



An
Bord
Pleanála

Board Order ABP-319705-24

Planning and Development Acts 2000 to 2022

Planning Authority: Donegal County Council

Planning Register Reference Number: 24/60264

Appeal by Seamus and Lisa McGowan care of John Madden and Associates of Blackhall Street, Mullingar, County Westmeath against the decision made on the 18th day of April, 2024 by Donegal County Council to refuse permission.

Proposed Development: Construction of a commercial building consisting of offices and repair/maintenance workshop for vehicles in connection with logistics/haulage business. Reduction of land level by reducing soils level and construction of a retaining wall. Connection to watermain, public sewer and stormwater systems adjacent to the proposed site. Upgrading of existing entrance onto the existing industrial estate road adjacent to the site to allow for haulage vehicles, inclusive of 2.4-metre-high electric gates. Laying of hardcore stone area for truck parking and all associated site works, all at Lurganboy, Donegal Town, County Donegal.

Decision

REFUSE permission for the above proposed development for the reasons and considerations set out below.

Reasons and Considerations

1. The site is zoned for "Local Environment" purposes within the Seven Strategic Towns Local Area Plan 2018-2024, as varied, with an objective 'To provide for limited one-off housing and small-scale economic development so as to ensure the continued settlement pattern and sequential and transitional development of the towns through to rural areas.' Policy GEN-EH-1 of the local area plan seeks to consider limited home based or tourism based economic development proposals on lands zoned for 'Local Environment' purposes. On the basis of the information received in connection with the planning application and the appeal, the Board is not satisfied that the proposed haulage business would constitute a 'limited' or 'small scale' economic development as provided for under the Local Environment zoning objective pertaining to the site or Policy GEN-EH-1. The proposed development would materially contravene the Local Environment zoning objective pertaining to the site and Policy GEN-EH-1 of the Seven Strategic Towns Local Area Plan 2018-2024, as varied, and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. On the basis of the information received in connection with the application and appeal and in the absence of further information in respect of the arrangements for the disposal of surface water and treatment of potential on site pollutants, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on Donegal Bay (Murvagh) Special Area of Conservation (Site code 000133) and Donegal Bay Special Protection Area (Site code 004151) in view of the conservation objectives for those sites.

3. Policy GEN-ED-5 of the Seven Strategic Towns Local Area Plan 2018- 2024, as varied, seeks to permit economic development in accordance with a range of specified criteria. On the basis of the information received in connection with the planning application and the appeal, the Board is not satisfied that visibility splays at the entrance to the site from the L-6695 can be provided in accordance with the technical standards set out within Table 16.7 of the County Donegal Development Plan 2024-2030. In the absence of improvements to the junction, the Board is not satisfied that HGV manoeuvres associated with the development at the site entrance and on the local road network would not endanger public safety by reason of traffic hazard. In addition, the Board is not satisfied that the proposed development would not detrimentally impact on the amenity of properties in the vicinity of the development by reason of noise impact and increased HGV movements and associated disruption. Furthermore, it is considered that insufficient information has been submitted to enable the Board to comprehensively evaluate the likely impact of the proposed development on the locality and the wider environment in terms of the nature and operation of the proposed development, noise impact, emissions, site levels and surface water run-off. The proposed development would, therefore, be contrary to Policy GEN-ED-5 of the Seven Strategic Towns Local Area Plan 2018-2024, as varied, and the technical standards of the County Donegal Development Plan 2024-2030.

Eamonn James Kelly

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Member of An Bord Pleanála

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

Dated this *18th* day of *February*, 2025.