

An
Coimisiún
Pleanála

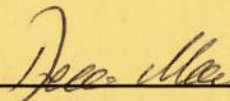
Commission Direction
CD-000460
PL-500570-DL-26

The submissions on this file and the Inspector's report were considered at a meeting held on 23 April 2026.

The Commission treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Commission also decided that the planning authority be directed, as follows:

Amend condition 8.

Planning Commissioner:



Declan Moore

Date:

24th day of April 2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to Section 34(5) and Section 48 of the Planning and Development Act 2000 (as amended), the provisions of the County Donegal Development Contributions Scheme 2016-2021, the planning application and the documentation submitted as part of the appeal, the Commission consider that the Planning Authority incorrectly applied the terms of the Development Contributions Scheme and it is therefore considered appropriate to direct Donegal County Council to attach Condition 8 as amended.

Note:

The Commission must apply the conditions as specified in the relevant County Council's published Development Contribution Scheme. In the case of Donegal, the applicable published rate is €4.14/sqm and there is no provision to waive the retention penalty.

Donegal County Council be directed to AMEND Condition 8 of Planning Authority Reference 25/61829 as follows:

8. The applicant (or person at the relevant time entitled to the benefit of the permission) shall pay a contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority that is already provided or is intended will be provided by the Authority. The amount of the contribution will be as set out below and is determined in accordance with the "Donegal County Council Development Contribution Scheme 2016 - 2021" (made under Section 48

of the Planning and Development Act, 2000 (as amended)). The total contribution and breakdown of same in respect of the different classes of public infrastructure and facilities provided/to be provided by the Authority are –

- o Retention area of 1.1 hectares x €4.14/sqm + 50% retention penalty = €68,310.
- o Proposed development area 3.1 hectares x €4.14/sqm = €128,340; minus 70% open storage reduction = €38,502
- o **Total = €106,812**

Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced. The total contribution shall be paid to the Council prior to commencement of the development unless the Council have agreed in writing beforehand to facilitate phased payment of the contributions in which event as part of any such agreement the Council may require the giving of security to ensure payment.

Reason: To facilitate provision of capital works