



Planning and Development Acts 2000 to 2022

Planning Authority: Donegal County Council

Planning Register Reference Number: 2350427

Appeal by Bernard Whoriskey care of MH Associates of Covent Road, Letterkenny, County Donegal against the decision made on the 18th day of May, 2023 by Donegal County Council to grant subject to conditions a permission to Fíogas Ireland Limited care of TS McLaughlin Structural Engineers of Unit 4c, Riverside Office Park, Neil T. Blaney Road, Letterkenny, County Donegal in accordance with plans and particulars lodged with the said Council:

Proposed Development: Installation of a sulk LPG storage tank and road tanker filling facilities, fire suppression gantry with associated water storage tank and pump house and ancillary site services; all at Bunnagee, Letterkenny, 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 provisions of the Donegal County Development Plan 2018 – 2024 and the Letterkenny Plan and Local Transport Plan 2023 – 2029, it is considered that, subject to compliance with the conditions set out below, the proposed use of the site would be appropriate under the established development zoning of the site and surrounding sites, and would be compatible with the uses on these sites. Traffic generated by this use would be capable of being accommodated on the public road network, and access arrangements would be satisfactory. Subject to the installation of new on-site drainage arrangements, no water issues would arise. These arrangements would, likewise, provide the needed mitigation to ensure that the proposal would have no adverse effects on the integrity of the neighbouring European Sites. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening:

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development could have a significant effect on the Lough Swilly Special Area of Conservation (site code: 002287) and the Lough Swilly Special Protection Area (site code: 004075) in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment

The Board completed an Appropriate Assessment in relation to the effects of the proposed development on the Lough Swilly Special Area of Conservation (site code: 002287) and the Lough Swilly Special Protection Area (site code: 004075), taking into account the nature, scale and location of the proposed development, the submitted Natura impact statement, including the mitigation measures proposed, and the Inspector's report and submissions on file.

Following the Appropriate Assessment, the Board adopted the conclusions of the Inspector and determined that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of the Lough Swilly Special Area of Conservation (site code: 002287) and the Lough Swilly Special Protection Area (site code: 004075), or any other European site, in view of the sites' conservation objectives.

This conclusion is based on

- (a) a full and detailed assessment of all aspects of the proposed project including mitigation measures in relation to the conservation objectives of the Lough Swilly Special Area of Conservation (site code: 002287) and the Lough Swilly Special Protection Area (site code: 004075),
- (b) detailed assessment of in combination effects with other plans and projects, and
- (c) no reasonable scientific doubt as to the absence of adverse effects on the integrity of the Lough Swilly Special Area of Conservation (site code: 002287) and the Lough Swilly Special Protection Area (site code: 004075).

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.

2. All mitigation measures contained in the Natura impact statement shall be implemented in full.

Reason: To preserve the integrity of the Lough Swilly Special Area of Conservation (site code: 002287) and the Lough Swilly Special Protection Area (site code: 004075).

3. (a) The development shall proceed in accordance with Section 2.5.3 of the Surface Water Management Plan for the site, entitled "Proposed timing of works" submitted to the planning authority.
- (b) The proposed kerb to the perimeter of the site and the ramp for the access point to the working area of the site shall be constructed at the same time as the works described in Section 2.5.3 of the Surface Water Management Plan.

Reason: In order to prevent uncontrolled surface water run-off from the site, in the interest of safeguarding water quality in the River Swilly.

4. 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.



Tom Rabbette

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

Dated this 12th day of APRIL 2024.