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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: 2351825**

**Appeal** by Barry and Kathy O'Neill of 1 Lisnennan House, Lisnennan, Letterkenny, County Donegal against the decision made on the 14<sup>th</sup> day of November 2024, by Donegal County Council, to grant, subject to conditions, a permission to Letterkenny Islamic Association CLG care of Cullinane and Steele Architects of Mountsouthwell, Market Square, Letterkenny, County Donegal in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** (1) Construction of an Islamic cultural centre to include the following: (a) provision of main building a - consisting of ground floor and first floor mezzanine prayer hall areas (male / female), a coffee dock / sandwich bar area with all associated ancillary spaces (entrance lobbies / foyer / circulation spaces / stairwells / lift / offices / meeting room / library-teaching room / male and female toilets / kitchenette / plant room/storage and (b) provision of auxiliary building b - consisting of a multipurpose recreational activity area with all associated ancillary spaces (entrance foyer, male/female toilets, kitchenette, plant room, storage), (2) construction of an access road, footpaths, car parking / bicycle rack with all associated retaining structures,

site works, landscaping, bin enclosure and services, (3) connection to the existing public sewer, surface water drainage and water mains services and (4) carrying out alterations to the public road layout to accommodate a traffic turn off lane, all at Lisnennan, 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 2024-2030 and the Letterkenny Plan & Local Transport Plan 2023-2029, the location of the site in the established urban area of Letterkenny and the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 29<sup>th</sup> day of November 2023 and as amended by further plans and particulars received by the planning authority on 22<sup>nd</sup> day of October 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. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. The use of the Auxiliary Building and the coffee dock/sandwich bar shall remain ancillary to the main use on the site as a religious/cultural/community facility. No part of the development shall be leased or sold as separate independent units.

**Reason:** In the interest of clarity and orderly development.



3. (a) Prior to the commencement of development, final details of access arrangements and site layout shall be submitted for written agreement by the planning authority, in consultation with Roads Design and Road Design Active Travel including:
- (i) a raised table junction (constructed as per TII Standard Construction Detail CCSCD-05145) on the L1144-1 at the entrance to the proposed development. The pedestrian crossing at the entrance shall be located on the pedestrian desire line at the proposed entrance junction in accordance with DMURS and the National Cycle Manual;
  - (ii) appropriate signage in advance of the raised table on all approaches;
  - (iii) omission of proposed speed cushions on the L-1144-1 and on the main access road to the development;
  - (iv) all crossing within the development shall be controlled crossings and shall be installed as per relevant standards; and
  - (v) Proposed lighting columns shall not impact on proposed footpath widths.
- (b) Development shall not commence without the prior written agreement by the planning authority and shall thereafter only be authorised to commence in accordance with the agreed plans.

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

4. (a) All findings and recommendations contained in Section 2 of the Stage 2 Road Safety Audit received by the planning authority on the 22<sup>nd</sup> day of October 2024 shall be carried out to the satisfaction of the planning authority prior to first operation of the development herein permitted.
- (b) Prior to first use of the cultural centre herein permitted a Stage 3 Safety Audit shall be undertaken and copies submitted to the planning authority. All findings and recommendations of the Stage 3 Safety Audit shall be implemented in full in accordance with the requirements of, and to the written satisfaction of, the planning authority prior to the first use of the premises.

**Reason:** In the interest of public safety and to cater for the orderly development of the area.

5. Details of the materials, colours and textures of all the external materials and finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. Prior to the commencement of any development works on the site, including the removal of any landscape feature or vegetation, a survey to ascertain the presence of any bat activity on the site for roosting or foraging purposes and an assessment of any potential impact on the species arising from the proposed development shall be undertaken by a suitably qualified ecologist and the findings submitted for written approval of the planning authority. Should the significant presence of bats be established on the site no development shall occur until the

necessary permission/derogation licence has been obtained from the appropriate statutory body.

**Reason:** In the interest of bat protection and to provide for the preservation and conservation of this species.

7. 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) A plan to scale of not less than 1:500 showing:
    - (i) Existing trees and hedgerows which are proposed for retention as features of the site landscaping.
    - (ii) The measures to be put in place for the protection of these landscape features during the construction period.
    - (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species.
  - (b) A timescale for implementation including details of phasing.
  - (c) 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 interest of residential and visual amenity.

8. Drainage arrangements shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to commencement of development.

**Reason:** In the interest of public health.

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

**Reason:** In the interest of public health.

10. The following requirements in relation to noise shall be complied with:
- (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed:
    - (i) An Leq,1 hour value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
    - (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
  - (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

**Reason:** To protect the residential amenities of property in the vicinity.



11. The construction of the development shall be managed in accordance with a Construction Management Plan, the content of 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;
  - (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) Details of appropriate mitigation measures for noise, dust, vibration and structural stability of adjoining property and monitoring of same. Noise mitigation measures shall include identification and agreement of noise sensitive locations and advanced notice of significant noise generating activities to noise sensitive locations;
- (j) 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;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil and stone;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

12. Site development and building works shall be carried out only between the hours of 0700 to 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:** To safeguard the residential amenities of adjacent dwellings.

13. Details of any external signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of amenities of the area and visual amenity.

14. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, 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:** In the interest of visual amenity.

15. All service cables associated with the proposed development shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

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

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the repair of any damage to adjoining public road or public footpath and satisfactory completion of roads, footpaths, watermains, drains, and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development. 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 the An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

  
Marie O'Connor

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board.



Dated this 28 day of April 2025.