

Planning and Development Acts 2000 to 2021

Planning Authority: Donegal County Council

Planning Register Reference Number: 21/50401

Appeal by Ciaran J Neary of Yew Tree Lodge, Drumineney, Raphoe, County Donegal against the decision made on the 29th day of April, 2021 by Donegal County Council to grant subject to conditions a permission to Mike Kelly on behalf of Raphoe Town Football Club care of MH Associates of Convent Road, Letterkenny, County Donegal in accordance with plans and particulars lodged with the said Council.

Proposed Development: (1) Permission for the construction of training pitch previously approved under planning reference 15/50244, (2) erection of ball-stopping fencing previously approved under planning reference 15/50244, (3) erection of additional ball-stopping fencing, (4) erection of floodlighting and (5) completion of siteworks previously approved under planning reference 15/50244 at Drumineney, Raphoe, County Donegal in the townland of Drumineney.

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 nature and scale of the proposed development, which is located within an existing sports facility and which is associated with this sports facility use, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the policies of the Donegal County Development Plan 2018-2024, would represent an appropriate form of development and would not seriously injure the visual amenities of the area or the amenities of property in the vicinity. The proposed development would, therefore, 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, 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.

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2. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, details regarding proposed floodlighting, which shall be hooded and aligned so as to prevent direct spillage of light onto the public road and adjoining third party property.

Reason: In the interest of road safety and to ensure the protection of residential amenities

3. Proposed floodlighting shall not operate on the site between the hours of 22.00 and 08.00.

Reason: In the interest of residential amenity.

4. Site access and car parking arrangements shall comply with the planning authority's requirements, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of road safety.

5. 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.

6. Prior to the commencement of the development:

- (a) The existing roadside hedgerow shall be retained, save where removal is necessary to achieve visibility splays and sightlines in accordance with previously approved permission (planning reference 20/50416 refers). Where the roadside hedgerow is removed in order to achieve the required visibility splays, a new hedgerow of species native to the area shall be planted within the first planting season behind the clear line of visibility for a vehicle existing onto the public road.
- (b) A buffer in the form of mature trees shall be planted along the northern site boundary extending along the entire length of the proposed ball stop netting.

Reason: In the interest of visual amenity and to ensure the protection of residential amenities

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 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.

8. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
 - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

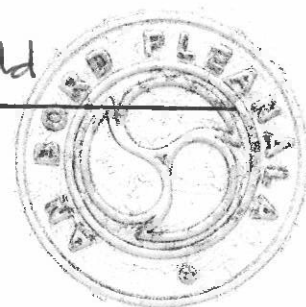
Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

Dr. Maria Fitzgerald

Maria FitzGerald

Member of An Bord Pleanála

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



Dated this *23rd* day of *March* 2022.