



An
Coimisiún
Pleanála

Inspector's Report ACP-323552-25

Development	Demolition of a dwelling and commercial unit for the construction of drive-thru restaurant and all associated site works.
Location	Port Road, Letterkenny, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2560274
Applicant	PJ McDermott
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Eddie Tobin
Observer(s)	None
Date of Site Inspection	9 th & 10 th December 2025
Inspector	Matthew O'Connor

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Appendix 1: Form 1 - EIA Pre-Screening

Appendix 2: Form 2 - EIA Preliminary Examination

1.0 Site Location and Description

1.1. The appeal site is 0.558ha and located in the townland of Ballyraine which is within the urban area of the settlement of Letterkenny, Co. Donegal. The subject site is located on the northern side of the Port Road (R-229) and is proximate to the Polestar Roundabout which is one of the primary arteries of the town carrying the N56/N13 (Derry Road) and connects to the Neil T Blaney Road (R-250). The appeal site is irregularly shaped and comprises a detached two-storey house on an ample sized plot with mature garden and planting in addition to a single storey commercial shed unit. Both the shed and the dwelling are served by separate entrances from Port Road. The topography of the area is generally flat and the boundaries are a mix of hedgerow/planting along with a low-level wall to the southern site boundary. The immediate surrounding area is defined by a mix of uses including commercial/industrial/business units to the west in the Rossmore Business Park; a Lidl supermarket to the south on the opposing side of Port Road; and, a hotel to the northeast on the N56. In addition, Atlantic Technological University (Letterkenny Campus) is situated on Port Road and the nearby Joe Bonnar Road contains a number of industrial and commercial units. There are no Protected Structures or National Monuments on the site and the lands are not located within a Flood Zone.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
- Demolition of a two-storey dwelling and commercial unit.
 - Construction of a single storey drive-thru restaurant including the ancillary sale of hot food for consumption off the premises with an associated corral area.
 - Ancillary items including elevational, totem and free-standing signage; car and bicycle parking; grill bays; height restrictor; customer order points with canopies; digital menu boards, ESB substation and kiosk; hand and soft landscaping including outdoor furniture/seating area with parasols; boundary treatments, lighting, and all associated site works
 - Installation of a traffic barrier on meridian of public road (R-229) provide for left-in, left-out only vehicle movements to and from the proposal.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Grant permission for the subject development, subject to 19 no. conditions. I note a number of that conditions are generally standard with the following conditions of particular relevance:

- Condition 2: Liaison and agreement with Roads Design and Area Roads Engineers in terms of details of road markings, signage and access arrangements.
- Condition 3: Hours of operation and delivery.
- Condition 4: Materials and finishes to be agreed.
- Condition 5: Advertisement limitation.
- Condition 6: Litter control.
- Condition 7: Construction Management Plan.
- Condition 8: Landscaping and Planting
- Condition 9: Waste management and recycling
- Condition 10: Odour control.
- Condition 11: Road Safety Audit and Traffic Calming Measures.
- Condition 12: Completion of services and infrastructure prior to operation.
- Condition 13: Service cables shall be run underground and open access fibre connections.
- Condition 14: Surface water discharge restriction to public roads and provision of storm gullies.
- Condition 15: Potable water shall be from public watermains.
- Condition 16: Wastewater shall discharge to public sewer.
- Condition 17: Waste disposal of material, construction parking and keeping road clean.
- Condition 18: Financial Contribution
- Condition 19: Security Bond/Cash Deposit

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, the third party observation received, 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 "Established Development" of the Letterkenny Plan along with the compatibility of the development with surrounding land uses. There was no objection to the elements to be demolished.
- There was concern raised with the siting or design of the building.
- No issues in relation to neighbouring residential amenity and it was considered that there is suitable separation distances to mitigate against noise, nuisance, smell and disturbances.
- Traffic, access, and parking were considered to central to the assessment with the Port Road noted as being heavily trafficked and proximate to the Polestar roundabout. Concerns were raised in terms of potential illegal manoeuvres, pedestrian/cycle priority treatments, details of the splitter island/creation of a pinchpoint in carriageway, Lack of Stage 2 Road Safety Audit and no designer response to the Stage 1 audit and non-provision of swept path analysis for delivery vehicles/internal circulation.
- It was noted in terms of public health that the site would connect to services however, clarification is required drainage details.
- No issues raised with respect to AA or EIA.

Further Information was sought in relation to 14 no. items which are summarised as follows:

1. Submit revised drawings and further details of footpaths (cycleways if appropriate) in compliance with DMURS.
2. Provision of appropriate pedestrian crossing points throughout the development on raised table crossings in accordance with the National Cycle Manual and TII design guidance.

3. Upgrade proposed access junctions at Port Road to provide priority to vulnerable road users.
4. Provision of visibility splays at any proposed site accesses.
5. Demonstrate raised table crossings are in accordance with TII standards
6. Demonstrate storm gullies are installed to ensure no water ponding on the upstream side of any proposed raised tables.
7. Confirmation of proposed works on Port Road such as new site layout with dimensions of any alterations to carriageway widths or altered kerblines. It is advised that there appears to be a pinch point on the inbound carriageway due to proposed splitter island. Submission of cross sections of the carriageway and confirmation of carriageway widths and details of proposed concrete splitter island. The configuration of proposed splitter island has potential for illegal right turn manoeuvres exiting the proposal and should be reviewed
8. Provision of swept-path analysis demonstrating accessibility and internal turning movements for delivery vehicles, refuse collection and service vehicles within the proposed layout.
9. Submission of a Stage 2 Road Safety Audit
10. Submission of a detailed lighting layout
11. Confirm footpaths and cycle track widths are not impeded by infrastructure.
12. Submission of an Archaeological Assessment.
13. Clarify internal vehicular movement patterns, including how inbound traffic enter site given left-in/left-out configuration.
14. Clarify delivery/service vehicle routing.

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. A brief summary of the responses are set out below:

- With respect to Item No. 1, the applicant provided updated drawings in terms of footpaths being in compliance with DMURS along with design justification.
- In relation to Item No. 2, revised details of pedestrian crossing and associated details. The response was deemed to meet contemporary standards.
- In terms of Item No. 3, the applicant provided revised details of the access junction and this was found to be satisfactory.

- In relation to Item No. 4, the applicant provided revised drawings with visibility splays and was deemed satisfactory to the Planning Authority.
- In respect of Item No. 5, revised drawings with raised table crossings were proved and accepted by the Planning Authority.
- The response to Item No. 6 included revised engineering drawings with associated drainage solutions and was accepted by the Planning Authority.
- With respect to Item No. 7, revised drawings show works to Port Road Drawings and no objection is raised.
- The response to Item No. 8 includes a swept-path analysis for delivery, refuse and service vehicles along with demonstrating that delivery vans/refuse trucks/fire tenders and HGVs can access and turn on-site. The response is acceptable.
- In respect of Item No. 9, a Stage 2 Road Safety Audit was provided with recommendations incorporated into the design which is satisfactory. A Stage 3 Road Safety Audit to follow post-construction can be secured by condition.
- In relation to Item No. 10, the applicant provided a lighting layout with any outstanding items agreeable with Planning Authority by condition.
- Item No. 11 has been addressed with details of infrastructure and footpaths/cycle tracks provided.
- With regard to Item No.12, an Archaeological Impact Assessment was provided which concludes the site is of low potential and recommended pre-construction licensed monitoring. The Planning Authority noted the Department did not respond but that the matter can be conditioned.
- The applicant's response to Item No. 13 outlined expected turning patterns and confirmed that signage and physical designs that will enforce access/egress. It is noted however that detailed signage proposals were not included but could be conditioned.
- In terms of Item No.14, a routing strategy was provided which is not supported by the Planning Authority and there is no commitment to follow the preferred route. The Planning Authority indicate that a delivery routing plan can be secured by way of condition.

3.2.2. Other Technical Reports

- Area Roads Engineer – Further information requested on access and turning movements along with delivery routing. The response to Further Information queries where is traffic expected to turn into the site and how are delivery vehicles expected to turn or are they to be directed via Neil T Blaney Road and Joe Bonnar Road.
- Roads Design – Further information requested on compliance with DMURS, pedestrian/cycle crossings, upgrades on junctions, visibility splays, drainage; Road Safety Audit, lighting and other details/specifications. The second report had no objection, subject to a condition regarding a Road Safety Audit.
- Chief Fire Officer (CFO) – No objection subject to advisory notes.
- N.R.D.O – Application does not affect/impact on any road/active travel project managed by Donegal NRO.
- Building Control – No response received.
- Regeneration Team – No response received.

3.3. **Prescribed Bodies**

- An Taisce - No response received.
- The Heritage Council - No response received.
- Uisce Eireann - No response received.
- Dept of Housing, Local Government and Heritage – Requested a Archaeological Assessment. Following the receipt of FI, no response was received.
- Transport Infrastructure Ireland (TII) – Requests development be undertaken in accordance with Traffic and Transport Assessment and Road Safety Audit. It was further indicated that the Planning Authority have regard to relevant guidelines. Following the receipt of Further Information, TII informed that their position remains as set out in original correspondence.

3.4. **Third Party Observations**

- 3.4.1. One third party observation was received by the Planning Authority. The main issues raised are summarised as follows:

- Concerns based solely on traffic grounds and the negative effects the application would have on the already congested Port road.
- The site is currently a car repairs business and house which generates a very low traffic volume.
- The proposal would generate an extreme high level of traffic as seen by existing traffic generation at the current McDonalds drive thru.
- Conflicting traffic movements will cause additional hazards from attempted right turns after proposed splitter island or from u-turns at other properties.
- The inserting of a splitter island will further restrict traffic movements.
- The development involves changing the road layout by offsetting the trajectory of the road into the site side that will change the footpath and cycle lane and will use public land.
- The layout at the Lidl exit does not infringe on traffic flow in both directions like the proposed concrete splitter island will.
- Traffic exiting the site are in close proximity to the Polestar traffic lights and so getting out of the site would be difficult in between green/red lights.
- The entrance/egress proposed development would negatively impact on the existing traffic issues on Port Road and should not be granted.

4.0 Planning History

- None.

5.0 Policy Context

5.1. Development Plan

5.1.1. The County Donegal Development Plan 2024-2030 is the operative plan.

5.1.2. Chapter 2: Vision and Ambition notes the distinctive and exceptional importance of Letterkenny in terms of its role and significance to the county and to the region.

5.1.3. Chapter 5: Towns and Villages and the following objective is noted:

Objective TV-O-5 To ensure quality design proposals for new development within towns and villages in order to contribute to positive place-making.

5.1.4. Chapter 7 relates to Economic Development, and the following objectives/policies are considered to be applicable:

Objective ED-O-10 To encourage enterprise and employment developments to locate in brownfield sites or unoccupied buildings in town centres or, where appropriate, in existing industrial/retail parks or other brownfield industrial sites in preference to undeveloped zoned or un-zoned lands as a key measure to drive economic activation of town centres and to optimize the economic spin off from enterprise.

Policy ED-P-9 It is a policy of the Council that any proposal for economic development use, in addition to other policy provisions of this Plan, will be required to meet all the following criteria;

a. It is compatible with surrounding land uses existing or approved;

b. It would not be detrimental to the character of any area designated as being of Especially High Scenic Amenity (EHSA);

c. It does not harm the amenities of nearby residents;

d. There is existing or programmed capacity in the water infrastructure (supply and/or effluent disposal) or suitable developer-led improvements can be identified and delivered;

e. The existing road network can safely handle any extra vehicular traffic generated by the proposed development or suitable developer-led improvements are identified and delivered to overcome any road problems;

f. Adequate access arrangements, parking, manoeuvring and servicing areas are provided in line with the development and technical standards set out in this plan or as otherwise agreed in writing with the planning authority;

g. It does not create a noise nuisance;

h. It is capable of dealing satisfactorily with any emission(s);

i. It does not adversely affect important features of the built heritage or natural heritage including natura 2000 sites;

j. It is not located in an area at flood risk and/or will not cause or exacerbate flooding;

k. The site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;

l. Appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;

m. In the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape;

n. It does not compromise water quality nor conflict with the programme of measures contained within the current north western river basin management plan.

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

5.1.6. 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. It also includes the thresholds for Traffic and Transport Assessment and parking requirements for cars and bicycles. 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.

5.2. 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.

5.2.2. Chapter 5 of the Letterkenny Plan relates to Development Strategy and Consolidation and the appeal site is indicated on Figure 5.1: Key Spatial Components of Development Strategy as being an area of 'Targeted Compact Growth.

5.2.3. The subject site is predominantly zoned

5.2.4. 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.

5.2.5. Table 7.1 relates to the Land Use Zoning Objectives. 'Established Development' has an objective to '*conserve and enhance the quality and character of the area, to protect residential amenity and allow for development appropriate to the sustainable growth of the settlement, including new residential development, subject to all relevant material planning considerations, all the policies of this Plan, relevant national/regional policy/guidance including environmental designations and subject to the proper planning and sustainable development of the area*'. 'Town Centre' has an objective to '*sustain and strengthen the core of Letterkenny as a regional centre of residential, commercial, retail, cultural and community life and to support active travel and public transport provision*'.

5.2.6. Table 7.2 relates to the Land Use Zoning Matrix and there is no specific reference to 'Drive-Thru' development on this matrix. However, 'Restaurant' and 'Hot Food Takeaway' is listed as being 'Open for Consideration' on lands zoned Established Development. It is also indicated that on Established Development lands, Hot Food Takeaways will not be permitted where it is considered that they may have a detrimental impact on the established character or residential amenities of an area.

5.2.7. Chapter 8 of the Letterkenny Plan relates to 'Economic Development and Employment' with Section 8 relating to the National Secondary Route N56.

5.2.8. Chapter 22 of the Letterkenny Plan relates to the 'Strategic Roads Strategy' and Section 22.3 relates to the N56. Sections 22.6 sets out the General Strategic Roads Objective and Policies and the following are of note:

Objective LTP-T-O-2: To develop the Strategic Roads programme for Letterkenny.

Policy LTP-T-P-5: It is a policy of the council to:

a. Support and facilitate the appropriate development, extension and improvement of Letterkenny's transport network, including the strategic roads projects identified in Table 22.2 below;

b. Not to permit development that would prejudice the implementation of a strategic roads project identified in Table 22.2.

c. Protect the corridors and routes and acquire the lands necessary for new roads and road improvement projects as identified in Table 22.2 below.

Policy LTP-T-P-6: It is a policy of the council to:

a. Address the inadequate strategic road network serving the town of Letterkenny so as to alleviate current congestion to and from and within the town.

b. Provide for and support the removal of non-strategic traffic from the town through support for the provision of strategic roads infrastructure projects.

c. Manage future traffic interventions to ensure reprioritizing from the private car to sustainable modes so as to create a safer and more comfortable environment for pedestrians cyclists and public transport.

d. Protect the corridors and routes and acquire the lands necessary for new roads and road improvement projects as identified in Table 22.2.

5.4. National Guidance

5.4.1. The following national planning guidance are relevant:

- *National Planning Framework - First Revision (2025)*
- *Development Management: Guidelines for Planning Authorities (2007).*
- *Design Manual for Urban Roads and Streets (DMURS) (2019).*

5.5. Natural Heritage Designations

5.5.1. The appeal site is not located on or within 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 are located approximately 1.07km to the east of the site. This area is also indicated as the Lough Swilly Including Big Isle, Blanket Nook & Inch Lake pNHA (Site Code: 000166).

6.0 EIA Screening

6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

The Third Party appeal has been received in relation to the Planning Authority's decision to grant permission and the grounds of appeal can be summarised as follows:

Traffic, Parking and Road related issues

- The proposed development is on the R-229 which is one of the heaviest, if not the heaviest, trafficked section of road in County Donegal.
- The proposal is for a McDonalds drive through takeaway and seated restaurant leading to heavy traffic in and out of site.
- The site is not suitable for the traffic volumes generated given its location proximate to the Polestar Roundabout; lack of right-hand turn into site; and restricted access for large vehicles (deliveries/refuse) which would have a detrimental effect on the road network
- The achievability of autotrack questioned.
- The requirement for a traffic island to restrict right-hand turn restricts other traffic safety leaving town and causes restriction for emergency vehicles given its proximity to the traffic lights/roundabout.
- The statement that most traffic comes from the town side is disingenuous as the existing McDonalds is in the town. Most traffic will be generated coming towards town which will lead to conflicting traffic movements vehicles attempt to turning to third party properties due to there being no right turn into the site.

Design and Impact on visual amenities

- The design fails to display high architectural quality or provide a fine grain development on this prominent urban site (required under TC 5 of Letterkenny PLAN) and combined with excessive surface car parking would injure the visual amenities of the area.

7.2. Applicant Response

- A response to the appeal has been received on behalf of the applicant and is summarised as follows:

Nature of Appeal

- Requests that An Coimisiún Pleanála dismiss the appeal as it can be defined as vexatious, frivolous or without substance or foundation as set out in Section 138 of the Planning & Development Act 2000 (as amended).
- The appellant is the owner of a commercial premises on Port Road with live permission for a development which includes a drive-thru restaurant. It is

queried as to whether the appeal is commercially-led and intended to delay the proposed development.

Location

- The appellant claims the R229 to be a heavily trafficked road yet has applied for permission for a similar drive-thru restaurant on the same road.
- A Road Safety Audit and Traffic & Transport Assessment were carried out and concluded that the road network is adequate to accommodate the worst-case traffic scenario.

Lack of Right Turning Lane

- The development has been designed in such a manner to restrict right turning movements from Port Road westbound to the site for traffic and health and safety purposes.
- It is anticipated that the majority of customers will be travelling away from Letterkenny (east bound on Port Road) and that return customers will be aware of the traffic restrictions in place.

Restricted Access for Large Vehicles

- HGVs can safely enter/exit the site and manoeuvre within the site area as indicated on the submitted Autotrack drawings.

Restrictions on Right Hand Turning

- Given the site is currently vacant with no traffic movements, no change shall occur to the westbound traffic movement along Port Road as there is no right turn from the site.
- The splitter island will be situated in a similar location to hatched road markings where vehicles are restricted from moving within.
- There are no alterations or shortening of existing lanes or approaches to either Polestar Roundabout or Rossmore Business Park.
- The splitter island at this location shall not cause further traffic congestion and its purpose shall implement the restricted right turn movements for traffic safety.

Movement of Traffic

- Every effort has been taken to ensure appropriate traffic safety measures are provided for vehicles, cyclists and pedestrians.
- The design has been informed by Traffic Consultants and Road Safety Audits. A Stage 3 Road Safety Audit is required as part of Condition No. 11.
- Due regard has been given to the traffic movements in the area.

Design of Development

- The material of the proposed building shall provide high-quality mix of grey cladding and timber effect panels. Detailed landscaping plans have also been provided which has been carefully considered.
- In terms of car parking, the development provides 40 no. spaces and the requirement of the Development Plan is 28 no. spaces. However, it is considered that 28 no. spaces would not be sufficient at peak demand periods. This has been welcomed by the Planning Authority.

NRB Consulting Engineers Response Letter

- A response letter from the Consultant Engineers is appended and provides a technical rebuttal to the matters raised in by the appellant.

7.3. Planning Authority Response

- A response has been received from the Planning Authority noting the contents of the Third Party Appeal and makes a number of comments:
 - In relation to traffic and access, the Planning Authority is satisfied that the applicant has demonstrated that the road network can accommodate the development and is acceptable to Transport Infrastructure Ireland and the Planning Authority.
 - All matters raised in the appeal have previously been addressed in the respective Planner's Reports.
 - The Planning Authority requests that An Coimisiún Pleanála uphold the decision to grant permission.

7.4. Observations

- None.

8.0 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
- Access, Traffic & Transportation
- Parking
- Design & Impact on Visual Amenities
- Other Matters
- Appropriate Assessment (Screening)

8.1. Principle of Development

8.1.1. In assessing any development, I consider that a key consideration for the assessment of the proposal is the principle of development. The proposed development seeks to demolish an existing two-storey detached dwelling and an adjacent commercial building to construct a drive-thru restaurant. The appeal site is located across two zoning categories. The comprehensive majority of the lands are zoned 'Established Development' in the Letterkenny Plan which has an objective to *'conserve and enhance the quality and character of the area, to protect residential amenity and allow for development appropriate to the sustainable growth of the settlement, including new residential development, subject to all relevant material planning considerations, all the policies of this Plan, relevant national/regional policy/guidance including environmental designations and subject to the proper planning and sustainable development of the area'*. I note that Drive-Thru is not a specified use on the Land Use Zoning Matrix and so I consider that 'Hot Food Takeaway' and 'Restaurant' applicable for the subject development. The uses are indicated as being "Open for Consideration" on the Land Use Zoning Matrix for Established Development. I further note in relation

to Hot Food Takeaways on Established Development zoned lands that this use *'will not be permitted where it is considered that they may have a detrimental impact on the established character or residential amenities of an area'*.

- 8.1.2. In the interests of clarity, I also note that a small portion of the subject site is located on 'Town Centre' zoned lands. The Commission shall note that this part of the appeal site is the area on /adjacent to Port Road and that the extent of proposed works across this particular land-use designation is confined to road/access provisions. Whilst I acknowledge the primary elements of the overall drive-thru restaurant development must be assessed against the zoning provisions for 'Established Development', ancillary works such as the access forms an integral part of the proposal development and must also be considered as part of the overall use of the proposed drive-thru restaurant and considered in the context of the land use zoning of the lands. Nevertheless, 'Hot Food Takeaway' and 'Restaurant' are also indicated as uses that are "Open for Consideration" on the Land Use Zoning Matrix for Town Centre lands and so are consistent with the majority appeal site zoning of 'Established Development'.
- 8.1.3. In consideration of the nature of the proposed development, I note the location of the site in the urban area of Letterkenny and on the edge of the town centre. I further note the diverse range of existing land uses in the immediate surrounding area which include a Lidl supermarket to the southwest; a business park to the west containing retail/showroom/services units and other industrial/manufacturing type units to the west on the southern side of Port Road; a hotel to the north; and, the campus of Atlantic Technological University (Letterkenny Campus) also on Port Road, I do not consider that the proposed development would be at odds with the designated land uses or the zoning objectives for 'Established Development' and 'Town Centre' respectively and so would be compatible with the wider area.
- 8.1.4. In relation to the demolition of the dwelling and the commercial unit, I do not consider that these buildings have any remarkable features which would merit their retention and so on this basis, I would not be opposed to their removal in order to facilitate the development proposed on the site.
- 8.1.5. Therefore, having regard to the above, I consider that the proposal to be acceptable in principle and would be consistent with the respective land use zoning objectives.

Notwithstanding, it is imperative that such a proposal is assessed against the relevant parameters of the Development Plan and these matters will be assessed in the following sections.

8.2. Access, Traffic & Transportation

8.2.1. The primary grounds of appeal relate to the proposed development having adverse effects on the local road network and associated traffic hazards resulting from the proposed development. In essence, it is claimed by the appellant that the subject site is not suitable for the traffic volumes generated by a drive-thru restaurant due to the close proximity to the Polestar Roundabout. It is further contended by the appellant that the development would be constrained by the lack of right-hand turn into site and that the provision of an island to prevent right turns on the site will restrict traffic and emergency vehicles. The appellant also indicates that most traffic generated by the development will be coming towards town and not from the town which will lead to conflicting traffic movements vehicles attempting to turn right on third party properties. In addition, it is claimed that the development has restricted access for large delivery/refuse vehicles and the achievability of the autotrack provided is questioned.

8.2.2. In considering the proposed development, I note that the development is situated on the northern side of the Port Road and in its close proximity to the Polestar roundabout. From my observations and having regard to the provisions of the Letterkenny Plan, the adjoining road network comprising the Port Road (R-229) and the Derry Road (N56/N13) form part of the key arterial approaches to the settlement of Letterkenny. These roads also support pedestrian footpaths and cycle infrastructure. The appeal site is currently served by two vehicular entrances, one accessing the dwelling and one accessing the commercial unit, onto Port Road however the proposed development will be served by a singular vehicular access which is to be located approximately 80 metres to the west of the signalised Polestar Roundabout. I consider that the proposed vehicular entrance can provide adequate lines of vision and setbacks at Port Road and I have no concerns with the location of the entrance from the Polestar Roundabout given that this is a signalised junction/roundabout. In addition, I would be of the view that the provision of a singular access would improve the current accessing arrangement and that the proposal has appropriate regard to active travel measures for cyclist and footpath/crossing areas.

8.2.3. I note that one of the grounds of appeal raised by the applicant relates to the absence of a right-hand turning lane into development as being a reason of the site's unsuitability. The response of the applicant indicates that the restriction on a right turn followed discussions with the Planning Authority and informed the design. With this in mind, I note that the Roads Engineers in the Planning Authority did not seek alternative access arrangements as part of their assessment of the proposed development. I further note that the appellant has also raised concern about prospective visitors undertaking conflicting vehicle movements in the area by way of turning right from Port Road onto third party lands on the basis that there is no right turn into the site. It is my consideration however that this is a speculative assumption which would be outside the scope my assessment. That said, I consider that the given the site is located within the urban area of Letterkenny, it is reasonable to deduce that the majority of users/visitors would become familiarised with the proposed left-in/left-out arrangement and travel to/adapt to the site in an appropriate manner given the road layout.

8.2.4. The development includes the installation of a concrete splitter island on Port Road to physically prevent right turns into and out of the appeal site at Port Road. The appellant considers that the requirement of this traffic island on Port Road (preventing right-hand turning movements at the subject site) would restrict all other traffic leaving Letterkenny and would restrict emergency vehicles given the close proximity of the works to the traffic lights/roundabout. According to the response received from the applicant, the traffic island has been carefully considered and designed as a safety measure and is in accordance with roads design standards and requirements. The Planning Authority raised no objection to the installation of the splitter island in their assessment of the Further Information response. I note from my review of the current carriageway layout and road markings that there are no provisions for right hand turning by westbound vehicles on Port Road and that the layout/markings of existing entrances serving the house and commercial unit do not facilitate right turns from these entrances. However, the current road layout does not prevent/block vehicles from carrying out such a manoeuvre. Overall, I consider that the provision of the splitter island would be satisfactory in terms of preventing hazardous manoeuvres in and out of the subject development and I do not consider that the placement of such a feature would restrict other traffic or vehicular movements at the westbound route along Port Road at this location is a single carriageway and this arrangement would not change.

- 8.2.5. In relation to trip generation, the appellant claims that most traffic generated will not be coming from the town but will be travelling towards the town and will therefore result in conflicting traffic movements as there is no proposed right turn into the site. I conducted my site inspections at mid-afternoon on Tuesday 9th December and the morning of Wednesday 10th December. I consider that I experienced what could be considered a 'normal use' scenario in terms of traffic and road usage. During my inspection, I had regard to the signalised junction of at the Polestar Roundabout and noted queuing at the static arms of this junction. From my observations, the queuing cleared at every interval change of lighting.
- 8.2.6. In considering the proposed development, I have had regard to the submitted Traffic & Transportation Assessment (TTA). It is noted that the Port Road (R-229) is a main arterial link to Letterkenny from the N56. The Port Road is identified in a traffic survey as being moderately trafficked in the context of an established and important arterial route serving Letterkenny. With regard to trip generation, assignment and distribution, TRICs (Trip Rate Information Computer System) data has been provided to demonstrate trip generation for the Drive Thru restaurant. Weekday peak hours are indicated as 08:00hrs – 09:00hrs (AM) and 17:00hrs – 18:00hrs (PM). The study also includes 24 hour modelling. In relation to the junction analysis, the capacity of the proposed access junction was modelled using a PICADY (Priority Intersection Capacity and Delay) programme for 2027 (the intended year of opening) and the design year 2042. This system produces results based on a ratio of flow capacity (RFC), queue length, signal/stage sequences among other parameters. As a rule, a RFC greater than 1.00 indicates that a junction is operating at or above capacity, with 0.85 considered to be the optimum RFC value. The TTA concludes that the road network is more than adequate to accommodate the worst-case traffic associated with the proposed development. In addition, it is stated that there is adequate capacity in the local links and junctions to accommodate the levels of generated between the opening year (2027) and the design year (2042).
- 8.2.7. Based on the submitted information on the appeal file and having conducted a site inspection of the subject lands and noting the location of the appeal site on zoned lands within the settlement boundary of Letterkenny, I am satisfied that the proposed development would provide for a safe means of both entry/egress from the public road. The proposed left in/left out access arrangement onto Port Road will not impact on

vehicles approaching from the Polestar Roundabout as right turns to and from the site would be prevented by the proposed splitter island. 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. As such, the proposed development is considered to be acceptable.

8.2.8. In addition to the above, I note that an initial Stage 1 Road Safety Audit contained in the TTA identified 2 problems regarding an existing lighting column in the footpath and directional signage with recommendations/solutions provided. A Stage 2 Road Safety Audit was submitted in response to the request for Further Information where problems in association with the variation of the carriageway width on the exit from the Polestar Roundabout onto Port Road and the dropped kerbing at the disabled parking spaces. Recommendations are included to address same in the Road Safety Audit 'feedback form'. Having considered the problems identified in the Stage 2 Road Safety Audit, I am of the view that the issues outlined can be suitably addressed through the various design, mitigation, and management measures. As such, I have no concerns with the layout of the internal roads and I consider that, subject to conditions, there would be sufficient and safe circulation and manoeuvrability within the confines of the site in a manner that is compliant with DMURS standards and would not conflict with pedestrian permeability around the Drive Thru restaurant.

8.2.9. The appellant states that the proposal has restricted access for large vehicles, such as delivery and refuse vehicles, to enter/exit the site without causing serious impact on the road network and also questions the achievability of the autotrack provided by the applicant. I note that the Planning Authority requested Further Information in relation to the routing of delivery/servicing vehicles and raised concerns about potential congestion at the Station Roundabout. The assessment of the Planning Authority noted that the applicant offered no commitment follow the Roads Section's preferred route but that this matter could be resolved by way of condition. I note that Condition No. 2 of the Planning Authority's decision to grant permission includes the agreement of a movement strategy. Given the limited and infrequent expected deliveries and servicing of the subject development, I consider that a movement strategy is appropriate and should the Commission be minded to grant permission, a condition could be attached requiring the applicant to comply with the requirements of the Planning Authority for such transportation matters.

8.2.10. In relation to the autotrack analysis, the response of the applicant has outlined that the site was checked for accessibility and manoeuvrability of the largest anticipated vehicles (16.5 metre long HGVs). According to the applicant's Consultant Engineers, there is no issue with the site accommodating HGV vehicles. I note that the applicant was requested at Further Information stage to provide auto-tracking details for bin lorries/large delivery vehicles and that the Planning Authority raised no subsequent concerns with the submitted autotrack analysis. I have reviewed the supporting drawings and I am satisfied that the representation of the HGV's movements is accurate and I consider that there would be sufficient space within the site to accommodate a HGVs/large delivery/refuse vehicles. In addition, I also consider that the should the Commission be minded to adapt the parking provision, as referred in Section 8.3 below, then a dedicated delivery bay could be accommodated on the site which not require the control of vehicles during delivery times which are estimated as being a maximum of two times per week.

8.3. **Parking**

8.3.1. The appellant has indicated that the surface car parking on the site is excessive. I note that the proposed development demonstrates a car parking provision of 40 no. parking spaces which include 2 no. accessible spaces, EV parking and 2 no. grill bays. Car parking requirements for 'Restaurants & Take Aways' are set out in Table 16.8 of the Development Plan and indicated as 1 no. space per 9m² publicly accessible floor area for restaurants and a minimum of 5 spaces up to 30m² publicly accessible floor area and 1 per 10m² thereafter for Take Aways. According to the applicant, the strict application of the "Restaurant" criteria results in a technical requirement for 28 no. car parking spaces (total publicly accessible floor area is indicated as approximately 250sq.m. The applicant indicated that 28 no. spaces could at peak demand times with potential implications for adjacent roads and claims that there is a case to provide 40 no. car parking spaces. The Planning Authority raised no concerns with regard to the layout or extent of proposed car parking and in fact welcomed the additional provision having regard to peak demand considerations.

8.3.2. Whilst I acknowledge the applicant's rationale for the number of car parking spaces, I estimate that the publicly accessible floor area of the proposed development is approximately 143sq.m (based on the dining area and bathrooms) and not 250sq.m as claimed by the applicant which would equate to 16 no. car parking spaces

respectively for either a restaurant or a take away development. I note that the car-parking standards set out in the Development Plan are not specified as being 'maximum' or 'minimum' requirements but in any case, I am of the view that the extent of car parking, at 40 no. spaces is excessive and that such a provision beyond the prescribed standards would likely promote private car trip generation and negate alternative sustainable modes of transport. That said, I am also cognisant that the proposed development relates to a Drive Thru restaurant which is a convenient dining option whereby patrons can order/collect food without leaving their vehicles and consume food on site. On this basis, I would not be of the view that car parking should be strictly applied in the context of a conventional restaurant or take away as set out in the Development Plan and it is my opinion that there is scope to provide additional car parking spaces for the benefit of food consumption within the site curtilage. With this in mind and having regard to the aforementioned delivery/servicing of the site, the Commission may consider the omission of 7 no. car parking spaces in the parking area illustrated on the autotrack for exclusive use by an elongated or HGV vehicle in the event that it is contended that the proposed car parking on the site is excessive.

8.3.3. With respect to bicycle parking, I note that the proposed development indicates the provision of bicycle parking totalling 6 no. spaces on the site which would be provided in the form of Sheffield Stands adjacent to the Drive Thru building. I consider that the proposed bicycle parking would be in accordance with Development Plan standards and therefore acceptable.

8.4. Design & Impact on Visual Amenities

8.4.1. The grounds of appeal states that the design of the proposed development fails to display high architectural quality and would not provide a fine grain development on this prominent urban site. The appellant also states that the design, in addition to the proposed extent of surface car parking would be injurious to the visual amenities of the area. In considering the design and impacts on visual amenities, I note that the policy provisions of the Letterkenny Plan contain no specific objectives or policies in relation to drive thru (restaurant/take aways) and I consider that policies with regard to the town centre of Letterkenny are not applicable as the development is located outside of the defined core area. In terms of the Development Plan, it is my opinion that Policy ED-P-9 of Chapter 7: Economic Development is most applicable and sets out a number of criteria for economic development uses such as compatibility with

surrounding land uses, impacts of character of area from a Scenic Amenity perspective, impacts of nearby residential amenity, service capacity, access/traffic/parking, noise, emissions, built heritage or natural heritage, design and boundary treatment.

8.4.2. Having regard to the planning file, I note the proposed drive-thru restaurant comprises a single storey building with a dining area, customer toilets, food preparation area and staff facilities along with store rooms, office, plant room and bin store. The proposed building has a stated gross floor area of approximately 420sq.m. and a maximum height of 5.835 metres. The building is to be flat roofed and external finishes to the principal elevations comprise a series of grey colours and timber effect cladding panels with glazing also being incorporated around the area of the dining space. Vehicles will enter the drive thru aspect from the (rear) north of the building at a customer order point and travel in a clockwise direction to collection windows along the front (southern) face of the building. An outdoor dining area is also proposed to the west of the proposed building. In addition to the drive thru building, the proposed development also includes signage, hard and soft landscaping around the site. The planning file includes a Landscape Masterplan detailing the retention on a number of existing trees on the southern and eastern boundaries along with the planting of trees and hedging. Boundary treatments are also detailed on the submitted planning drawings.

8.4.3. In consideration of the proposed development, I consider that the site is in a prominent location close proximity to the Polestar roundabout (but is generously setback from the public road) where views are limited. I am of the opinion that the proposed drive thru building has a contemporary architectural expression, and that this area of Port Road is not an area of exceptional design quality or architectural significance. Therefore, I am satisfied that the proposed building is designed to a high standard and is consistent with the design of drive thru buildings. Moreover, given the site setting close to a prominent junction, I consider that the design of the building has been carefully considered and the incorporation of the proposed landscaping and boundary treatments will successfully integrate the development within this area. Taking all of the above into consideration, I am satisfied that the proposed development is acceptable from a design perspective and having regard to the visual amenity of the site surrounding area.

8.5. Other Matters

Archaeological Heritage

- 8.5.1. I note that the appellant has not raised any specific concerns in relation to Archaeological Heritage, however, in the interests of completeness of assessment I have regard to this matter. There are no recorded monuments on or immediately adjacent to the subject site. However, the application was referred to the Department of Housing, Local Government and Heritage who returned comments seeking that Archaeological test excavations be carried out. An Archaeological Assessment was requested under Item No. 12 of the Further Information Request and the applicant responded with an Archaeological Impact Assessment. This report provides a site context and details of the archaeological/historical background. It is indicated that the site has a relatively low to negligible archaeological potential on account of a number of reasons relating to the site setting. No measures are recommended in advance of any permitted construction commencing but construction phase measures include archaeological mitigation and that an archaeologist should be retained for the duration of the works.
- 8.5.2. I note that the Department of Housing, Local Government and Heritage did not provide further comment in respect of the archaeological testing and the Planning Authority has made reference to an archaeological condition in their report but there is no such condition attached in the schedule of conditions. Should the Commission be minded to grant permission, I recommend that a condition be attached in relation to archaeological monitoring.

9.0 Appropriate Assessment (Screening)

- 9.1. I have considered the subject development in light of the requirements S177U of the Planning and Development Act 2000 (as amended).
- 9.2. The subject development is located on zoned lands within the settlement boundary of Letterkenny approximately 0.115km 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, in brief, comprises the demolition of a dwelling and commercial unit and the construction of a drive-thru restaurant.

9.3. 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 on a serviced urban site;
- The distance to the nearest European site; and,
- Taking into account the screening determination of the Planning Authority.

9.4. 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.

10.0 **Water Framework Directive**

10.1 There are no water courses on or immediately adjoining the appeal site which is situated within an established urban area of Letterkenny. The nearest waterbody to the appeal site is the River Swilly which is 60 metres to the southeast/east of site). This is indicated as a Transitional Waterbody (Swilly Estuary). The proposed development comprises the demolition of a house and a commercial unit along with the construction of a single storey drive-thru restaurant. The proposed development is to connect to the existing services network in respect of foul and storm drainage. No specific water deterioration concerns were raised in the planning appeal. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

10.2 Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- The nature and scale of the proposed works; and,

- The location of the site in a serviced urban area and the distance from nearest water bodies and lack of direct hydrological connections.

10.3 I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

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

12.0 Reasons and Considerations

12.1. 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 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.

13.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 27th February 2025 and as amended by Further Information received on 15th July 2025, 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 Coimisiún Pleanála for determination.

Reason: In the interest of clarity.

2. The development shall comply with the detailed requirements of the Planning Authority's Roads Design and Area Roads Engineer sections:

(a) Prior to the commencement of development, the applicant shall liaise with Road Design and the Area Roads Engineer and agree the following upgrade/realignment/regulated works to be carried out including finalised site signage and movement strategy, including internal circulation markings, wayfinding signage and bollard/curb details to enforce the left-in/left-out arrangement.

(b) Prior to the commencement of development, the applicant shall also submit a revised Site Layout at a scale of not less than 1:500 illustrating the proposed details required under 2(a) above for the written agreement of the Planning Authority.

Reason: In the interest of traffic safety.

3. (a) All findings and recommendations contained in Section 2 of the Stage 2 Road Safety Audit received by the Planning Authority on the 15/07/2025 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 development 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.

3. The hours of operation, including any deliveries or associated services, shall be between 08.00hrs to 2300hrs on Monday to Sunday inclusively. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: in the interest of orderly development.

4. 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.

5. .Apart from the signage approved as part of this permission, 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.

6. The site shall be landscaped in accordance with the submitted landscaping scheme and shall be carried out within the first planting season following the substantial completion of external construction works. All trees/vegetation within and on the boundaries of the site which are proposed for retention shall be protected with appropriate measures during the construction period. 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.

7. A plan containing details for the management and safe disposal of all waste (and, in particular, recyclable materials) within the proposed development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities,

shall be prepared by the local authority prior to commencement of development and shall be placed on the file and retained as part of the public record.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

8. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:

(i) the nature and location of archaeological material on the site, and

(ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Coimisiún Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

9. 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.

10. Lighting shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public safety and to ensure a proper standard of development.

11. 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.

12. Construction and demolition waste shall be managed in accordance with a Construction Waste and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government (2006). The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

13. 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.

14. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

15. The developer shall control odour emissions from the premises in accordance with measures including extract duct details which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

16. 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.

17. 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.

18. 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 Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

19. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution

Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Matthew O Connor
Planning Inspector

29th January 2026

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ACP-323552-25
Proposed Development Summary	Demolition of a dwelling and commercial unit for the construction of drive-thru restaurant and all associated site works.
Development Address	Port Road, Letterkenny, Co. Donegal
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8	

<p>of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>“Infrastructural Projects”, Class 10 (b)(iv):</p> <p><i>Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.</i></p> <p><i>(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use) .</i></p> <p>The proposed development is located in the built-up urban area of Letterkenny but the site has an overall area of 0.588ha and is deemed subthreshold.</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____

Appendix 2

Form 2 - EIA Preliminary Examination

Case Reference	ACP-323552-25
Proposed Development Summary	Demolition of a dwelling and commercial unit for the construction of drive-thru restaurant and all associated site works.
Development Address	Port Road, Letterkenny, Co. Donegal
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The proposal comprises the demolition of a dwelling and commercial unit; construction of a drive-thru restaurant and all ancillary site works associated with such a development in the built-up area of Letterkenny.</p> <p>The size of the proposed development, which seeks a single storey drive-thru restaurant would not be described as exceptional in the context of the existing urban environment of Letterkenny.</p> <p>The proposal will not produce significant waste, emissions or pollutants. By virtue of its development type, it does not pose a risk of major accident and/or disaster. The site is not located in an area at risk of flooding.</p>
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The proposed development is situated in the built-up urban area of Letterkenny.</p> <p>There are no significant environmental sensitivities in the immediate vicinity – potential impacts on the Natura 2000 network is addressed under Appropriate Assessment (Screening).</p>
Types and characteristics of potential impacts	Having regard to the nature and scale of the proposed development (i.e. demolition of a house and commercial unit and construction of a drive-thru restaurant unit on zoned lands in

(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Letterkenny), there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)