



An
Coimisiún
Pleanála

Inspector's Report PL-501502-DL-26

Development	Variation of Condition 8 of PA ref. 24/61848 to extend opening hours
Location	5 Lower Main Street, Letterkenny, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	26/60502
Applicant(s)	Raul Kumar
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant(s)	Bobby Singh
Observer(s)	None
Date of Site Inspection	18 th September 2026
Inspector	Philip Maguire

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1.0 Introduction

- 1.1. This case relates to a first party appeal by B. Singh under the provisions of Section 37 of the Planning and Development Act 2000, as amended ('the Act'), following a grant of permission by Donegal County Council in accordance with Section 34 of the Act.
- 1.2. This Inspector's Report (IR) and recommendation is made pursuant to Section 376(3) of the Planning and Development Act 2024, as amended (the 2024 Act). An Coimisiún Pleanála ('the Commission') is required to consider both before determining the case.

2.0 Site Location and Description

- 2.1. Situated along and to the western side of Lower Main Street, the appeal site is located in Letterkenny town centre, just south of Market Square and opposite the Courtyard Shopping Centre. The surrounding area is characterised by mixed commercial uses.
- 2.2. The appeal site is a ground floor unit of limited frontage. It forms part of a three-storey mid-terrace building which is flanked by a building of similar scale to the north which is occupied by a bank and a smaller two-storey building to the south which has a jewellery shop at ground floor level. I note that the unit immediately adjacent was vacant. The upper floors of the site, which is a solicitor's office, are accessible from street level via an adjacent doorway. The ground floor unit is in use as a take-away.

3.0 Proposed Development

- 3.1. Planning permission is sought to extend the take-away opening hours.
- 3.2. The proposed development is described in the statutory notices as:
"...planning permission for the variation of condition no. 8 of planning reference 24/61848 to extend permitted opening hours..."
- 3.3. A letter (AL Architects, March 2026) was submitted in addition to the application form.

4.0 Planning Authority Decision

4.1. Decision

- 4.1.1. Permission was granted on 14th May 2026 subject to 2 no. conditions, including:

Condition 2 opening hours shall be confined to between 17:00-02:30 hours Monday–Thursday and 17:00-03:30 hours Friday, Saturday and Sunday.

4.2. Planning Authority Reports

4.2.1. The assessment in the Planner's Report (11/05/26) can be summarised as follows:

Principle of Development

- Notes the parent permission for the takeaway and Condition 8 relating to opening hours i.e., 15:00 to 24:00, Monday to Thursday, and 15:00 to 01:30 on other days.
- Notes the revised hours sought i.e., 17:00 to 02:30, Monday to Thursday, and 17:00 to 03:30 on other days.
- Refers to the application cover letter which states that there are existing premises within close proximity which operate to 01:00 (weeknights) and 03:00 (weekends) and other takeaways within close proximity which also operate late into the night.
- Considers the principle of the proposal as acceptable given the town centre location of the site which is central to the late night economy of Letterkenny.

Residential Amenity

- Acknowledges that the site is located within close proximity of existing premises with late night opening hours associated with nightlife offering in Letterkenny.
- Acknowledges that there are residences in close proximity of the site but states that the principle of this use within the town centre zoning is supported, adding that a takeaway, by nature, is associated with late night opening, noise, smells etc.
- Considers that the proposed opening hours would not generate noise and smells over and above what has been permitted previously on adjoining properties.
- Considers that opening hours of 17:00 to 02:30, Monday to Thursday, and 17:00 to 03:30 on other days would not result in an undue adverse impact on existing residences in this town centre location having regard to policy LK-TC-P-13.

AA and EIA

- Considers the proposal is unlikely to have any significant effect, individually or in combination with other plans or projects on a Natura 2000 site.

- Considers there is no real likelihood of significant effects on the environment and screens out the need for EIA at preliminary examination stage.

Recommendation

- Considers that the proposal would not injure the amenities of the area, would not be prejudicial to public health and would not endanger public safety by reason of a traffic hazard, and recommends permission be granted on this basis.

4.2.2. Other Technical Reports

- Roads (03/04/26) No objection

4.3. **Prescribed Bodies**

None

4.4. **Third Party Observations**

4.4.1. The planning authority received 3 no. observation. Issues raised reflect third-party appeal grounds. Concerns, as summarised from the Planner's Report, relate to:

- Noise / residential amenity – premises is located within metres of residential apartments and proposed late night opening hours will cause significant noise disturbance and severely impact sleep and quality of life for residents.
- Anti-social behaviour / littering – focal point for loitering after public houses close and this brings risk of anti-social behaviour, littering etc. to nearby residential areas.
- Traffic safety / parking – street has limited on-street parking and late night customers and delivery drivers will likely park illegally, block access and create a traffic hazard.

5.0 **Planning History**

5.1. **Appeal Site**

5.1.1. PA ref. 24/61848 – in February 2025, the planning authority granted permission for a change of use from ground floor retail to take-away. Condition 8 limited opening hours:

- 15:00 to 24:00, Monday to Thursday, and
- 15:00 to 01:30 on other days.

6.0 Policy Context

6.1. Local Planning Policy

County Donegal Development Plan 2024-2030

- 6.1.1. The Donegal Development Plan came into effect on 26th June 2024. The Plan was subject to a draft Ministerial Direction in July 2024 and is pending a final decision by the Minister following public consultation and OPR recommendations (Sept. 2024).
- 6.1.2. Variation No. 1 of the Plan came into effect on 27th July 2026. It too is subject to review by the OPR and the Minister may in turn decide to issue a draft Direction on same.
- 6.1.3. Relevant policies and objectives are set out in Chapter 5 (Towns and Villages), Chapter 7 (Economic Development) and Chapter 16 (Technical Standards).
- 6.1.4. The following sections are relevant to the proposed development:
- 5.3 – Amendments to the Letterkenny Plan and associated LUZ Map
 - 7.4 – Economic Development Framework

- 6.1.5. Summary of policies and objectives relevant to the appeal site:

ED-O-11 Seeks to enhance town centre vibrancy by supporting the development of 18-hour economy etc. in attractive and active town centre spaces.

ED-P-9 Sets out various criteria which proposals for economic development use will be required to meet. The following are of note:

- (a) It is compatible with surrounding land uses existing or approved;
- (c) It does not harm the amenities of nearby residents; and
- (g) It does not create a noise nuisance.

Letterkenny Plan and Local Transport Plan 2023-2029

- 6.1.6. The Letterkenny Plan and Local Transport Plan 2023-2029, a statutory local area plan (LAP), came into effect on 3rd January 2024. The LAP was subject to various amendments contained in Variation No. 1 of the Development Plan as noted above.
- 6.1.7. Whilst I note that the appeal site was originally zoned 'town centre' with a corresponding zoning objective 'to sustain and strengthen the core of Letterkenny as a regional centre of residential, commercial, retail, cultural and community life and to

support active travel and public transport provision', according to Table 7.1 of the LAP, the site is now appears zoned 'urban core' as per the varied land use zoning map.

6.1.8. However, in effect the 'town centre' zoning appears to have been renamed 'urban core' to align with the Development Plan zonings and the significance of this seems minimal.

6.1.9. Relevant policies and objectives are set out in chapters 7 (General Development Management Approach etc.), 8 (Economic Development) and 9 (Town Centre etc).

6.1.10. The following sections are relevant to the proposed development:

- 9.3 – Town Centre Development Management
- 9.6 – Cumulative Impacts

6.1.11. Summary of policies relevant to the appeal site:

LK-DM-P-1 Seeks to support the principle of development proposals that are:

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

(b) Supported in the zoning matrix contained in Table 7.2 [of the LAP].

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

LK-DM-P-2 In assessing development proposals within Letterkenny, all relevant policy provisions of the operative Development Plan will be implemented.

LK-TC-P-13 Proposals for food take-away units etc. will be considered within the 'Town Centre' zone provided that their development:

(a) is not located within or abutting premises consisting of residential accommodation, schools or religious institutions;

(b) is not contributing to the over concentration of such uses in a given area causing excessive noise, litter and anti-social hours of operation; and

(c) contributes to the enhancement of streetscape and vitality and viability of the area.

6.2. National Planning Policy and Guidelines

Development Management Guidelines

- 6.2.1. The Development Management Guidelines (DEHLG, 2007) are intended to promote best practice at every stage of the development management process. Section 7.3 sets out the basic criteria in deciding whether or not to impose a planning condition. In this regard, conditions should be necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other regard.
- 6.2.2. Section 7.5 sets out the main factors to take into account when deciding whether a temporary permission is appropriate. Firstly, it notes that it will rarely be justified for development of a permanent nature that conforms with the provisions of the Development Plan. Secondly, it states that it is undesirable to impose a condition involving the removal/demolition of a structure that is clearly intended to be permanent. Lastly, it notes that it does not alter or limit the material considerations to which regard must be had in dealing with applications such as impacts on the amenities of an area.

6.3. Natural Heritage Designations

- 6.3.1. Relevant proposed Natural Heritage Area (pNHA) designation(s):
- River Swilly Valley Woods pNHA (002011) – 1.5km W
 - Lough Swilly incl. Big Isle, Blanket Nook & Inch Lake pNHA (000166) – 1.5km E
- 6.3.2. Relevant Special Areas of Conservation (SAC) designation(s):
- Lough Swilly SAC (002287) – 1.5km E
- 6.3.3. Relevant Special Protection Area (SPA) designation(s):
- Lough Swilly SPA (004075) – 2.4km E

7.0 EIA Screening

- 7.1. The proposed development does not come within the definition of a ‘project’ for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings (see Appendix 1).

8.0 The Appeal

8.1. Grounds of Appeal

8.1.1. A third-party appeal has been lodged by Bobby Singh of Lower Main Street, Letterkenny, County Donegal. The grounds of appeal can be summarised as follows:

- Proposal will give rise to noise disturbance and unruly behaviour into the early hours of the morning.
- Late night noise from customers (e.g., car doors, loud music in cars etc.) will severely impact sleep and quality of life for residents in nearby properties.
- Giving people the opportunity to buy food at that hour of the morning will only serve to prolong people hanging around the streets long after the pubs have closed.
- It is in the resident's interest that people disperse quickly after pub closing time as loitering significantly increases the risk of anti-social behaviour, littering etc.
- Submits that the premises has in the past operated outside of their permitted hours and refers to time / dated receipts enclosed with the appeal as evidence of same.
- Notes the applicant's reference to an 18-hour economy but suggests that this is not a mandate as to what 18 hours apply regardless of the impact of others.
- States that a 1.30am cut off would have businesses operating between a maximum of 7.30am to 1.30am, this is a more acceptable approach for local residents.
- Request that An Coimisiún Pleanála refuse this application for extended hours.

8.2. Applicant Response

8.2.1. A response was received from the applicant, Raul Kumar, via their agent AL Architects. The response can be generally summarised as follows:

- States that there are two takeaways within c. 120m of the appeal site operating outside their official opening hours, and alleges that the appellant is the owner of one of them; suggesting that the proposal is viewed as direct competition.
- States that the appeal is vexatious and only serves to compromise the successful running of the applicant's business.

- States that there are several bars in the area which results in a vibrant hub of activity most evenings with takeaway use a historic and common occurrence.
- Notes that the takeaway runs a litter collection policy, regardless of source.
- States that there has been no breach of existing hours since December 2025.
- States that takeaways in Lower Main Street are scarce due to recent closures.
- Suggests that people will be in the area after late pub closures and extended hours gives them the opportunity to purchase food whilst arranging transport home.
- Submits that the proposal increases passive supervision and natural surveillance which may help minimise anti-social behaviour and support orderly dispersal.
- States that the proposal contributes to the night-time economy and is in accordance with objective ED-O-11 of the Development Plan.

8.3. Planning Authority Response

8.3.1. The planning authority's response can be summarised as follows:

- Considers that the matter raised have been previously addressed in the Planner's Report dated 11th May 2026 and relies on same in response to the appeal.
- Requests that the Commission upholds the planning authority's decision.

9.0 Assessment

9.1. Preliminary Points

9.1.1. Having examined the application details and all other documentation on the appeal file, including the appeal submissions and observations, and inspected the site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal.

9.1.2. The issues can be addressed under the following headings:

- Land Use and Development Principle
- Residential Amenity Impacts
- Procedural Matters

9.2. Land Use and Development Principle

- 9.2.1. Planning permission has been sought under Section 34 of the Planning Act to vary Condition 8 of PA ref. 24/61848 and extend the opening hours thereby permitted etc.
- 9.2.2. As noted, PA ref. 24/61848 authorised the change of use of a ground floor retail unit, the appeal site, to a hot food takeaway with opening hours limited to between 15:00 to midnight on Monday to Thursday, and between 15:00 to 01:30 on the other days.
- 9.2.3. Condition 2 of the planning authority decision limited the opening hours to between 17:00 to 02:30 on Monday to Thursday, and between 17:00 to 03:30 on the other days.

Zoning

- 9.2.4. The appeal site is zoned 'urban core' in the Letterkenny Plan 2023-2029 ('the LAP'), as amended by Variation No. 1 of the County Development Plan. It came into effect in July 2026 and subsequent to the decision to grant permission. Prior to that the site was zoned 'town centre' with a corresponding objective to sustain and strengthen the core of Letterkenny as a regional centre of residential, commercial, retail, cultural and community life and to support active travel and public transport provision (Table 1).
- 9.2.5. The text of the LAP has not been updated to reflect the apparent new zoning and according to Section 5.3 of the Development Plan, as varied, the amendments inclusive of all zoning amendments supersede those originally published in the LAP.
- 9.2.6. Whilst the principle of the existing land use as a hot food takeaway is not central to the grounds of appeal, the Commission should note the relevant land use zoning.

Policy

- 9.2.7. Directly related to the zoning issue above, policy LK-DM-P-1 of the LAP seeks to support the principle of development proposals that are generally consistent with the zoning objectives as set out in Table 7.1 of the LAP and supported by the zoning matrix in Table 7.2. Such proposals are also subject to the wider policy framework, including the County Development Plan. The latter is reinforced by LAP policy LK-DM-P-2.
- 9.2.8. Significantly, I note that policy LK-TC-P-13 of the LAP considered proposals for takeaways within the former town centre zoning provided that they are not located within or abutting premises consisting of residential accommodation, schools or religious institutions, do not contribute to the over concentration of such uses in a given

area causing excessive noise, litter and anti-social hours of operation, and otherwise contribute to the enhancement of the streetscape and vitality and viability of the area.

- 9.2.9. Again, whilst the principle of the existing land use is not central to the appeal, the Commission should note the relevant LAP context which generally supports the use.

Specific Issue Raised

- 9.2.10. The applicant does, however, refer specifically to Development Plan objective ED-O-11 and submits that the proposal contributes to the night-time economy. This is in response to the appellant's suggestion that an 18-hour economy is not a mandate for development regardless of impact on others, including the town centre residents etc.
- 9.2.11. As noted, objective ED-O-11 seeks to enhance town centre vibrancy by supporting the development of an 18-hour economy. I also note the relevant criteria in policy ED-P-9 relating to economic development uses. In this regard, such proposals are required to be compatible with surrounding land uses, existing or approved (a), shall not harm the amenities of nearby residents (c), and shall not create a noise nuisance (g). The latter has not been defined in the Development Plan but is commonly considered as any noise which is so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person¹.
- 9.2.12. Whilst there will evidently be some additional noise associated with later opening, it is important to recognise that it is not so much the use itself that gives rise to such noise as opposed to the patronage, as noted by the appellant. It is also important to note that noise nuisance is subject to a separate statutory code with recourse to the Courts.
- 9.2.13. The extended opening is generally compatible with the other policy criteria, with further consideration of residential amenity impacts below. I specifically note that the proposal is compatible with surrounding land uses and in the context of LAP policy LK-TC-P-13, the appeal site, or specifically the ground floor unit, does not abut premises consisting of residential accommodation, schools or religious institutions and does not contribute to the over concentration of such takeaway uses along this section of Lower Main Street, from Market Square to its junction with Fortwell and Oliver Plunkett Road.
- 9.2.14. Extended opening hours would, in my view, contribute to Letterkenny's evening economy and is thus generally consistent with objective ED-O-11 and policy ED-P-9.

¹ Section 108 of the Environmental Protection Agency Act 1992, as amended.

Conclusion on Land Use and Development Principle

- 9.2.15. On balance, I am satisfied that the proposed extended opening hours and thus variation of Condition 8 of PA ref. 24/61848 is supported by the County Plan and LAP.

9.3. Residential Amenity Impacts

- 9.3.1. The crux of the appeal submission relates to residential amenity impacts. In this regard, the appellant submits that the proposal will give rise to noise disturbance and unruly behaviour into the early hours of the morning, impacting on nearby residents.
- 9.3.2. The applicant, on the other hand, submits that the proposal increases supervision and surveillance which may help minimise unruly behaviour and support orderly dispersal.

Consideration of the Issues

- 9.3.3. The takeaway operating from the appeal site is currently authorised to open between 15:00 to midnight on Monday to Thursday, and between 15:00 to 01:30 on the other days. The applicant is seeking a later opening time of 17:00 and extending the closing time by two and a half hours Monday to Thursday and by two hours on the other days. This will result in a marginal increase in trading hours over the course of the week.
- 9.3.4. The appellant's address is within 50 metres of the appeal site and whilst I accept their genuine concerns regarding the later closing times, their property does not abut or directly oppose the appeal site. In similar regard, I equally note that the upper floors of some of the premises along this section of Lower Main Street are in residential use but the area is overwhelmingly characterised by mixed retail and commercial uses with Voodoo, the nearest late-night venue, also located within 50 metres of the appeal site.
- 9.3.5. Whilst 'living over the shop' and town centre living generally are key to ensuring the vitality and viability of any urban centre, it is crucial that their core function is appropriately balanced to ensure that they continue as economic drivers. In this regard, the applicant suggests that there is a scarcity of takeaways in Lower Main Street and notes the proximity of the appeal site to several bars in this part of town.
- 9.3.6. In particular, I note that Voodoo operates until 03:00 on Saturdays and Sundays and until 02:30 on Mondays. Whilst the applicant's desire to match and indeed extend marginally beyond these hours is understandable from a commercial perspective, I do not consider opening beyond 03:00 can be justified in this instance where there is an element of residential amenity to be protected. Moreover, I share the appellant's

concerns regarding noise derived from cars (doors and music), and having regard to Condition 8 of PA ref. 24/61848, I recommend that delivery dispatch be curtailed.

Conclusion on Residential Amenity

- 9.3.7. On balance, I consider that extended opening hours of the takeaway to be acceptable albeit subject to revised closing times. I therefore recommend that the Commission ensure that the premises is closed by 03:00 on Saturdays, Sundays and Mondays and by 02:00 on other days with no delivery dispatch after 01:30 on any day of the week.

9.4. Procedural Matters

- 9.4.1. The applicant's response suggests that the appellant's appeal is vexatious and therefore there is a procedural matter for the Commission to consider in this case.
- 9.4.2. I also consider that there is a validation issue for the Commission to note given the nature of the proposal and having regard to S. 34 of the Planning Act, as amended.

Dismissal etc.

- 9.4.3. Section 138 of the Planning Act provides the Commission with an absolute discretion to dismiss an appeal where having considered the grounds of appeal etc. it forms the opinion that the appeal is vexatious, frivolous or without substance or foundation etc.
- 9.4.4. In this regard, the applicant suggests that the proposal represents competition to the appellant's business interests and is therefore vexatious in nature. Whilst I note the information provided in respect of same, I do not consider that Section 138 applies having regard to the appellant's stated address. The issues, as noted, are primarily from a residential amenity perspective as considered and concluded upon above.

Validation

- 9.4.5. Section 139 of the Planning Act provides for appeals against planning conditions and the timeframe for such an appeal against Condition 8 of PA ref. 24/61848 has expired.
- 9.4.6. Section 146A of the Planning Act provides for amendments of permissions including planning conditions. The circumstances are limited however to correcting a clerical error, facilitating the doing of something that could have been reasonably regarded as contemplated in the permission/decision or otherwise facilitating the operation of the permission/decision, and it must not result in a material alteration of the condition.

- 9.4.7. There is no express provision within the Planning Act to otherwise amend a planning condition other than by virtue of an application for permission for the development of land under Section 34 of the Act to amend the relevant parent permission. In neighbouring jurisdictions, I note that the relevant legislative frameworks expressly provide for the variation of planning conditions², this is evidently not the case in Ireland.
- 9.4.8. As noted, the statutory notices describe the proposal as “*planning permission for the variation of condition no. 8 of planning reference 24/61848 to extend permitted opening hours*” at the appeal site. Section 34 relates to the ‘development of land’ with development defined in Section 3 of the Act, i.e., works or material change of use.
- 9.4.9. The applicant has not proposed any works or material change of use. The proposal does however relate to the continued use of the fast-food premises at the appeal site beyond the terms of the permission granted under PA ref. 24/61848. To my mind the statutory notices could have more accurately described the proposed development as such, and expressly referred to the continued use of the premises, that being the development of land to which Section 34 relates. Validation is, however, a matter for the planning authority *prima facie* and given the appellant has had an opportunity to comment on the application and appeal the decision, no prejudice arises in this case.

Other Issues / Enforcement

- 9.4.10. Finally, I note that Condition 5 of PA ref. 24/61848 requires the provision of a bin for customers immediately outside the premises unless otherwise agreed with the planning authority. There was no such bin evident during my inspection, albeit outside operational hours. Notwithstanding the litter policy referred to in the applicant’s response, I recommend that any grant be tethered to the original parent permission.
- 9.4.11. In relation to the alleged unauthorised activity (trading out of hours), this is a matter for the planning authority under Part VIII of the Act or the Courts through a S. 160 injunction. The Commission has no such role in the enforcement of planning control.

Conclusion on Procedural Matters

- 9.4.12. The above assessment represents my *de novo* consideration of all planning issues material to the proposed variation of takeaway opening hours at the appeal site.

² Section 54 of the Planning Act (Northern Ireland) 2011, as amended, and Section 73 of the Town and Country Planning Act 1990, as amended.

10.0 AA Screening

Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered case PL-501502-DL-26 in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended.

The proposed development is located within a mixed-use commercial area in Letterkenny town centre and comprises variation of condition to extend the opening hours of an authorised takeaway unit. The closest European sites, part of the Natura 2000 Network, are Lough Swilly SAC and SPA, located c. 1.5km east of the proposed development.

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.

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.

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

11.0 Water Framework Directive

- 11.1. 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 (2000/60/EC).

- 11.2. Having considered the nature, scale, and location of the proposed development, 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.
- 11.3. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under Directive 2000/60/EC.
- 11.4. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

12.0 Recommendation

- 12.1. I recommend that permission be **granted** for the reasons and considerations below.

13.0 Reasons and Considerations

- 13.1. Having regard to the provisions of County Donegal Development Plan 2024-2030, as varied, and the Letterkenny Plan and Local Transport Plan 2023-2029, as varied, the location of the proposed development within the settlement boundary of Letterkenny, on zoned and serviced lands, the nature of the proposal in the context of the appeal site and surrounding area, and the prevailing pattern and character of development in this area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, would not endanger public safety by reason of a traffic hazard or impact on public health. The proposal would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree

such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity.

2. The development shall comply with the conditions of the parent permission PA ref. 24/61848 unless the conditions set out hereunder specify otherwise.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. (a) The hours of operation at the premises shall be between 1700 hours and 0200 hours Tuesday to Friday and between 1700 hours and 0300 hours Saturday, Sunday and Monday.

(b) No deliveries shall be dispatched from the premises later than 0130 hours on any day of the week.

Reason: In the interest of residential amenity.

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.

Philip Maguire

Inspectorate

24th September 2026

Appendix 1 (EIA Screening)

Form 1 – EIA Pre-Screening

Case Reference	PL-501502-DL-26
Proposed Development Summary	Variation of opening hours
Development Address	5 Lower Main Street, Letterkenny, Co. Donegal
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA? (For the purposes of the Directive, “Project” means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☐ Yes, it is a ‘Project’. Proceed to Q2.
	☒ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ 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. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ 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 ☐	
No ☐	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____