall be paid to the Council prior to commencement of the development unless the Council have agreed in writing beforehand to facilitate phased payment of the contributions in which event as part of any such agreement the Council may require the giving of security to ensure payment.

Reason: To facilitate provision of capital works.

ADVICE TO APPLICANT

Duration of Permission

The permission to be issued (hereinafter referred to as "the permission") will cease to have effect in five years from the date of issue as regards any part of the development **not completed** by that date.

The development is only authorised when a "Notification of Final Grant" is issued. No works can commence on foot of "A Notification of Decision" on an application.

Building Control Compliance

The decision of this Planning Authority to grant this planning permission **does not** in any way **remove your obligations** to comply with the Building Regulations and the Building Control Regulations.

All building works **shall** comply with the Building Regulations and the Building Control Regulations. Your competent building professional will be able to advise you if any of the following are required:

- You **may** be required to submit a valid **Commencement Notice** onto the Building Control Management System via www.nbco.localgov.ie, not less than 14 days and not more than 28 days **prior** to the commencement of any building works.
- You may be required to obtain a valid **Fire Safety Certificate prior to commencement** of works.
- You may be required to obtain a valid **Disability Access Certificate prior to** opening, operating or occupying the building.
- You may be required to submit a valid **Certificate of Compliance on Completion prior to** opening, operating or occupying the building.

It is the responsibility of the owner to ensure that all buildings or works are carried out in accordance with the requirements of the Building Regulations & Building Control Regulations and failure to comply with these regulations may result in a prohibition on opening the building or prosecution by the Building Control Authority.

Further guidance on how to comply can be obtained on the National Building Control office website: <https://www.nbco.localgov.ie/>

The Code of Practice for Inspecting and Certifying Buildings and Works can be viewed at: https://www.nbco.localgov.ie/sites/default/files/2016-10-21_code_of_practice_for_inspecting_and_certifying_buildings_and_works_final_version-2016.pdf

Continuation of Schedule – Order No. 2025PH2322

Road Opening

Permission for road openings associated with such connections must also be separately approved by the Council (as appropriate) prior to the commencement of any works on the opening of road, verge or footpath for the purpose of making such connections. (Separate fees are payable).

General

Applicant is **required** to remove the site notice(s) on receipt of the notification of the decision from the Planning Authority.

Appeals Procedure

An appeal may be made to An Coimisiún Pleanála. You have four weeks beginning on the date the Planning Authority makes its decision. The decision date is the date that the Planning Authority's Chief Executive's Order is signed. Details of the appeals procedure are available at <https://www.pleanala.ie/en-ie/make-an-appeal>