

An
Coimisiún
Pleanála

Commission Order ABP-319906-24

Local Government (No. 2) Act, 1960

Housing Act, 1966

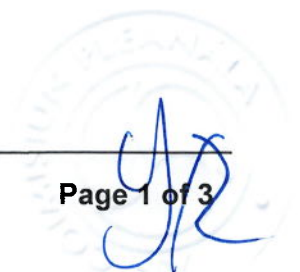
Planning and Development Act 2000, as amended

Applicant: Donegal County Council

Application received by An Coimisiún Pleanála on the 11th day of June 2024 from Donegal County 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 Act 2000, as amended, for confirmation of a Compulsory Purchase Order authorising compulsory acquisition of lands and entitled **Donegal County Council (The SEED Project (Phase 1), Ballybofey), Compulsory Purchase Order 2024.**

DECISION

CONFIRM the above Compulsory Purchase Order with modification, 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 to the oral hearing held on the 14th day of October 2025, the purpose of the Compulsory Purchase Order to facilitate the delivery of the SEED Project in Ballybofey, County Donegal and also having regard to the following:

- (i) the community need to acquire lands to provide for a replacement car park within the context of a comprehensive, multi-element, town centre regeneration scheme, the public interest served and overall benefits of this scheme, including the provision of a civic space, inclusive of pedestrian infrastructure, road frontage canopy detail, public amenities and changing places facility,
- (ii) the suitability of the lands and the necessity of their acquisition to facilitate the replacement of an intensively utilised car park in the commercial core of Ballybofey as a central element of the SEED Project regeneration scheme,
- (iii) the provisions of the National Planning Framework First Revision, April 2025, the Northern and Western Regional Assembly Regional Spatial and Economic Strategy 2020-2032 and in particular the County Donegal Development Plan 2024-2030 which clearly supports the implementation of the SEED Project,
- (iv) the overall design response, which has been appropriately tailored to the identified community need,
- (v) the consideration of alternative methods to deliver the scheme,
- (vi) the proportionality and necessity for the level of acquisition proposed having regard to protection afforded to property rights as set out in the Constitution of Ireland and European Convention on Human Rights,
- (vii) the authorisation of the Part 8 SEED Project under planning authority reference Part 8 PG 20/21 to facilitate comprehensive town centre regeneration in Ballybofey, County Donegal,
- (viii) Climate Action Plan 2024 and Climate Action Plan 2025 and the move away from carbon emitting vehicles, and

(ix) the report and recommendation of the Inspector who conducted the oral hearing into the objection,

it is considered that, subject to the modification as indicated in the Schedule hereunder, the permanent acquisition by the local authority of the lands in question, as set out in the Compulsory Purchase Order and on the Deposited Map, has been justified and is necessary for the purposes stated, which is a legitimate objective being pursued in the public interest, and that the Compulsory Purchase Order 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 as follows:

Plot 01b – Access Road (in the ownership or reputed ownership of Mary Lafferty, Michael McMenamin) shall not form part of the compulsory acquisition.

Reason: Plot 01b did not form part of the of the Part 8 SEED Project under planning authority reference Part 8 PG 20/21 to facilitate comprehensive town centre regeneration in Ballybofey, County Donegal and the need to compulsory acquire this plot of land has not been sufficiently justified.



Tom Rabbette

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate
the seal of the Commission.

Dated this ²⁰23 day of Jan. 2026