

An  
Coimisiún  
Pleanála

**Commission Order**  
**ABP-320849-24**

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**Planning and Development Act 2000, as amended**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: 2460275**

**Appeal** by John Bradley of Cornagill, Letterkenny, County Donegal against the decision made on the 22<sup>nd</sup> day of August, 2024 by Donegal County Council to grant subject to conditions to Clonmany Enterprise Development Limited care of Shane Doherty Architecture of Main Street, Clonmany, County Donegal in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (1) Extension of the existing community garden, (2) development of a new children's play park, (3) demolition of the existing storage shed, (4) construction of a new two-storey building comprising of toilets and storage on the ground floor and office space on the first floor, (5) construction of a new storage shed and (6) installation of a free-draining surface and soft landscaping within the remaining field, together with all associated site works at Gaddyduff, Clonmany, 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 design and scale of the proposed development, its location in the village of Clonmany, and the existing community garden at the subject site, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development on this site, would be in accordance with the policies and objectives of the Donegal County Development Plan 2024-2030 in respect of the development of towns and villages and community facilities, would not seriously injure the visual or residential amenities of the area or adjoining residential property, would not have an adverse impact on the environment or on any European site, and would be acceptable in terms of potential flood risk, traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment: Stage 1:**

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that North Inishowen Coast Special Area of Conservation (Site Code 002012) is the only European Site in respect of which the proposed development has the

potential to have a significant effect in view of the Conservation Objectives for the site and that Stage 2 Appropriate Assessment is, therefore, required.

### **Appropriate Assessment: Stage 2:**

The Commission considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on North Inishowen Coast Special Area of Conservation (Site Code 002012) in view of this site's Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the Conservation Objectives for the Site using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Site,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the aforementioned European Site. In overall conclusion, the Commission were satisfied that the proposed development would not adversely affect the integrity of the European Site in view of the site's Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

## 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 lodged on the 10<sup>th</sup> day of July 2024, 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 mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

**Reason:** To protect the integrity of European Sites.

3. Prior to the commencement of development, a bat survey shall be carried out of the existing structures on site. In the event that bats are found, detailed measures in relation to the protection of bats shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

**Reason:** In the interest of wildlife protection.

4. The proposed play park shall only be used between the hours of 0900 and 2100 during the months of April to September (inclusive) and 0900 and 1800 hours during the months of October to March (inclusive).

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

5. Prior to the commencement of use of the proposed community play park, the developer shall submit to the planning authority, for written agreement, a management plan for the site, which shall include a scheme for the future maintenance of play equipment and features.

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

6. Details of the proposed seating arrangements, the construction, height, and finish of all boundary treatments, and all playground equipment, proposed surface areas and seating arrangements within the playground shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

7. Prior to commencement of development, final design details for eight number cycle-parking stands shall be submitted to, and agreed in writing with, the planning authority. All works shall comply with the requirements of the Road Authority.

**Reason:** In the interest of traffic safety.

8. Prior to commencement of development, final design details for the disabled car park space and the parking bay shall be submitted to, and agreed in writing with, the planning authority. All works shall comply with the requirements of the Road Authority.

**Reason:** In the interest of traffic safety.

9. Site development and building works shall be carried out only between the hours of 0700 and 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 amenities of properties in the vicinity.

10. Prior to the commencement of development, the developer shall, if required, enter into Connection Agreements with Uisce Éireann to provide for service connections to the public water supply and/or wastewater collection network.

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



11. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the attenuation and disposal of surface water from the site including additional nature-based solutions and/or SUDS measures for the written agreement of the planning authority.

**Reason:** To prevent flooding and in the interests of surface water management.

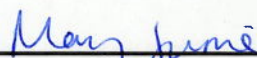
12. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following a plan to scale of not less than 1:500 showing –
- (a) the portion of the southern part of the site which overlaps the flood risk zone, restored to natural vegetation,
  - (b) existing trees, hedgerows, shrubs, walls, specifying which are proposed for retention as features of the site landscaping,
  - (c) the measures to be put in place for the protection of these landscape features during the construction period,
  - (d) the species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise predominantly native species,
  - (e) details of any screen planting, and
  - (f) a timescale for implementation including details of phasing.

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 and to protect water quality.

13. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures and off-site disposal of construction/demolition waste including asbestos waste if present on site.

**Reason:** In the interests of public safety and amenity.

  
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Mary Gurrie

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



Dated this 12 day of September 2025.