

Planning and Development Acts 2000 to 2021

Planning Authority: Donegal County Council

Planning Register Reference Number: 21/50820

Appeal by James and Rosemary McGonagle of Knockamany, Malin Head, County Donegal against the decision made on the 24th day of June, 2021 by Donegal County Council to grant subject to conditions a permission to John McGonagle care of Robert Clarke Architecture and Design of Upper Drung, Quigley's Point, County Donegal in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention and completion of timber and steel framed shelters, portable toilets, stone benches, picnic table and layby car parking in support of "Wild Alpaca Way" tourism business at Knockamany, Malin, County Donegal.

Decision

GRANT permission for the above development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the provisions of the Donegal County Development Plan 2018-2024, in particular policies ED-P-8 and TOU-P-3 which support tourism developments that benefit and enhance the county's tourism offering, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and completed would not seriously injure the amenities of the area or property in the vicinity, would not result in the creation of a traffic hazard and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained 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 and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The parking area, which shall be finished in a bound material, shall comply with the planning authority's requirements, details of which shall be agreed prior to the completion of the development.

Reason: In the interest of road safety.

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

Reason: To prevent water flooding.

4. The developer shall enter into an agreement with a licensed wastewater contractor for the removal and disposal of wastewater from the site, details of which shall be submitted for the planning authority's written agreement prior to the completion of the development.

Reason: In the interest of public health.

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 completion of the 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.

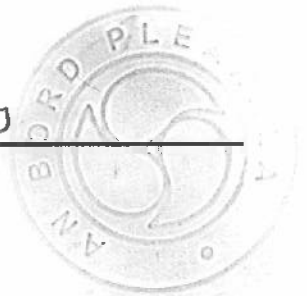
Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this 24 day of November 2022.