



An
Bord
Pleanála

Inspector's Report

ABP-321429-24

Development

Construction of an Islamic Cultural Centre with all associated ancillary spaces and provision of auxiliary building, construction of an access road with all associated retaining structures, site works, landscaping, bin enclosure and services.

Location

Lisnennan, Letterkenny, Co. Donegal

Planning Authority

Donegal County Council

Planning Authority Reg. Ref.

2351825

Applicant(s)

Letterkenny Islamic Association CLG

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Barry and Kathy O'Neill

Observer(s)

None

Date of Site Inspection

18th February 2025

Inspector

Matthew O'Connor

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1.0 Site Location and Description

- 1.1. The appeal site is 1.106ha and located in the townland of Lisnennan which is within the zoned settlement boundary of Letterkenny, Co. Donegal. The subject site is located on the eastern side of the L-1144-1, a local road. The area to which the subject development relates is an undeveloped elongated parcel of lands. The site is largely overgrown with grass, rushes and briars along with some small trees. The western (roadside) boundary is formed by trees and the northern (side), southern and eastern (rear) boundary contain mixed hedgerow and trees. The topography of the area slopes gradually from north to south.
- 1.2. The surrounding area is defined by a mix of uses including commercial, industrial, employment and educational uses to the south; residential use to the north; and, undeveloped woodland to the east. There is a National Monument relating to a Holy Well on the lands to the north of the site.

2.0 Proposed Development

- 2.1. The proposed development relates to the construction of an Islamic Cultural Centre comprising the following:
- Main Building A - consisting ground floor and first floor mezzanine prayer hall areas, coffee dock/sandwich bar area and ancillary spaces (lobbies/foyer, offices/meeting room, library, teaching room, toilets, kitchenette, plant room and storage storage);
 - Auxiliary Building B - consisting of a multipurpose recreational activity area with all associated ancillary spaces (foyer, toilets, kitchenette, plant room and storage);
 - Access road, footpaths, car parking/bicycle rack with all associated retaining structures, site works, landscaping, bin enclosure and services; and,
 - Connection to services.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Grant permission for the subject development, subject to 18 no. conditions. I note the following conditions of particular relevance:

- Condition 2: Details of road design, junction and finishes.
- Condition 3: Coffee dock/sandwich bar to be ancillary to main use of site.
- Conditions 4: Materials and finishes to be agreed.
- Conditions 5: Advertisement limitation.
- Condition 6: Noise level limitation.
- Condition 7: Installation of storm gullies.
- Condition 8: Visibility Splays for road access.
- Condition 9: Construction Management Plan.
- Condition 10: Hours of construction works.
- Condition 11: Surface water discharge restriction to public roads.
- Condition 12: Damages to public road and provision of bond/cash deposit.
- Condition 13: External finishes.
- Condition 14: Public lighting specification.
- Condition 15: Service cables shall be run underground.
- Condition 16: Wastewater shall discharge to public sewer.
- Condition 17: Potable water shall be from public watermains
- Condition 18: Road Safety Audit and Traffic Calming Measures.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- The first Planner's Report had regard to the submitted documentation, locational context of the site, planning history in vicinity, policy framework of the Development Plan and inter departmental/referral reports.
- The Planning Authority noted the principle of development to be acceptable on the lands zoned 'Opportunity Site 3' of the Letterkenny Plan.
- There was concern raised with the siting of the buildings in relation to neighbouring residential amenity and associated relationship. The design and level of space was deemed acceptable in the context of the site and area.
- Vehicular access and sightlines were considered to be acceptable. Insufficient data provided to assess the impact on the national network. No details were provided in terms of capacity of the local road network. Concerns raised in respect of level of car parking to serve site.

- Full details in terms of storm water and surface water drainage not submitted. In addition, no Flood Risk Assessment was provided which is a requirement for the land zone.
- No issues raised with respect to AA or EIA and would be further informed by outstanding details on drainage/public health.

Further Information was sought in relation to 9 no. items which are summarised as follows:

1. Revised drawings in respect of increased use of car parking, floor levels/ridge height of neighbouring dwellings to the north; site sections including buildings to the north; fire escape to mezzanine; pedestrian linkage for public from the woodland to the east.
2. Submission of a Flood Risk Assessment
3. Details of storm/surface water collection, management and disposal and associated calculations of attenuation and discharge rates.
4. Submission of a Traffic and Transport Assessment.
5. Submission of a Road Safety Audit Stage 1 & Stage 2.
6. Submission of a Mobility Management Plan.
7. Submission of a Site Characterisation Assessment to assess the water table position and the subsoil depth.
8. Submission of an Archaeological Assessment.
9. Revised details regarding footpaths (cycleways if appropriate) in compliance with DMURS, paving finishes, liaise with DCC Area Roads Engineers, Active Travel Team & Road Design regarding the safeguarding/future-proofing of cycle lanes, auto track analysis, public lighting details, and demonstrate the proposed turning lane is achievable and will not create a hazard.

The second Planner's Report provides an analysis of the applicant's Further Information response and forms the basis for the grant of permission with conditions. With respect to the Further Information response, the proposal was modified to omit the traffic turn off lane.

- With respect to Item No. 1, the applicant provided updated drawings in terms of the proposed buildings in the context of the site amongst other matters. The applicant

increased the number of car parking spaces, revised drawings including all buildings within 50 metres of the site were provided; details of finished floor levels and ridge heights for dwellings to the north were provided; updated site sections for the development to include neighbouring dwellings to the north were provided; the mezzanine was amended to include a fire exit; a pedestrian linkage to the neighbouring woodland was not provided as the site does not extend to this area. The Planning Authority accepted the response of this item.

- In relation to Item No. 2, a Flood Risk Assessment which was provided by the applicant and indicated that there was no historical flooding risk at the site and that drainage provision will mitigate downstream flood risks. The Planning Authority was satisfied with the response.
- In terms of Item No. 3, the applicant provided details of surface/storm run-off and collection/disposal of same. The Planning Authority was satisfied with the flood risk measures and incorporation of SUDs.
- In relation to Item No. 4 and Item No. 5, the applicant provided a Traffic and Transport Assessment and a Road Safety Audit (Stage 1 & Stage 2) to evaluate the access and impacts on the surrounding road network. These reports were considered satisfactory to the Planning Authority.
- In respect of Item No. 6, the applicant provided a Mobility Management Plan setting out the promotion of more sustainable modal shift and active travel opportunities in order to support a reduced level of car parking on site. The Planning Authority was satisfied with the submission and indicated that its implementation to be conditioned.
- In terms of Item No. 7, the applicant submitted a Site Characterisation Assessment in accordance with standards and indicated a low risk of surface or groundwater contamination from the proposed development. The Planning Authority was satisfied with the assessment provided.
- With regard to Item No. 8, the applicant provided an Archaeological Assessment noting no features, deposits or finds of archaeological nature were identified during site investigations. The Planning Authority was satisfied with the response.

- In terms of Item No.9 the applicant provided revised road/access proposal with the removal of the turning lane, footpath/cycle provision, a refuse movement analysis, lighting. The Planning Authority considered the revisions to be acceptable.

3.2.2. Other Technical Reports

- Area Roads Engineer – No response received on initial application. Objections raised in relation to Further Information response.
- Roads Design – No objection, subject to conditions
- Local Water Services – No response received.
- Chief Fire Officer (CFO) – No objection, comment returned on inadequate means of escape from mezzanine prayer area.
- N.R.D.O – No objection.
- Building Control – No objection, standard conditions on building control.
- Environmental Health Officer (EHO) – Requested submission of a Site Characterisation Assessment in respect of public health. No objection subject to conditions in respect of the FI response.

3.3. **Prescribed Bodies**

- Dept of Housing, Local Government and Heritage – Requested submission of an Archaeological Assessment. Following the receipt of FI, no response was received.
- Uisce Eireann - No response received.
- Transport Infrastructure Ireland (TII) - Requested submission of Traffic and Transport Assessment. Following the receipt of FI, requested that Council has regard to the provisions of Section 2.3 of TII Publication PE-PDV-02045 in the assessment and determination of the subject planning application.

3.4. **Third Party Observations**

3.4.1. Three third party observations were received by the Planning Authority. The main issues raised can be summarised as follows:

- Concerns on traffic congestion and road safety arising from the development

- Impact on the natural habitat and species such as bats and red squirrel,
- Noise pollution and disruptive activity.
- Pressure on services (water and sewage)
- The development is not in keeping with the character of the area. The design of the of the building will be of high visual impact.
- Impact on property values
- Impact on residential amenities from proposal
- Works will require significant levelling/excavation but no details have been submitted.
- Impacts of building height on surrounding properties has not been demonstrated
- Tree loss from the works
- Potential Archaeological impacts on nearby Holy Well
- Storm water run-off generation may cause a flood risk in the area.

4.0 Planning History

- None.

5.0 Policy Context

5.1. Development Plan

5.1.1. The application was initially considered by the Planning Authority against the policies and objectives of the County Donegal Development Plan 2018-2024. The County Donegal Development Plan 2024-2030 was subsequently adopted by Donegal County Council on 16th of May 2024 and came into effect on 26th of June 2024 – with the exception of parts of the Plan affected by a Draft Ministerial Direction. The proposed development was therefore determined by the provisions of the operative Development Plan, namely the County Donegal Development Plan 2024-2030.

5.1.2. Chapter 11 relates to Natural, Built & Archaeological Heritage.

5.1.3. The appeal site is situated in an 'Area of High Scenic Amenity' according to Map 11.1: 'Scenic Amenity' of the Development Plan which has a definition as contained in *'landscapes of significant aesthetic, cultural, heritage and environmental quality that*

are unique to their locality and form a fundamental element of the landscape and identity of County Donegal. These areas have the capacity to absorb sensitively located development of scale, design and use that will enable assimilation into the receiving landscape and which does not detract from the quality of the landscape, subject to compliance with all other objectives and policies of the plan’.

5.1.4. The following objective and policy are relevant with respect to landscape character:

L-O-1 To protect, manage and conserve the character, quality and value of the Donegal landscape.

L-P-2 To protect areas identified as ‘High Scenic Amenity’ and ‘Moderate Scenic Amenity’ on Map 11.1 ‘Scenic Amenity’. Within these areas, only development of a nature, location and scale that integrates with, and reflects the character and amenity of the landscape may be considered, subject to compliance with other relevant policies of the Plan.

5.1.5. The following objective and policies are relevant with respect to Archaeological Heritage and are summarised as follows:

Objective AYH-O-1: Conserve and protect archaeological heritage, achieve greater public knowledge/appreciation of archaeology, protect existing access to and (where appropriate) provide new access and visitor infrastructure for, such heritage.

Policy AYH-P-1: a. conserve and protect all forms of archaeological heritage including: National Monuments.

Policy AYH-P-3: Ensure that development proposals affecting archaeological heritage sites shall:

a. Sensitively incorporate archaeological heritage Preserved In Situ in a manner which is compatible with the protection and proper management of such heritage.

b. Be accompanied by a long-term management plan that incorporates appropriate protections for the heritage site.

c. Provide appropriate informational signage regarding any archaeological heritage.

5.1.6. Chapter 8 of the Development Plan relates to 'Infrastructure' and contains guidance in respect of water, wastewater, roads and flooding. residential development.

5.1.7. Chapter 12 of the Development Plan relates to 'Community Development' and the following objective and policies are considered to be relevant with regard to religious facilities:

CCG-O-1 To create sustainable, healthy, socially inclusive, and culturally vibrant communities with an optimum quality of life and high-quality childcare, education, recreational, and cultural infrastructure and facilities and to integrate the planning and sustainable development of the County with the social, community and cultural requirements of its population.

CC-P-1 Support the provision of new social and community infrastructure/service related developments (e.g. childcare, education, healthcare, sports/recreational facilities, playgrounds, community resource centres sheltered housing, residential care/nursing homes, large scale cultural facilities etc) where such proposals are consistent with the zoning objectives of the Plan, and otherwise in accordance with the following locational criteria:

- (a) At locations within the defined boundaries of settlement framework/urban areas which are within safe walking distance (i.e. via an existing or proposed footpath) of local services and residential areas or are accessible by public transport and which would otherwise promote social inclusion.*
- (b) At alternative locations within settlement framework/urban areas where it is demonstrated that there are no suitable sites available which meet the locational criteria in point a) above.*
- (c) In rural locations in close proximity to existing rural infrastructure (e.g. rural schools, Community centres, sports facilities, churches etc) where it is demonstrated that; the development is intended to serve an exclusively rural need, the development is functionally dependent on a specific rural location, or where there are no sites available which meet the abovementioned locational criteria in points a) and b) above.*

- (d) *At other rural locations where it is demonstrated that; the development is intended to serve an exclusively rural need, the development is functionally dependent on a specific rural location, or where there are no sites available to meet the abovementioned locational criteria in points (a), (b) and (c) above.*

CC-P-2 *Require that social, community cultural development proposals generally comply with the policies and technical standards of this plan and the following specific development management criteria:*

- (a) Are compatible with adjacent existing or approved land uses.*
- (b) Do not have a significant impact on adjacent residential amenities.*
- (c) Provide adequate effluent treatment in compliance with the wastewater treatment policies of this plan.*
- (d) Do not cause a traffic hazard and ensure the existing road network can safely handle any extra vehicular traffic generated by the proposed development.*
- (e) Provide adequate parking provision, access arrangements, manoeuvring and servicing areas in line with technical standards and policies of this plan. Specifically in relation to schools and similar education facilities, incorporate measures that de-prioritise set-down/drop-off arrangements.*
- (f) Prioritises, and provides for a high level of, pedestrian and cycling permeability and access.*
- (g) Do not create a noise nuisance and or cause significant environmental emissions.*
- (h) The location siting and design of the development is of a high quality, successfully integrates with the host environment including the landscape and/or built environment of the area and does not negatively impact on the visual and scenic amenities of the area.*
- (i) Provides appropriate boundary treatment and screening of storage areas from public view.*
- (j) Does not have a negative impact on the built or natural heritage of the area and complies with the built and natural policies of the plan.*

(k) Complies with the flood risk management guidelines and the associated flood risk policies of this plan.

(l) Have suitable soil depth and water table (in the case of burial grounds/graveyards).

5.1.8. Chapter 16 of the Development Plan relates to 'Technical Standards' and contains specifications for developments such as surface water and roadside drainage, entrances and visibility. The following relevant policy:

TS-P-1 To require compliance with the following technical standards, where applicable, in addition to all other relevant policy provisions of this Plan and relevant Governmental guidance and standards.

5.1.9. Table 16.8 refers to Car Parking Standards and contains the requirements for bicycle parking also.

5.2. Letterkenny Plan and Local Transport Plan 2023-2029

5.2.1. The Letterkenny Plan and Local Transport Plan 2023-2029, hereafter the 'Letterkenny Plan', is relevant in respect of the subject development. The subject site is zoned 'Opportunity Site' which has an objective to *'reserve lands for specific development opportunities that are appropriate in terms of mix of use and compatibility with the wider area'*.

5.2.2. Chapter 7 of the Letterkenny Plan relates to the General Development Management Approach and Detailed Policies. The following policies are of note:

Policy LK-DM-P-1: It is a policy of the Council to support the principle of development proposals that are:

(a.) Generally consistent with the zoning objectives as set out in Table 7.1 below and the corresponding zones identified on Map 7.1 entitled 'Land Use Zoning Map'; and

(b.) Supported in the zoning matrix contained in Table 7.2 below.

Such proposals will also be considered against the wider policy framework contained in both this Plan and the CDP where relevant, and relevant guidelines.

Policy LK-DM-P-2: In assessing development proposals within Letterkenny, the Council will implement all relevant policy provisions of the operative County Development Plan in addition to the policy framework of the Letterkenny Plan.

5.2.3. Table 7.2 relates to the Land Use Zoning Matrix. 'Opportunity Site' is not included on this matrix.

5.2.4. Chapter 11 of the Letterkenny Plan relates to 'Opportunity Sites'. These sites present a wide range of development opportunities by reason of their strategic location, scale, nature or current use. The following description is provided for 'Opportunity Site 3':

Opportunity Site 3: The former UNIFI site is a brownfield site where regeneration is sought through appropriate sustainable uses. Development potential on a portion of the site is constrained somewhat by the existence of a potential flood risk. However, in such areas the site may offer opportunities for development that is deemed less vulnerable to flooding (in accordance with the provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities) subject to the findings of a site-specific flood risk assessment, which must accompany all proposals for development on this opportunity site.

5.2.5. Policy LK-OPP-3 is specific to 'Opportunity Site 3' and states that it is the policy of the Council to:

(i.) Support the principle of the following development types on Opportunity Site 3, subject to compliance with all relevant policies and standards contained in this plan and the CDP.

- Employment and commercial use,*
- Car showrooms,*
- Medical related facilities/services,*
- Leisure use,*
- Sports (except sports retail),*
- Wholesale warehousing,*
- Bulky goods retail warehousing; and*
- Residential use (over a maximum area of 2 hectares on the eastern side of the site and only in locations outside of the potential flood risk area, as identified in the Strategic Flood Risk Assessment that informs this Plan).*

(ii.) Require the submission of an appropriately detailed Flood Risk Assessment with all proposals for development on Opportunity Site 3.

(iii.) Retain and protect the existing belt of mature trees that runs generally from the south-eastern corner of the former Unifi 'plant 2' building to the Kilty Road.

5.2.6. Chapter 12 relates to Climate Adaption and Mitigation the following objective and polices are relevant and summarised below:

Objective CAM-LK-O-1: Seeks to ensure Letterkenny transitions to a low carbon, competitive, climate resilient and environmentally sustainable settlement by 2050.

Objective CAM-LK-O-3: To ensure that flood risk management measures in Letterkenny consider and provide for effective climate change adaptation

Policy CAM-LK-P-1: Facilitate the provision and roll-out of additional electric charging points at appropriate locations in Letterkenny.

Policy CAM-LK-P-2: Increase native tree coverage and pollinator friendly planting in Letterkenny in order to enhance local biodiversity, visual amenity and surface water management.

Policy CAM-LK-P-3: To support the development of renewable sources of energy and to encourage the integration of micro-renewable energy sources into the design and construction of new developments.

Policy CAM-LK-P-4 To promote/encourage high biodiversity value nature-based approaches and green infrastructure solutions within development proposals, as viable mitigation and adaptation measures to reduce greenhouse gas emissions and to increase the adaptive capacity of environments.

Policy CAM-LK-P-6: To require the use of SuDS within public and private developments and within the public realm, to minimise and

limit the extent of hard surfacing and paving and reduce the potential impact of flooding.

Policy CAM-LK-P-7: To require the provision of energy efficient street lighting in all developments.

Policy CAM-LK-P-8: To require new residential and commercial developments to give due consideration to environmental sustainability and energy efficiency in terms of their siting, orientation, design and construction.

5.2.7. Chapter 14 of the Letterkenny Plan relates to 'Social, Community and Culture'. The following objective and policies are considered relevant to the subject development:

Objective LK-SCC-O-1: To deliver all social infrastructure (including, but not limited to, childcare and education facilities, healthcare, social, community and recreational facilities, parks and open spaces) necessary to support the growth of the Regional Centre; both in locations of new development and in existing, long-established areas where the need exists. All infrastructure development will be subject to compliance with all relevant policies and standards contained in this plan and the CDP.

5.3. Natural Heritage Designations

5.3.1. The appeal site is not located on or within proximity to any designated Natura 2000 sites, with the nearest designated sites being the Lough Swilly Special Area of Conservation (Site Code: 002287) and Lough Swilly Special Protection Area (Site Code: 004075) which is located approximately 1.625km to the east/southeast of the site. This area is also indicated as the Lough Swilly Including Big Isle, Blanket Nook & Inch Lake pNHA (Site Code: 000166). The site is located to the immediate west of the River Swilly Valley Woods (Site Code: 002011) which is a pNHA.

5.4. EIA Screening

5.4.1. Having regard to the nature and scale of the subject development, which is for the construction of an Islamic Cultural Centre within the zoned settlement of Letterkenny, there is no real likelihood of significant effects on the environment arising from the

subject development. The need for Environment Impact Assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. See Appendix 1.

6.0 The Appeal

6.1. Grounds of Appeal

The Third Party appeal has been received in relation to the Planning Authority's decision to grant permission. The grounds of appeal are submitted from the neighbouring property to the north of the appeal site. The grounds of appeal can be summarised as follows:

Traffic, Parking and Road related issues

- The proposed development could adversely affect the carrying capacity of the local road network and lead to a traffic hazard at busy prayer times.
- The Transport Assessment is considered to be flawed.
- Listed celebrants is stated as 120 but it is in the applicant's interest to underestimate the figures to minimise traffic impacts.
- Comparisons are made with Sligo Muslim Centre (congregation of 100-150 persons). 2022 census figures put Sligo's Muslim population at 1021 people and Donegal's as 1343. The figures are not similar as Donegal has 31% more Muslims than Sligo.
- The prayer room measures 600sq.m which is 5sq.m per person which seems excessive. The size suggests that the prayer room is designed for up to 300 worshippers.
- Modelling scenarios are based on car occupancy of 3 but there is no factual basis for this figure. Should occupancy be 2 person then it would generate 50% more trips.
- Should celebrant numbers exceed 150 persons (by 31% based on population) than the number of celebrants could be 197 persons. If the Muslim population increases in the coming years it will generate more traffic.
- There is a shortage of car parking spaces with only 66 no. spaces shown for the prayer hall and multi-purpose hall. There are occasions such as weddings/funeral when celebrant numbers could well exceed the normal daily prayer figures.

- The site is located outside of the town centre and it is expected that most celebrants will travel by car. There are no nearby car parks or parking spaces and so if there are more than 66 no. vehicles at any time then cars will park on the road.
- The applicants have shown lands to the east of the site which could be used for parking, if require, however no proposals have been submitted and would require planning permission and cannot be relied on for this application.
- The Road Safety Audit states that collision data was not available and was not considered. This is queried and it is claimed that there were at least 5 no. accidents at the Educate Together roundabout in the last year.
- The Road Safety Audit directed the provision of speed cushion at the entrance along the L-1144-1. While this will slow down traffic on approach to the entrance it will be a major inconvenience to other road users and would not be necessary if the development was not as proposed. There was no opportunity for public comment as no significant FI notices were published.
- The Road Safety Audit refers to road user risk from foliage beyond the site extent. It is presumed this relates to hedgerow/mature trees on appellants property. No permission has been sought from applicant to cut back foliage.
- The feedback form does not indicate whether the problems raised and recommended measures were accepted/rejected by designers.

Ecology/Habitats

- The assessment made no reference to the immediate habitats/ecology surrounding the site.
- Bats roost in the mature trees and buildings to the north and east of the subject site.
- There are fears that the development will impact on the breeding roosts of bats – a protected species, and their ability to feed as the development will impact with their echolocation.
- A bat survey should have been requested, undertaken and any risks mitigated.

Archaeological Impacts

- Potential archaeological impacts in relation to a Recorded Monument (Ref. DG853-017) which is a Holy Well.

- The Archaeological Assessment shows trial trenches which indicate no findings of significance. The excavations only stripped topsoil to 300-400mm and it is unlikely that there would be any finds at such shallow depths given excavations will be up to 7-8 metres deep.
- The Archaeological Assessment fails to properly identify any possible impacts.

Overdevelopment of site, disturbance and residential amenities

- Virtually all of the site is to be developed for buildings, roads, car parks.
- Excavation of rock to develop the site will create significant disturbance to residential amenities.
- Condition No.6 of decision to grant in relation to noise is unclear as to whether it relates to construction stage or operational stage.
- Development will permanently scar the hillside in front of Third Party's house.
- A development of the scale proposed should be built on a site which allows surrounding landscaping.
- There are no proposals for landscaping, hedgerows, tree planting.

6.2. Applicant Response

- A response has been received on behalf of the applicants which is summarised as follows:
 - The primary objection seems to be around the numbers for Friday Prayers. Presently, these are currently conducted in 3 locations in Letterkenny – Isa ibn Maryam Centre (operated by the Letterkenny Islamic Association), Donegal Islamic Community Centres (independently operated) and Letterkenny University Hospital.
 - Attendance numbers at the Isa ibn Maryam are around 120 people over two sessions with Friday lunchtime the busiest day.
 - A number of attendees currently car share based on Letterkenny Islamic Association's recommendation/encouragement due to lack of existing car parking at High Road.
 - The number of Muslims who pray at Friday prayers will not increase as a result of the proposal.

- Proposed parking would be adequate and there is allowance for possible car park expansion in the future - should it be required.
- Comparison in the appeal refer to the Muslim population in counties Sligo and Donegal. However, the Muslim the population in Sligo town (791) and Letterkenny (856) are comparable.
- Traffic will not increase at peak hours. The neighbouring E & I Engineering facility has workers arriving and leaving at the beginning/end of the working day in addition to the Educate Together school. These times do not coincide with Friday lunchtime prayers.
- Worshippers do not arrive and leave all at once.
- The size of the prayer areas is designed to accommodate other activities such as informal lectures. Contingency planning for a repeat pandemic (social distancing) was also taking into consideration.
- The endangerment of local bat populations would not be accepted. The trees and buildings referred to in the appeal are not on the subject site. The site is on zoned land within the Letterkenny and outside of any designated European Site. The expectation is that it is favoured for development.
- The archaeological investigation was requested by the Planning Authority and was conducted by a company with the necessary expertise and carried out the necessary due diligence.
- In respect of noise from construction and operation, this matter has been addressed by condition. The impacts are not considered to be significant given the nearby E&I Engineering manufacturing plant.
- A comprehensive design scheme has been put forward and is supported by specialist reports.
- The development is removed from the appellants with a buffer of land and the site is downgradient from the appellants' property.
- This is a much needed facility for the Islamic community in Letterkenny and the details provided is based on actual data.

6.3. Planning Authority Response

- A response has been received from the Planning Authority which notes the contents of the Third Party Appeal.
- The Planning Authority is satisfied that the proposed use of the subject site does not materially contravene the Letterkenny Plan and Local Transport Plan 2023-2029 and is acceptable within the current land-use zoning. The Planning Authority confirms that all third party submissions were comprehensively considered during the assessment of the application, as documented.
- The applicants raised concerns about traffic impacts, road safety and parking adequacy. These were addressed as follows:
- A Traffic and Transport Assessment (TTA) compiled by a suitably qualified person demonstrated that traffic generated during peak times (e.g. Friday Prayers) would have a minimal impact on the local road network. The projected queue length and wait times at junctions were found to be within acceptable limits. Parking provision was increased following a Further Information Request, exceeding demand projections, with additional flexibility for future expansion. The Road Safety Audit (RSA) confirmed that site access and internal layouts are compliant with DMURS standards. The omission of a right-turn lane was deemed Appropriate to enhance safety and minimize risks. Conditions imposed will ensure all crossings, signage and junction arrangement meet required safety standards.
- Concerns were raised regarding potential impacts on nearby woodland and bat habitats. An Appropriate Assessment Screening concluded that the development would not adversely affect any Natura 2000 sites, including Lough Swilly SAC and SPA. The AA assessment is limited to effects on Natura 2000 sites. Landscaping measures, including native species planting, have been incorporated to enhance biodiversity. The adjacent woodland remains unaffected, as it lies outside the development boundary.
- The appeal raised concerns about proximity to the Holy Well and potential archaeological impacts. An archaeological assessment, including test trenching, was conducted by a suitably qualified professional. No significant findings were identified, and the Dept. of Housing, Local Government and Heritage did not

recommend further monitoring. The Planning Authority has no objection should An Bord Pleanála attached further conditions requiring archaeological monitoring.

- Concerns regarding the scale of development, potential disturbances and impact on residential amenity were addressed as follows: the development's scale and design were assessed to ensure compatibility with the surrounding area and the land use zoning. The fragmented design, landscaping and boundary treatments mitigate visual and noise impacts to an acceptable degree. Conditions have been imposed to regulate operational and construction noise levels as well as construction hours to minimise disturbance. The development aligns with the zoning designation and policies promoting community infrastructure, with appropriate mitigation measures in place to protect residential amenity.
- The Planning Authority requests that An Bord Pleanála uphold the decision to grant.

6.4. Observations

- None.

7.0 Assessment

Having examined the application details, the appeal and all other documentation on file, the reports of the Planning Authority, having conducted an inspection of the site, and having reviewed relevant planning policies and guidance, I am satisfied that the main issues to be considered are those raised by the Third Party. I am satisfied that no other substantive issues arise. This appeal can be addressed under the following relevant headings:

- Principle of Development
- Traffic & Transportation
- Ecology & Habitats
- Archaeological Heritage
- Overdevelopment of Site & Residential Amenity
- Other Matters
- Appropriate Assessment (Screening)

7.1. Principle of Development

7.1.1. I note that the Third Party have not raised the principle of development as an issue in their respective grounds of appeal. Nevertheless, I consider that a key consideration for the assessment of the proposal is the principle of development.

7.1.2. The appeal site is located on 'Opportunity Site 3' which is described as a brownfield site where regeneration is sought through appropriate sustainable uses. The subject lands are zoned 'Opportunity Site' in the Letterkenny Plan with an objective to 'reserve lands for specific development opportunities that are appropriate in terms of mix of use and compatibility with the wider area'. Uses that are Acceptable in Principle, Open for Consideration or Not Acceptable are not included on the Land Use Zoning Matrix but the broad acceptability of uses for Opportunity Site 3 are set out in Policy LK-OPP-3 which seeks to support the following development types on the subject lands:

- Employment and commercial use
- Car showrooms
- Medical related facilities/services
- Leisure use, Sports (except sports retail)
- Wholesale warehousing
- Bulky goods retail warehousing
- Residential use (over a maximum area of 2 hectares on the eastern side of the site and only in locations outside of the potential flood risk area, as identified in the Strategic Flood Risk Assessment that informs this Plan).

7.1.3. The assessment of the Planning Authority acknowledged that the list of appropriate land uses stated in Policy LK-OPP-3 does not explicitly state community uses. Notwithstanding, the Planning Authority contend that the proposal for the Islamic Cultural Centre is acceptable in principle given the wider neighbourhood context and mix of uses in the area. The Planning Authority's assessment considered that the proposed development does materially contravene or is incompatible with the scope of the uses identified in the zoning designation for the lands and had regard to the proposal's location on the extremity of Opportunity Site 3.

7.1.4. I consider that the land uses outlined in Policy LK-OPP-3 of the Letterkenny Plan are somewhat prescriptive and do not specifically relate to Community, Cultural Uses and Place of Worship as outlined in the Land Use Zoning uses. That said, in noting the Opportunity Site zoning objective which refers to specific development opportunities that are appropriate in terms of mix of use and compatibility with the wider area, I would accept that there are a diverse range of existing land uses in the surrounding area. These uses include industrial/manufacturing to the immediate south, residential to the immediate north and other uses such as a national school, community childcare centre, car repairs business and general office within 500 metres of the appeal site. Therefore, I do not consider that the proposed development would be at odds with the surrounding land uses or the zoning objective for an Opportunity Site despite not being listed in Policy LK-OPP-3.

7.1.5. As a further point, I note that 'Opportunity Site 3' encompasses an area of approximately 22.05 hectares with part of the lands occupied by E & I Engineering and a further 7.2 hectares indicated in the Letterkenny Plan as being suitable for new employment generating uses. The appeal site has a total area of 1.106 hectares and comprises a parcel of undeveloped lands on the northern extent of 'Opportunity Site 3'. As such, I am of the view that the subject proposal would not prejudice the delivery of the indicated uses outlined in Policy LK-OPP-3 of the Letterkenny Plan and that the development can be considered on its own merits in terms of the overarching zoning objective. I consider that the principle of development is acceptable.

7.2. Traffic & Transportation

7.2.1. One of the primary grounds of appeal relates to the proposed development having adverse effects on the local road network and associated traffic hazards resulting from the proposed development. The Third Party consider the submitted Transport Assessment to be flawed and that figures of celebrant numbers have been underestimated so as to minimise traffic impacts in the area. The Third Party also claims that the proposed prayer room is scaled to accommodate more celebrants than indicated. According to the Third Party, there is a shortage of car parking spaces on the site and there is potential for other events to be held on the site which would increase parking demand on the site. In addition, it is contended by the appellants that given the location of the proposed development, most celebrants will travel by car and would park on the road due to the lack of parking spaces. It is also claimed in the

appeal that the presence of additional lands to the east of the site which could be used for parking in the event of increased demand cannot be relied upon for consideration in this application. Furthermore, the appellants query the adequacy of the Road Safety Audit by reason of collision data not being available and therefore not being considered in the assessment. It is also stated in the grounds of appeal that the revisions at the proposed entrance incorporating a speed cushion will be a major inconvenience to other road users. The appeal also refers to potential road user risk from foliage beyond the site extent as highlighted in the Road Safety Audit and indicates that the applicant has no permission to cut back vegetation on the appellants' property.

7.2.2. In considering the proposed development, I would acknowledge that the nature of the Islamic Cultural Centre would result in an intensification of the use of the site which in turn would lead to an increase in traffic in this area and result in a demand for car parking spaces. With respect to car parking, I note that the proposed development was amended of foot of the Planning Authority's Request for Further Information with parking provision increased from 53 no. parking spaces to 66 no. parking spaces. The number of spaces has been calculated by the applicant based on anticipated numbers of attendees/worshippers of 120 as set out in the Transport Assessment prepared by consulting Engineers. It is also indicated on submitted particulars that attendees/worshippers will car share (with an indicated occupancy of 3 persons per vehicle thus demonstrating the number of car parking spaces required on the site. Car parking requirements are set out in Table 16.8 of the Development Plan. I acknowledge that there is no specific standard in terms of a cultural centre or prayer room. The most comparable standards relate to Social/Religious/Assembly and Community/Sports Facilities uses which are indicated as 1 space per 5 no. seats (Church); 1 space per 10sq.m (Function Room/Conference Centre); and, 1 space per 50sq.m (Library/Sports Hall).

7.2.3. Taking the above standards into consideration against the subject proposal, I am unable to justly apply a specific car parking standard to the development. However, on balance, I consider that the level of parking provided on the site would be balanced with the extent of development on the site and the number of attendees/worshippers envisaged by the applicant along with the forecasted vehicle occupancy. In addition, I also consider that it is likely that not all attendees/worshippers will travel exclusively

by car and that other modes of travel will be utilised such as walking and cycling. I acknowledge the contentions of the appellants' that potential for future car parking on the site cannot be considered under this application, however I do note that there will be a residual portion of undeveloped lands in the eastern part of the site that will remain should the development be carried out.

7.2.4. In terms of vehicle movement, I note that the appeal site is located along the Lisnennan Road (L-1144-1), a local road which connects to the Kilty Road/Gortlee Road approximately 600 metres to the south and is proximate to the Kilty Roundabout which carries the N56. The Lisnennan Road, provides localised access to the north-eastern environs of Letterkenny. I am of the opinion, based on the surrounding land uses, that this road would be at its busiest during the morning and evening weekday peaks. The proposed development would have the potential to attract large volumes of traffic for various cultural and religious events on the appeal site. However, I am of the view that it is unlikely to generate a significant amount of additional traffic at morning/evening peak times as lunchtime/early afternoon on Fridays (community prayer) would be the busiest time during the week. In considering the submitted information and having regard to the surrounding road network, I consider that the development would have a minimal impact on the local road network.

7.2.5. With respect to vehicular access, the proposed entrance is to be located on the eastern side of the Lisnennan Road (L-1144-1). During my site visit, I noted vehicular entrances approximately 30 metres to the north serving a field and some 61 metres, also to the north of the proposed entrance, serving 3 no. detached residences (including the appellants' property). There are also entrances serving the residential housing estates at Lisnennan Court (310 metres) and Cashel Park (380 metres) respectively further to the north. To the south, the nearest entrances are from the roads serving a roundabout approximately 225 metres from the appeal site. Therefore, there are vehicular entrances present along this stretch of the public road. Under the amended proposal submitted in response to Request for Further Information, the applicant included a number of measures to improve traffic movement and safety to and from the site. The pedestrian footpath is revised and there is provision for future cycle lane along the front of the site. The development will also include the provision of a raised table junction which will calm traffic on both approaches to the site. In my view, this entrance arrangement is satisfactory in terms of traffic movement and safety.

I am also of the view that there will be adequate visibility and sightlines from the proposed entrance. Given the location of the appeal site on zoned lands within the settlement boundary of Letterkenny, I consider that the proposed entrance and supporting road network is capable of safely accommodating additional traffic movements to and from the site without giving rise to traffic impacts.

- 7.2.6. With respect to internal circulation, I have no concerns with the layout as indicated which should enable sufficient and safe turnabout and manoeuvrability within the confines of the site in a manner that is compliant with DMURS standards.

Overall Conclusion:

- 7.2.7. Based on the submitted information on the appeal file and having conducted a site inspection of the subject lands, I am satisfied that the proposed development would provide for an acceptable level of on-site car parking and that the development would provide for a safe means of both entry/egress from the public road. Furthermore, I consider that the proposed development would not result in excessive traffic generation that would give rise to a traffic hazard or endanger the safety of other road users and pedestrians.

7.3. Ecology & Habitats

- 7.3.1. The appellants' raise concern in relation to the immediate habitats/ecology which surround the site. It is claimed by the Third Party that bats roost in the mature trees and buildings to the north and east of the proposed development and there are concerns that the development will impact on the breeding roosts of bats and their ability to feed as the development will impact with their echolocation. The grounds of appeal claim that bat survey should have been requested and undertaken so as to mitigate risks.
- 7.3.2. I note that the bat roosts referred to by the appellants are not located on the site of the proposed development and that the buildings and mature woodland would not be affected as a result of the subject proposal. However, I acknowledge that it is possible for bats to potential commute and forage in the area whilst potentially roosting in trees both in and around the subject site.
- 7.3.3. Having regard to the concerns raised in relation to bats, I am satisfied that this matter could be addressed by the Board by way of a planning condition which requires the

submission of a survey report, along with relevant mitigation measures – if required in the event that any bat species use the site.

7.4. Archaeological Heritage

7.4.1. The grounds of appeal contend that there will be potential archaeological impacts in relation to a Recorded Monument (Ref. DG853-017) which is listed as a 'Ritual Site - Holy Well'. According to the Third Party, the Archaeological Assessment fails to properly identify any possible impacts in the area as trial trenches only stripped topsoil and it is unlikely that there would be any finds at this depth particularly when there will be deeper excavation on site to construct the development.

7.4.2. This recorded monument is located to the outside the appeal site in the next field to the north. The planning application was referred to the Department of Housing, Local Government and Heritage who returned comments seeking that an Archaeological Impact Assessment be carried out. This assessment was requested under Item No. 8 of the Further Information Request. The submitted Archaeological Assessment provides a site context and details of the archaeological/historical background. The assessment indicates that no archaeological features or deposits were identified during the testing programme. The assessment also recommended that no further archaeological works are deemed necessary within the areas tested under this programme. I note that the Department of Housing, Local Government and Heritage did not provide further comment in respect of the archaeological testing. I am satisfied that there would be no detrimental archaeological impact arising during construction or operation of the proposed development.

7.5. Overdevelopment of Site and Residential Amenity

7.5.1. The Third Party appeal considers that the proposal will result in the overdevelopment of the site on account of the two buildings, internal roads and parking spaces. It is contended that the development should be of a scale which allows for adequate landscaping. It is noted that the proposed development lacks details of tree planting and landscaping on the site. In addition, the appellants' claim that the development will scar the hillside to the front of their property. In terms of residential amenity impacts, the Third Party appeal states that there will be significant disturbance from the site development works and that Condition No. 6 of the decision to grant with

respect to noise control is unclear as to whether it relates to construction stage or operational stage.

7.5.2. In considering the proposed development, I note that the proposed buildings will be sited approximately between 65 metres and 75 metres from the nearest residences to the north of the appeal site. On account of the topography of the lands, the roof/ridge of the proposed buildings will also be set below the floor level of the existing houses. Therefore, having regard to the height and design of the proposed buildings, the above-mentioned separation distances and topographic nature of the sites, I consider the proposed development would not have an adverse impact on the residential amenities of these houses to the north by way of any overlooking, overshadowing, overbearance, loss of privacy or visual intrusion. I further consider built up nature of the wider area and undulating setting around the settlement of Letterkenny would allow the proposal to assimilate into the receiving landscape without detrimental visual impacts.

7.5.3. I note the concerns raised in relation to noise disturbance. In respect of construction noise, I am of the view that best practice noise and vibration control measures will be employed by the contractor during the construction phase in accordance with a Construction Management Plan. I consider that Condition No.6 of the Planning Authority's decision to be reasonable but should be amended to refer to operational noise. As a further point, I note that the subject development does not detail a minaret or associated external location in respect to a "call to prayer". Such an element could be intrusive and affect residential amenity should any call to prayer occur on the site at early morning or throughout parts of the day. In the interests of clarity, I consider that this matter can be addressed by way of a suitably worded condition to ensure that noise levels do not cause annoyance to the residential amenity of people living the immediate surrounds.

7.6. Other Matters

7.6.1. The Planning Authority did not apply development contributions to the proposal as the development was deemed to represent a non-commercial community centre. I note that the applicable scheme is the Donegal Council Development Contribution Scheme 2016 - 2021. Having regard to the Development Contribution Scheme, exemptions and reductions are set out in Tables 2, 3 and 4 respectively. While there is no implicit

reference to religious or cultural type use, I am satisfied that the proposed Islamic Cultural Centre can be reasonably considered as a “Non-commercial Community Centre” as described in Table 2 of the Development Contribution Scheme. Should the Board be minded to grant permission, the proposal shall be exempt from development contributions.

8.0 Appropriate Assessment (Screening)

- 8.1. I have considered the subject development in light of the requirements S177U of the Planning and Development Act 2000 (as amended).
- 8.2. The subject development is located on zoned lands within the settlement boundary of Letterkenny approximately 1.625km from the Lough Swilly Special Area of Conservation (Site Code: 002287) and Lough Swilly Special Protection Area (Site Code: 004075) which are nearest European Sites respectively. The subject development comprises an Islamic Cultural Centre.
- 8.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any European site. The reason for this conclusion is as follows:
- The scale and nature of the development;
 - The distance to the nearest European site; and,
 - Taking into account the screening determination of the Planning Authority.
- 8.4. I conclude on the basis of objective information, that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore a retrospective Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

9.0 Recommendation

- 9.1. I recommend that permission be GRANTED for the following reasons and considerations.

10.0 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.

11.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 29th November 2023 and as amended by Further Information received on 22nd 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, 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 (not set back) as indicated on

the design drawing, the crossing shall be located at the junction access point which is the desire line for vulnerable road users in accordance with DMURS & the National Cycle Manual

- (ii) appropriate signage in advance of the raised table on all approaches.
- (iii) removal of proposed speed cushions on the L-1144-1 and on the main access road to the development as the raised table junction will act as a traffic calming measure.
- (iv) all crossing within the development shall be controlled crossings and shall be installed as per relevant standards. Applicant is advised that it is unclear if the proposed crossing within the development is a controlled or uncontrolled pedestrian crossing and therefore, there is potential for pedestrians and/or motorists to misinterpret the road markings of the proposed pedestrian crossing and who has priority. Priority should be provided to the vulnerable road users.
- (v) Proposed lighting columns shall not impact on proposed footpath widths. shall be submitted for written agreement by the Planning Authority, in consultation with Roads Design and Road Design Active Travel.

(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 22/10/2024 shall be carried out to the satisfaction of the Executive Roads Engineer prior to first operation of the development herein permitted.
- (b) Prior to first commercial operation of the cultural centre herein permitted a Stage 3 Safety Audit shall be undertaken and copies submitted to the Planning Authority and the Executive Engineer (Roads) for the written agreement of the Executive Engineer (Roads). 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 Executive Engineer (Roads) prior to the first use of the school premises.

(c) The exact detail and location of all traffic calming measures and pedestrian crossing points at the point of entry to the subject site and on the adjoining local road shall be agreed with and carried out to the written satisfaction of the Executive Engineer (Roads).

Reason: In the interests 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. 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 [or until the development is taken in charge by the local authority, whichever is the sooner], 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.

7. 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.

8. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health.

9. 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.

10. There shall be no calling to prayer or other public address system on the site.

Reason: In order to protect existing amenities

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- (i) Identification and agreement of noise sensitive locations including schools (ii) advanced notice of significant noise generating activities to noise sensitive locations (iii) timing of significant noise generating activities outside of schools hours where possible and (iv) details of a dedicated noise liaison person who shall be responsible for all necessary consultations with identified 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;
- (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 0800 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/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 (such as electrical, telecommunications and communal television) 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 interests 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 provision and satisfactory completion of roads, footpaths, watermains, drains, public open space 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 and maintenance of the development until taken in charge.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Matthew O Connor
Planning Inspector

10th April 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321429-24		
Proposed Development Summary	Construction of an Islamic Cultural Centre with all associated ancillary spaces and provision of auxiliary building, construction of an access road with all associated retaining structures, site works, landscaping, bin enclosure and services.		
Development Address	Lisnennan, Letterkenny, Co. Donegal		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	X	
	No		
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			Proceed to Q3.
No	X	Not a Class	No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____

Date: _____