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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: 21/51716**

**APPEAL** by Cora McIntyre of Navenny, Ballybofey, Lifford, County Donegal against the decision made on the 19<sup>th</sup> day of May, 2022 by Donegal County Council to grant subject to conditions a permission to McHugh Bros (Builders) Limited care of AL Architects of Office 8B, The Courtyard, Lower Main Street, Letterkenny, County Donegal.

**Proposed Development:** (a) Demolition of 13 number partially built dwellings and eight number partially built detached garages, (b) construction of 24 number two-storey dwellings within 12 number semi-detached blocks, (c) connection to existing public foul sewer, (d) connection to existing public storm drainage, (e) pedestrian road crossing across Navenny Street - L-3044-3, (f) all associated works and site works including fencing/railings, public lighting, parking, playpark, landscaping and roadside footpath along Navenny Street, all at Navenny Street, Navenny, Ballybofey, County Donegal in the townland of Navenny. Further public notices were received from the planning authority on the 25<sup>th</sup> day of April, 2022.

**Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## Reasons and Considerations

The Board is not satisfied that the proposed development will not increase flood risk on adjacent lands, in particular, the impacts of the proposed bunds on flood waters on adjoining lands and on the application site, in the event of a fluvial flood event, have not been clearly demonstrated. Furthermore, the siting of the proposed sewage treatment plant and associated pump within Flood Zone B exacerbates risk to people, property and the environment. The Board is therefore not satisfied that the applicant has demonstrated that the development meets the criteria of the Justification Test in development management of 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities' (issued by the Office of Public Works/Department of the Environment, Heritage and Local Government in November, 2009). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission subject to conditions, the Board was not satisfied that the applicant had demonstrated that the proposed development satisfied all of the criteria of the Justification Test.



**Tom Rabbette**

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

Dated this 23<sup>rd</sup> day of Oct. 2023.