



Planning and Development Acts 2000 to 2020

Planning Authority: Donegal County Council

Planning Register Reference Number: 19/51568

Appeal by Úna McGinley of Hoist Away, Glebe, Culdaff, County Donegal against the decision made on the 2nd day of April, 2020 by Donegal County Council to grant subject to conditions a permission to Shaun Ferguson and Ursula Carr care of North West Modern Designs of 42 Marian Park, Buncrana, County Donegal in accordance with plans and particulars lodged with the said Council:

Proposed Development: (a) Retention of two number existing mobile homes and two number domestic garages/stores on site previously granted under planning register reference number 05/4041, and (b) permission for relocation of existing van number 1 and domestic garage/store in a south-eastern direction, and (c) decommissioning of existing septic tank system, and permission for new effluent treatment plant and polishing filter to serve two number mobile homes and all associated site development works at Culdaff Glebe, Culdaff, County Donegal, in the townland of Culdaff Glebe.

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 of the site, and to the nature of existing development on the lands and adjoining lands, it is considered that, subject to compliance with the conditions set out below, the proposed development would not constitute a traffic hazard, would not endanger public health, and would, otherwise, be in accordance with the proper planning and sustainable development 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 submitted on the 19th day of February, 2020, 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 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. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

3. The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority and in accordance with the requirements of the document entitled 'Code of Practice – Wastewater treatment and Disposal Systems Serving Single Houses (p.e ≤ 10)' – Environmental Protection Agency, 2009. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Within three months of the first occupation of one of the two mobile homes, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

4. The mobile homes shall be used for short term tourist accommodation only, and shall not be used as a place of permanent residence.

Reason: The occupation of the proposed dwellings on a permanent basis is unsustainable having regard to their location and design.

5. 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 prior to commencement of development 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.

Michelle Fagan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2021.