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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: 18/51208**

**Appeal** by Daniel O'Donnell of Casheleenan, Termon, Letterkenny, County Donegal against the decision made on the 10<sup>th</sup> day of May, 2019 by Donegal County Council to grant subject to conditions a permission to Alan Sweeney care of Michael Friel of Creeslough, County Donegal in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention permission for two number existing commercial storage units and existing service yard with all associated site works relating to existing buildings at Massreagh, Kilmacrennan, County Donegal, as amended by the further public notice received by the planning authority on the 24<sup>th</sup> day of April, 2019.

**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 provisions of the Donegal County Development Plan 2018-2024, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the amenities of the area or of property in the vicinity, would not exacerbate flooding in the area, would not impact on the integrity of the Leannan River Special Area of Conservation (Site Code 002176) in view of the site's conservation objectives, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 27<sup>th</sup> day of February 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 within one month of the permission and the development shall be carried out and retained in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Within one month of the date of this Order, the applicant shall submit for the written agreement of the planning authority, full details of the proposed attenuation scheme and hydro carbon interceptor. Water supply and drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

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

3. The two number commercial structures and service yard hereby permitted shall be used solely for the storage of scaffolding equipment in conjunction with the applicant's existing scaffolding business only and shall not be used for any other commercial purposes without the prior written agreement of the planning authority.

**Reason:** In the interest of orderly development.

4. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

5. The site shall operate only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0700 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

6. All external lights shall be adequately hooded and aligned so as to prevent direct spillage of light onto the public road or third party lands.

**Reason:** In the interests of orderly development and public safety.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within three months of the date of this order or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

**Dated this                      day of                      2019.**