

An
Coimisiún
Pleanála

**Commission Order
ABP-318879-24**

Planning and Development Acts 2000, as amended

Planning Authority: Donegal County Council

Planning Register Reference Number: 23/50216

Appeal by Marieanne Kelly and Helen Moran of Kill, Dunfanaghy, County Donegal against the decision made on the 14th day of December, 2023 by Donegal County Council to grant subject to conditions a permission to Margaret Stewart care of Michael Friel Architects and Surveyors Limited of Creeslough, Letterkenny, County Donegal in accordance with plans and particulars lodged with the said Council.

Proposed Development: (1) Construction of a caravan, motorhome and camping park to include 10 number designated motorhome pitches and 65 number static caravan pitches, (2) construction of a facility building to include reception area, toilets and showers and associated ancillary rooms, (3) construction of a site maintenance and storage building, (4) construction of an access roadway, previously granted under planning reference 11/30407, (5) connection to the public sewer with proprietary treatment prior to final discharge to sewer, (6) signage associated with the proposed development, and (7) all other associated site development works at Kill, Dunfanaghy, 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

It is considered that the proposed development would be in compliance with the relevant policies as set out in the County Donegal Development Plan 2024-2030 including, but not limited to, those policies pertaining to tourism uses, and it is not considered that there would be significant adverse impacts on the surrounding road network or that the proposal would result in a traffic hazard. Furthermore, it is considered that there would be no material impact on surrounding residential amenity.

The design of the proposed development is considered acceptable, and it is not considered that any adverse visual impacts or adverse impacts on the surrounding landscape would result from the development as proposed. Furthermore, it is considered that the proposed surface water design and wastewater proposals are acceptable, and it is not considered that the site is at particular risk of flooding, nor it is likely that the proposed development would increase flood risk off site, having regard to relevant flood mapping and to the surface water design proposals. It is considered, therefore, that the proposed development, subject to compliance with the conditions set out below, would be in accordance with the proper planning and sustainable development of the area.

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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 received by the planning authority on the 17th day of November, 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 construction of the 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 intended construction practice for the development, including:
 - (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
 - (b) location of areas for construction site offices and staff facilities,
 - (c) details of site security fencing and hoardings,
 - (d) details of on-site car parking facilities for site workers during the course of construction,

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- (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
- (f) measures to obviate queuing of construction traffic on the adjoining road network,
- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,
- (i) provision of parking for existing properties during the construction period,
- (j) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (k) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
- (l) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil,
- (m) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains, and

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- (n) a record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

Reason: In the interests of amenities, public health and safety and environmental protection.

- 3. (a) The remainder of the access road from Oak Grove to the development site shall be constructed prior to any development being carried out at the location of the permitted motor home and caravan park. All site/service traffic shall thereafter use this access road save where service development is required at other locations and permitted as part of this development or where alternative access is deemed suitable as part of the Construction Management Plan required by condition number 2 above.
- (b) No surface water from the site shall be permitted to discharge to the public road or adjacent laneways either during the construction phase or afterwards and the developer shall take steps to ensure that no road water discharges onto site.
- (c) All surface water collection and disposal shall be in accordance with the revised plans, details and particulars received by the planning authority on the 17th day of November, 2023.
- (d) Vehicle wheels shall be cleaned prior to exiting onto public road so as to ensure no material deposits on public road.

Reason: To prevent flooding and to cater for orderly development.

4. (a) Internal access roads shall be designed and constructed in accordance with Recommendations for Site Development Works for Housing Areas and Design Manual, Donegal County Council.
- (b) All recommendations included in the Road Safety Audit and the Traffic and Transport Assessment (both received by the planning authority on 17th day of November 2023) shall be complied within in full.
- (c) In addition to the above requirements, and prior to commencement of development, details of all pedestrian crossings, signage details and traffic calming measures within the proposed development site shall be submitted to the planning authority for written agreement.

Reason: In the interests of road safety and orderly development.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual amenity.

6. (a) All external lights shall be hooded and aligned so as to prevent direct spillage of light on the public road or onto third party dwellings or amenity spaces.
- (b) No L.E.D, neon or similar lights shall be erected on the site unless otherwise agreed in writing with the planning authority.
- (c) No digital displays or similar illuminated streaming media shall be erected or displayed on the site.

Reason: In the interest of residential amenity.

7. No signs, symbols or other means of advertising shall be erected or posted on site without the prior written agreement of the planning authority.

Reason: To cater for orderly development.

8. Signage shall be in the Irish Language only, or if bilingual signage is proposed, then the Irish language shall be first and shall be of an area, size and prominence that is greater than the area, size and prominence of other languages.

Reason: To comply with the relevant provisions of the County Donegal Development Plan 2024-2030.

9. The landscaping scheme shown on drawing number 207-PL, submitted to the planning authority on the 17th day of November, 2023 shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, the following shall be carried out:

A 1.8 metres high close board timber fence shall be erected on all site boundaries which adjoin existing or permitted residential dwellings or which adjoin existing static caravans.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

10. A minimum of 10% of the proposed car parking spaces shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

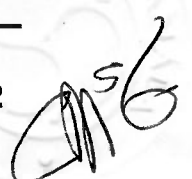
Reason: In the interest of sustainable transport.

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11. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development, including the external fabric of the buildings, internal common areas, landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services, shall be submitted to, and agreed in writing with, the planning authority, before any of the commercial units are made available for occupation.

Reason: To provide for the future maintenance of this private development in the interest of visual amenity.

12. (a) All wastewater associated with this development shall be treated on site prior to final discharge of treated effluent to the public sewer. The treatment plant specification shall be in accordance with the details and specifications submitted to the planning authority on the 17th day of November, 2023 and it shall be installed and maintained in accordance with the supplier's instructions at the location demonstrated on the site layout plan submitted with the application on the 17th day of November, 2023
- (b) A new connection from the site to the public sewer shall be provided for in accordance with revised plans and details submitted to the planning authority on the 17th day of November, 2023 and exact connection point and pipe size shall be discussed with and agreed with Uisce Éireann and the Council's Local Water Services Section prior to commencement of development. Following agreement with Uisce Éireann and the Council's Local Water Services Section, details of said agreement shall be forwarded to the planning authority.

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- (c) Following the upgrading of the public sewer, the on-site treatment plant shall be decommissioned under the supervision of a qualified engineer and all effluent shall be discharged directly to the public sewer in accordance with the requirements and conditions of Uisce Éireann.
- (d) Documentary evidence detailing a five-year maintenance contract between the developer/owners and the suppliers of the wastewater treatment system shall be forwarded to the planning authority upon its installation.

Reason: In the interests of orderly development and public health.

- 13. Prior to commencement of development, the developer shall enter into a connection agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

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14. The private laneway onto which service pipes shall be laid (water main, storm water and foul water) shall be repaired and upgraded by the developer following completion of the service works hereby permitted. Details of repair and upgrade works to the said laneway shall be submitted to the planning authority for written agreement prior to commencement of development and all works shall thereafter be carried out in accordance with the said written agreement and shall be completed prior to first use of any part of the development hereby permitted.

Reason: To cater for orderly development.

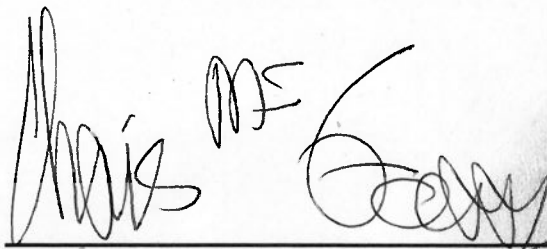
15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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 Coimisiún Pleanála for determination.

Reason: In the interests of traffic safety and the proper planning and sustainable development of the area.

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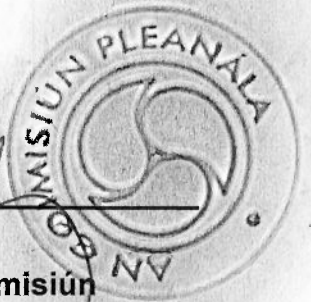
16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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 Coimisiún 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.



Chris McGarry

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 6th day of November 2025.