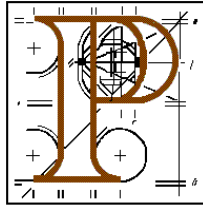


An Bord Pleanála



Inspector's Report

Appeal Reference No: PL05.246266

Development: Construction of extension to existing pizza outlet at rear of Patsy Dan's Bar, Main Street Dunfanaghy, Letterkenny, Co Donegal.

Planning Application

Planning Authority: Donegal County Council
Planning Authority Reg. Ref.: 15/51756
Applicant: Cape Verde Sol Ireland Ltd.
Planning Authority Decision: Grant permission

Planning Appeal

Appellant(s): Bryan Orr
Robert Robinson
Type of Appeal: Third party
Observers: None
Date of Site Inspection: 10th May 2016

Inspector: Dolores McCague

1 SITE LOCATION AND DESCRIPTION

- 1.1 The appeal site is located at Main Street, Dunfanaghy, Co Donegal. The site is part of a commercial premises known as Patsy Dan's Bar.
- 1.2 The property fronts onto Main Street and is part of the established town centre. There is commercial development to the east and residential development to the west. Ground levels fall gradually from west to east and floor levels of buildings fall eastwards. Floor levels of buildings to the west of the site are higher than within the subject site.
- 1.3 The part of the site the subject of this application/appeal is to the north/ rear of the Main Street at the rear of the building and is part of a yard/garden area which has separate access from a laneway leading from the Square to serve the rear of properties and to provide access to two detached dwellings, one under construction and the other, the property of the first appellant, located at the sea shore to the north/ rear of the Main Street.
- 1.4 The second appellant's property immediately adjoins the subject site to the west.
- 1.5 Dunfanaghy is a coastal town located on Sheephaven Bay south of Horn Head on the N56, approximately 35 km north of Letterkenny. It has a significant tourism role which can be seen from the existing level of hospitality and leisure services.
- 1.6 The site is given as 0.049ha.

2 PROPOSED DEVELOPMENT

- 2.1 The proposed development is described as the construction of an extension to existing pizza outlet at the rear of the premises; it includes the removal of an existing mono pitched corrugated tin roof, replacement with low pitched Kingspan insulated panel roofing system to reduce noise levels; and associated site works.
- 2.2 The stated floor area is 76.09m².

3 PLANNING HISTORY

244432 PA Reg Ref 14/51344 – permission for retention of (i) two tent canopies containing a mobile pizza oven and cooker, (ii) steel storage container for garden tools and (iii) change of use of shed to dining area, granted 12th June 2015, subject to 9 conditions including:

2 - The existing roof of the shed to be used as a dining area shall be replaced with solid, sound-proofed material to the written satisfaction of the planning authority within three months of the date of this order.

Reason: In the interest of residential amenity.

3 The pizza and dining area hereby approved shall operate as an ancillary use to the existing licensed premises unless authorised by a prior grant of planning permission.

Reason: In the interest of orderly development.

4. (a) There shall be no amplified sound used externally at the premises at any time.
(b) Service of food on the premises shall cease at 10.00 pm Monday to Sunday inclusive.

Reason: In the interest of residential amenity.

5. (a) All seating and standing areas associated with the hereby permitted ancillary development shall be proximate to the canopies and the 'dining area' hereby permitted and shall not extend north of the rear gated entrance and shall be clearly separated by a timber 'divide'.
- (b) Revised plans and elevations shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development, showing same 'divide' and providing for a 1.8 metre timber fence running from the north-most edge of the rear gated entrance to a point two metres or less from the north elevation of the structure indicated as 'generator store' on the submitted site layout (drawing number 4814/001).

Reason: In the interest of orderly development and residential amenity.

- 6 The steel garden shed hereby permitted shall be used for housing garden equipment and shall not be used for any commercial purposes, including the mounting of signage, or in conjunction with the established commercial business or the ancillary use hereby permitted.

Reason: In the interest of orderly and sustainable development.

- 7 Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

8. The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. This shall include the following:
- (a) Proposals for the on-going monitoring of sound emissions at dwellings in the vicinity.
- (b) Proposals in plan and elevation form in addition to technical specifications for rerouting of ventilation and ducting

pipework associated with the pizza area (Heat Producing Appliances) to the eastern most containing wall of the site, whereby fumes and smoke will have an outlet point via flue over and above this structure (600 millimetres to 1 metre to be agreed with the planning authority) and in full compliance with Building Regulations 2014.

Reason: In the interest of environmental and residential amenity.

10/30117 – permission granted for installation of 3 no. underground gas storage tanks to rear of premises on the most northerly part of the site.

07/31336 permission granted for erection of dwelling and connection to public sewer.

4 PLANNING AUTHORITY DECISION

- 4.1 Application received 30 December 2015.
- 4.2 HSE – 3 Feb 2015 – requirements to be discussed with HSE prior to any works.
- 4.3 Chief Fire Officer – 15th February 2016 – conditions.
- 4.4 Planning report – 22nd February 2016

The additional floor area, stated to be 76 sq m is only 34 square metres.

Normally 4 additional car parking spaces would be required. It is noted that the existing pizza business is conditioned to be ancillary to the public house and on that basis it is considered that it would be unreasonable to seek the provision of additional parking. The public house and beer garden has historically traded under a licence to sell food and drink within the boundaries of the premises.

- 4.5 The Council issued notification of decision (25/2/2016) to grant permission for the proposed development subject to 8 conditions including:

2 The translucent panels in the roof of the extended dining area hereby permitted shall be switched to the east facing pitched portion of the roof (i.e. onto the roof of the extended section of the premises) and all panels on the west facing pitch of the roof shall be insulated panels.

Reason: In the interests of residential amenity.

3 - 5 as 3 – 5 of 244432,

6 as 8 of 244432, and

8 – a development charge in the sum of €139.40 in respect of Roads & Marine; not contested.

- 4.6 The decision was in accordance with the planning recommendation.

- 4.7 Objections on the file have been read and noted.

5 GROUNDS OF APPEAL

- 5.1 Two third party appeals have been lodged against the Council's decision to grant permission.

- 5.2 A third party appeal has been lodged by Bryan Orr.

- 5.3 The grounds of appeal and main points raised in this submission can be summarised as follows:

- The planning authority has neglected to take account of the planning history: 14/51191. This refusal relates to unauthorised development on adjoining lands linked to the business.

- The industrial type design does not respect the residential buildings to the west and north.
- The Donegal Development Plan 2012-2018 sets out car parking requirement, to be provided on street or to the rear of development. Any reduction should be supported through a Traffic and Transport Assessment. Parking was previously disregarded in the retention application 14/51344. How can this premises be permitted to expand further without any additional provision. The existing car park at the rear of the premises is unauthorised and should not be taken into consideration. The town does not have a designated council car park and is heavily congested with traffic at peak times.
- Pedestrians use the laneway. It is heavily congested with pedestrians at peak times, over weekends and holiday periods. There are no pedestrian footpaths. It makes travel to and from third party's property difficult to manoeuvre. Pedestrians spill out from premises onto the laneway. Proposed development will increase footfall; a health and safety issue.
- Refuse bins belonging to the premises are stored on a regular basis along the right of way, not confined to collection day; obstructing use of the road.
- Third party is concerned regarding the impact on residential amenity from noise, privacy and traffic congestion.
- Condition no 9 of 244432 has not been complied with: Environmental Management System.
- Enclosed is a copy of UD 1370 Enforcement Notice re unauthorised use of land as camper van/camping facility.
- Enclosed also is a map indicating the location of third party's house.

5.4 A third party appeal has been lodged by Robert and Leona Robinson.

5.5 The grounds of appeal and main points raised in this submission can be summarised as follows:

- The third parties live next door to the proposed development. Since it appeared in 2013 this business has had a severe impact on their amenities from noise and smoke. None of the conditions of the retention permission 244432, 14/51344 have been adhered to.

- The required provision of 4 additional car parking spaces, together with the ignoring of the parking issue, ignoring the 4 parking spaces under 14/51344, refusal of retention 14/51191, and the use of 4 on-street parking spaces at the front of the premises by a car and trailer advertising the bar and night club and tables and chairs used in connection with the bar and ice cream parlour; needs to be addressed.
- Since the early nineties the business has added a 2 storey night club, a shop, a pizza restaurant and an ice cream parlour; with no authorised parking. Other businesses in the town have had to provide parking within their own property; planning references are cited. A restaurant is able to cater for more customers than a beer garden.
- The lane is a serious hazard to pedestrians and drivers being narrow, with no footpath or street lighting and used for bin storage. A takeaway pizza service is also operated from the premises.
- The height and position of chimney flues needs to be addressed; especially now that an additional fireplace has been added. Flues are still going to be dispersing fumes 350mm under the level of third party's second floor window cills. It is irrelevant whether or not smokeless fuels are used as they also contain carbon monoxide and this is odourless. Also who will be policing its use.
- Noise emission conditions have not been adhered to.
- Re. the condition requiring the removal of the timber screen, it was removed and replaced with a parasol and reed type fencing.
- As conditions have not been complied with, does this development not remain unauthorised?
- Enclosed with the grounds are 4 DVDs to demonstrate:
 - Smoke from chimney pizza place 27/6/2015
 - Smoke from pizza place entering third party's home 26/7/2015
 - Noise from pizza/pub 02/8/2015
 - Noise Xmas party pizza place 19/12/2015
- Enclosed with the grounds are copies of correspondence with Donegal County Council and photographs taken from their property and from the Main Street.

6 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority

6.2 In response to the first party appeal, the Planning Authority refers to the planning recommendation.

6.3 First Party

6.4 Mr Brian Devine, Director, has responded on behalf of the first party, to the Bryan Orr appeal, which includes:

- Planning history is referred to in the planning recommendation and application ref. 14/51191 is not part of the subject site and should have no bearing on the decision.
- The design was considered acceptable by the planning authority. The current roof is corrugated tin. The proposed roofing is insulated roofing panels to keep noise levels down, per condition of 244432. The reason the roof was not changed was due to the fact that the applicant intended to extend the premises.
- The planning authority considered the issue of car parking, stating that it would be unreasonable to seek the provision of additional parking as the business is conditioned to be ancillary to the existing licensed public house. Extending the dining area does not necessarily mean an increase in numbers using it. At present some people enjoy their pizza while seated outside.
- First party does not believe that an extra 34 sq m will have a major impact on traffic congestion in the town. As the facility is located in the centre of town, where pedestrians

walk about, first party does not believe that the extension would pose a health and safety risk.

- First party does not believe that noise by patrons would affect residential amenity 120m away.
- Post 14/51344 (244432) the company decided that they would apply for permission to extend the outlet. As it would not make financial sense to make alterations to the existing premises, the company decided to wait to see the outcome of the planning application. Should permission be granted the company will adhere to any conditions imposed.
- The position of the oven is located in such a way that any smoke can be ducted through the existing chimney of the old adjoining building, eliminating the problem of smoke effect on adjoining properties. The open fire and stove will burn smokeless fuel.
- County Development Plan policy TOU-0-4 supports the development of areas with strong tourism potential. The Wild Atlantic Way passes through Dunfanaghy. It is important that businesses be allowed to develop.

6.5 Mr Brian Devine, Director, has responded on behalf of the first party to the Robinson appeal, which includes:

- Re. parking – the proposed extension covers part of an open yard currently used as seating area and does not indicate that any more people can be accommodated. The development since the 1990s is not relevant and all have been subject to planning permission. The Planner's report acknowledges that the public house and beer garden have traded under a licence to sell food and drink within the boundaries of the premises. Hence it would be unreasonable to seek additional parking.

- Re. pedestrian safety on the lane, the majority of people approach the pizza outlet from Main St. People are entitled to use the right of way. It is in the centre of the town and pedestrian safety is unlikely to be an issue.
- The bins referred to in the grounds are placed on the lane on bin collection day.
- Re. fumes from the chimney, the oven is to be located so that any fumes could be ducted up the chimney which exists on the old building which forms a party wall with the pizza outlet. This chimney has been in existence for many years without creating any problems. Re open fire and stove, it is intended to burn smokeless fuel, which I would expect Donegal County Council to police. All of Letterkenny have to burn smokeless fuel, which the County Council police.
- Re noise, first party proposes to put sound proofed insulated panels on the roof (condition of 244432). I will implement all conditions imposed if planning permission is granted.
- Re. 3 sets of double doors, these doors face away from objector's property. With insulated panels and doors any noise levels will be better contained.
- Re. timber screen on the roof, photograph 4 was taken as the fence was being removed. Photograph 3 shows the reed fence on the roof, photo taken 13/6/14 one year before the date for taking it down.
- First party is in contact with Donegal County Council to resolve any outstanding matters in regard to non-compliance with planning conditions.
- Dunfanaghy is a busy tourist town on the Wild Atlantic Way. Businesses such as The Rusty Oven should allowed to develop to cater for tourist needs.

7 POLICY CONTEXT

- 7.1 The Donegal County Development Plan, 2012-2018, is the operative plan.
- 7.2 Horne Head is classified as an area of Especially High Scenic Amenity (EHSC) and views northwards are Protected Views.
- 7.3 Tourism continues to be an important contributor to the local economy. It provides high quality indigenous employment throughout the County and as the economic recovery takes hold, it will become an even more important revenue generator. Objectives include to support the development of areas with strong tourism potential, which will lead to a sustainable tourism economy for the County and Region, and to support strong tourism identity areas and create all ancillary facilities necessary for a quality holiday destination.

8 ASSESSMENT

- 8.1 In my opinion, the issues to be addressed in this appeal are: residential amenity, traffic and parking, and appropriate assessment and the following assessment is addressed under these headings.

8.2 Residential Amenity

- 8.3 Noise and fumes are the main concerns raised under this heading. Related issues are other developments which have been carried out by the first party and failure to implement conditions of the previous permission.

8.4 Compliance with conditions of the previous permission.

- 8.5 A number of conditions were attached to the previous permission by the Board.

8.6 Condition no. 2 required that:

The existing roof of the shed to be used as a dining area shall be replaced with solid, sound-proofed material to the written satisfaction of the planning authority within three months of the date of this order.

8.7 The first party states that after that permission was granted, decision date 12th June 2015, the company decided that they would apply for permission to extend the outlet, and decided to wait to see the outcome of the planning application before implementing the condition. Should permission be granted the company will adhere to any conditions imposed.

8.8 Condition no. 5 required that:

- (a) All seating and standing areas associated with the hereby permitted ancillary development shall be proximate to the canopies and the 'dining area' hereby permitted and shall not extend north of the rear gated entrance and shall be clearly separated by a timber 'divide'.
- (b) Revised plans and elevations shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development, showing same 'divide' and providing for a 1.8 metre timber fence running from the north-most edge of the rear gated entrance to a point two metres or less from the north elevation of the structure indicated as 'generator store' on the submitted site layout (drawing number 4814/001).

This condition has not been complied with. On the date of inspection there was a low timber fence with an open gate, separating a grassy area from the yard, but seating was provided within the grassy area and no attempt had been made to restrict the use of this area by patrons. In addition the area outside the site, the laneway and surfaced area opposite, appears to be available as an overspill area and picnic tables have been placed on the surfaced area, albeit some distance from the premises.

8.9 Should the Board be minded to grant permission it may consider restating this condition and requiring the completion of the work, prior to the commencement of development.

8.10 Condition no. 8 required that:

The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. This shall include the following:

(a) Proposals for the on-going monitoring of sound emissions at dwellings in the vicinity.

(b) Proposals in plan and elevation form in addition to technical specifications for rerouting of ventilation and ducting pipework associated with the pizza area (Heat Producing Appliances) to the eastern most containing wall of the site, whereby fumes and smoke will have an outlet point via flue over and above this structure (600 millimetres to 1 metre to be agreed with the planning authority) and in full compliance with Building Regulations 2014.

8.11 There is no indication of any proposals made to comply with this condition and the grounds of appeal states that this condition has not been implemented.

8.12 Should the Board be minded to grant permission it may consider restating this condition although it should be noted that it was a requirement that this condition be implemented prior to the commencement of development.

8.13 Other Development.

8.14 Other development carried out by the first party has been raised as a concern in the grounds of appeal. The first party has responded that this is not relevant to consideration of this appeal and that each development has been subject to planning permission. Unauthorised development has also been referred to and this has been subject to enforcement action. Other

development carried out by the first party should not be a reason to refuse permission.

8.15 Smoke

8.16 The third party adjoining the premises to the west has raised the concern regarding smoke: that the height and position of chimney flues needs to be addressed; especially now that an additional fireplace has been added. Flues are still going to be dispersing fumes 350mm under the level of third party's second floor window cills. It is irrelevant whether or not smokeless fuels are used as they also contain carbon monoxide and this is odourless.

8.17 In the previous development a stainless steel cooker and a mobile pizza oven were proposed, both with individual flues. In the subject application the first party states that the oven is to be located so that any fumes could be ducted up the chimney which exists on the old building which forms a party wall with the pizza outlet and that this chimney has been in existence for many years without creating any problems.

8.18 It is worth noting that no such proposal has been made in the drawings submitted. It is also worth noting that condition no. 8 of the previous Board decision required that proposals in plan and elevation in addition to technical specifications, be submitted to the planning authority, showing the rerouting of ventilation and ducting pipework associated with the pizza area to the eastern most containing wall of the site details to be agreed with the planning authority, in full compliance with Building Regulations 2014. No case has been advanced as to why this would not be complied with and I can see no reason why compliance with this condition cannot be achieved.

8.19 Noise.

8.20 Noise has been raised as an issue in both third party submissions. Conditions 2 and 8 of the previous permission have not yet been complied with. The first party states that implementation of condition no. 2 was delayed because it was intended to apply for the subject extension and that he proposes

to put sound proofed insulated panels on the roof. It should be noted that the date specified for implementing this condition was 11th September 2015. The planning authority's conditions as drafted include a requirement for the proposed translucent panels in the roof of the extended dining area to be switched to the east facing pitched portion of the roof, onto the roof of the extended section, and that all panels on the west facing pitch shall be insulated. Should the Board be minded to grant permission I consider that a similar condition be utilised.

- 8.21 The adjoining third party has concerns at the number of doors which are proposed and the possible impact of these openings on noise. Noise impact is more likely from users of the premises who are outdoors and therefore the enclosure of an additional area is likely to reduce noise. However, in light of the fact that overspill from the premises onto the laneway and into the area on the opposite side, as well as into the garden area to the north of the yard, is facilitated by the layout, it must also be acknowledged that there is a limit to the amount of development which can be accommodated within the confines of the subject site.
- 8.22 The third party at the end of the lane also has concerns in relation to noise. The greater distance involved and the presence of a newly constructed two storey dwelling, reduces the noise impact on that property.
- 8.23 **Pedestrian use of the lane**
- 8.24 Both third party submissions raise the use of the lane by pedestrian as a concern, in relation to safety and the unsuitability of the lane for such use in conjunction with use by traffic. In addition the third party at the end of the lane also has concerns in relation to congestion limiting his use of the lane as an access to his dwelling.
- 8.25 The level of activity at the subject site is likely to rise considerably at holiday periods, such that it is entirely possible that patrons would find it easier to walk around the street/laneway to reach the pizza outlet, rather than to move through the premises. Since the site is in the middle of a town, and notwithstanding that there is no public footpath or public lighting along the laneway, pedestrian

use of the laneway to access the premises should not be a matter of safety concern. In terms of restricting the third party's use of the lane for access to his dwelling, sharing the laneway with pedestrians may be an inconvenience but increased pedestrian activity is unlikely to restrict access to his dwelling, and within this urban context increased pedestrian use of the laneway is reasonable.

8.26 Parking

8.27 Both third party submissions raise the use of parking.

8.28 The planning authority is satisfied that having regard to the fact that the site is licensed for use for food and the existing pizza business is conditioned to be ancillary to the public house and although additional car parking spaces would be required, it would be unreasonable to seek the provision of additional parking.

8.29 I note that the references to parking in the grounds of appeal are references to Development Plan standards rather than any specific parking congestion that has arisen. If any traffic congestion arises in the town it would be a matter for the local authority to address, therefore I am satisfied that the planning authority's view on this matter is acceptable.

8.30 Appropriate Assessment Screening

8.31 In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision on the proposed development. The process is known as appropriate assessment. In this regard a guidance document 'Appropriate Assessment of Plans and Projects in Ireland' was published by the DoEH&LG on the 10 December 2009.

8.32 The proposed development involves the construction of an extension to an existing pizza outlet in an town area served by public services. The Horn Head and Rinclevan SAC site code 000147 extends as far as the laneway beside the subject site.

8.33 The qualifying interests are:

Embryonic shifting dunes
Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes)
Fixed coastal dunes with herbaceous vegetation (grey dunes)
Dunes with *Salix repens* ssp. *argentea* (*Salicion arenariae*)
Humid dune slacks
Machairs (* in Ireland)
Vertigo geyeri (Geyer's Whorl Snail)
Halichoerus grypus (Grey Seal)
Petalophyllum ralfsii (Petalwort), and
Najas flexilis (Slender Naiad).

8.34 Having regard to the nature and scale of the proposed development and nature of the receiving environment and proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9 CONCLUSIONS AND RECOMMENDATION

9.1 In accordance with the foregoing it is considered that the proposed development should be granted for the reasons and considerations hereunder.

REASONS AND CONSIDERATIONS

Having regard to the nature, scale and design of the proposed development and the planning history of the area, it is considered that the proposed development, subject to the conditions set out

below, would not seriously injure the residential amenities of property in the vicinity or the visual amenities of the area, would be in accordance with the provisions of the County Development Plan and would accordingly 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, 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 translucent panels in the roof of the extended dining area hereby permitted shall be switched to the east facing pitched portion of the roof (i.e. onto the roof of the extended section of the premises) and all panels on the west facing pitch of the roof shall be insulated panels. The existing roofing material shall be removed and replaced with solid sound-proofed material to the written satisfaction of the planning authority within three months of the date of this order.

Reason: In the interest of residential amenity.

3 The pizza and dining area hereby approved shall operate as an ancillary use to the existing licensed premises unless authorised by a prior grant of planning permission.

Reason: In the interest of orderly development.

4. (a) There shall be no amplified sound used externally at the premises at any time.
(b) Service of food on the premises shall cease at 10.00 pm Monday to Sunday inclusive.

Reason: In the interest of residential amenity.

5. (a) All seating and standing areas associated with the hereby permitted ancillary development shall be proximate to the canopies and the 'dining area' hereby permitted and shall not extend north of the rear gated entrance and shall be clearly separated by a timber 'divide'.
- (b) Revised plans and elevations shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development, showing same 'divide' and providing for a 1.8 metre timber fence running from the north-most edge of the rear gated entrance to a point two metres or less from the north elevation of the structure indicated as 'generator store' on the site layout (drawing number 4814/001) submitted as part of the previous application.

Reason: To comply with condition no. 5 of the previous permission no. 244432, and the interest of orderly development and residential amenity.

- 6 The 1.8 metre timber fence referred to in the previous condition shall be provided with a pedestrian gateway which shall be kept locked except when in domestic use by the owner/operator of the premises. No access to this area shall be permitted by patrons.

Reason: In the interest of orderly development and residential amenity.

7. The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. This shall include the following:
- (a) Proposals for the on-going monitoring of sound emissions at dwellings in the vicinity.
 - (b) Proposals in plan and elevation form in addition to technical specifications for rerouting of ventilation and ducting pipework associated with the pizza area (Heat Producing Appliances) to the eastern most containing wall of the site, whereby fumes and smoke will have an outlet point via flue over and above this structure (600 millimetres to 1 metre to be agreed with the planning authority) and in full compliance with Building Regulations 2014. Work shall be carried out within three months of the date of this permission.

Reason: In the interest of environmental and residential amenity.

- 8 The developer shall pay to the planning authority a financial contribution of €139 (one hundred and thirty nine euro) 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. 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Dolores McCague
Inspectorate
Date: 23rd May 2016

- Appendix 1 Map and Photographs
- Appendix 2 Extracts from the County Donegal Development Plan 2012-2018