



## Inspector's Report

**PL-500844-DL-26**

<b>Development</b>	Change of use from parochial house to a community hub and all associated site works.
<b>Location</b>	Gaddyduff, Clonmany, Co. Donegal
<b>Planning Authority</b>	Donegal County Council
<b>Planning Authority Reg. Ref.</b>	2562182
<b>Applicant(s)</b>	Clonmany Enterprise Development Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission + Conditions
<b>Type of Appeal</b>	Third Party Normal Planning Appeal
<b>Appellant(s)</b>	Pat McGonigle
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	30 <sup>th</sup> March 2026
<b>Inspector</b>	Frank O'Donnell

## 1.0 Site Location and Description

- 1.1. The subject appeal site is located in the centre of Clonmany on the southern side of the Main Street facing the Market Square. The site has a stated area of 0.038 hectares (380 sqm) and comprises an existing two storey Parochial House, a front yard/ parking area, a rear yard and a detached shed to the rear.
- 1.2. The surrounding area is characterised by a range of commercial, residential, educational and community uses.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the following:
  - Change of Use from Existing Parochial House to a Community Hub Building and all associated site works.
  - The proposed ground floor plan shows 4 no. community shops (ranging from 8.3 sqm to 16.8 sqm in area), a staff canteen (6.9 sqm) and a store and a w.c.
  - At first floor level it is proposed to provide 4 no. rooms in the form of a Committee Meeting/ Board Room (16.5 sqm), 2 no. Community Hot Desk Spaces/ Rooms (16 sqm and 10.9 sqm), a Manager's Office (11.2 sqm) and a w.c.

## 3.0 Planning Authority Decision

### 3.1. Decision

- The Local Authority issued a Notification of Decision to GRANT permission on 30<sup>th</sup> January 2026 subject to 9 no. conditions.
- Condition no. 5 read as follows:

5. *The use of the community retail units herein permitted shall be used as shops as defined in Article 5 of the Planning and Development Regulations 2001, (as amended).*

**Reason:** *In order to clarify the use of the development hereby permitted.*

- Condition no. 6

6. *Opening hours of the community retail units shall be confined to between 0830 – 2000 hours Monday – Friday, 0830 – 1800 hours Saturday, and 1200 – 1800 hours Sunday, and shall exclude Bank holidays / Public Holidays, or as otherwise agreed in writing with the planning authority.*

**Reason:** *In order to define the permission, and in the interests of residential amenity.*

- Condition no. 9

9. a. *The car park and entrance area shall be appropriately designed in terms of thickness and strength and shall be surfaced in bituminous macadam with minimum thickness 40mm.*

b. *Car parking shall be appropriately marked with thermoplastic road marking materials designating parking bays, distinguishing disabled parking (1 dedicated space) bay, and areas to be kept clear of parking.*

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

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The **Local Authority Planner** raised no objection to the Principle of the Proposed development having regard to Development Plan Policies CC-P-1, CC-P-2 and RS-P-7. Similarly no concerns were raised in relation to the proposed Siting and Design, Impacts on Residential Amenities (hours of operation to be controlled by condition), Access and Parking, Public Health, Appropriate Assessment or Environmental Impact Assessment.
- In relation to the issue of property ownership and sufficient legal interest, the **Local Authority Planner** notes that 1 no. Objector claims the Applicant does not own the property, that the legal owners are Clonmany Enterprise and Development CLG and that the application should be accompanied by a Letter of Consent from the Legal Owners. The Local Authority Planner also notes

that the objector advises that the applicant is a registered company with a board of directors, and that consent could only be given by a convened and recorded meeting of the board. The Local Authority Planner notes that the Applicant, as per the Application Form, is Clonmany Enterprise and Development CLG and that the decision from An Bord Pleanála highlighted that the owners of the site are Clonmany Enterprise and Development CLG.

- The Local Authority Planner refers to Article 22 (2) (b) of the Planning and Development Regulations, 2001, as amended, which relates to a requirement for a planning application to be accompanied by a statutory declaration by the applicant in relation to either the ownership of the land or a consent from the owner to make the application. In order to validate and assess the Application, the Planning Authority is entitled to rely on this said statutory declaration. As per Section 34(13) of the Planning and Development Act, 2000, as amended, the question of title is not a matter for the planning authority, and any grant of permission does not imply any opinion on property rights or ownership. It is further considered by the Local Authority Planner that a completed statutory declaration has been received by the planning authority, that the application was validated accordingly and that any dispute in relation to land ownership or consent is a Civil Matter between the parties and that this falls outside the remit of the planning authority. Although the basis of the objection is noted, the Local Authority Planner submits that it does not form the basis for a refusal of permission.

### 3.2.2. Other Technical Reports

- The **Chief Fire Officer** raised no objection to the proposed development subject to 1 no. standard condition pertaining to a Fire Safety Certificate.
- The **Area Engineer** raised no objection to the proposed development.

### 3.3. Prescribed Bodies

- None

### 3.4. Third Party Observations

3.4.1. A total of 2 no. Third Party Submissions were received by the Planning Authority in respect of the proposed development, as follows:

- Pat McGonigle
- John Bradley

3.4.2. The issues raised in the said 2 no. Third Party Submissions are similar to those referred to in the decision of the Local Authority and as raised in the Appeal.

## 4.0 Planning History

4.1. Planning History on the subject Appeal Site

- **24/61978 (Appeal Ref. No. ABP-321954-25):** Applicant: Clonmany Youth and Community Resource Centre. Permission for a Change of Use from Parochial House to a Community Building and all associated works. Permission was REFUSED in June 2025 for the following Reasons and Considerations:

*Having regard to the submissions made in connection with the planning application and appeal, the Board is not satisfied that, at the time of lodgement, the application was made by a person(s) who had*

*(a) sufficient legal estate or interest in the land the subject of the application to enable the person(s) to continue the existing use of, or carry out the proposed works on the land, or*

*(b) the approval of the person(s) who has such sufficient legal estate or interest.*

*In these circumstances, it is considered that, the Board is precluded from giving further consideration to the granting of permission for the development the subject of the application.*

- **24/61861: DEEMED INCOMPLETE**

4.2. Planning History on the adjacent site to the West and Southwest

- **24/60275 (Appeal Ref. No. 320849-24):** Applicant: Clonmany Enterprise Development Limited. Extension of community garden, development of a children's play park, demolition of storage shed, construction of a two storey building together with all associated site works. A Natura Impact Statement (NIS) accompanies this application. Permission was GRANTED in September 2025 subject to 13 no. conditions.

## 5.0 Policy Context

- ***Donegal County Council Development Plan, 2024-2030 (the Development Plan)***

### 5.1. Development Plan

5.1.1. The Donegal County Council Development Plan, 2024 to 2030, comprises 3 no. main Parts, A, B & C. Part A is the main body of the Plan and includes a total of 20 no. Chapters. Part B is concerned with the 3 no. Main Area Plans for Buncrana, Ballybofey/ Stranorlar and Bundoran and Part C relates to Settlement Frameworks. There are also 2 no. main Appendices (Appendix A – Protected Structures and Appendix B – Map 9.2.1 Wind Energy Sieve Mapping Analysis. I also note proposed Variation no. 1 is stated on the Local Authority Website to have been published for public consultation between stated dates in January 2026 and February 2026. None of the items listed under Variation no. 1 relate to the subject appeal site.

5.1.2. I have reviewed the development plan and I consider the following Chapters, Sections, Policies and Objectives to be of relevance to the assessment of this appeal.

5.1.3. Chapter 5 relates to Towns and Villages. Section 5.2 relates to the Prioritisation of Town and Village Cores and includes the following objectives and policies:

#### Objectives

- ***TV-O-2: To support initiatives, including collaboration across the public, private and community and voluntary sectors, to strengthen and improve the physical environment of towns and villages and encourage positive place-making.***
- ***TV-O-5: To ensure quality design proposals for new development within towns and villages in order to contribute to positive place-making.***

#### Policies

- ***TV-P-1: To encourage proposals aimed at harnessing particular special economic functions of the County's key settlements subject to other policies of this Plan and subject to the proper planning and sustainable development of the area.***

- **TV-P-3:** Sets out criteria (a) to (h) relating to development proposals within town and village centres.
- **TV-P-5:** To ensure that development proposals make efficient use of land and do not otherwise hinder the future development potential of backlands within urban areas.
- **TV-P-6:** Sets out criteria (a) to (e) relating to proposals for shopfronts.

5.1.4. Chapter 7 relates to Economic Development. Section 7.6 relates to Retail Development and includes the following policy:

- **RS-P-7:** *Retailing will generally be directed to existing settlements of appropriate size and the development of inappropriate retail facilities in the open countryside will not be permitted. However, it is a policy of the Council to consider proposals for certain retail facilities that may be considered appropriate outside settlement framework areas, including:*
  - Farm shops which are ancillary to activities arising from farm diversification;*
  - Shops designed to serve tourist or recreational facilities and that are clearly ancillary to the main use;*
  - Small-scale shops attached to existing or approved craft workshops in order to permit direct retailing of the product to the public; and Small-scale shops designed to serve a dispersed rural community and; the redevelopment of existing small-scale shops designed to serve a dispersed rural community. All proposals for retail uses pursuant to this Policy must also comply with all other relevant policies and standards contained within this Plan.*

5.1.5. Chapter 12 relates to Community Development and includes the following policies:

- **CC-P-1:** *Seeks to support the provision of new social and community infrastructure/service-related developments (e.g. community resource centres etc.) where such proposals are consistent with the zoning objectives of the Plan, and otherwise in accordance locational criteria (a) to (d), including within defined boundaries of settlement frameworks.*

- **CC-P-2:** *Requires that social, community, cultural development proposals generally comply with the policies and technical standards of the Plan and specific development management criteria (a) to (l), including compatibility with adjacent uses.*
- **CC-P-6:** *Ensure that the siting, layout, and design of community development proposals facilitate and promote active travel modes (e.g. walking and cycling) and reduce car dependency.*
- **CC-P-7:** *Support and facilitate community-based gardens/allotments at sustainable, accessible, and socially inclusive locations.*
- **CC-P-8:** *Ensure that the siting and design of development proposals (including housing, retail, commercial, community, public realm/urban environment and public amenity spaces) comply with best practice in universal design including in particular the guidance set out in Building For Everyone A Universal Design Approach Booklet 9 Planning and Policy (National Disability Authority) including the associated parking standards set out in section 9.4.14 therein and otherwise provides for lifetime adaptability. The application of other best practice documents including United Nations Convention on the Rights of People with Disabilities, Universal Design, Whole Journey Approach, and the 'Design Manual for Urban Roads and Streets Interim Note will be applied as considered appropriate.*
- **CC-P-9:** *Ensure that the needs of older and disabled persons are integrated into the provision of public transport services and associated physical infrastructure.*

5.1.6. Chapter 16 relates to Technical Standards and includes the following policy:

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

5.1.7. Chapter 21 relates to Settlement Frameworks. The subject appeal site is located within the defined settlement boundary of the Rural Settlement of Clonmany, as shown on Map 21.28. Technical Standards and includes the following policy:

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

## 5.2. Ministerial Guidelines

- ***Development Management, Guidelines for Planning Authorities, June, 2007***

5.2.1. The following is stated in Section 5.13 of the above Guidelines ***Issues relating to title of land:***

- *Under the Planning Regulations as amended, a planning applicant who is not the legal owner of the land or structure in question must submit a letter of consent from the owner in order to make the planning application. Where an applicant is not the owner and does not submit such a letter of consent, the application must be invalidated.*
- *The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In this regard, it should be noted that, as section 34(13) of the Planning Act states, a person is not be entitled solely by reason of a permission to carry out any development. Where appropriate, an advisory note to this effect should be added at the end of the planning decision. Accordingly, where in making an application, a person asserts that he/she is the owner of the land or structure in question, and there is nothing to cast doubt on the bona fides of that assertion, the planning authority is not required to inquire further into the matter. If, however, the terms of the application itself, or a submission made by a third party, or information which may otherwise reach the authority, raise doubts as to the sufficiency of the legal interest, further information may have to be sought under Article 33 of the Regulations. Only where it is clear from the response that the applicant does not have sufficient legal interest should permission be refused on that basis. If notwithstanding the further information, some doubt still remains, the planning authority may decide to grant permission. However such a grant of permission is subject to the provisions of section 34(13) of the Act, referred to above. In*

*other words the developer must be certain under civil law that he/she has all rights in the land to execute the grant of permission.*

- *Before a planning application can be made in respect of proposed development on land owned by the local authority, the local authority will have to give a letter of consent to the making of the application: in this regard a letter from the Manager will suffice. The consent of the elected members will of course be required for the disposal (whether by means of lease, licence, or sale) of the land in question: the developer should be advised of this in advance.*

### **5.3. Natural Heritage Designations**

5.3.1. The site is not located within or adjacent to a Natura 2000 site. The nearest Natura 2000 sites are as follows:

- North Inishowen Coast SAC (Site Code 002012) located c. 1.6 km to the north.
- Trawbreaga Bay SPA (Site Code 004034) located c. 4.5 km to the northeast.

## **6.0 EIA Screening**

6.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

7.1.1. 1 no. Third Party Appeal was received from the following:

- Pat McGonigle

7.1.2. The main Grounds of Appeal can be summarised as follows:

- Sufficient Legal Interest
  - The Appellant considers the Applicant (a named individual) does not have authority or a mandate to act on behalf of the legal owners of the

property (folio ref. no. 41605f). The Applicant states the legal owners are 'Clonmany Enterprise Development Company Limited by Guarantee' and that it is the Board of Directors who make decisions on behalf of a CLG and no individual has the authority to make an application on its behalf. Such an action is not allowed in any article of the Companies Act or the Companies constitution.

- Planning reg. ref. no. 2461978, which was a similar application, was refused by An Bord Pleanála (Now An Coimisiún Pleanála) on grounds that the applicant did not have sufficient legal interest in the property. Although the name of the applicant has changed, the subject application is no different to the previous application.
- Nature of Proposed 'Community Shops'
  - The proposed 4 no. ground floor rooms are referenced as 'Community Shops'. The Appellant considers this description to be vague as to the type of goods or services to be for sale in said shops. The word Community is overused of late and is vague. A Community Organisation should be transparent. The proposed development description should be clear for the public and to allow the planning authority to assess the impact of the change.

## 7.2. Applicant Response

7.2.1. The Applicants' Response to the Third Party Appeal can be summarised as follows:

- Clonmany Enterprise Development Company CLG
  - Clonmany Enterprise Development Community CLG acquired the subject former Parochial House from the Derry Dioceses of the Catholic Church in June 2019. The building is currently empty.
- Repeat Application
  - The subject planning application, reg. ref. no. 25/62182, is a repeat application relating to the subject premises. The previous application, planning reg. ref. no. 24/61978 (Appeal Ref. no. ABP-321954-25) was refused. The Applicant quotes from the stated reasons and considerations issued under Appeal Ref. No. ABP-321954-25, in

particular, relating to a) sufficient legal interest or interest in the land to enable the person(s) to continue the existing use of or carry out the proposed works on the land, or b) the approval of the person(s) who have such sufficient legal estate of interest.

- The new repeat application is not in the name of Cathal Doherty, as the Appellant has claimed, but is instead in the name of the Company. The first reason for refusal is incorrect in stating that the Applicant Cathal Doherty does not have authority or mandate to act on behalf of the legal owners of the property.
- As confirmed by the Appellant, the Applicant Company is the legal owner of the property and therefore the proper applicant. The issue of sufficient legal interest to make the application is addressed under the subject application.
- Nature of proposed use/s
  - The Applicant states the proposed uses of the building are the sale of craft fabrics and haberdashery. The craft fabrics are created by Local Women's Groups who currently meet and use an existing building run by the Clonmany Youth & Community Resource Centre. The proposed hub will be used in a similar manner. In addition, craft development workshops for social inclusion projects will also take place, see Exhibit 1 where this is also highlighted. As part of the current planning application, reg. ref. no. 25/62182, the use of the proposed building is controlled under condition no. 5.
- Community Facility
  - The Appellant requests that the Commission approve the proposed development to allow the subject Community Development to proceed to construction stage.
- Exhibit 1 – Letter of Support from Clonmany Community Centre
  - The Applicants' Response to the Third Party Appeal is accompanied by a letter of support from Clonmany Community Centre dated March 2025.

- The Organisation (Clonmany Community Centre) is registered as St. Brigid's Youth & Community Co Operative Society Ltd and they operate under the trading name of 'Clonmany Youth and Community Resource Centre'. They are committed to local Community Development and the development of local spaces for the use of the local Community.
- The intention is to develop the subject property into a Community Hub which will provide a wide range of purposes including educational programs, cultural events for individuals and social activities. The proposals will be positive and will serve to provide a focal point for further community engagement, development and connection.
- Clonmany Community Centre are a POBAL funded Community Organisation. Since 1983 the Organisation has been developing Community opportunities.

### 7.3. Planning Authority Response

- The following is stated:
  - *The Planning Authority notes the substance of the appeal and considers that the issues raised in the same have been dealt with in the Executive Planners' report dated 23<sup>rd</sup> January 2026 which recommended a decision to grant permission.*

### 7.4. Observations

- None

### 7.5. Further Responses

- None

## 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 and the reports of the planning authority and having inspected the site, and having regard to relevant local/ regional and national policies and guidance, I consider the main issues in this appeal are as follows:

- Sufficient Legal Interest
- Principle of the Proposed Development

## 8.2. Sufficient Legal Interest

8.2.1. An almost identical planning appeal in respect of the subject appeal site was Refused by An Bord Pleanála (now An Coimisiún Pleanála) on 9<sup>th</sup> June 2025, as planning reg. ref. no. 24/61978 (Appeal Ref. No. ABP-321954-25) both refer. The Reasons and Considerations for the said Refusal are as quoted above in Section 4.0 (Planning History) of this report but essentially relate to the previous Applicant not having a) sufficient legal estate or interest in the land the subject of the application to enable the person(s) to continue the existing use of, or carry out the proposed works on the land or b) the approval of person(s) who has such sufficient legal estate or interest. The Applicant under the previous application and appeal, ref. no. 24/61978 (Appeal Ref. No. ABP-321954-25, was **‘Clonmany Youth and Community Resource Centre.’**

8.2.2. The current Applicant under the subject appeal is **‘Clonmany Enterprise Development Limited’**, see the public notices and Question 5 of the planning application form. As per Question 10 of the Application Form, which relates to the Applicant’s legal interest in the land or structure, the Applicant is indicated to be the owner. The Application is accompanied by a letter dated 10<sup>th</sup> December 2025 from a Firm of Chartered Accountants and Auditors which states, inter alia, that *‘We can confirm that Clonmany Enterprise CLG are a registered charity with the purpose of promoting heritage and cultural activities and advancing community development.’* A registered charity number is also provided in the said letter in addition to stated confirmation of a named individual as the Trustee Chairperson. A separate Consent Form signed by the same named individual, dated 3<sup>rd</sup> December 2025, provides consent to the Appointed Building Surveying Company to submit a planning application. No other letters of consent accompany the subject application, appeal or appeal responses.

8.2.3. The Local Authority, as set out in Sections 9.10 and 9.11 of the Local Authority Planners Report, appraise the issue of Sufficient Legal Consent and conclude that as the Planning Authority has received a completed statutory declaration, the matter in relation to sufficient legal interest from its perspective is closed, that any dispute in

relation to land ownership or consent is a Civil Matter between the Parties concerned and falls outside the remit of the Planning Authority. I note that although the Local Authority Planner states that *'the name on the application form is **'Clonmany Enterprise and Development CLG'***, the actual name provided in Question 5 of application form is in fact *'**Clonmany Enterprise Development Limited**'*. I further note, as per the submitted site notice, newspaper notice and notification of decision to Grant permission issued by the Local Authority that the Applicant is indicated to be *'**Clonmany Enterprise Development Limited**'* as opposed to *'**Clonmanny Enterprise Development Limited CLG**'*.

8.2.4. I note, as per the previous Inspectors Report attached to Appeal Ref. no. ABP-321954-25, it is stated that *'the appellant has provided land registry details which confirm that site ownership rests with Clonmany Enterprise Development CLG.'*

8.2.5. I further note the Company Registration number provided in Question 6 of the Planning Application Form, as per the Company Registrations Office (CRO) website, relates to *'**Clonmany Enterprise Development Company Limited by Guarantee**'* as opposed to the named Applicant *'**Clonmany Enterprise Development Limited**'*.

8.2.6. In conclusion, it is my opinion that the Applicant *'**Clonmany Enterprise Development Limited**'* is distinct and separate from *'**Clonmany Enterprise Development Company Limited by Guarantee**'*. In this regard, I am therefore satisfied that the Applicant *'**Clonmany Enterprise Development Limited**'* has not demonstrated sufficient legal estate or interest in the land the subject of the application to enable the person(s) to continue the existing use of, or carry out the proposed works on the land or the approval of person(s) who has such sufficient legal estate or interest.

8.2.7. I note the Appellant refers to the Applicant being a named individual. The Commission will note the Applicant is in fact not a named individual but is instead *'**Clonmany Enterprise Development Limited**'*.

8.3. Principle of the Proposed Development

8.3.1. As per the submitted plans and documents, the ground floor of the subject building is proposed to comprise 4 no. 'Retail Units'. No external works are proposed. The stated intended use of the Retail units, as per the Applicants' Appeal Response

submission, is for the sale of craft fabrics and haberdashery with other activities including craft development workshop spaces for social inclusion.

8.3.2. I note Policy CC-P-1 of the development plan, as quoted further above in Section 5.0 of this Report, where the provision of new social and community infrastructure / service related development is supported on lands other than those which are the subject of a zoning objective where they meet criteria a to d. In the subject case, criteria a and b only apply, as follows:

*a) At locations within the defined boundaries of settlement framework/urban areas which are within safe walking distance (i.e. via an existing or proposed footpath) of local services and residential areas or are accessible by public transport and which would otherwise promote social inclusion.*

*b) At alternative locations within settlement framework/urban areas where it is demonstrated that there are no suitable sites available which meet the locational criteria in point (a) above.*

8.3.3. A separate requirement for the provision of Social and Community Development is set out in the development management criteria a) to i) of Policy CC-P-2, as quoted further above in Section 5.0 of this Report.

8.3.4. Having regard to the above, it is my opinion that the proposed development, as presented, owing to its village centre location and the established pattern of surrounding development, would be compatible with the locational and specific development management criteria set out in Policies CC-P-1 and CC-P-2 of the Development Plan. The retail element of the proposed development, in my opinion, satisfies policy RS-P-7 of the Development Plan, as quoted above in Section 5.0 of this report, which relates to Retail Development and generally directs retailing to existing settlements of appropriate size. The proposal is also considered to be consistent with more general policies and objectives for village centre development as set out in Section 5.2.2 of the Development Plan, which includes but is not limited to Objective TV-O-2 and Policy TV-P-3.

8.3.5. In conclusion, in my opinion, the proposed development, as presented, is acceptable in principle and, in particular, is consistent with Community Policies CC-P-1 and CC-P-2. Condition no. 5 of the Local Authority Notification of Decision to Grant

permission controls the use of the community retail units as shops as defined in Article 5 of the Planning and Development Regulations, 2001, as amended. In the event of a Grant of permission being issued, Condition no. 5 or similar should be attached in addition to a condition relating to hours of operation.

## 9.0 **AA Screening**

- 9.1. I have considered case PL-500844-DL-26 in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended.
- 9.2. The proposed development is located within a mixed commercial and residential area near the centre of Clonmany village and comprises the change of use of an existing building to a community building and associated works. The closest European site, part of the Natura 2000 Network, is the North Inishowen Coast SAC, located c. 1.5km north of the proposed development.
- 9.3. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.4. The reason for this conclusion is as follows:
  - Small scale nature of the development and the absence of external works
  - The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.
  - The conclusions of the Local Authority in relation to Appropriate Assessment.
- 9.5. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 9.6. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 Water Framework Directive

- 10.1. The Clonmany\_020 River (IE\_NW\_40C010200) lies within c. 110 metres to the southwest of the subject appeal site (Waterbody Status: Moderate). The site lies above the East Inishowen Groundwater body (EU Code: IEGBNI\_NW\_G\_050) (Waterbody Status: Good). The proposed development is detailed in section 2.0 of my report. No specific water deterioration concerns were raised in the planning appeal or observations.
- 10.2. I have assessed the proposed development and associated works 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.
- 10.3. 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.
- 10.4. The reason for this conclusion is as follows:
- Nature of works e.g. modest scale and nature of the development;
  - Location-distance from nearest water bodies and/or lack of hydrological connections;
- 10.5. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 11.0 Recommendation

- 11.1. I recommend that permission be Refused for the reasons and considerations set out below.

## 12.0 Reasons and Considerations

12.1. On the basis of the submissions made in connection with the planning application and appeal, the Board is not satisfied that, at the time of lodgement, the application was made by a person(s) who had –

(a) sufficient legal estate or interest in the land the subject of the application to enable the person(s) to continue the existing use of, or carry out the proposed development on the land, or

(b) the approval of the person(s) who has such sufficient legal estate or interest.

In these circumstances, it is considered that the Commission is precluded from giving further consideration to the granting of permission for the development the subject of the application.

*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.*

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Frank O'Donnell  
Planning Inspector

20<sup>th</sup> May 2026

## Appendix 1: Form 1 EIA Pre-Screening

<b>Case Reference</b>	PL-500844-DL-26
<b>Proposed Development Summary</b>	Change of use from parochial house to a community hub and all associated site works.
<b>Development Address</b>	Gaddyduff, Clonmany, Co. Donegal
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<input checked="" 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. <b>No Screening required.</b>	

<b>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)?</b>	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_