

An  
Bord  
Pleanála

Board Order  
ABP-316015-23

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: 2251897**

**Appeal** by Johanna Kelly of 5 Iskaheen Park, Muff, County Donegal and by Others against the decision made on the 2<sup>nd</sup> day of March, 2023 by Donegal County Council to grant permission, subject to conditions, to Ultan Doherty care of O'Connor Burke Architecture Limited of Glenturas House, 18 Beraghmore Road, County Derry in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Erection of four number apartments in two number blocks with associated site works and connection to all public services at Ardmore, Muff, in the townland of Ardmore, 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 site's location within the settlement boundary of Muff, to national and local policy objectives which support compact growth, to the pattern of development in the area and to the nature and scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the established character or residential or visual amenities of the area and would not endanger public safety by reason of traffic hazard. 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 to the planning authority on the 8<sup>th</sup> day of February 2023 and revised drawings received by the Board on the 4<sup>th</sup> day of April 2023, 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 apartments the subject of this permission shall be used as permanent residential units only.



**Reason:** In the interest of clarity.

3. The following requirements shall be adhered to in the development:
  - (a) The proposed first floor windows serving the stairwell at proposed apartment number 2 (the easternmost apartment block) shall be permanently glazed with obscure glass.
  - (b) Storage sheds of minimum eight square metres in area and permanent block construction to accommodate domestic storage and cycle storage shall be provided for each apartment unit.

**Reason:** In the interest of residential amenity and sustainable transport

4. Proposals for an estate/street name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility, and to ensure the use of locally appropriate placenames for new residential areas.

5. Landscaping within the site shall be carried out in accordance with the Landscaping Plan submitted to the planning authority on the 8th day of

February 2023, prior to occupation of the apartments.

**Reason:** In the interest of visual and residential amenity.

6. Drainage arrangements, including the disposal of surface water from the site, shall be in accordance with the detailed requirements of the planning authority. No surface water from the site shall be permitted to discharge to the public road.

**Reason:** In the interests of public health.

7. The developer shall enter into water and/or wastewater connection agreements with Uisce Éireann, prior to commencement of development.

**Reason:** In the interest of public health.

8. The vehicular entrances, perimeter footpaths, kerbs and associated works of the development shall comply with the requirements of the planning authority and with the standards set out in the Design Manual for Urban Roads and Streets (DMURS), 2019. All works shall be completed prior to the occupation of the permitted dwellings.

**Reason:** In the interests of pedestrian and traffic safety.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual amenity.

10. 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.

11. The construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of all intended construction practice for the proposed development, including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and residential amenity.

12. Site preparation and construction shall adhere to best practice and shall conform with the Inland Fisheries Ireland document 'Guidelines on the Protection of Fisheries Habitat during Construction and Development Works at River Sites' 2016.

**Reason:** To preserve the amenities of the area and to prevent water pollution.

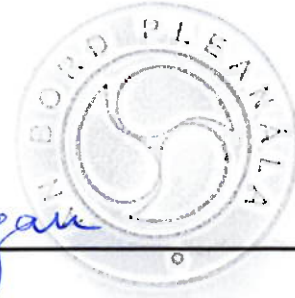
13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

14. 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.

*Stewart Logan*



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**Stewart Logan**

**Member of An Bord Pleanála**

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

Dated this *12<sup>th</sup>* day of *April* 2024.