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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: 17/51768**

**APPEAL** by Monbro Developments Limited care of Michael Monagle of Riverstown Business Park, Tramore, County Waterford against the decision made on the 10<sup>th</sup> day of January, 2019 by Donegal County Council to grant subject to conditions a permission to Charles Kelly Properties Limited care of MH Associates of Convent Road, Letterkenny, County Donegal.

**Proposed Development:** (1) Demolition of existing buildings known as Kelly's Supermarket and Kelly's Service Station. (2) Construction of a new two-storey building to include supermarket, ancillary storage, office and wc's on ground floor and ancillary storage and staff accommodation on first floor. (3) Alterations to existing canopy. Also, all associated site works to include additional carparking, loading/unloading area and connection to existing foul and storm network at Kelly's Service Station, Millbrae, Chapel Street, Carndonagh, County Donegal as amended by the revised public notices received by the planning authority on the 13<sup>th</sup> day of December, 2018.

## **Decision**

**REFUSE permission for the above proposed development in accordance with 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**

Having regard to 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities', issued by the Department of Environment, Heritage and Local Government in November 2009, the adequacy of existing flood protection measures on site and the design, size and layout of the existing culvert located within the ownership of the applicant, the Board is not satisfied that the proposed development would not lead to an increased risk of flooding in the area. Having regard to the Guidelines above, it is considered that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board, having regard to the Flood Risk Management Guidelines above, did not consider, notwithstanding the detailed submissions by the applicant, including the Flood Risk Assessment, Drainage Assessment and Justification Test submitted to the planning authority on the 16<sup>th</sup> day of October 2018, that the flooding issues could be adequately addressed by way of condition.

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

**Dated this            day of            2019.**