



An
Bord
Pleanála

Board Order
ABP-318950-24

Local Government (No. 2) Act, 1960

Housing Act, 1966

Planning and Development Acts, 2000 to 2022

Applicant: Donegal County Council

Application received by An Bord Pleanála on the 29th day of January, 2024 from Dublin City Council pursuant to section 76 of, and the Third Schedule to, the Housing Act, 1966 as extended by section 10 of the Local Government (No.2) Act, 1960 (as substituted by section 86 of the Housing Act, 1966) and the Planning and Development Acts, 2000 to 2022, for confirmation of a Compulsory Purchase Order authorising compulsory acquisition of lands and entitled **Donegal County Council (Tús Nua Regeneration Project) Compulsory Purchase Order 2024**.

DECISION

CONFIRM the above Compulsory Purchase Order with modifications, based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Having considered the objections made to the Compulsory Purchase Order, the written submissions and observations made at the Oral Hearing held on the 10th day of September 2024, the report of the Inspector (who also conducted the Oral Hearing), the purposes for which the lands are to be acquired as set out in the modified Compulsory Purchase Order, 'Donegal County Council (Tús Nua Regeneration Project) Compulsory Purchase Order 2024', and also having regard to the following:

- (i) the constitutional and European human rights convention protection afforded to property rights,
- (ii) the approval of 'Tús Nua Regeneration Project' under the Part 8 process (Register Reference PG20/20),
- (iii) the community need, public interest served and overall benefits to be achieved through the delivery of the 'Tús Nua Regeneration Project',
- (iv) the policies and objective of the County Donegal Development Plan 2024-2030, and the Seven Strategic Towns Local Area Plan 2018-2024, which are not materially contravened,
- (v) the submissions and observations made at the Oral Hearing,
- (vi) the modifications made to the Compulsory Purchase Order Schedule below and set out in Appendix 2 of the Donegal County Council's Brief of Evidence, which omits plot number 5 from the proposed schedule, and,
- (vii) the report and recommendation of the Inspector,

it is considered that the permanent acquisition of the lands in question (Plots number 1 to 4), as set out in the Order, the modified schedule, and deposited maps by Donegal County Council, is necessary for the stated purposes, which is a legitimate objective being pursued in the public interest, and that the Compulsory Purchase

Order, as modified, and its effects on the property rights of affected landowners are proportionate to that objective and justified by the exigencies of the common good.

SCHEDULE

The Compulsory Purchase Order shall be modified to omit Plot number 5 from the proposed Compulsory Purchase Order Schedule as per the modifications made to the Compulsory Purchase Order Schedule as set out in Appendix 2 of Donegal County Council's Brief of Evidence.



Mick Long

Member of An Bord Pleanála

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

Dated this 29th day of October 2024