

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Donegal County

Planning Register Reference Number: 14/51060

An Bord Pleanála Reference Number: PL 05.245842

APPEAL by Cora McIntyre of Navenny, Ballybofey, Lifford, County Donegal against the decision made on the 6th day of November, 2015 by Donegal County Council in relation to an application by Pamela Masterson care of MH Associates of Convent Road, Letterkenny, County Donegal for permission for development comprising (1) demolition of partly constructed dwellings previously approved under planning register reference numbers 05/60048 and 05/60089, and (2) construction of 14 number detached dwellings and garages and all associated site works including connection to foul and storm sewers, riverside amenities walks and landscaped area at Navenny, Ballybofey, County Donegal in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for demolition of partly constructed dwellings previously approved under planning register reference numbers 05/60048 and 05/60089, and construction of nine number detached dwellings and garages and all associated site works including connection to foul and storm sewers, riverside amenities walks and landscaped area and to refuse permission for construction of five number detached dwellings and garages and all associated site works including connection to foul and storm sewers).

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

1. The proposed development is considered premature pending the adoption of the Ballybofey- Stranorlar Local Area Plan. Furthermore, the provision of a public amenity park through this planning application process is considered inappropriate and the Board is of the opinion that this park should be further progressed through different legislative avenues. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to its design and layout, it is considered that the proposed development would offer an inadequate level of residential amenity to future occupiers and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The western portion and part of the eastern portion of the subject site is located within Zone A area, identified as being subject to a 1:100 year flood event, namely a high probability of flooding. The current development plan for the area, in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government in November, 2009 states that residential development is considered to be a highly vulnerable development within such zones. It is the policy of the planning authority to require applicants to submit flood risk assessments and Justification Tests (Policy F-P-7) for developments within such areas. It is noted that neither has been submitted within this application. The proposed development would, therefore, be contrary to the provisions of the development plan and contrary to the proper planning and sustainable development of the area.

4. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement, the Board is not satisfied that the proposed development individually, and in combination with other plans and projects would not be likely to have a significant effect on the River Finn Special Area of Conservation (site code 002301) in view of the site's conservation objectives.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.