

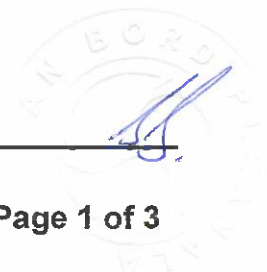
Planning and Development Acts 2000 to 2021

Planning Authority: Donegal County Council

Planning Register Reference Number: 19/50237

WHEREAS by Order dated the 27th day of February, 2020 Donegal County Council, under planning register reference number 19/50237, granted subject to conditions a permission to Philip Doyle of Valley Healthcare Fund (a sub fund of Infrastructure Fund ICAV) care of John Halligan of Lowpark, Charlestown, County Mayo for development comprising erection of a primary care centre building consisting of three storeys above basement car parking, main site entrance off Maginn Avenue, pedestrian link off the Main Street, associated signage, connection to public services and all associated works at Maginn Avenue, Ardaravan, Buncrana, Lifford Post Office, County Donegal:

AND WHEREAS condition number 16 attached to the permission required the applicant (or person at the relevant time entitled to the benefit of the permission) to pay the sum of €120,000 (one hundred and twenty thousand euros) to the planning authority as a special contribution under Section 48 (2)(c) of the Planning and Development Act 2000 in respect of the upgrade to Maginn Avenue/McCarter Road/Hillhead Road/Cluain Mhuire junctions which will facilitate the development, and the condition required that the contribution be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate:



AND WHEREAS the developer and the planning authority failed to agree on the amount to be paid in compliance with the terms of the condition and the matter was referred by the developer to An Bord Pleanála on the 6th day of July, 2021 for determination:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it under subsection (1) (b)(i) of section 138 of the Planning and Development Act, 2000, hereby determines that the referral be **DISMISSED** based on the Reasons and Considerations set out below.

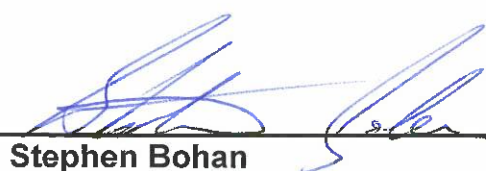
Reasons and Considerations

The Board is satisfied that, in the particular circumstances, the referral should not be further considered by it having regard to the nature of the referral.

Having regard to the provisions of section 34(5) of the Planning and Development Act, 2000, as amended, it is considered that condition number 16 of Donegal County Council planning register reference number 19/50237 does not provide for the point of detail which is the subject of this referral to be agreed between the planning authority and the person carrying out the development and, therefore, does not provide for the referral of the matter to the Board for determination in the event that the planning authority and that person cannot agree on the matter.

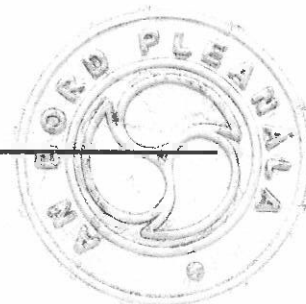
Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.



Stephen Bohan

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**



Dated this *2nd* day of *February* 2022.