

An
Bord
Pleanála

Board Order
ABP-314566-22

Planning and Development Acts 2000 to 2022

Planning Authority: Donegal County Council

Planning Register Reference Number: 21/52459

Appeal by Eileen McGrinder of Atlantic Way Management Company Limited, Atlantic Way Apartments (Block A), Bundoran, County Donegal, and by Michelle Wilmot care of Marston Planning Consultancy, 23 Grange Park, Foxrock, Dublin against the decision made on the 11th day of August, 2022 by Donegal County Council to grant subject to conditions a permission to T. Wilmot and Sons Limited care of Paul Doherty of Castle Street, Donegal Town, County Donegal in accordance with plans and particulars lodged with the said Council.

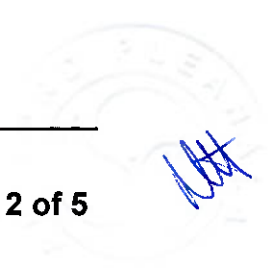
Proposed Development: Provision of a funfair / waterpark to include various amusement rides and slides; construction of boundary and retaining walls and alterations to the existing ground levels, boundary walls and fence with a pedestrian access onto Astoria Road and all associated, drainage, lighting & services and all associated site development works at Astoria Ballroom, Astroria Road and Atlantic way, Bundoran, County Donegal.

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.

Reasons and Considerations

Having regard to the location of the site within Bundoran on lands zoned for town centre purposes, the policies and objectives of the Donegal County Development Plan 2018-2024 and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would not be prejudicial to public health, would be acceptable in terms of pedestrian and traffic safety, and would constitute an acceptable use at this location. 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, as amended by the further plans and particulars submitted on the 20th day of July 2022 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. The use of the development shall be restricted to adventure park/funfair park.

Reason: To define the terms of the permission.

3. The developer shall comply with the following requirements of the planning authority:
 - (a) All external lights shall be hooded and aligned so as to prevent direct spillage of light onto the public road.
 - (b) No L.E.D, neon or similar lights shall be erected on the subject premises, structure, or site.

- (c) No digital displays or similar illuminated streaming media shall be erected or displayed on the subject premises, structure, or site.

Details regarding lighting and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of orderly development and public safety.

4. Drainage arrangements including attenuation and disposal of surface water, shall comply with the requirements of the planning authority.

Reason: In the interests of public health and surface water management.

5. Prior to the commencement of development, the developer shall enter into water and waste-water connection agreement(s) with Uisce Eireann.

Reason: In the interest of public health.

6. Opening hours of the premises shall be confined to between 1300 to 2100 hours.

Reason: In the interest of residential amenity.

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 prior to the 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.



Martina Hennessy

Member of An Bord Pleanála

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

Dated this *3rd* day of *January* 2024.

