

DONEGAL COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

NOTIFICATION OF FINAL GRANT

TO: CATHERINE MAHER
C/O CORNER STONE ASSOCIATES
MOUNTAIN TOP
LETTERKENNY PO
CO. DONEGAL
F92RX0P

Planning Register Number: 23/ 50973

Valid Application Receipt Date: 05/07/2023

Further Information Received Date:

In pursuance of the powers conferred upon them by the above-mentioned Acts, Donegal County Council have by Order dated 24/08/2023 GRANTED PERMISSION to the above named, for the development of land, namely: -

CONSTRUCTION OF A DWELLING HOUSE WITH ASSOCIATED SEWAGE TREATMENT SYSTEM, DOMESTIC GARAGE AND ALL ASSOCIATED SITE DEVELOPMENT WORKS AT CURRAGHAMONGAN BALLYBOFEY LIFFORD PO CO. DONEGAL IN ACCORDANCE WITH THE PLANS SUBMITTED WITH THE APPLICATION.

Subject to the 15 conditions set out in the Schedule attached.

Signed on behalf of Donegal County Council.
County House
LIFFORD
(Telephone: 074 - 9153900)

e. Reid

For A/Senior Ex. Planner
Date: 27/09/2023

SCHEDULE

1. Development shall be carried out strictly in accordance with lodged plans and details, submitted on 05/07/2023 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 persons who belong to the same category of housing need as the Applicant (being those three categories and exceptional circumstances of need described in Policy RH-P-3 in the County Donegal Development Plan 2018-2024 (as varied)), **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 will 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 the 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, 2018 - 2024 (as varied).

3. Prior to commencement of development, permanent visibility splays of 90 metres in each direction shall be provided to the nearside road edge at a point 2.4 metres back from the point of exit onto the L6614-1. 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 to be calculated and provided as per Figure 2 of Appendix 3 (Development Guidelines and Technical Standards) of Part B of the County Donegal Development Plan 2018-2024 (as varied).

Reason: In the interests of traffic safety.

Continuation of Schedule – Order No. 2023PH1920

4. 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 the adjoining access 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 1 of Appendix 3 (Part B - Development Guidelines and Technical Standards) of the County Donegal Development Plan, 2018-2024 (as varied) and based on new fenceline.

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

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

Reason: In the interests of traffic safety.

6. Prior to commencement of any development full frontage or roadside drain 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) piped to an appropriate outlet/watercourse with a lockable gully installed at the lowest point of the frontage.

Reason: To preserve road drainage.

7. 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.

8. 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.

9. Entrance shall incorporate an acco 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.

10. (a) Electrical and telephone service shall be underground.
(b) Roof shall be blue/black and external walls white or as otherwise agreed by the Council in writing.
(c) Stone finish shall be sourced from a locally authorised source.

Reason: To preserve the amenities of the area.

Continuation of Schedule – Order No. 2023PH1920

11. (a) Garage shall be used solely for domestic purposes only ancillary to the residential enjoyment of the parent dwellinghouse and shall not be used for any other purpose be that business, residential or other without a separate grant of planning permission.
- (b) The garage shall be constructed concurrently with or subsequent to the parent dwellinghouse, but in any event shall not be constructed as a standalone structure or separate development.

Reason: To cater for orderly development.

12. Planting of a thick hedgerow of native species, including gorse, black thorn shall be carried out around site boundaries within the first planting season following completion of the construction works. Any species dying within subsequent three years shall be replaced.

Reason: To preserve the amenities of the area.

13. Potable water supply shall be from public watermains in accordance with information submitted under question 20 of the application form, in support of the application for development or alternatively prior to the commencement of development revised plans drawn to a scale not less than 1:500 shall be submitted to the Planning Authority for written agreement identifying the location of a private well to serve the dwelling and details of required separation distances from sanitary arrangements and any open watercourses. The development shall thereafter proceed in strict conformity with the agreed plans.

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

14. (a) A wastewater treatment system (Independently certified by IAB, BSI or ISO EN) suitable for a population equivalent of **6 No persons** shall be installed, operated and maintained in strict accordance with the supplier's instructions, the recommendations of the Site Assessment Form submitted on 05/07/2023 and in accordance with the 2021 Environmental Protection Agency, "Code of Practice Domestic Wastewater Treatment Systems."
- (b) No part of the percolation area shall be within:
- **10m** of any dwelling
 - **3m** of the boundary of the adjoining site
 - **4m** of the nearest road boundary
 - **10m** of the nearest stream or ditch
 - **3m** of the nearest trees
 - **5m** of any surface water soakaway which if located on the site, shall be located down-gradient of the percolation area.
- (c) 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.
- (d) All parts of this condition shall be complied with in full prior to first occupation of the development hereby permitted.

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

Continuation of Schedule – Order No. 2023PH1920

15. 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). 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 over 200m2 €3,163.32

TOTAL: €3,163.32

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.

Applicant is advised that the site is not currently served by a public mains supply and a connection via the same would be approx. 320m. Therefore, details can be submitted for consideration of an alternative source if the public mains option is not feasible.

Applicant is further advised that the private well should be constructed so as to prevent contamination and thereafter tested and treated as necessary to meet the requirements of European Community (Quality of water intended for Human Consumption) Regulations, 1988 (S.I. 81/1988 refers).

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.

No works can commence on foot of "A Notification of Decision" on an application.

The development is only authorised when a "Notification of Final Grant" is issued.

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).

Continuation of Schedule – Order No. 2023PH1920

General

Applicant is advised that in accordance with the Building Control Regulations, you are obliged to submit a commencement notice prior to the commencement of development. The commencement notice must be received by the Building Control Authority not less than 14 days and not more than 28 days before you wish to commence work. Notice of commencement must be completed online on the National BCMS (Building Control Management System) at <https://nbco.localgov.ie/en>. A commencement notice is relevant in all cases, except where a person intends to commence work on the construction of a building before a grant of the relevant Fire Safety Certificate, where one is required. In this case the correct form to use is a '7 Day Notice'. Further information regarding Building Control can be found at:

<https://www.donegalcoco.ie/services/planning/buildingcontrol>

<https://www.gov.ie/en/publication/7301d-construction-industry-preparing-for-the-end-of-the-brexit-transition-period-your-questions-answered/>

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 Bord 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>