

**DONEGAL COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT ACTS, 2000 - 2004**

**Manager's Order No:** 2005PG1653

**Reference Number:** 05/2371

**Name of Applicant:** MR HUGH KENNEDY  
**Address:** C/O FERGUS C MURRAY  
CRONKERRIN  
ARDARA  
CO DONEGAL

**Nature of Application:** PERMISSION for CONSTRUCTION OF NEW HOUSE WITH ENVIROCARE OR OTHER APPROVED WASTE WATER TREATMENT SYSTEM, PERCOLATION AREA, NEW ENTRANCE AND SITE DEVELOPMENT.

**Location of Development:** TULLYCLEAVE MORE PORTNOO RD ARDARA CO DONEGAL

**SUBMITTED:** Recommendation that PERMISSION **BE GRANTED** subject to the 14 conditions set out in the Schedule hereto.

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***STAFF OFFICER***

**ORDER:** That it is hereby decided to **GRANT PERMISSION** in the case of application 05/2371 under the Planning and Development Acts, 2000 - 2004 subject to the 14 conditions stipulated in the Schedule hereto.

I further order that PERMISSION **BE GRANTED** subject to the 14 conditions, unless an appeal which is not subsequently withdrawn is lodged with An Bord Pleanala within four weeks beginning on this date.

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***AREA MANAGER***

DATED THIS DAY OF NOVEMBER, 2005

**DONEGAL COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT ACTS, 2000 - 2004**

**NOTIFICATION OF DECISION TO GRANT**

**TO:** MR HUGH KENNEDY  
C/O FERGUS C MURRAY  
CRONKERRIN  
ARDARA  
CO DONEGAL

**Planning Register Number:** 05/2371

**Valid Application Received:** 05/04/2005

**Further Information Received Date:** 09/11/2005

**In pursuance of the powers conferred upon them by the above-mentioned Acts, Donegal County Council has by Order dated 25/11/2005 decided to GRANT PERMISSION for development of land, namely:-**

CONSTRUCTION OF NEW HOUSE WITH ENVIROCARE OR OTHER APPROVED WASTE WATER TREATMENT SYSTEM, PERCOLATION AREA, NEW ENTRANCE AND SITE DEVELOPMENT. AT TULLYCLEAVE MORE PORTNOO RD ARDARA CO DONEGAL IN ACCORDANCE WITH THE PLANS SUBMITTED WITH THE APPLICATION.

**Subject to the 14 conditions set out in the attached schedule.**

Signed on behalf of Donegal County Council  
Public Services Centre  
Dungloe  
Tel: 074 9561300

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*for AREA MANAGER*

Date: 25<sup>th</sup> November, 2005

**See final page for details of appeal procedures.**

**Ref. No. 05/2371-County Manager's Order No. 2005PG1653**

**SCHEDULE**

1. (i.) Dwelling hereby permitted shall be first occupied by one of the following category of applicant as defined in Section 2.5.5 of the County Donegal Development Plan, 2000 (as varied) – Volume 1: -

- (a) The applicant
- (b) Immediate Family Member
- (c) Member of Indigenous Rural Community

(ii.) Dwelling shall be occupied as a permanent residence and shall not be used as a second / holiday home.

**Reason: In order to define the permission and to comply with the provisions of the County Donegal Development Plan, 2000 (as varied).**

2. Finished floor level of the house shall not exceed that of the existing dwelling to the west of the site (denoted Gerard McHugh on the site layout plan submitted to the Planning Authority on 9/11/05).

**Reason: To cater for orderly development.**

3. a. Electrical and telephone service shall be underground.  
b. Any bulk fuel storage tank shall be screened from public view by means of timber picketting.  
c. Roof shall be blue/black and external walls white or as otherwise agreed by the Council in writing.

**Reason: To preserve the amenities of the area.**

4. Any new site boundaries shall consist of dry stone walling constructed of locally sourced stone.

**Reason: To preserve the amenities of the area.**

5. (i.) Boundary wall or fence 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 on approval drawing 113A and based on new fenceline.  
(ii.) Front fence shall be located a minimum of 6.5 metres from the centreline of the public road.  
(iii.) Existing fence shall be removed over the entire site frontage.

**Reason: It is an objective of the County Development Plan (as varied), to cater for parking of future traffic completely off the edge of the public road boundary.**

**Continuation of County Manager's Order No. 2005PG1653**

6. Area between old and new front boundaries shall be soled with 450mm of 100mm stone, blinded with quarry dust, consolidated and graded to existing road levels and provide grade falling back towards site. Gully (1 no.) to be provided at lowest point of frontage. Area thereafter shall be maintained by applicant.

**Reason: In the interests of traffic safety.**

7. Prior to commencement of any development roadside drain shall be piped using 300mm diameter concrete pipes and back filled with 50mm clean broken stone to finished ground level and shall include for minimum 150mm thick concrete grade 20.20 bed and surround to pipes under driveway. Said pipe shall be maintained thereafter by applicant.

**Reason: To preserve road drainage.**

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. Grade of new access laneway/driveway shall not generally exceed grade of 3% for a distance of 7m from edge of public road and gradient thereafter shall not exceed 8%.

**Reason: In the interests of traffic safety.**

10. Prior to commencement of development vision lines of 92m shall be provided in each direction at a point 3.05m back from road edge at location of vehicular entrance. Said vision lines shall be based on eye object height equal to 1.06m over ground level.

**Reason: In the interests of traffic safety.**

11. Any damage to the public road occurring during construction shall be made good to the satisfaction of the Executive Engineer, for the area (Telephone:074-9561300).

**Reason: To cater for orderly development and in the interests of traffic safety.**

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12. a. Domestic effluent treatment on site shall be by means of a proprietary treatment system and tertiary polishing filter, certified by the Irish Agreement Board and constructed in accordance with the standards contained in the EPA Manual 'Treatment Systems for Single Houses'.
- b. The system and percolation area shall be installed, operated and maintained in strict accordance with the suppliers instructions.
- c. Documentary evidence shall be forwarded to the Planning Office detailing a five year maintenance contract between the applicant and the suppliers of the system upon installation.
- d. The applicant and his/her heirs/assigns shall be responsible in perpetuity for the maintenance of the system.

**Reason: In the interests of public health.**

13. (i.) 120 gallons water storage shall be provided. Meter box to be fitted.
- (ii.) Prior to the commencement of any works on site applicant or person entitled to take benefit of the permission shall obtain written agreement from D.C.C Sanitary Services Executive Engineer in relation to:
- a. Details of any connection to water supply.
- b. Details of any relocation or upgrade of existing mains which the engineer might require in connection with this development.
- c. Details of any extension to existing mains which the engineer might require in connection with this development.
- d. All works in relation to connection to water supply / sewer shall be carried out to the specification of the Sanitary Services Engineer for the area

**Reason: To ensure the satisfactory completion of the development**

14. 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 2004" (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 –

<b>Water</b>	<b>€ 409.50</b>
<b>Sewer</b>	<b>€ -</b>
<b>Town &amp; Village Renewal</b>	<b>€ -</b>
<b>Roads</b>	<b>€ 107.76</b>
<b>TOTAL:</b>	<b>€ 517.26</b>

## **Continuation of County Manager's Order No. 2005PG1653**

The above charges shall be index linked from 1<sup>st</sup> January each year following imposition of the levy in accordance with the Wholesale Price Index for Building and Construction published by the Central Statistics Office.

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. Where the development has not been completed but substantial works have been carried out pursuant to "the permission" during the said five years, an application to "extend" "the permission" may be made. Such application shall not be made earlier than one year before the expiration of "the permission".

**Please note that 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.**

#### **Connection to Council Services:**

Where the development involves connections to the Council's Sanitary Services a separate application for permission for such connections and associated road openings is required. (Separate fees are payable in addition to any development charges levied). Such application for permission must be made and approved by the Council before commencement of any works on the opening of road, verge or footpath, as appropriate, for the purpose of making the connections.