



Inspector's Report

PL-500523-DL-25

Development	Construction of a 4 storey apartment block containing 22 apartments and all associated site works.
Location	Carnamuggagh Lower, Letterkenny, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2462061
Applicant(s)	Brian Brogan
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Anne McGeehan Mountain View Residents Association
Observer(s)	None
Date of Site Inspection	24 th March 2026
Inspector	Terence McLellan

1.0 Site Location and Description

- 1.1. The subject site is in Mountain Top, a suburban area in the townland of Carnamuggagh Upper, on the northern edge of Letterkenny. The site measures c.0.52 hectares and occupies a vacant plot of land between the northern arm of the George Boal roundabout (the N56), the eastern arm of the roundabout (the L-5912 Calhame Road), and the L-5912-2 local access road. These roads form the western, southern and eastern/northern boundaries of the site respectively. There is an existing vehicular access point to the site from the L5912-2 local road.
- 1.2. The site consists of overgrown scrub land that was previously in use as a construction compound in the construction of the N56. There is a significant change in level across the site, with levels falling in a north westerly direction towards the N56 from c. 149.5m to c. 142m. Surrounding topography is varied with lands to the east, south, and west rising from the subject site and levels falling northwards along the N56. Lands to the north, east, and west/south-west are characterised by typical suburban housing comprising detached and semi-detached homes ranging from single, storey and a half, and two storeys in height. There are some apartments to the east of the site on Cnoc Ard but these are well separated from the site and not visible from any of the immediately surrounding lands.
- 1.3. On the higher ground to the south there are a couple of detached dwellings beyond which is the Pinehill Industrial Estate (south), a large car sales garage (south-west) and some other shops and services, including a petrol station with small convenience store. There is a bus stop opposite the site on Calhame Road and a further bus stop at Mountain Top c. 4 minute walk to the south which are served by the Letterkenny Town Service. As with the rest of Letterkenny town, the site is in an area designated as High Scenic Amenity.

2.0 Proposed Development

- 2.1. Permission is sought for the erection of a four-storey building (plus basement) providing 22 flatted dwellings comprising 6 no. one bedroom and 16 no. two bedroom units. All flatted dwellings would incorporate private balcony amenity spaces in addition

to a communal roof terrace and further shared external spaces. A total of 31 car parking spaces would be provided, inclusive of two accessible bays.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Permission was granted by Donegal County Council by order dated 27th November 2025, subject to 24 generally standard conditions. Conditions of particular note include:

2. (a) Prior to the commencement of development, final details of access arrangements and site layout shall be submitted for written agreement by the Planning Authority, in consultation with DCC Area Roads Engineers & Road Design, including:

- i. The proposed raised table at the L-59125 (Local Road) / L5912 Calhame Road Junction shall be omitted as the forward visibility on a bus route should be achieved to near side road edge in both directions from a point 2.4m back from the stop bar set back distance in accordance with in accordance with Table 16.6 of the County Development Plan and DMURS section 4.4.5 and the Cycle Design Manual. The existing uncontrolled crossing at this junction shall be upgrade and tactile paving installed.
- ii. The proposed drop kerbs west of the L-59125 (Local Road) / L5912 Calhame Road Junction shall be omitted as there is no drop kerb on the opposite side of the carriageway shall be submitted for written agreement by the Planning Authority, in consultation with DCC Area Roads Engineers, Active Travel Team & Road Design.

(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

22. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the Planning Authority (such agreement must specify the number and location of each housing unit), pursuant to Section 47 of the Planning and Development Act 2000

(as amended), that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each housing unit, it is demonstrated to the satisfaction of the Planning Authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the Planning Authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the Planning Authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

3.2. Planning Authority Reports

3.2.1. The first Planner's Report contains the following points of note:

- The site is zoned 'Established Development' which allows residential development.
- The proposal aligns with strategic goals promoting compact growth within existing settlement frameworks and is an efficient use of zoned land in proximity to existing infrastructure and services.

- Density aligns with national guidelines and is appropriate for the site's context within a suburban growth area.
- Massing and orientation take account of topography, and the proposed building is set lower than Calhame Road thereby reducing visual dominance.
- Scale and height transition between commercial uses at Mountain Top and lower density suburban housing to the north. The development is appropriate infill and the location on a main approach road to Letterkenny allows a development of this scale and massing.
- The site aligns with sustainable transport policies and enhances permeability.
- Housing quality standards are met. Further details of noise mitigation for units facing the N56 are required.
- Provision of open space meets policy requirements. Further open space provision for older children should be explored as well as clarity on how open spaces will be programmed and maintained.
- Separation distances and orientation mitigate against amenity impacts, but further detail is required on boundary treatments/screening and construction management.
- Parking is considered acceptable, however, further details are required regarding a Traffic Impact Assessment, Road Safety Audit and pedestrian/cycle access, noting comments from TII and standards in DMURS and National Cycle Manual.
- Proposed pump station for foul effluent is acceptable. Further details around wastewater treatment, attenuation and surface water drainage are required.

3.2.2. The first Planners Report concluded in a Further Information request covering the following points:

1. DMURS compliance for footpaths.
2. DMURS compliant raised table junction onto the main access route within the development.
3. Provision of a raised table crossing at the junction on the L-59125 (local road).

4. Storm gully installation on raised tables.
 5. Demonstration of visibility splays at junction of L-59125/L5912 Calhame Road.
 6. Footpath and buffer details.
 7. Provision of footpath permeability links.
 8. Boundary treatments and landscaping along N56 and compliance with TII guidelines.
 9. TII compliant drainage design.
 10. Maintenance plan for attenuation.
 11. Details and sections of drainage proposals.
 12. Submit Confirmation of Feasibility from Uisce Éireann.
 13. Submit Stage 1 and 2 Road Safety Audit and appropriate design amendments.
 14. Details of public lighting.
 15. Confirmation that footpath/cycle tracks are not impeded by public lighting.
 16. Revised drawings to address Chief Fire Officer concerns.
 17. Submit Traffic and Transport Assessment.
 18. Provision of EV charging details.
 19. Submit Construction Management Plan.
 20. Provision of playspaces and landscaping for all age groups.
 21. Submit a landscape and open space management plan.
 22. Provision of boundary treatments and screening.
- 3.2.3. The relevant information was submitted and considered in the second Planner's Report which concluded that the matters raised had been suitably addressed and that any points of detail/outstanding issues could suitably be addressed by way of conditions.

3.3. Other Technical Reports

- 3.3.1. **Area Roads Engineer (23.12.2024 and 28.11.2025):** Further Information required regarding total number of bedrooms for car parking requirement. There should be at least 22 car parking spaces for a development of this size and only six spaces are shown, which is objectionable as the current proposal is inadequate in terms of car parking. Following receipt of Further Information, the Area Roads Engineer queried cycle parking provision, noting that 23 covered cycle standards are required, as are 3m footpaths along Calhame Road and the local road.
- 3.3.2. **Building Control (17.01.2025):** Standard conditions/requirements recommended.
- 3.3.3. **Chief Fire Officer (24.01.2025 and 18.11.2025):** Initial response raised a number of matters and it was advised that a Fire Safety Certificate should be obtained, adequate water supply to be agreed with CFO, access and facilities for Fire Service to comply with TGD-B-2006 Reprint Edition 202 Section 5B, and it was recommended that the Applicant contact the Fire Service in relation to the matters raised. A revised layout was submitted following a meeting with the CFO, standard conditions recommended.
- 3.3.4. **Donegal National Roads Office (NRDO) (30.01.2025):** The proposal does not affect the progression of any National Road or Active Travel projects managed by Donegal NRO. The site is next to the N56 and must demonstrate compliance with TII Standards.
- 3.3.5. **Road Design (23.01.2025 and 18.11.2025):** Further Information requested on a number of matters including compliance with DMURS, provision of raised tables, installation of storm gullies, provision of visibility splays, provision of shared surface paths and buffers, provision of permeability links, landscaping and boundary treatments, drainage design, submission of Confirmation of Feasibility from Uisce Éireann, provision of a Stage 1 and 2 Road Safety Audit, and details of lighting.
- 3.3.6. Following receipt of Further Information, the Roads Design section advised that the proposed raised table at junction of L-59125 and L-5912 should be omitted, that the dropped kerbs west of the L-59125 and L-5912 junction should be omitted, and that a Stage 3 Road Safety Audit should be carried out once works are substantially complete.
- 3.4. **Prescribed Bodies**
- 3.4.1. **Transport Infrastructure Ireland (TII) (30.12.2024 and 18.11.2025):** The initial response from TII advised that the development would be at variance with policy in

relation to control of development on/affecting national roads and that if approved, it would create an adverse impact on the national road and associated TII were of the opinion that insufficient data was submitted with the planning application to demonstrate that the proposed development will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network. Following Further Information, which included a Transport and Traffic Assessment as well as Road Safety Audits and DMURS statements, TII concluded that they would rely on the Planning Authority to abide by official policy in relation to development on/affecting national roads, subject to the implementation of recommendations in the Road Safety Audit, developer funding works required by the Road Safety Audit, and that they will not entertain future claims in respect of impacts due to the presence of the existing road or any new road scheme which is currently in planning.

- 3.4.2. **Uisce Éireann** – I note that the Planning Authority consulted Uisce Éireann on the 20th December 2024. No response was received. A Confirmation of Feasibility was provided by the Applicant at Further Information Stage.

3.5. **Third Party Observations**

- 3.5.1. Seven observations were submitted in response to the planning application. These are on file for the Commission's information and are summarised and addressed in the Planner's Report matters raised are generally consistent with the grounds of appeal which are set out in detail below.

4.0 **Planning History**

Subject Site

- 4.1. **Planning Authority Reference 21/50856**: Permission was sought for a four to six storey apartment block containing 32 no. apartments, communal roof terraces, car parking, pedestrian and vehicular accesses, toddlers play area, kickabout area and landscaped amenity areas including boundary fencing, and all other ancillary and site development works. The Planner's Report states that this application was withdrawn due to land ownership issues.
- 4.2. **Planning Authority Reference 07/40760**: Permission was granted by Donegal County Council in 2008 for the erection of a four-storey building with lower

ground/basement. The development incorporated surface level and basement level car parking, ground floor retail warehouse units, storage units, and offices. This permission was extended in 2013 through application reference 13/51302 and expired in October 2018.

5.0 Policy Context

Local Policy

5.1. County Donegal Development Plan 2024-2030

5.1.1. Chapter 2 comprises the Core Strategy, which sets out a series of objectives for growth. Of relevance are:

- **CS-O-1:** To support the growth of Letterkenny and its metropolitan area as the key driver of population and economic growth in the County.

5.1.2. Chapter 6 includes the County's housing policies. Policies of relevance include:

- **UB-P-1:** It is a policy of the Council that the provision of multiple housing developments (defined as 2 or more units and excluding holiday homes) will generally be acceptable in principle within those towns/settlements identified in the Core Strategy/Settlement Structure, subject in all cases to the principles of quality placemaking, compact growth and the sequential development of settlements from the centre out, the availability of supporting infrastructure and facilities (including school provision), sustainable wastewater treatment solutions and relevant zoning objectives. The scale of any such development shall be in line with the provisions of the Core Strategy, shall have regard to the circumstances of the specific settlement and shall be in accordance with all relevant objectives and policies of this Plan.
- **UB-P-3:** It is a policy of the Council to require that 20% of:
 - a. land zoned for residential use, or for a mixture of residential and other uses; and
 - b. any land which is not zoned for residential use, or for a mixture of residential and other uses, but in respect of which permission for the development of houses is granted, is reserved for the provision of social and affordable housing.
- **UB-P-4:** To ensure that new residential development is carried out in serviced areas or those areas where the provision of required planned infrastructure (e.g. roads,

footpaths, wastewater, water supply social and community infrastructure etc. including school provision) is imminent.

- **UB-P-7:** It is a policy of the Council to require that proposals for new residential developments (2 or more units) in settlements demonstrate that the design process, layout, specification and finish of the proposed development generally comply with all relevant Governmental Planning Guidelines/Standards and give due regard to the key considerations of –
 - a. Public realm, open space and amenity
 - b. Connectivity and accessibility, having particular regard to active travel and sustainable modes of transport
 - c. High Quality Design - massing, form, scale, density and finishes
 - d. Mix of house types
 - e. Energy efficiency
 - f. Biodiversity considerations
 - g. Climate adaptation and surface water management
 - h. Integration with neighbouring developments and uses
- **UB-P-5:** It is the policy of the Council to guide urban residential development in a sequential manner, outwards from the core area in order to maximise the utility of existing and future infrastructure provision, promote the achievement of sustainability, avoid 'leap- frogging' to more remote areas and to make better use of underutilised land.
- **UB-P-8:** It is a policy of the Council to determine appropriate residential densities for housing sites having regard to the provisions of all relevant departmental guidelines, the provisions of Circular Letter: NRUP 02/2021, the specific nature of the development proposed and the site location and context.
- **UB-P-9:** It is the policy of the Council both to protect the residential amenity of existing residential units and to promote design concepts for new housing that ensures the establishment of reasonable levels of urban residential amenity.
- **UB-P-11:** It is a policy of the Council to require that all new multiple housing developments comprising 7 or more units contain a minimum of 30% residential units that are built to universal design standards, in accordance with the requirements of

the National Disability Authority publication 'Building for Everyone: A Universal Design Approach'. Where the total number of units to be constructed is between 2 and 6, it is a policy of the Council to require that a minimum of 1 of those units be built to universal design standards.

- **UB-P-12:** Multiple residential developments shall, in general:
 - a. On greenfield sites, include a minimum of 15% of the overall site area reserved as public amenity area.
 - b. In other cases, such as large infill sites or brown field sites include a minimum of 10% of the overall site area reserved as public amenity area; or
 - c. On lands characterised by a large private or institutional building/s set in substantial open lands, include a minimum of 20% of the overall site area reserved as public amenity area.

5.1.3. Chapter 8 relates to Infrastructure. The relevant policies include:

- **T-P-16:** Parking

5.1.4. Chapter 16 includes technical standards that must be complied with. Of relevance is Table 16.8 – Car parking Standards

5.2. **The Letterkenny Plan and Transport Plan 2023-2029**

5.2.1. The Letterkenny Plan came into effect on the 3rd January 2024. Part A comprises 'Land Use Planning Policies' while Part B outlines the 'Local Transport Plan'.

5.2.2. The site is zoned 'Established Development', with the stated 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'. Residential development is open for consideration on lands zoned Established Development.

5.2.3. Chapter 3 sets out the strategic context and growth ambitions for Letterkenny seeking the regeneration and reimagining of the town centre in line with the Letterkenny

Regeneration Strategy 2040, the delivery of more homes, increased population, and more jobs.

5.2.4. Chapter 5 outlines the 'Development Strategy and Consolidation' for a 'Compact Letterkenny' based around the key spatial components of the central business district and sets out areas for targeted compact growth, which includes the town centre.

- **Objective LK-H-O-1:** To ensure that an appropriate quantum and mix of housing types, tenures, densities and sizes is provided in suitable locations.
- **Objective LK-H-O-2:** To secure the provision of all necessary infrastructure commensurate with the needs of new residential development.
- **Policy LK-H-P-1:** It is a policy of the Council to support the principle of multiple residential development (i.e. 2 or more units) on lands where the zoning objective, zoning matrix and/or policy wording pertaining to the subject lands support, or are consistent with, such a use. In determining the appropriate density and form of development on lands zoned as Established Development, the planning authority will have due regard to the site location and context, particularly in light of the compact growth objectives of national planning policy
- **Policy LK-H-P-2:** To determine appropriate residential densities having regard to all relevant departmental guidelines, the provisions of Circular Letter: NRUP 02/2021, the specific nature of the development proposed and the site location and context.
- **Policy LK-H-P-6:** It is a policy of the Council to require layouts of residential development to be designed and constructed having regard to best practice in terms of Universal Design, including the guidance for housing development set out in the National Disability Authority publication, 'Building for Everyone: A Universal Design Approach'.
- **Policy LK-H-P-7:** It is a policy of the Council to require that all new multiple housing developments comprising 7 or more units in Letterkenny contain a minimum of 30% residential units that are built to universal design standards, in accordance with the requirements of the National Disability Authority publication 'Building for Everyone: A Universal Design Approach'.

- **Policy LK-H-P-8:** It is a policy of the Council to require proposals for residential development to prioritise and facilitate walking, cycling, and public transport and to include provision for links and connections to existing facilities and public transport nodes in the wider neighbourhood.
- **Section 10.3** states that Donegal County Council will continue to pursue a number of delivery streams to increase social housing provision in the Letterkenny area, in order to ensure that all sectors of society can have access to a home. The primary means of delivering social housing in Letterkenny to meet this objective include:
 - Turnkey developments,
 - Site acquisition,
 - Part V,
 - Council built developments,
 - Buy and Renew Scheme, and
 - Schemes delivered by Approved Housing Bodies.

National Policy

5.3. The National Planning Framework First Revision (April 2025)

5.3.1. The NPF is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. It addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high-quality urban places. Relevant Policy Objectives include:

- National Policy Objective 7: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.
- National Policy Objective 9 Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints and ensure compact and sequential patterns of growth.

- National Policy Objective 14: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets that can accommodate changing roles and functions, increased residential population and employment activity, enhanced levels of amenity and design and placemaking quality, in order to sustainably influence and support their surrounding area to ensure progress toward national achievement of the UN Sustainable Development Goals.
- National Policy Objective 20: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- National Policy Objective 22: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth.
- National Policy Objective 43: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 45: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

Regional Policy

5.4. NWRA Regional Spatial and Economic Strategy (RSES) 2020-2032.

- 5.4.1. The RSES includes a Letterkenny Regional Growth Centre Strategic Plan which provides a framework for growth and investment to build its function as the primary urban centre in Donegal, as well as its part of a Cross Border Network - the North West Metropolitan City Region. Relevant objectives can be summarised as follows:

- RPO 3.7.20 - To grow Letterkenny to a Regional Centre to a minimum of 27,300 residents by 2040.
- RPO 3.7.22 - To ensure that at least 40% of all newly developed lands are within the existing built-up urban area of Letterkenny.
- RPO 3.7.23 - To provide an additional 3,000 - 4,000 residential units.
- RPO 3.7.29 – To consolidate existing neighbourhoods, including the town centre.

5.5. Section 28 Ministerial Guidelines

5.5.1. Having considered the nature of the proposal, the receiving environment, and the documentation on file, including the reports and submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Urban Development and Building Heights - Guidelines for Planning Authorities (2018). The guidelines state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated but actively sought out and brought forward by our planning processes, in particular by Local Authorities and An Bord Pleanála. These Guidelines caution that due regard must be given to the locational context and to the availability of public transport services and other associated infrastructure required to underpin sustainable residential communities.
- Spatial Planning and National Roads: Guidelines for Planning Authorities (2021): The guidelines set out planning policy considerations relating to development affecting national roads (including motorways, national primary and national secondary roads) outside the 50/60kmh speed limit zones for cities, towns and villages.
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (December 2023). These guidelines seek to achieve both high quality apartment development and a significantly increased overall level of apartment output. Standards are provided for unit mix, apartment sizes, dual aspect ratio, floor to ceiling heights, apartment

design and private/communal amenity space. The Guidelines set out the type of locations that are suitable for increased density and apartment development.

- Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024). The Guidelines support the application of densities that respond to settlement size and to different place contexts within each settlement, recognising in particular the differences between cities, large and medium-sized towns and smaller towns and villages. They will also allow greater flexibility in residential design standards and cover issues such as open space, car and cycle parking, and separation distances.

5.5.2. I note that updates to the Planning Design Standards for Apartments: Guidelines for Planning Authorities were published on the 7th July 2025. The revocation of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities -2023', (and all preceding updates) does not apply to current appeals or planning applications, i.e. those that were subject to consideration in the planning system on or before the 8th of July 2025. These will be considered and decided in accordance with the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023).

5.6. Natural Heritage Designations

5.6.1. There are no European Sites within the boundary of the appeal site nor are there any European Sites directly abutting the appeal site or within its immediate context. The nearest European Sites are the Lough Swilly SPA (Site code:004075) and SAC (Site code: 002287) which are located c. 3.2km to the south at their closest point.

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

7.1.1. Two Third Party appeals have been received from Ann McGeehan and the Mountain View Residents Association. The appeals raise similar issues, and the combined grounds of appeal can be summarised as follows:

Traffic and Transport

- The development relies on and would intensify an access onto the N56 in a Transitional Zone on the network.
- The proposed access contravenes guidance on National Roads/TII guidelines, which seek to avoid the creation of additional access points to national roads, to avoid the generation of increased traffic to existing access points and to maintain the level of service of the road.
- The development could prejudice future road improvements or widening schemes.
- The density of development proposed would compromise the strategic function and safety of the N56 Transitional Zone.
- There are existing traffic congestion and safety issues at the Mountain Top, including the George Boal roundabout. These have been highlighted by the public, media and local authorities. It is shortsighted to grant permission at such a pivotal traffic juncture without addressing concerns.
- The TTA is flawed, it underestimates traffic impacts and fails to demonstrate that the development would not result in a traffic hazard.
- Trip generation rates from other sites fail to reflect the transport characteristics of Letterkenny.
- Traffic in Letterkenny is significantly affected by schools and educational establishments

- Traffic counts were undertaken in May which is an unrepresentative survey period. There are often pre/post exam periods for schools and early closure periods which can lead to reduced school related traffic.
- The traffic counts do not represent peak traffic and potentially underestimate true traffic impacts.
- The TTA should demonstrate that the May data was collected during a period of maximum congestion or that appropriate adjustments were made.
- Seasonal traffic count is based on traffic statistics from traffic counters on the N13 which is characteristically different to the N56. The extrapolations are unfounded and invalid.
- Sightlines appropriate to an 80km/h road are not achieved at the junction of Calhame Road.
- The development is contrary to TII guidance and is not set back the required 35m minimum from the N56.
- There would be an increase in traffic onto Calhame Road resulting in additional traffic chaos, congestion and safety impacts.

Construction Impacts

- The site is characterised as 'mountain marsh' and drilling for foundations could affect nearby buildings. It has not been established that the ground can support a four-storey building.
- Some properties on the Mountain View Estate are affected by defective concrete blocks (DCB). Construction of the proposed development in proximity to these properties could worsen/accelerate their deterioration. Particularly for rental properties which are not eligible for the DCB Scheme and may not see remediation for some time.
- Large scale construction on the site, including excavation, drilling, and provision of the underground car park could generate vibration and ground movement that will affect nearby structures, including those affected by DCB.
- No vibration or construction impact assessment has been submitted to consider the vulnerability of adjoining dwellings with DCB, and no demonstration of compliance with BS5228.
- The proposal could result in subsidence due to the site being located on peatland.

- Many properties in mountain View are affected by DCB and others have subsidence issues. Excavations may cause neighbouring properties to shift and lead to further subsidence.
- The Planning Authority has failed to require geotechnical and structural impact assessments.
- There are no assessments of the effects of deep excavation and vibration, dewatering and altered drainage patterns on MICA affected dwellings.
- Conditions imposed do not address specific risk associated with basement excavation in areas affected by DCB.

Amenity Impacts

- There is a lack of play facilities for children.
- The height and scale of the development is out of character.
- There would be amenity impacts to adjacent dwellings in terms of overlooking, overshadowing, and loss of privacy.
- The proposal is out of character with the existing residential buildings and the rural area.
- The development would be visually overbearing when viewed from neighbouring properties.
- Transition in height is abrupt, the proposal is overbearing and visually dominant and constitutes overdevelopment, failing to respect the established character of the area.

Procedural Matters

- Conditions do not address overlooking, separation distances, reduced building height or basement excavation and are insufficient to mitigate the adverse impacts on existing residential amenity.
- It is very unusual that Donegal CC will permit a portion of their land to be included in the Applicant's Folio in the event that permission is granted.

7.2. Applicant Response in the case of a 3rd Party Appeal

- 7.2.1. First Party responses have been received from Turley, for and on behalf of the Applicant, in response to both appeals. The main points of both responses can be summarised as follows:

Transport - Impacts on N56

- The proposal does not create any new access onto the N56, access is taken from the L-5912, and the development does not conflict with either Section 2.5 or 2.6 of the National Roads Guidelines.
- The Planning Authority were satisfied with junction capacity and safety. Both the TTA and RSA were deemed acceptable, and the recommendations are to be carried out in line with Condition 17.
- Traffic generated from the development can be safely and efficiently accommodated on the local road network and at junctions with the N56.
- Although guidance states that a limited level of direct access may be provided in transitional zones to facilitate orderly development, no access is provided onto the N56.
- Neither TII or the NRDO raised concerns regarding building lines or the development prejudicing future improvements to the N56.
- Safeguarding is only required where a road authority has identified a specific protected alignment, which is not the case.
- The development does not add turning movements or new junction complexity to the N56.
- Vehicle movements are dispersed before reaching the N56.

Transport - Traffic Hazard

- The L-5912 is a local road with a 60kp/h speed limit. Appropriate visibility splays are provided
- Inappropriate driver speeds are an enforcement issue. It is inappropriate to design based on driver speeds.
- There are no issues related to the proposed building line. The development does not prejudice future road improvements. TII, the NRDO and the PA were satisfied on this matter.

Transport – Congestion and Safety

- The TTA confirms that there would be no operational impact at the George Boal roundabout.

- Three junctions were considered in the TTA. Junction capacity assessments concluded that the junctions would operate within capacity and that the development traffic would not alter the Level of Service or cause a measurable deterioration in network performance.
- The development delivers local road safety improvements as outlined in the TTA, RSA, and DMURS Compliance Statement and secured by condition.
- Media articles cited by the Appellant are not location specific analyses nor are they related to the particulars of the development. Their weight is limited against the submitted technical evidence, assessment, design development, and observations of internal Council departments, prescribed bodies, and provision of planning conditions.
- Traffic increases on the L-5912 and L-59125 would be minimal.
- The junction to the L-5912 and L-59125 is an acceptable distance from the roundabout at 85m. DMURS has no minimum distance but 50m is generally accepted as good practice.

Transport – Traffic and Transport Assessment

- Trip generation rates are based on local mode share from conditions in the vicinity of the development, reflecting the urban context of Letterkenny.
- TRICS based trip rates are used, considering existing and committed developments, including the new sport complex, and seasonal adjustments factors are applied.
- The Appellant provides no technical evidence to the contrary.
- May is an appropriate survey period, and the survey was not undertaken the week of the bank holiday. Furthermore, seasonal adjustments are applied and higher adjustment factors were applied to ensure a worst-case scenario.
- In line with TII Guidance, the assessment applied relevant traffic growth factors and conservative trip rate adjustments to ensure robust scenario testing.
- Analysis was validated against TII permanent traffic counter data.
- The Appellant has not demonstrated a flaw in the TTA data, methodology, or assumptions and the concerns are unfounded and unsupported by the technical evidence.

Geotechnical Unsuitability and Hydrogeological Impact

- All available field data, historical geotechnical investigations, and expert engineering assessments confirm that the site comprises stable, predictable schist bedrock and not marshland.
- The ground is capable of supporting the development
- Nearby properties, including those with DCB are outside the zone of influence and not at risk.
- Claims of geotechnical unsuitability are unfounded and technically unsupported.
- It is anticipated that the bedrock can be removed by digging without the need for rock breaking.
- Reference to the site being characterised as peatland is at odds with the Geological Survey categorization as well as firsthand knowledge of the site.

Construction Impact

- Given the nature of the ground and distance from neighbouring properties, noise and vibration will not be an issue.
- There are no statutory maximum limits on noise and vibration, but hours of work are conditioned.
- TII guidance on noise and vibration will be adopted.
- The Commission could condition this.
- It is not possible to monitor noise and vibration from construction without works having commenced.

Landscape Character and Infrastructure

- The scheme is not of a scale to warrant onsite infrastructure.
- The development is located close to an employment area delivering a range of local services.
- A high standard of communal amenity areas is provided, including play areas.
- Public amenity space, including roof terrace, equates to 32% of the site area.
- A dedicated toddler's play area is provided and a separate kick about area for older children is proposed.
- The proposed building uses the change in gradient to create a basement.
- The building is not significantly taller than the single storey dwellings to the east and it is lower than the dwellings to the south.

Amenity Impacts

- Separation distances are well in excess of minimum standards and there would be no unacceptable overlooking.
- The site sits below the 25 degree line and is therefore exempt from the detailed daylight/sunlight tests. There will be no impact.
- Further conditions indicated by the Appellant to address concerns regarding overlooking, building height, basement excavation impacts and increased separation distances are not required.

Title

- The development is intended as a turnkey development for social housing.
- The Council has given permission for a portion of their land to be used in the application which is standard.

7.3. Planning Authority Response

7.3.1. The Planning Authority responded to both appeals. The responses can be summarised as follows:

- All third-party submissions were considered in the assessment of the application and documented in the Planner's Reports of 5th February and 24th November 2025. The Council wish to rely on the content of same.
- Do not accept that the development would result in unacceptable traffic congestion or endanger public safety.
- The TTA demonstrates that junctions would operate within acceptable capacity and safety parameters.
- Recommendations of the Road Safety Audit were incorporated into the revised design, and a Stage 3 Audit is required prior to occupation.
- The Donegal National Roads Office advise that the proposal does not affect the progression of any current projects managed by the National Road Design office.

- TII raised no objection following FI and advised that they would rely on the Planning Authority to apply relevant guidance, that the development be carried out in accordance with the recommendations of the TTA and Road Safety Audit (developer funded), and that no future claims would arise in respect of existing or future road impacts.
- Do not accept that the development would fail to comply with DMURS, these matters were addressed by FI, assessed and accepted in the planner's Report and are consistent with the objectives of the Letterkenny plan and Letterkenny Local Transport Plan.
- Matters of visibility and set-backs were addressed through FI, including the TTA and RSA. Final design and implementation are secured by condition.
- The development does not pose a risk of flooding, nor would it be prejudicial to public health.
- The drainage strategy provides for full on-site attenuation to greenfield rates with climate change allowance as well as measures to prevent water ponding.
- The Planning Authority is satisfied that the development would not increase flood risk on or off-site.
- Confirmation of Feasibility was provided by Uisce Éireann.
- The proposal is not overdevelopment. The land is zoned and within the settlement framework of Letterkenny, it is not a rural site.
- Letterkenny is a Regional Growth Centre, the proposal was assessed having regard to the urban settlement framework, established services, and the sequential/compact growth objectives of the development plan.
- The proposal is a reduction in scale compared to earlier schemes. The development has been assessed in the context of its location on a principal approach road.
- Matters related to structural design, foundation design, excavation methodology and compliance with Building Regs are addressed through the Building Control process. Construction safeguards and controls are provided by condition.

- Separation distances, orientation, and boundary treatments were considered sufficient to protect neighbouring amenity.
- The decision was not premature or flawed. Fire safety and emergency access were addressed through FI and the Chief Fire officer raised no objection following FI.
- Construction impacts and long-term management of the development can be addressed by condition.
- Consent has been given for the inclusion of Council lands within the application. Correspondence expressly states that the consent does not predetermine or imply any transfer of land ownership, which is subject to a separate statutory process.

7.4. **Observations**

7.4.1. None received.

8.0 **Assessment**

8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Quantum of Development
- Design and Visual Impact
- Residential Amenity
- Amenity of Prospective Residents
- Construction Impacts
- Transport
- Title and Consent
- Other Matters

8.2. Quantum of Development

- 8.2.1. It is stated in the grounds of appeal that the proposal would represent overdevelopment and that the density would compromise the function of the N56. The Planning Authority consider that the proposed density aligns with national guidelines and would be appropriate for the site's context within a suburban growth area. I will address the impact of the development on the N56 separately in the transport section below.
- 8.2.2. The Letterkenny Plan and Local Transport Plan Policy LK-H-P-1 supports the principle of multiple residential development on lands where the zoning objective, zoning matrix and/or policy wording pertaining to the subject lands, support or are consistent with, such a use. In determining the appropriate density and form of development on lands zoned as Established Development, due regard will be had to the site location and context, particularly in light of the compact growth objectives of national planning policy.
- 8.2.3. The RSES for the region further supports consolidated growth and higher densities, promoting compact urban growth by making better use of under-used land and buildings within the existing built-up urban footprint, and to drive the delivery of quality housing and employment choice for the region's citizens. Regional Policy Objective 3.7.27 of the RSES stipulates that a default housing density of 35 units per hectare should be considered in Letterkenny.
- 8.2.4. The NPF promotes the principle of 'compact growth' at appropriate locations, facilitated through well-designed, higher-density development. The NPF prioritises the provision of new homes at increased densities through a range of measures including, amongst others, increased building heights and promoting more compact and sustainable urban development within the existing urban envelope. The NPF recognises that a significant and sustained increase in housing output and apartment type development is necessary.
- 8.2.5. The Building Heights Guidelines (2018), the Apartment Guidelines (2023), and the Compact Settlement Guidelines (2024), all provide further guidance in relation to appropriate densities and are supportive of increased densities at appropriate locations in order to ensure the efficient use of zoned and serviced land. All national planning policy indicates that increased densities and a more compact urban form is required

within urban areas, subject to high qualitative standards being achieved in relation to design and layout.

- 8.2.6. The Building Heights Guidelines state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated but actively sought out and brought forward by our planning processes, and in particular by Local Authorities and An Coimisiún Pleanála. The Guidelines caution that due regard must be given to the locational context, to the availability of public transport services and to the availability of other associated infrastructure required to underpin sustainable residential communities.
- 8.2.7. The Apartment Guidelines note that increased housing supply must include a dramatic increase in the provision of apartment development to support population growth, a shift towards smaller average household sizes, an ageing and more diverse population with greater labour mobility, and a higher proportion of households in the rented sector. The Guidelines address in detail, suitable locations for increased densities by defining the types of location in cities and towns that may be suitable, with a focus on the accessibility of the site by public transport and proximity to city/town/local centres or employment locations.
- 8.2.8. The Compact Settlements Guidelines echo the Government objectives of promoting increased residential densities in appropriate locations. The Guidelines refine the assessment of location and set recommended density ranges. Letterkenny is a Regional Growth Centre. It is a policy and objective of the Guidelines that residential densities of 35dph to 50dph (net) shall generally be applied at suburban and edge locations of Regional Growth Centres, and that densities of up to 100dph (net) shall be open for consideration at 'accessible' suburban/urban extension locations.
- 8.2.9. The aim of national policy and guidance is clearly for an uplift in density in appropriate locations. The site is located in a suburban/edge location within the settlement framework of Letterkenny, a Regional Growth Centre, and would have a density of 62dph. Whilst this would be higher than the 35dph - 50dph parameter set for such an outer suburban location I would argue that there is no absolute impediment to the consideration of higher densities.
- 8.2.10. The proposed density would be moderately above the upper range set out in the guidelines. In considering this matter, I note that current public transport provision is

limited, with a bus service that operates up to five times per day, linking the site to the town centre. However, the NTA have committed to provide two urban bus services in Letterkenny that would operate on a half hourly frequency 17 hours a day, every day of the week, envisaged to commence in 2026. Of the two routes, route LY2 (north south route) would service the bus stop opposite the site. This would significantly improve the public transport accessibility of the site. Furthermore, I note that the site is c.450m from the commercial area at Mountain Top where local shops and services are provided including gyms, hairdresser, barber, creche, restaurant/café, takeaway and a Centra convenience store.

8.2.11. Whilst I note the proposed half hour frequency is below the 10 minute frequency for an accessible location' set out in the guidelines, I am of the view that the proposed transport provision is suitable in the context of Letterkenny, noting that outside of cities, a 10 minute frequency would only likely be achieved in town centres/central locations where higher density levels are already permitted by virtue of proximity to the services of the town centre location. As such, the proposed half hourly bus service and the proximity of the site to some neighbourhood shops and services is such that I consider the density of 62dph to be acceptable on balance and that it would accord with the principles of compact growth for a Regional Growth Centre.

8.3. Design and Visual Impact

8.3.1. The grounds of appeal state that the height and scale of the proposal is out of character with the existing residential area and the rural setting. It is further argued that the proposal would be visually dominant.

8.3.2. Firstly, I would agree with the Planning Authority that the site is a suburban/edge site and not rural. The immediate context is clearly suburban, with extensive residential estate development to the north/north-west and to the west/south-west, all on lands that rise well above that of the appeal site and the N56 corridor. To the south of the site there are also some detached homes on higher ground, and the commercial/industrial areas are clearly visible at the roundabout. I do however accept that the suburban character dissipates further towards the north.

8.3.3. The Building Height Guidelines state at Section 3.4 (Building height in suburban/edge locations (City and Town)), that newer housing developments outside city and town centres and inner suburbs, such as those on the suburban edges of towns and cities,

typically now include townhouses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards). The principle of apartment developments such as that proposed is therefore not unprecedented. Whilst I acknowledge that the proposed building would be a change in built form from the established single to two storey low density development characterising the area, I am satisfied that there is sufficient capacity within the receiving environment to absorb the development without it harming visual amenity. Furthermore, the existing low-density housing is an unsustainable form of development that risks continuing urban sprawl and the inefficient use of zoned land within the built-up footprint of the town.

8.3.4. The site is located on a principal road into Letterkenny, and the development would mark a prominent junction and the entry to the town. Given that the site lies at a lower level compared to the neighbouring residential estate developments to the north-east/east and the west/south-west, it would not appear overly prominent and its location on a significant junction on an arterial road is such that it would not be incongruous in a town context. In my opinion, the change in topography assists with the transition in scale. On balance, and having regard to the locational characteristics of the site, national priorities in terms of compact growth, the provisions of the Building Height Guidelines, the lack of any significant amenity impacts, and the efficient and sustainable use of appropriately zoned lands to deliver much needed housing within the existing settlement boundary, I am of the view that the height, scale, massing, and design of the proposed building is acceptable.

8.4. Residential Amenity

8.4.1. It is submitted that the development would be overbearing when viewed from neighbouring properties, that it would be visually dominant within the area, and that it would affect the amenity of existing nearby dwellings in terms of overlooking/loss of privacy, and overshadowing.

8.4.2. As set out previously, I consider the proposed height, scale and massing of the development to be acceptable and I do not consider that it would be visually dominant. In terms of residential amenity, the nearest residential neighbours are located in excess of 45m away which is, in my opinion, a sufficiently generous distance to ensure that there would be no reasonable prospect of impacts on residential amenity in terms of overlooking, loss of privacy, or overshadowing.

8.5. **Play space**

- 8.5.1. It is submitted by the Appellants that there would be a lack of play facilities for children. In my opinion this matter was adequately addressed at Further Information Stage and suitable play areas for toddlers and older children has been provided on site. I am further satisfied that the wider communal amenity space provision is generally acceptable.

Noise Impacts for Future Residents (New Issue)

- 8.5.2. I would draw the Commission's attention to the matter of potential noise impacts on future residents due to the site's location adjacent to the N56. The Planner's Report states that the proposed apartments meet national space standards and provide functional internal layouts with adequate natural light and ventilation, but that further details should be provided regarding noise mitigation measures for units facing the N56, as traffic noise may impact on the level of amenity enjoyed by future residents. It can reasonably be assumed that this matter was intended to be dealt with by Further Information or condition, however the matter was not progressed further by the Planning Authority. This matter was not raised in the appeal and in that respect, it is a new issue.
- 8.5.3. I do not consider that the proximity of the proposed flats to the road is such that it would harm the residential amenity potential for future occupiers. I also note that neither TII, the NRDO or the Council's Roads department objected on the basis of proximity or noise. There are a number of recent comparable developments adjacent to national primary roads with higher speed limits and less generous setbacks than the current proposal that have successfully provided residential accommodation. In my opinion the setback provided from the road is acceptable at 24m and there is adequate space for boundary treatment screening and landscaping. It is my opinion that there is no significant impediment to delivering residential development on this site in terms of noise impacts, and I consider that the matter can suitably be addressed by way of a condition that would secure an acoustic design statement detailing façade/materials measures and specifications to ensure appropriate noise levels.

8.6. **Construction Impacts**

- 8.6.1. The appeals raise a significant number of issues related to construction impacts. It is stated in the grounds of appeal that the site is characterised as mountain marsh and

that it hasn't been established that it can support a development of this nature. It is also a concern that building work/excavations could affect nearby homes, many of which are affected by defective concrete blocks. The Appellants consider the information submitted with the application to be deficient as no vibration or construction impact assessment was submitted to consider the vulnerability of adjoining dwellings nor was there a geotechnical/structural impact assessment. It is a concern of the Appellants that the development could lead to subsidence.

- 8.6.2. The Applicant submits that all available evidence confirm that the site comprises stable schist bedrock and not marshland and is satisfied that the ground is capable of supporting the development. The Applicant considers that the claims of geotechnical unsuitability are unfounded and technically unsupported. In terms of impacts on neighbours, the Applicant submits that there would be no issues given the separation distances, the nature of the ground, and the ability for conditions to provide mitigation.
- 8.6.3. From my site inspection it was clear to me that the land is not peat or marsh. All parts of the site that I inspected had solid/firm ground. There was a small area of wet/boggy ground at the lowest point of the site in the north-west corner but in my opinion, this is a result of the drainage pattern/topography of the site rather than a characteristic of the overall ground condition.
- 8.6.4. I also note the significant separation distances between the site and the neighbouring dwellings, and I would agree with the Applicant that impacts as a result of construction, including vibration and structural stability, would be incredibly unlikely. I am therefore satisfied that the development would be acceptable in this regard, subject to standard conditions regarding construction management.

8.7. **Transport**

- 8.7.1. A significant number of transport related matters are raised in the appeals. These can be summarised as potential impacts on the N56, concerns regarding the Transport and Traffic Assessment, traffic generation and congestion, traffic/pedestrian safety.

Proximity to the N56

- 8.7.2. It is submitted that proposed access contravenes National Roads/TII guidelines which seek to avoid the creation of additional access points onto national roads, to avoid the generation of increased traffic to existing access points and to maintain the level of

service of the road. It is argued that the development would rely on and intensify an access onto the N56 in a Transitional Zone on the network, thereby compromising its strategic function and safety. It is further submitted that the development is contrary to TII guidance as it is not setback a minimum of 35m from the road and that it could prejudice future road improvement/widening schemes.

- 8.7.3. The Applicant argues that the development would not create a new access onto the N56, that it does not conflict with National Roads Guidelines and that traffic from the development can be safely and efficiently accommodated on the local road network and at junctions with the N56. The Applicant points out that neither TII or the NRDO raised any objection to the scheme and that safeguarding is only required where a specific protected alignment has been identified, which is not the case with the subject site.
- 8.7.4. The subject site is located adjacent to the N56 at the George Boal roundabout. Access to the site would be from the L-5912-5 local road onto the L-5912 Calhame Road. As such, there would be no new access or direct access from the site onto the N56. I note that the site is in a Transitional Zone, defined as being on the approach to or exit from urban centres that are subject to a speed limit of 60 kmh. In these areas, the guidelines provide for a limited level of direct access to facilitate orderly urban development. In any event, the development does not propose any new access onto the N56.
- 8.7.5. I note that the George Boal roundabout would constitute a National Road junction where the guidelines note that a key objective is to achieve a satisfactory level of service for road users and to protect and maintain that service over the design period. Whilst I will consider the wider issue of traffic generation and congestion in more detail below, I would note that the Traffic and Transport Assessment concluded that there would be no operational impact at the George Boal roundabout with the development in place and that the level of service would be maintained.
- 8.7.6. On the matter of the development not achieving the minimum setback of 35m from the National Road, I would note that the standard referred to by the Appellant is not a feature of the Donegal County Development Plan, the Letterkenny Plan and Local Transport Plan, or the National Roads Guidelines. The guidelines state that a development or local area plan should identify any land required for future national road projects including objectives that retain required lands free from development and

ensure that measures are put in place so that any adjacent development of sensitive uses, such as housing, schools and nursing homes, are compatible with the construction and long-term operation of the road. No such protected alignment has been identified, and I further note that neither the Council's Transport section, the National Roads Office or TII objected to the development on these grounds. I am therefore satisfied that the location of the development is acceptable in terms of the setback from the N56.

Traffic Generation and Congestion

- 8.7.7. The grounds of appeal submit that there are existing traffic congestion and safety issues at the George Boal roundabout and that the development would exacerbate these problems and lead to further congestion. It is argued that the TTA is flawed as the traffic surveys were undertaken in May which can experience reduced traffic due to school holidays/exams and that the surveys were therefore completed outside of a peak period thereby underestimating traffic impacts. It is considered that trip generation rates from other sites fail to reflect the transport characteristics of Letterkenny and that the seasonal traffic count is based on traffic statistics from traffic counters on the N13 which is characteristically different to the N56.
- 8.7.8. The Applicant submits that the trip generation rates in the TTA are based on local mode share from conditions in the vicinity of the development, reflecting the urban context of Letterkenny. The TTA uses TRICS based rates considering existing and committed developments, including the new Regional Sports Complex. In terms of the survey period, the Applicant argues that May is appropriate and that the survey was not undertaken the week of the bank holiday. The Applicant submits that seasonal adjustments have been applied, with higher adjustment factors applied to ensure a worst-case scenario. It is the Applicant's view that the Appellant provides no technical evidence and that they have not demonstrated a flaw in the data, methodology, or assumptions and that their concerns are unfounded and unsupported by the technical evidence. In terms of congestion, the Applicant contends that the TTA demonstrates that there would be no operational impact at the George Boal Roundabout, that all assessed junctions would maintain an appropriate level of service and that overall traffic increases would be minimal.

- 8.7.9. Firstly, I will address the matter of using TRICS based rates and the Appellant's concerns that the comparison sites used are not appropriate. A trip rate estimation exercise has been undertaken using TRICS to determine total person trip rates for the proposed homes. The use of TRICS is fairly standard in transport assessments and I have no objection to its use in the current case. However, I would agree with the Appellant that some attributes of the sites selected from the TRICS database to estimate trip generation from the proposed development are not directly comparable to the subject site. A total of 10 sites have been used, nine of which are in the UK, (greater London, the south-east, and the East Midlands) and one in Ireland (Drogheda).
- 8.7.10. Search parameters are generally acceptable and I note that the locations selected, 'Suburban Area', 'Edge of Town', and 'Neighbourhood Centre' are acceptable and generally comparable with the site. However, seven of the ten sites are in areas that are served by what I would regard as high levels of public transport. There is therefore a risk that trip generation (vehicle trips) could be underestimated. Whilst I consider that peak period vehicular trips may be underestimated, the total person trip rates are reasonable in my opinion, and the modal share has been derived from CSO Small Area census which would be representative for Letterkenny and it shows a low level of public transport use, which again would be representative of the area. Even in the event that peak period vehicular trip generation has in fact been underestimated, I do not consider that the development would have a significant impact on the local road network and I also note that the committed public transport improvements in the area would reduce car dependency. That being said, I have taken an increased trip generation into account in my assessment in order to counter the potential underestimation from the TRICS database.
- 8.7.11. In this respect, I have reviewed the junction analysis and traffic counts in detail. I am content that the survey period was acceptable and in line with the relevant guidelines. I am also satisfied that appropriate and worst-case scenarios have been employed in terms of adjustment factors. Based on the information in the TTA, the survey/count methods and the adjustment factors used, I have no reason to question the traffic count figures. Three junctions have been assessed as follows:

1. Calhame Road and Local Road (L-59125)

2. George Boal Roundabout

3. Knocknamona Roundabout

- 8.7.12. The capacity analysis considers opening year of 2028 and then further analysis in 2033 and 2043 using TII projections. It considers the Level of Service (LOS), junction delay, ratio of flow to capacity (RFC), and residual capacity which is a measure in percentage terms of how much more traffic the junction can cope with before the RFC threshold is reached.
- 8.7.13. I have focussed my review on the arms of the junctions that would be relevant to traffic paths to and from the proposed development. For junction 1 it is clear that there would be no capacity issues even when applying a significantly higher trip generation than that set out in the TTA, noting my earlier comments above regarding the TRICS.
- 8.7.14. For junction 2 again the level of service would be retained and there would be more than sufficient spare capacity in both the morning and evening peak, again I would reiterate that this would be the case even when applying much higher trip generation from the development than that set out in the TTA.
- 8.7.15. Junction 3 there would be some impacts on Arm A which would have an RFC in excess of 85 in the morning peak, indicating that the junction is operating adequately with potential queues but that it has not reached saturation and I note that there is still spare residual capacity. In the evening peak all arms would operate within thresholds and with ample spare capacity. The traffic levels at this roundabout are significant in the existing scenario given its location in a more central position in the town and I would also note that the proposed figures also take account of the traffic from the approved Regional Sports Complex which in my view is the driver of the traffic increases rather than the proposed development, even accounting for an enhanced trip generation.
- 8.7.16. Overall, I am satisfied, taking into account a higher trip generation for the development than that reported in the TTA, that the proposal would not result in any significant adverse impacts on the local road networks or key junctions. I am also mindful that the committed public transport improvements, set to commence in 2026 would serve to reduce car use and that the carrying capacity of the road and junctions would not be significantly adversely affected by the proposal.

Traffic and Pedestrian Safety

- 8.7.17. The grounds of appeal raise various safety issues, including that sightlines appropriate to an 80km/h road are not achieved at the access junction on Calhame Road and that there would be an increase in traffic onto Calhame Road resulting in additional traffic chaos, congestion and safety impacts. It is further stated that there are existing safety issues in the area, as highlighted by the public, media and local authorities and it is the Appellant's view that it would be shortsighted to grant permission at such an important junction without addressing concerns.
- 8.7.18. The Applicant submits that the development would deliver local road safety improvements as outlined in the TTA, RSA, and DMURS Compliance Statement and secured by condition. Furthermore, whilst acknowledging the media articles submitted by the Appellant regarding accidents, they are not location specific analyses nor are they related to the particulars of the development. On that basis that Applicant submits that their weight is limited against the submitted technical evidence, assessment, design development, and observations of internal Council departments, prescribed bodies, and provision of planning conditions. It is further submitted that relevant sightlines would be achieved and that the junction of the L-5912 and L-59125 is an acceptable distance from the roundabout at 85m.
- 8.7.19. Firstly, Calhame Road is 60kph, not 80kph as stated by the Appellant. I am satisfied that the access would be safe and would not result in a traffic hazard. I am also satisfied that appropriate sightlines can be provided at the entrances to the development site as well as at the junction on Calhame Road, noting that measures to cut back vegetation to ensure the maintenance of visibility splays would all be on land in the control of either the Applicant, or the Council. I have reviewed the Road Safety Audit and I am satisfied with its recommendations and that these can be implemented in their entirety, noting again that all measures would either be on the Applicant's land or wider improvements on land under the Council's control. I therefore see no impediment to the measures being implemented and note that Stage 2 and 3 audits are required by condition, which I find acceptable.

8.8. Title and Consent

- 8.8.1. Concerns are raised regarding the Letter of Consent provided from Donegal County Council which the Appellant states permit a portion of the Council's land to be included in the Applicant's folio in the event that permission is granted.

8.8.2. I note that the Letter of Consent gives permission for the land to be included in the application. It makes no reference to transferring title and in fact clarifies that the letter does not imply, approve or agree the change of ownership of any land. Letters of Consent to include land outwith an Applicant's ownership within lands forming a planning application are standard matters. I consider the Appellant's concerns on this matter to be unfounded.

8.9. **Other Matters**

Procedural issues

8.9.1. It is submitted that the conditions do not address the residential amenity issues raised in the appeal such as overlooking, separation distances, reduced building height or impacts from basement excavation. Having regard to the foregoing, I do not consider that such conditions are necessary.

Irish Water

8.9.2. At Further Information stage, the Applicant, at the Planning Authority's request, provided Confirmation of Feasibility from Uisce Éireann regarding water and wastewater connections. Uisce Éireann advised that water supply connections were feasible without upgrades and that wastewater connections were feasible with upgrades. I note the comments provided by Uisce Éireann regarding the necessary upgrades and I am of the view that points of detail can be addressed directly between Uisce Éireann and the Applicant at Connection Agreement stage, which would be a pre-commencement condition on any permission issued.

Article 35 Issues

8.9.3. The Planner's Report confirms that the Planning Authority concluded that the Further Information constituted significant additional further information and that third parties are considered to have been adequately informed as the changes were captured in the revised site notice and newspaper notice. The Commission will note that no copies of the revised site or newspaper notice are on file and may therefore wish to request copies of same by way of Further Information if considered necessary.

Conditions

8.9.4. The Commission will note that Condition 22 seeks to restrict occupation in order to regulate commercial institutional investment under Section 47 of the Planning and

Development Act. Based on the guidelines for the Regulation of Commercial Institutional Investment in Housing (published May 2021 and amended July 2023), the Section 47 condition restricting commercial institutional investment generally does not apply to apartments. For that reason, I do not recommend that the condition be included.

- 8.9.5. The Commission will also note Condition 2 recommended by the Planning Authority to address amendments to raised tables and dropped kerbs. I have included these matters within Condition 4 which deals with road safety and the Road Safety Audit implementation.

9.0 AA Screening

- 9.1. I have considered the proposal in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in Letterkenny, Co. Donegal, at a distance of approximately 3.2km to the north and west of the Lough Swilly SPA (004075) and the Lough Swilly SAC (002287) which are the closest European Sites. The development comprises a four storey block of 22 no. apartments with associated site development works. No appropriate assessment issues were raised as part of the appeal. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European site. The reason for this conclusion is as follows:

- The nature and scale of the works and the availability of wastewater services.
- The significant separation distance from the nearest European site and lack of meaningful connections.
- The screening determination of the Planning Authority.

- 9.2. I conclude, on the basis of objective information, that the 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 Appropriate Assessment (under Section 177V of the Planning and development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1. There are no water courses in the immediate vicinity of the appeal site. The proposed development comprises the development of a four storey block of 22 no. apartments and associated site works. No 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 works;
 - The location of the site in a serviced area, the distance from nearest water bodies, and the 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 the Commission uphold the decision of Donegal County Council and grant planning permission for the proposed development.

12.0 Reasons and Considerations

- 12.1. Having regard to the zoning objective of the site, the nature of the proposed development, the location of the site, and the benefits of bringing forward much needed housing on a serviced and sustainable infill site within the existing built up area of

Letterkenny, a Regional Growth Centre, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity or the visual amenities and character of the area, would not compromise traffic or pedestrian safety and would, therefore, be in accordance with the provisions of the Donegal County Development Plan 2024-2030, the Letterkenny Plan and Local Transport Plan 2023-2029, and would be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the Planning Authority on the 12th December 2024 and the revised plans and additional particulars received on 3rd November 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.

Reason: In the interests of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development. In default of agreement the matter in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of visual amenity.

3. The internal noise levels, when measured at the units of the proposed development facing the N56 National Road, shall not exceed: (a) 55 dB(A) LAeq during the period 0700 to 2300 hours, and (b) 45 dB(A) LAeq at any other time. An Acoustic Design

Statement, detailing a scheme of noise mitigation measures (façade design, construction and materials), in order to achieve these levels, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed measures shall be implemented before the proposed dwellings are made available for occupation.

Reason: In the interest of residential amenity.

4. (a) All findings and recommendations contained in section 2 of the Road Safety Audit received by the Planning Authority on the 03/11/2025 shall be carried out to the satisfaction of the Executive Roads Engineer prior to first commercial operation of the development herein permitted.

(b) Prior to the commencement of development, final details of access arrangements shall be submitted to the Planning Authority for written approval and shall provide for the omission of the proposed raised table at the L-59125 (Local Road) / L5912 Calhame Road Junction, the omission of the proposed drop kerbs west of the L-59125 (Local Road) / L5912 Calhame Road Junction and confirmation of all visibility splays on the access onto the L-59125 and the junction with Calhame Road as provided for in the RSA..

(c). Prior to first occupation 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 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. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:
 - a) details of all proposed hard surface and/or permeable surface finishes, including details of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development.
 - b) landscaping details including the proposed locations of trees and other landscape planting in the development, including details of proposed species.
 - c) details of proposed street furniture, including bollards and lighting fixtures.
 - d) details of all proposed boundary treatments, including type, heights, materials and finishes. All boundary treatments shall be of a permanent nature and designed to facilitate the retention and protection of existing trees and hedgerows. Boundaries shall be installed in a manner that prevents the creation of inaccessible or unmanaged areas.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

6. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, 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 including areas 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 construction logistics and 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 and vibration, and monitoring of such levels.
- (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.
- (m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety and environmental protection

8. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

9. All areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company. Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with the planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

10. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual amenity.

11. Prior to the occupation of the development, a Mobility Management Plan (MMP)/Travel Plan shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by residents. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.

12. A plan containing details for the management of waste within the 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 for each apartment shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

13. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where proposals have been submitted and agreed in writing with the Planning Authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

14. No additional development other than that shown on the approved plans shall take place above roof parapet level, including lift motor enclosures, air-handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

15. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and wastewater collection network. All works shall comply with Uisce Éireann's Connection and Developer Services Standard Details and Code of Practice.

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

16. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees and landscaping. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

17. All drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services. Prior to the commencement of development, the developer shall submit all drainage details to the Planning Authority for written agreement.

Reason: In the interest of public health and surface water management.

18. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority [in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an

exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

19. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance 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 An Coimisiún Pleanála for determination.

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

20. 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.”

Terence McLellan
Senior Planning Inspector

2nd April 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500523-DL
Proposed Development Summary	Construction of a 4 storey apartment block containing 22 apartments and all associated site works.
Development Address	Carnamuggagh Lower, 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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(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)	

<p>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</p>	
<p><input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested.</p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p>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?</p>	
<p><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 of the Roads Regulations, 1994. No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)</p>	<p>Class 10 Infrastructure Projects. 10 (b) (i) - threshold >500 dwellings.</p>

<p>OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</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 checked="" type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input 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	PL-500523-DL-25
Proposed Development Summary	Construction of a 4 storey apartment block containing 22 apartments and all associated site works.
Development Address	Carnamuggagh Lower, Letterkenny, Co. Donegal.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(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>	<p>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</p> <p>The proposed development is for housing, on appropriately zoned land. In terms of scale, it would be acceptable with the surrounding townscape. No demolition works would be required. Use of natural resources would largely be limited to land take and generally consistent with other developments of this scale and nature.</p> <p>Construction materials and activities would be typical for an urban residential development of this nature and scale. The use of fuels and materials would be typical for construction sites. Construction impacts would be local and temporary in nature, could be suitably managed</p>

	<p>through a Construction Management Plan. In terms of accidents, no significant risk is anticipated having regard to the nature and scale of the development. Any risk arising from demolition and construction will be localised and temporary in nature. I am satisfied that cumulatively, there would not be a significant impact on the environment.</p>
<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>	<p>Briefly comment on the location of the development, having regard to the criteria listed</p> <p>The development would conform to the zoning and would be consistent with the surrounding area. There would be no significant impact on any protected areas, protected views, built or natural heritage or European Sites.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent,</p>	<p>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p> <p>All development has the potential for some impact/disturbance during the construction phase, such as noise, vibration, dust, air quality and traffic. However,</p>

<p>nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>these impacts would be short term and temporary and can be appropriately managed and mitigated by way of conditions and the implementation of a detailed Construction Management Plan.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area. It is noted that the site is not designated for the protection of the landscape or natural heritage and is not within an Architectural Conservation Area.</p> <p>No transboundary issues arise and the development would not be particularly complex. Relevant conditions have been imposed to mitigate potential impacts.</p> <p>I am satisfied that the EIA thresholds have not been reached and that cumulatively, there would not be a significant impact on the environment.</p>
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Conclusion

<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant</p>	<p>EIA is not required. Include the following paragraph under EIA Screening (a separate heading) in the Inspectors report.</p>

effects on the environment.	
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Inspector: _____ **Date:** _____

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

(only where Schedule 7A information or EIAR required)