



An
Coimisiún
Pleanála

Inspector's Report PL-501436-DL-26

Development	Retention and continued use of an existing guesthouse for emergency residential accommodation for homeless people.
Location	PORT ROAD, BALLYRAINE, LETTERKENNY
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2660476
Applicant(s)	ENDA MCCORMICK
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Peter Curran Denis Martin Curran
Observer(s)	None
Date of Site Inspection	14/8/26
Inspector	Ronan Murphy

1.0 Site Location and Description

- 1.1. The subject site comprises a stated area of 0.112ha and is located at Port Road, Ballyraine, Letterkenny. The site is situated to the rear of established commercial and service development fronting onto the Port Road and forms part of a small cluster of residential and guesthouse-related development served by an established private access road.
- 1.2. The site contains an existing single-storey building formerly in use as a dwelling house, together with a detached garage structure to the rear. Under planning permission 23/50951, permission was granted for the change of use of the dwelling house to a guesthouse and for the existing garage to be used as a self-contained apartment ancillary to the guesthouse.

2.0 Proposed Development

- 2.1. The proposed development comprises of the retention and continued use of an existing guesthouse for emergency residential accommodation for homeless people who are in need of shelter and support.
- 2.2. No new building, extension, accommodation block, additional floorspace or external alteration is proposed.
- 2.3. The building has an internal floor area of c. 200m² and comprises of 5 double bedrooms, a kitchen and dining area at ground floor and 2 ensuite bedrooms at first floor. The building has a height of c. 4.8m with a hipped roof.
- 2.4. Accommodation is also provided in a separate building with an internal floor area of c.45m² which was previously used as a garage. This building has a height of c. 4.1m.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By order dated 14th May 2026, the Planning Authority decided to grant planning permission, subject to 7 conditions.

- 3.1.2. Condition No.2 states that the permission relates solely to the retention and continued use of the existing permitted guesthouse for emergency residential accommodation for homeless persons and that no additional accommodation is permitted.
- 3.1.3. Condition 3 requires that the operator provide an operational management plan for the premises (including 24-hour management / supervision arrangements / contact details for a person responsible for the day-to-day operation of the premises).

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1 There is one planning report on file, dated 11/5/26. In the report the area planner attaches significant weight to Reg. Ref. 23/50951 which granted planning permission for the change of use of the existing dwelling house to a guesthouse, in this regard the area planner was of the opinion that the principle of guest accommodation on this site has therefore already been accepted by the Planning Authority.

3.2.1.2 The area planner notes that the proposed use remains residential/accommodation-based in its land use function and that the Development Plan and Letterkenny Plan provide strong policy support for the provision of a range of housing and accommodation solutions in Letterkenny.

3.2.1.3 With regard to the absence of external works the area planner outlines no concerns with respect to the siting and design of the building.

3.2.14 With regard to the impact on the residential amenity of the area, the area planner notes that having regard to the existing permitted guesthouse use, the absence of additional accommodation capacity and the mixed-use character of the area, it is not considered that the proposed use would seriously injure the residential amenities of adjoining properties.

3.2.2 Unsolicited Further Information

3.2.2.1 I make the Coimisiún aware that Unsolicited Further Information from the applicant was received by the Planning Authority on 8/5/26 in the form of a letter outlining the following:

- The building will continue to operate as a guesthouse as permitted

- The building will be managed in a manner that will see a person in charge on a 24hr basis.
- The access to the building will not see any intensification and the nature of the road means that there is space for cars and pedestrians to pass each other and that narrow nature of the road dictates the speed along the road.
- The Guesthouse will continue to be managed in a manner which will be considerate to the other homeowners located in this area.

3.2.3 Other Technical Reports

- **EE Roads Letterkenny:** Report dated 30/4/26 outlining no objections subject to condition relating to the need for public roads and footpaths to be repaired to the Road Engineers satisfaction.

3.3. Prescribed Bodies

3.3.1 There are no responses from prescribed bodies on file.

3.4. Third Party Observations

3.4.1 There were two third party observers to the initial application. The observations can be summarised as follows:

- Has there has been a material change of use involving longer-term and higher-intensity occupation fundamentally different from guesthouse.
- The site is within an area identified as not served, or inadequately served, by sewerage infrastructure; that the area is served by a weak network unable to cater for significant development.
- The proposed development is inconsistent with the character of a small, quiet, low-density residential cul-de-sac.
- The occupants may have limited access to transport and would therefore walk along the lane, creating a health and safety risk.
- Increased noise and disturbance for neighbouring residents and increases in traffic. consideration must be given to alleged anti-social behaviour.

- Lack of recycling provision.
- No evidence that the property has ever been used as a guesthouse as per the original permission. The property has been repurposed for institutional or semi-institutional accommodation.
- Local services were not intended to meet the demands of such a use.
- Some residents on the road are retired and have concerns and fears regarding the siting of a guesthouse and transient occupancy.
- Communal living space within the property is limited and could lead to problems.

4.0 Planning History

Reg. Ref. 25/61211. Application for the erection of a self-contained accommodation block ancillary to an existing guest house. Permission refused for two reasons:

1. *Having regard to the overall siting and location of the proposed self-contained accommodation block ancillary to the existing guesthouse on site, the constrained nature of the subject site and the proximity of the proposed dwelling to the adjoining third party properties, it is considered that the proposed development, if permitted, would constitute the disorderly over development of the constrained plot in a manner which would by itself and by undesirable and unsustainable precedent, be contrary to the proper planning and orderly development of the area by reason of injury to the residential amenity and value of adjoining properties to the north, east and west and the excessive cumulative physical footprint of the development relative to the plot ratio. Accordingly, to permit the proposed development would therefore be contrary to the proper planning and sustainable development of the area.*
2. *It is a policy of the County Donegal Development Plan 2024-2030 'to require compliance with the following technical standards, where applicable, in addition to all other relevant policy provisions of this plan and relevant Government guidance and standards-(Policy TS-P-1 refers). Having regard to the failure of the particulars submitted with the application to demonstrate adequate number of car parking spaces in accordance with the requirements of Table 16.8 of*

Chapter 16 of the said plan, the Planning Authority is not satisfied on the basis of the information submitted that safe traffic movements and parking can be accommodated on this site. Accordingly, to permit the proposed development would be contrary to Policy TS-P-1 of the said plan and would therefore be contrary to the proper planning and sustainable development of the area.

Reg. Ref. 23/50951. Application for existing garage to be used as a self-contained apartment ancillary to a guest house and permission for change of use from a domestic dwelling to a guest house. Permission granted, subject to conditions.

Recent applications in the immediate vicinity

Reg. Ref. 2461765. Application for the change of use of from an existing part of a retail unit to a day care service for people with disabilities including office and ancillary uses together with all site development works. Permission granted, subject to conditions.

Reg. Ref. 2460019: Application for the erection of 787.61m² or 150kWp of photovoltaic panels on the roof of Lidl Letterkenny. Permission granted, subject to conditions.

Reg. Ref. 2450015: Application for the demolition of an existing domestic garage and shed to accommodate proposed new access road and driveway to rear of existing dwelling and for the construction of a new dwelling and connection to services. Permission granted, subject to conditions.

5.0 Policy Context

5.1 Development Plan

5.1.1 The *Donegal County Development Plan 2024-2030* is the operative plan for the area. The Letterkenny Plan 2023-2029 is also applicable. The appeal site is located within the 'established development' Zoning. The objective of this land zoning is, "*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.”

5.1.2 The following policies and objectives of the *Donegal County Development Plan 2024-2030* are pertinent:

Policy UB-P-9: Which seeks to 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

Chapter 6 of the *Donegal County Development Plan 2024-2030* relates to housing. Homeless accommodation is recognised as being part of the broader social housing framework delivered by both the Local Authority and Approved Housing Bodies. Homeless accommodation is, therefore, treated as a core element of social housing supply.

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

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

Policy CC-P-2 which requires that at social, community cultural development proposals generally comply with the policies and technical standards of this plan and the following specific development management criteria (inter alia)

a. Are compatible with adjacent existing or approved land uses.

- b. Do not have a significant impact on adjacent residential amenities.
- d. Do not cause a traffic hazard and ensure the existing road network can safely handle any extra vehicular traffic generated by the proposed development.
- e. Provide adequate parking provision, access arrangements, manoeuvring and servicing areas.
- f. Prioritises, and provides for a high level of, pedestrian and cycling permeability and access.
- g. Do not create a noise nuisance and or cause significant environmental emissions.
- h. The location siting and design of the development is of a high quality, successfully integrates with the host environment including the landscape and/or built environment of the area and does not negatively impact on the visual and scenic amenities of the area.
- i. Provides appropriate boundary treatment and screening of storage areas from public view.

Letterkenny Plan

Objective LK-H-O-1 which seeks to ensure that an appropriate quantum and mix of housing types, tenures, densities and sizes is provided in suitably located residential areas and in appropriate brownfield/infill areas, in order to meet the needs of the population of Letterkenny, including the provision of private housing, social housing, affordable housing, student housing, traveller accommodation and appropriate residential care solutions designed for older persons and/or persons with disabilities.

5.2 Regional /Nation Plans/Policies

5.2.1 Homeless Action Plan for the North-West Region (2023-2028)

5.2.1.1 This action plan has four key strategic aims, which are to prevent homelessness through early intervention, to protect those experiencing homelessness through emergency accommodation and targeted support, progression to identify pathways to long-term solutions and to ensure proper governance, financial oversight and funding for services.

5.3 National Guidance

5.3.1 'Housing for All', the government's housing plan to 2030, recognises the particular challenges of homelessness, for families and for individuals. It focuses on reducing the number of homeless families and individuals and is committed to eradicating homelessness by 2030. It works with local authorities, Non-Government Organisations, Approved Housing Bodies and the HSE, and recognises that inter agency supports are critical to alleviating homelessness and addressing the housing, social, health and economic needs of both the homeless and those in the private rented sector at risk of becoming homeless. 'Housing for All' commits to a range of comprehensive measures to support people experiencing homelessness, including the following relevant provisions (as summarised) under Objective 3:

3.6 Provide capital funding to develop further supported emergency accommodation for families and individuals experiencing homelessness.

3.7 Prepare and publish guidelines with standards for the development and refurbishment of emergency accommodation.

3.11 Continue to increase access to health supports and protections for homeless individuals, with an individual health care plan to be provided for all homeless individuals that need one and improved access to mental health services.

3.12 Finalise a model of health care for people experiencing homelessness.

Housing First is the government's housing-led approach that enables people with a history of rough sleeping or long-term use of emergency accommodation, and with complex needs, to obtain permanent secure accommodation. It is one of the key measures for ending long-term homelessness. The programme provides intensive supports to help them to maintain their tenancies. It provides the most vulnerable of our homeless population with a home for life as well as with key wraparound health and social supports. Under the plan, the Government will provide an additional 1,319 supported tenancies over the next five years.

5.4 Natural Heritage Designations

5.4.1 The subject site is not located within or adjacent to a European Site. The nearest designated site is the Lough Swilly SAC (Site Code: 002287) which is located c. 256m

to the south-east of the site. In addition to the Lough Swilly SPA (Site Code: 004075) is also located c.1.030km to the north-east of the site. The Lough Swilly Including Big Isle, Blanket Nook & Inch Lake pNHA (Site Code: 000166) is also located c. 300m to the south-east of the site.

6.4.4 A screening exercise for Appropriate Assessment will be undertaken in Section 9 below.

6.0 EIA Screening

6.1 Having regard to the developed nature of the site and its location within a serviced area, together with the limited scope of the application to the use of the property only, and the absence of any connectivity from the appeal site to any sensitive location, there is no real likelihood of significant effects on the environment arising from the development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.2 Two No. third party appeals have been received from Denis Kelly Planning on behalf of Denis Martin Curran with a second appeal made by Peter Curran. The grounds of objection can be summarised as follows:

Denis Kelly Planning on behalf of Denis Martin Curran

- The building the subject of this application was formally a dwelling house and in 2023 the applicants sought planning permission under Planning Application Ref. No.23/50951.
- The application includes Drawing No.01A showing floor plans, sections and elevations. The layout does not correspond to the Guesthouse permitted under Planning Application Ref. No. 13/50591.
- Stairs have been provided to the former attic; works have been carried out to the former attic to provide a floor area of 50sq.m that accommodates two bedrooms with en-suites. Five Velux windows have been provided to the rear

plane of the roof. Furthermore, no communal living/sitting area has been provided, and the front porch has been demolished. There is no evidence that permission was granted for these material changes.

- Works consisting of the conversion of the attic to provide two bedrooms and en suites with a floor area of 50 sq.m. is not exempted development as the layout of the structure is in contravention of a condition attached to the parent permission.
- The demolition of the porch is development that is not exempted development.
- The application is stated as “retention permission and also permission for the use and continued use of an existing guesthouse The reference is solely to the use of the 'existing guesthouse'. No reference is made in the public notices, to retention of the works associated with and necessary for the conversion of the attic into bedrooms and ensuite, nor to the demolition of the porch.
- The Application Form has stated under Question 12 that the floor space to be retained is 245 sq.m. Thus, it would appear that it is not only the permitted guesthouse that is to be used for emergency accommodation for homeless people that are in need of care and support but also the building permitted as an apartment ancillary to the permitted guesthouse. This is not made clear in the statutory notices required pursuant to Articles 18 and 19 of the Planning and Development Regulations 2001 (as amended).
- The planning regulations also require that plans and drawings clearly and unambiguously describe the nature and extent of development and this is a mandatory requirement under Article 22 (4) of the Planning and Development Regulations 2001 (as amended).
- The application should be refused on the grounds that it is premature to consider the proposed use until the unauthorised development of the attic conversion and demolition of the front porch is regularised or is part of a composite application.
- The access road contains no dedicated pedestrian facilities, no pedestrian refuge areas and no public lighting. As a consequence, pedestrians, cyclists and vehicles are required to share the same constrained carriageway for a distance of approximately 200 metres. The Planning Authority has failed to

assess the cumulative implications of these previously permitted developments in conjunction with the development now proposed.

- Particular concern arises from the fact that the Planner's Report characterises the access route as a "shared surface" when it comprises a conventional tarmacadam access road. the access lane is characterised by limited passive surveillance and poor natural overlooking. These deficiencies are particularly acute during hours of darkness when pedestrians are required to share an unlit carriageway with vehicular traffic.
- Any proposal within this area must be assessed having regard to whether it conserves and enhances the quality and character of the area, protects residential amenity and is appropriate to the sustainable development of the area.
- Objective LK-H-O-1 seeks to ensure the provision of an appropriate quantum and mix of housing types within suitably located residential areas. The relevant question is therefore whether the subject site constitutes a suitably located site for the nature and intensity of the development proposed.
- The Planning Authority has relied upon objectives and policies in support of the proposed development but has failed to demonstrate that the proposal satisfies the relevant tests.
- The site is not served by any footpath connection between the development and the public road network and cannot reasonably be regarded as being served by safe pedestrian infrastructure as envisaged under Policy CC-P-1.
- Insufficient consideration has been given to the suitability of the internal accommodation arrangements for the proposed use.
- The submitted floor plans indicate that the premises does not contain a dedicated communal living or sitting area for residents.
- The absence of communal living space raises concerns regarding the quality of residential amenity available to occupants.
- The Planning Authority has failed to assess whether the accommodation provides an appropriate standard of residential amenity consistent with the objective of creating sustainable, healthy and socially inclusive communities with an optimum quality of life as envisaged under Objective CCG-O-1.

- Having regard to the foregoing, it is submitted that the Planning Authority's reliance upon Objective LK-H-O-1, Objective CCG-O-1, Policy CC-P-1 and Policy CC-P-2 is misplaced. The proposal fails to satisfy the criteria contained within those provisions and is contrary to Objective LK-H-O-1, Objective CCG-O-1, Policy CC-P-1 and Policy CC-P-2 of the Development Plan.

Peter Curran

- The subject property is located within an area identified in the Letterkenny Local Area Plan and the Donegal County Development Plan as Area not served by sewerage infrastructure, thereby placing obvious limitations on the potential at these locations.
- The area is currently served by a weak network unable to cater for significant development.
- Any new development on the Port Road will not impact negatively on residential amenities.
- The proposed retention and change of use to a for emergency accommodation purposes of this size represents a material intensification of use, introducing transient, short-term, and commercial occupancy in an area with long established residents.
- The proposed 'guesthouse' would also significantly impact the privacy and enjoyment of neighbouring properties, affecting the quality of life for the residents on this road, who wish to maintain their privacy.
- There is a mix of commercial and residential properties in the area with high traffic flow at all times of the day and night - including local resident provide vehicles, business trucks and vans, delivery trucks, commercial customers etc. The area is accessed via a single lane with no footpaths or lighting. There is significant commercial traffic at all times due to the nature of the commercial businesses – businesses that are open 6 days a week. The lane supports commercial and private traffic and there may be legal issues arising from any accidents involving pedestrians associated with a commercial entity.
- A guesthouse of this size will require services, deliveries, waste collection, and maintenance. This will significantly increase the levels of noise and disturbance for neighbouring residents.

- There appear to be no recycling options currently available on this site for residents, which is a concerning indication of how the site might be managed in the future as a guesthouse.
- The traffic associated with servicing a large guesthouse will undermine the quiet enjoyment of neighbouring homes and is contrary to the development plan's objectives for protecting residential amenities.
- There is no evidence that the current property has ever been used as a 'guesthouse' as per original planning permission granted. The property appears to have been repurposed, without significant oversight, for institutional or semi-institutional accommodation purposes that contravenes the original planning application.
- There are concerns from local homeowners that the property was never intended to be used as a guesthouse despite initial promises to homeowners and the intent was always to repurpose the 'guesthouse' for institutional or semi-institutional use. This would be wholly inappropriate within a low-density residential zone and could set a concerning precedent. It also raises legitimate concerns about future regulatory compliance and planning enforcement difficulties.
- The property in question was initially developed and serviced as a single-family home. While internal modifications may have increased the number of bedrooms to ten, the existing water supply, sewage, and wastewater infrastructure remains scaled to support domestic, not commercial, use. The current local services were never intended to meet the demands of a commercial guesthouse of this scale.
- Granting planning permission for such a change of use would place undue pressure on already limited infrastructure and is contrary to the objectives of the development plan.
- Some of the residents on this road are retired and have significant concerns and fears over the siting of a 'guesthouse' and the transient occupancy that this would lead to. It would erode community safety and trust.
- Guesthouses' of the proposed size typically require 24/7 management and staff accommodations to handle guests, address issues, and respond to

emergencies. Without this, the property could become a source of uncontrolled activity, especially during late-night hours or weekends.

- There is a severe and ongoing shortage of long-term rental housing in Letterkenny. The crisis is further compounded by the displacement of numerous local families affected by the MICA/Pyrite defective block scandal.
- There is also a lack of student accommodation for those attending Atlantic Technological University (ATU) Letterkenny which is right next door to the property. This key regional institution brings significant social and economic investment to the town.
- The proposed change of use from a residential dwelling to commercial institution/semi-institutional 'guesthouse' would result in the permanent loss of residential property from the local housing stock. This would further exacerbate the existing housing pressures and run counter to the broader public interest.
- Other applications for 'guesthouses' in the surrounding area that have better access, are not surrounded by commercial properties and have well-lit footpath access have been refused planning permission.

7.2. Applicant Response

7.2.1 A response has been received from Michael Friel Architects and Surveyors Limited on behalf of the first party. I make the Coimisiún aware that this appeal response includes a number of letters of support from neighbouring properties, Councillors and St. Vincent De Paul. The response can be summarised as follows:

- The location of the Guesthouse is very convenient to Letterkenny Town Centre which is within a short walking distance of the property and is therefore well suited to providing accommodation given the proximity of the Guesthouse to all of the major shops and services which are on offer in Letterkenny.
- Many of the residents require regular access to the Donegal Public Services centre (PSC) as they are on the Housing list and have to present themselves to the Council on a regular basis, the PSC is located less than 5 minutes walking distance from the subject site. The established use of the Guesthouse worked well and without any incidents and there have been no complaints or concerns

raised by any neighbour as the development is well managed and run in a professional manner.

- The location of the Guesthouse was appealing to the Homeless services within Donegal County Council due to its central location within the County, proximity to the Letterkenny PSC and the central location within the town.
- The application is seeking retention permission for the upstairs bedrooms to be used as homeless accommodation and we acknowledge that they were converted without the benefit of Planning permission, hence why we are seeking retention permission for this part of development, the planning fee reflects this as a payment was made to retain the rooms on the first floor as well as continue to use them as Homeless accommodation into the future.
- The evolving Housing situation within Ireland dictates that accommodation solutions are required for persons who find themselves unable to receive Housing through social Housing avenues and require temporary housing which will allow them to remain on the social housing list until such time as a more permanent Housing situation can be found.
- The Government have acknowledged time and again that there is a Housing crisis in Ireland as the numbers of persons either homeless or seeking emergency accommodation is higher than at any time recorded in the past. As a result of this crisis there is an absolute need for each local Authority to provide accommodation solutions.
- The Guesthouse/ homeless accommodation building is supervised at all times with a manager or similar person based on the site around the clock. This allows for any issues which any of the guests are experiencing to be dealt with immediately by the person who is working at the House.
- The applicant has advised that it is his intention to manage the facility into the future in a professional and considerate manner so as to ensure that no disruption or impact is felt by any of the neighbouring properties.
- The impact which this application will have on residential amenity will be no greater than the impact which the site has had on any neighbouring properties heretofore.

- There is a boundary fence erected between the application property and the appellant's property which provides a screen between both properties, thus reducing any impact which the application property may have in the neighbouring property.
- The site has operated as a guesthouse since 2023 and there have been no incidents where complaints have been made to the property owner or anyone else in regard to any impact of residential amenity which is brought to bear upon neighbouring properties.
- No evidence or example of any impact on the residential or private amenity of third parties has been put forward by the appellant.
- The Guesthouse accommodation will continue to operate from this building whether this application is granted or refused, and we would argue that the use will effectively remain the same as guests will be staying within the building as the use of the building as a guesthouse is permitted.
- The House is connected to the Main Letterkenny Sewerage system where an upgrade was completed in 2017 to allow for an increase of Population equivalent (PE) of 40,000 persons, the current use of the system is 22,750 PE which shows that there is adequate and available capacity within the sewerage system to deal with current and projected sewerage loadings from Houses and buildings within the Letterkenny Settlement boundary.
- Parking provision for the development has been provided on the site layout and within the site for persons utilising the House for accommodation, with available additional space within the site should the need arise for additional parking space.
- The road is narrow and allows for one vehicle to pass along the roadway, whilst any on-coming vehicles wait within a resting area until the road is clear and free to use, whilst there is no footpath link along the accommodation road, there is adequate space to allow for a car and pedestrians to move along the roadway in unison.
- Whilst this is not ideal, the use of the roadway by pedestrians is quite limited and the businesses located along the road operate on a 9am to 5pm basis for the most part.

- The use of the road by persons using the building for homeless accommodation or as a Guesthouse would be similar and certainly no greater than the use by persons using the building as a Guesthouse.
- The use of the development as a guesthouse has been established and it has operated as a guesthouse without any issues since 2023. The location of the building to the centre of Letterkenny renders the building ideal and compatible with Town centre living as many of the residents/ guests do not have vehicular transport.
- It is our firm contention that the development is supported by local and County Policies which outlines the need for a mix of Housing which caters for all parts of society within the County and indeed the Town of Letterkenny.
- The applicant can appreciate that the appellant is not in favour of the application, however due to the need for homeless accommodation in Town centres or the alternative of having persons and families living in parks or on our streets, believes that it is reasonable to permit this development to exist and therefor grant permission for it until such time as the Housing crisis has been dealt with and no longer exists.

7.3. Planning Authority Response

7.3.1 A response has been received from Donegal County Council by letter dated 24/6/26. The letter can be summarised as follows:

- All third-party submissions were considered during the planning assessment.
- The site already benefits for permission for the use of a guesthouse use and for the garage to be used as ancillary self-contained accommodation. No new building, extension, accommodation block, additional accommodation capacity or new access arrangement is proposed.
- Condition 2 expressly limits the permission and does not authorise any additional bedroom accommodation, accommodation unit, extension, subdivision or separate residential unit.
- The permission does not regularise or authorise any works or accommodation outside the scope of the application as lodged. Any alleged unauthorised

physical works or alleged non-compliance with a previous permission is a separate enforcement matter.

- The use is not considered to be materially different from the permitted guesthouse use. Both uses involve accommodation for persons who are not part of a single household and associated arrivals, departures, servicing, waste collection and management requirements.
- While the occupancy profile and duration of stay may differ, the land use impacts are not considered to be materially greater than those already capable of arising from the permitted guesthouse use.
- The site is located on lands zoned 'Established Development' within Letterkenny, the proposal is accommodation based, located within an urban area, and is consistent with the broad policy of support from a range of housing and accommodation solutions. The previous refusal (Reg. Ref. 25/61211) was materially different, as that the proposal involved a new accommodation block and additional built development.
- The site is not within an exclusively residential estate and is served by an access road containing a mix of residential, commercial / service and guesthouse-related uses.
- No new windows, balconies, external amenity areas, extensions or structures are proposed. The physical relationship with adjoining properties remains unchanged. Management, supervision, complaints, waste and arrivals / departures are addressed by Condition 3, requiring an Operational Management Plan.
- The Planning Authority acknowledges that the private access road is narrow and has no formal footpath or public lighting. However, it is a long established and already serves a mix of uses, including the permitted guesthouse. The proposal does not create a new access or alter the access or increase accommodation capacity.
- No objection was received from the roads engineer, and the Planning Authority remains satisfied that the proposal would not endanger public safety by reason of traffic hazard.

- The premises are connected to the public sewer and no additional floorspace or accommodation capacity is proposed. Waste and recycling arrangements are required to be addressed through the Operational Management Plan.
- Concerns relating to the personal characteristics, social status or housing status of future occupants are not valid planning reasons for refusal. The relevant planning matters are land-use impacts, including amenity, traffic, servicing and public health which have been assessed.
- Having regard to the permitted guesthouse use, the absence of additional physical development, the urban location of the site and the conditions attached, the Planning Authority considers that the appeal grounds do not warrant overturning the decision.

7.4. Observations

7.4.1 There are no observations on file.

7.5. Further Responses

7.5.1 There are no further responses on file.

8.0 Assessment

8.1 Having examined the appeal details and all other documentation on file, including submissions / observations, the reports of the local authority and inspected the site, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Retention- Unauthorised works
- Siting and design
- Traffic
- Flood Risk
- Other matters
- Appropriate Assessment

- Water Framework Directive

8.2 Principle of Development

- 8.2.1 The subject site within a mixed-use area which includes residential development, commercial and educational development in proximity to Letterkenny town centre.
- 8.2.2 As per the current Letterkenny Plan, the appeal site is within the 'Established Development' Zone which has the 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.*
- 8.2.3 Having regard to the land use zoning matrix set out in Table 7.2 Guesthouse / Hotel / Hostel is open for consideration.

Material change of use

- 8.2.4 I note the concerns of the third party that the proposed retention and change of use to a for emergency accommodation purposes of this size represents a material intensification of use, introducing transient, short-term, and commercial occupancy in an area with long established residents.
- 8.2.5 In response the first party states that the use of the development as a guesthouse has been established and it has operated as a guesthouse without any issues since 2023 and that the Guesthouse accommodation will continue to operate from this building whether this application is granted or refused and that the use will effectively remain the same as guests will be staying within the building as the use of the building as a guesthouse is permitted.
- 8.2.6 I have considered the concept of the continuation of the use of the property for the purposes of providing accommodation for homeless people. In 2023 permission was granted for the change of use of the dwelling on the land from residential to guesthouse use (Reg. Ref. 23/50951). A Guesthouse is generally defined as a commercial residential premises where short-term accommodation is provided to paying guests without long term tenancy rights.

- 8.2.7 In my opinion, I do not consider that the premises has materially deviated from its permitted and authorised use as a Guesthouse. In coming to this conclusion, I have considered the HC judgement in *Leitrim County Council v Dromaprop Limited IEHC 233* which addresses this point and the High Court held that the use of a hotel to provide accommodation for homeless persons remains within the scope of its existing use. I refer specifically to paragraphs 27 and 33 in this regard. While I note that the existing building on site has permission for a guesthouse and not a hotel, I am satisfied that the premise remains the same.
- 8.2.8 Having regard to the fact that the accommodation would be short-term this, in my opinion is consistent with the outcome of the HC judgement in *Leitrim County Council v Dromaprop Limited IEHC 233*.
- 8.2.9 The appeal site is in close proximity to Letterkenny Town Centre and is within walking distance of services and shops provided by a major town centre and as such is in a suitable location for this type of development.
- 8.2.10 In addition to the above, I have read the relevant sections of the *Donegal County Development Plan 2024-2030*, it is clear to me that homeless accommodation is recognised as being part of the broader social housing framework delivered by both the Local Authority and Approved Housing Bodies. Homeless accommodation is, therefore, treated as a core element of social housing supply.

Compliance with Objectives of the development plans

- 8.2.11 Third parties have that the proposal is contrary to the objective LK-H-O-1 of the *Letterkenny Plan and Local Transport Plan 2023-2029* and Objectives CCG-O-1, Policy CC-P-1 and Policy CC-P-2 of the *Donegal County Development Plan 2024-2030*.
- 8.2.12 In broad terms I note that neither the *Donegal County Development Plan 2024-2030* nor the *Letterkenny Plan and Local Transport Plan 2023-2029* do not include any standalone homeless accommodation policies. However, homeless accommodation is treated as part overall housing system.
- 8.2.13 The area planner states that the principle of such accommodation in this urban location is supported having regard to LK-H-O-1 of the *Letterkenny Plan and Local Transport Plan 2023-2029* and Objectives CCG-O-1, Policy CC-P-1 and Policy CC-P-2 having

regard to the proximity of the site to services, *public transport opportunities, employment areas and community supports.*

8.2.14 I have considered the provisions of each of these policies and objectives and I am satisfied that homeless accommodation would comply with the outlined objectives on the basis of that it contributes to the provision of an appropriate mix of housing in a suitably located area. Objective LK-H-01 of the Letterkenny Plan explicitly supports a broad range of housing within well located urban and infill / brownfield sites to meet diverse population needs, this concept is reinforced through the core strategy of the *Donegal County Development Plan 2024-2030* including policies CCG-O-1, CC-P-1 and CC-P-2.

8.2.15 The appeal site, which is located in proximity to the town centre ensures access to essential services, public transport, health care and community supports. In addition to this, the appeal site is located within a mixed use residential and commercial area and as such the proposal would not be out of character with the area. In addition to this, I am satisfied that the proposal does not constitute a traffic hazard and that appropriate parking is provided within the site boundary and that the proposal does not cause a noise nuisance or cause significant environmental emissions. In any case, I am of the opinion that any concerns in this regard could be assuaged by way of a condition requiring an operational management plan, should the Coimisiún be of a mind to grant permission. Therefore, while I note the concerns of the third party in this regard, I am satisfied that the proposal would comply with these objective and policies.

8.2.16 In addition to the above, I note that both Regional and National policy seek to support emergency accommodation for families and individuals experiencing homelessness.

8.2.16 Given that I am satisfied that no change of use has occurred and that Guesthouse / Hotel / Hostel is open for consideration under the Established Development Zone and that the proposal broadly complies with relevant policies and objectives of the statutory plans for the area, I am satisfied that the proposal is acceptable in principle, subject to a full assessment of the application.

8.3 Retention- Unauthorised works

8.3.1 The appellants have raised that the proposed works would consolidate unauthorised development on the site. They indicate that the original house has been subject to works including the installation of stairs, conversion of the attic to provide two ensuite

bedrooms, five Velux windows to the rear plane of the roof and the demolition of the front porch. In addition to this, the appellants outline concern that the application includes the use of the ancillary structure as Emergency Homeless Accommodation and that no reference is made in the public notices in relation to the retention of the works.

8.3.2 In response the first party states that the application is seeking retention permission for the upstairs bedrooms to be used as homeless accommodation and it is acknowledged that they were converted without the benefit of Planning permission, hence why retention permission is being sought as part of development.

8.3.3 I have considered the Statutory Notices and plans submitted with the application and I have considered Question 12 of the Application Form submitted with the application which states that the floor area which is proposed to be retained is 245m². The drawings submitted with the application show that the floor area of 245m² includes the first floor of the dwelling, the attic conversion and the ancillary building. I make the Coimisiún aware that the ancillary building was granted permission to be used as a self-contained apartment, ancillary to a guest house under Reg. Ref. 23/50951. Having considered the plans, I am satisfied that the application refers to the entire dwelling and the ancillary building.

8.3.4 In addition to this, the submitted elevations show no porch to the front of the dwelling and Velux windows within the rear roof.

8.3.5 Therefore, in terms of retention I have considered the following works:

- Conversion to the attic into two en-suite bedrooms;
- Stairs to the attic;
- Velux windows within the rear roof; and
- The demolition of a porch to the front of the dwelling.

8.3.6 The conversion of the attic to two ensuite bedrooms does not include any dormer windows and the roof profile has not been altered, and I am satisfied there would be no impact on the character of the building or the area. In terms of internal amenity, I note that headroom within these bedrooms is not a matter planning matter and is regulated by the Building Regulations. In addition to this the installation of stairs to access the attic bedroom is also a matter which is regulated by the Building Regulations.

- 8.3.7 I note there would appear to be a discrepancy in the drawings submitted with the application with respect to the number of Velux windows within the rear roof. The first-floor plan shows three Velux windows, while the rear elevation shows five Velux windows. Having been I site, I note that there are three Velux windows within the roof profile.
- 8.3.8 The Velux windows to the rear roof are which provide light into the bedrooms, are not visible from the public realm and do not protrude from the roof and do not have any impact on the visual amenity of the area.
- 8.3.9 It is noted that the porch to the front of the dwelling has been demolished. There is no information provided with respect to the floor area of the porch. Notwithstanding this, I am satisfied that the demolition of the porch has not impacted the character of the dwelling or the visual amenity of the area.
- 8.3.10 In addition to the above, on my site visit, I note that there was an office building (portacabin style building) located to the north-east of the ancillary building. On the site plan submitted with the application the area in which the office building is located is shown as a 'green area'. The office building is not shown on any drawings and is not included in the statutory notices. The planning status of this building is unknown. While I do not have any concerns with this building *per se*, and I am satisfied that the building does not unduly impact the character of the area or the residential amenity of the property to the north, I am of the opinion that all buildings on site should have the benefit of appropriate permissions.
- 8.3.11 This matter could be dealt with by way of condition requiring this building to be removed from site within 3 months of the date of the permission, should the Coimisiún be of a mind to grant planning permission.

8.4 Standard of Accommodation

- 8.4.1 Third parties have outlined concerns that the submitted floor plans indicate that the premises does not contain a dedicated communal living or sitting area for residents.
- 8.4.2 I note that neither the *Donegal County Development Plan 2024-2030* nor the *Letterkenny Plan and Local Transport Plan 2023-2029* include any standards with respect to the layout of homeless accommodation. However, I refer the Coimisiún to the Guidelines for the Development of New Emergency Accommodation (September 2022).

- 8.4.3 Having considered the Guidelines for the Development of New Emergency Accommodation (September 2022) I note that these Guidelines do not set an absolute requirement for a communal living or sitting area for residents.
- 8.4.4 However, I note that the floor plans submitted with this application shows that there is a shared kitchen and dining room. The dining area has room for 12 persons to sit and eat. I am satisfied that can reasonably fulfil the role of communal open space in this context as it provides an area where residents can gather, eat together, interact and can function as a multi-purpose space for informal activities.
- 8.4.5 In addition to this, I would point to the location of the facility in close proximity to Letterkenny Town Centre with access for residents to numerous open space and leisure facilities.
- 8.4.6 Having considered the foregoing, I am satisfied that the proposal is acceptable in this regard.

8.5 Siting and Design

- 8.5.1 Appellants have outlined concerns relating to the impacts of the proposal on the residential amenity of surrounding properties, these concerns relate to impact of the proposal on the privacy and enjoyment of neighbouring properties which would affect the quality of life for the adjoining residents.
- 8.5.2 In response the first party states that the impact which this application will have on residential amenity will be no greater than the impact which the site has had on any neighbouring properties heretofore. It is further states that there is a boundary fence erected between the application property and the appellant's property which reduces any potential amenity impacts.
- 8.5.3 I note that Policy UB-P-9 of the *Donegal County Development Plan 2024-2030* seeks to 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.
- 8.5.4 The proposal for which retention is sought has a similar appearance to the permitted guesthouse on site. No external works are proposed as part of this application (including extensions, windows or balconies). The general appearance of the structure as a dwelling still remains.

- 8.5.5 In addition to this, I note that both the northern and eastern boundaries are appropriately screened by way of fencing and vegetation.
- 8.5.6 Having considered the foregoing, I am satisfied that the use of the building would not lead to any residential amenity impacts relating to overlooking, overshadowing or overbearing development.
- 8.5.7 I note third party concerns with respect to noise disturbance arising from deliveries, waste collection and maintenance.
- 8.5.8 Condition 3 of the Notification of Decision to Grant Planning Permission requires that an Operational Management Plan for the premises is required to be submitted to and agreed with the Planning Authority for written agreement. This Management Plan requires information relating to *inter alia* to 24-hour management/supervision arrangements, contact details for the person responsible for the day-to-day operation of the premises, complaints procedures, waste storage collection arrangements (including recycling), the maintenance of external areas and rules for occupants and visitors including managing arrivals and departures.
- 8.5.9 I have considered the above and I am satisfied that the homeless accommodation can be managed in a way which ensure that it can be operated in a way that would not impact on the residential amenity of abutting properties.

8.6 Traffic Safety

- 8.6.1 Appellants have raised concerns that the site is not served by any footpath connection between the development and the public road network and cannot reasonably be regarded as being served by safe pedestrian infrastructure as envisaged under Policy CC-P-1. Concerns are also raised that the traffic associated with servicing a large guesthouse will undermine the quiet enjoyment of neighbouring homes and is contrary to the development plan's objectives for protecting residential amenities.
- 8.6.2 In response the first party acknowledges that the access road is narrow and that there is no footpath link along the accommodation road, the first party states that there is adequate space to allow for a car and pedestrians to move along the roadway in unison. It is further stated that the use of the roadway by pedestrians is quite limited and the businesses located along the road operate on a 9am to 5pm basis for the most part.

- 8.6.3 I refer the Coimisiún to Drawing No.02 'Site Layout' which shows that the access road to the property has a straight-line distance of c. 112m and an overall length of c. 144m from the access lanes intersection with the R229 (Port Road). The accessway has a width of c. 4.3m.
- 8.6.4 I note that the development is accessed via an existing, established access road which serves a number of residential properties and commercial premises for many years. On my site visit, I have driven this access road at the same times as pedestrians were using the access, and I have walked up this access road while vehicles were passing. I noted that the access road is narrow and does not include footpaths, however, there is enough space for vehicles and pedestrians to pass. In addition to this, the access is a slow traffic environment.
- 8.6.5 The access road does represent an established means of access with an existing pattern of use and has demonstrated an ability to accommodate traffic (both vehicular and pedestrian) associated with the adjoining uses including existing residential uses. In this regard, I do not see any difference between the residents of this facility walking down the access to be any different to residents of the existing dwellings or in fact the previously permitted guesthouse.
- 8.6.6 In terms of vehicular safety both on the road and in the wider road network, it is noted that the proposal would use this existing access arrangement rather than creating a new access onto the public road network which would minimise any impact on the surrounding road network.
- 8.6.7 In addition to this, given the nature and scale of the facility, I am of the opinion that the anticipated traffic generation which would most likely be less than the permitted Guesthouse. I have also considered that the site is in proximity to Letterkenny and public transport options which would reduce reliance on private car trips.
- 8.6.8 In terms of car parking, I refer the Coimisiún to Drawing No. 02 'Site Layout' which shows that a total of 7 car parking spaces is provided to the north of the house. Table 16.8 of the *Donegal County Development Plan 2026-2030* outlines parking requirements per land use. As previously discussed, I am satisfied that no material change of use has occurred between the previously permitted Guesthouse and the homeless accommodation use. Table 16.8 outlines a parking standard of 1 parking space per bedroom and 1 space per 10 bedrooms for staff parking is required. The homeless accommodation provides 6 bedrooms in the main dwelling and 1 bedroom

within the utility structure. Therefore, a total of 7 car parking spaces is required, and the proposal complies with this requirement. This is considered to be acceptable.

8.6.9 In terms of pedestrian safety, while I note there is no dedicated footpath along the road and that the road is narrow, there is ample room for a pedestrian and car to pass each other safely. In addition to this, the dimensions of the road would mean that there is a slow traffic environment.

8.6.10 Notwithstanding this, the pedestrian safety environment could be improved by way of suitable signage at the entries to the road to make drivers aware of the speed limit and the shared use of the road. This matter could be dealt with by way of condition should the Coimisiún be of a mind to grant retention permission and planning permission.

8.6.11 I make the Coimisiún aware that the initial application was referred to the Area Roads Engineer who responded with no objection to the proposal.

8.7 Flood Risk

8.7.1 I have consulted the flood mapping system (www.floodinfo.ie) and I note that the subject land is within Flood Zone 'C'.

8.7.2 Having considered all the foregoing; I consider the proposed development would not result increase the risk of flood either within the site itself or the surrounding area. The proposal is acceptable from a flood risk perspective.

8.8 Other matters

Validity of the application

8.8.1 The appellants have outlined concerns that the submitted plans and drawings do not clearly and unambiguously describe the nature and extent of development which is a mandatory requirement under Article 22 (4) of the Planning and Development Regulations 2001 (as amended).

8.8.2 I note that the Planning Authority was satisfied that the application was valid and matters relating to the validity of an application is one for the Planning Authority and cannot be considered by the Coimisiún.

Wastewater

- 8.8.3 Appellants have outlined concerns that there is not sufficient sewerage capacity to cater for the proposal. In response the first party states that the house is connected to the Main Letterkenny Sewerage system which was upgraded in 2017 to cater for a population of 40,000 and that the current use of the system is 22,750.
- 8.8.4 I refer the Coimisiún to the Uisce Eireann Capacity Register for Co. Donegal published in April 2026 which shows that the Letterkenny WWTP has available capacity.
- 8.8.5 Having regard to the above, I am satisfied that the proposal would not impact unduly on the operational capacity of the Letterkenny WWTP.

9.0 AA Screening

- 9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Sites in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

9.2 This determination is based on:

- the nature and scale of the development, which relates to the change of use of existing buildings on site;
- the connection of the site to public services (wastewater and drainage),
- the absence of any ecological pathway from the development site to the nearest European Sites;
- the distance of the site from the nearest European sites; and
- the AA screening determination of the Planning Authority.

9.3 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.

10.0 Water Framework Directive

10.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.

10.2. Having considered the nature, scale, and location of the proposal, which comprises of the retention and continued use of an existing guesthouse for emergency residential accommodation for homeless people within existing buildings which is connected to public services (wastewater and drainage), it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

10.3. In addition, the development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.

11.0 Recommendation

11.1. I recommend that retention permission and permission for the continued use of the existing guesthouse for emergency residential accommodation for homeless people be granted.

12.0 Reasons and Considerations

- 12.1 Having regard to the Objective of the 'Established Development' Zone *'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,* to the nature and scale of the proposed development and the characteristics of the surrounding area, it is considered that, subject to conditions, the continuation of the change of use of the existing building for the accommodation for homeless people would not seriously injure the amenities of the area or of property in the vicinity, is consistent with the provisions of the *Donegal County Development Plan 2024-2030* and the *Letterkenny Plan and Local Transport Plan 2023-2029* and is therefore in accordance with the proper planning and sustainable development of the area.
- 12.2 I note that the Planning Authority did not include a condition requiring the payment of a development contribution stating that no development is considered applicable in this instance. However, I have considered Table 5 of the Donegal County Development Contribution Scheme 2026-2030, and I am unable to find any exemption which is applicable to this case. I have also considered the applicant as outlined in question 5 of the Planning Application Form and I note that the applicant is not a charity. Therefore, in my opinion, a condition requiring a development contribution is applicable in this case.

13.0 Conditions

1. The development shall be retained and used in accordance with the plans and particulars submitted with the planning application, save as may otherwise be required by the following conditions.

Reason: To clarify the plans and particulars for which permission and retention permission is granted.

2. The permission hereby granted relates solely to the retention and continued use of the existing permitted guesthouse for emergency residential accommodation for homeless persons who are in need of shelter and support. No additional bedroom accommodation, accommodation unit, extension, external structure, subdivision of the property or separate residential unit shall be provided unless authorised by a separate grant of planning permission.

Reason: To define the permission

3. Within 3 months of the date of the final grant, the building in use as an office shall be removed from site, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure all buildings on site have the benefit of appropriate permissions.

4. Within 3 months of the date of final grant, the applicant/operator shall submit to the Planning Authority for written agreement an Operational Management Plan for the premises. The plan shall include, at minimum, details of:
 - a. the 24-hour management/supervision arrangements;
 - b. contact details for the person responsible for the day-to-day operation of the premises;
 - c. arrangements for responding to complaints from neighbouring residents or businesses;
 - d. waste storage, recycling and collection arrangements;
 - e. arrangements for maintaining the external areas of the site;
 - f. house rules for occupants and visitors; and
 - g. procedures for managing arrivals and departures.
 - h. Arrangements to ensure that no L.E.D, neon or similar lighting or any form of digital display (including streaming media) to be allowed or displayed on the site.
 - i. Arrangements for the retention of trees, shrubs and hedgerows on site
 - j. Appropriate pedestrian safety signage at the entrance to the access road

The premises shall thereafter be operated in accordance with the agreed Operational Management Plan.

Reason: In the interests of residential amenity and orderly development

5. Surface water drainage arrangements for the development to be retained shall comply with the requirements of the planning authority.

Reason: In the interest of public health.

6. 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 Bord 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.”

Ronan Murphy
Planning Inspector

31 August 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501436-DL-26
Proposed Development Summary	The proposed development comprises of the retention and continued use of an existing guesthouse for emergency residential accommodation for homeless people who are in need of shelter and support.
Development Address	Port Road, Ballyraine, 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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ 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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	

☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☐ No, it is not a Class specified in Part 1.	
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?	
☒ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR	

If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
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)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

