



Planning and Development Acts 2000 to 2018

Planning Authority: Donegal County Council

Planning Register Reference Number: 18/51455

Appeal by Tirhomin Group Water Scheme care of Dolores McGee of Garrygort, Milford, County Donegal against the decision made on the 22nd day of February, 2019 by Donegal County Council to grant subject to conditions a permission to Patrick Sweeney care of McHugh Planning and Design of Aughalatty, Carrigart, Letterkenny, County Donegal in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of an access track and associated site works including drainage and underground electrical cables to serve permitted single wind turbine (planning register reference numbers 16/50297 and 11/40003 refer), at Kerrykeel, in the townland of Garrymore, Letterkenny, County Donegal.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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 history in the area, including an existing planning permission for a wind turbine, and the landscape designations set out in the Donegal County Development Plan 2018-2024, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the amenities of residential property in the area, would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board did not agree that the proposed development would result in an incongruous form of development in the area or have a serious negative impact on the visual amenities of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 28th day of January, 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (1) The exact detail specification, route and final destination for discharge of all storm/surface waters collected in the proposed roadside open drains to existing open drains shall be identified.
- (2) 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 in accordance with condition number 2(1). The development shall thereafter proceed in strict conformity with the agreed plans.

Reason: To define the terms of the permission, protect the amenities of the area and ensure orderly development.

3. 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 public road. Said fence and hedgerow shall incorporate an entrance with a minimum entrance radii of 10.5 metres.

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

4. The area between old and new front boundaries shall be soiled to a height no higher than 100 millimetres above the level of the adjacent carriageway and shall be seeded with grass.

Reason: In the interest of the amenities of the area.

5. All overhead and underground poles and lines shall be setback to line of new fence line at the developer's expense and on obstructing pole(s) shall be left on layby.

Reason: In the interest of traffic safety.

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

Reason: To prevent flooding.

7. Arrangements for the disposal of surface water from the proposed development shall comply with the requirements of the planning authority.

Reason: To prevent flooding.

8. The access road shall be left with a natural edge finish and open roadside drainage. The road shall be surfaced with natural or coloured aggregate gravel and shall not be bound by bituminous or concrete material.

Reason: In the interests of visual amenity and orderly development, and to preserve the rural amenity and fabric of the host environment.

9. Planting of a thick hedgerow of native species, including gorse and black thorn shall be carried out around the initial 140 metre stretch of proposed access road along the site boundaries within the first planting season following completion of the construction works. Any species that dies within subsequent three years shall be replaced.

Reason: To preserve the amenities of the area.

10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

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

Dated this day of 2019.