



An  
Bord  
Pleanála

Board Order  
ABP-315494-23

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: 22/50174**

**Appeal** by Glashedy Investments Limited care of Harley Planning Consultants of 1 Melmount Park, Strabane, County Tyrone in relation to the application by Donegal County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 15 of its decision made on the 8<sup>th</sup> day of December, 2022.

**Proposed Development:** (i) Erection of a 58 bedroom nursing home with ancillary facilities, (ii) part demolition of and erection of a new extension to Churchtown Lodge, a protected structure and change of use to 10 bedroom respite care facility, (iii) car parking and amended vehicular access and (iv) connection to public mains services at Churchland Quarters, Carndonagh, County Donegal. Further public notices were received by the planning authority on the 15<sup>th</sup> day of November, 2022.

## Decision

**The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 15 and directs the said Council to AMEND condition number 15 so that it shall be as follows for the reasons stated.**

15. The developer (or person at the relevant time entitled to the benefit of the permission) shall pay the sum of €23,400 (twenty-three thousand and four hundred euro) to the planning authority as a special contribution under Section 48 (2) (c) of the Planning and Development Act 2000 in respect of the construction of a two metre wide footpath along the road frontage of the application site with the Regional Road, the R244 which will facilitate the development. This contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate.

Where the works in question:

- (i) are not commenced within five years from the date of payment to the Authority of the contribution, or final instalment thereof, or
- (ii) have commenced, but have not been completed within seven years of the date of payment to the Authority of the contribution or final instalment thereof, or

- (iii) where the Local Authority decides not to proceed with the proposed works or part thereof, the contribution shall be refunded to the developer together with any interest that may have accrued over the period while held by the Local Authority. Where a Local Authority has incurred expenditure within the required period in respect of a proportion of the works proposed to be carried out, any refund shall be in proportion to those works, which have been carried out.

**Reason:** It is considered that the developer should contributor towards the specific exceptional costs which are incurred by the Planning Authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

## Reasons and Considerations

It is considered reasonable that the developer should contribute towards the specific exceptional costs of the provision of a footpath along the site's frontage with the R244. The costs are calculated as follows:

- 117 metres length of footpath along the R244 X €200 per metre.



**Tom Rabbette**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this 27<sup>th</sup> day of Feb 2024.