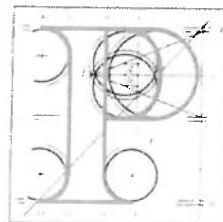


Our Case Number: ACP-324272-26

Your Reference: Jack & Jean Kee



An
Coimisiún
Pleanála

Walter P. Toolan & Sons
Walter P Toonan Solicitors
High Street
Ballinamore
Co. Leitrim

Date: 24 July 2026

Re: Proposed TEN-T Priority Route Improvement Project
all routed along the electoral divisions of Dooish, Stranorlar, Convoy, Lettermore, Magheraboy, Letterkenny Rural, Manorcunningham, Kinraigy, Treantaghmucklagh, Feddyglass, Clonleugh North, and Clonleugh South, all in County Donegal

Dear Sir / Madam,

An Coimisiún Pleanála has received your recent submission (including your fee of €50) in relation to the above-mentioned proposed road development and will take it into consideration in its determination of the matter.

Please note that the proposed road development shall not be carried out unless the Commission has approved it or approved it with modifications.

If you have any queries in the meantime, please contact the undersigned officer of the Commission at laps@pleanala.ie

Please quote the above mentioned An Coimisiún Pleanála reference number in any correspondence or telephone contact with the Commission.

Yours faithfully,


Eimear Reilly
Executive Officer
Direct Line: 01-8737184

HA02

Teil
Glao Áitiúil
Láithreán Gréasáin
Ríomhphost

Tel
LoCall
Website
Email

(01) 858 8100
1890 275 175
www.pleanala.ie
communications@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

An Coimisiún Pleanála,
64 Marlborough Street,
Rotunda,
Dublin 1.

AN COIMISIÚN PLEANÁLA
LDG- 269127
ACP- _____
10 JUL 2026
Fee: € 50 Type: CS
Time: 9:58 By: HA

Date: 10 July 2026

Your Ref: HA05E.324272

Our Ref: GT/DS/008848/0001

Our Clients: Jack & Jean Kee, Drumboe, Co. Donegal.

Re: Application for Approval of:

1. An application under Section 51 of the Roads Act 1993 for Proposed TEN-T Priority Route Improvement Project all routed along the electoral divisions of Dooish, Stranorlar, Convoy, Lettermore, Magheraboy, Letterkenny Rural, Manorcunningham, Kincraig, Treantaghmucklagh, Feddyglass, Clonleugh North, and Clonleugh South, all in County Donegal, including the preparation of an Environmental Impact Assessment Report and a Natura Impact Statement.
2. The making of a Compulsory Purchase Order under 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, to be served on owners, lessees and occupiers in accordance with Article 4(d) of the Third Schedule to the Housing Act 1966 as amended by the Planning and Development Act, 2000 (as amended) and Sections 202 and 203 of the Planning and Development Act 2000 (as amended) and Section 184 of the Local Government Act 2001 (as amended).

An Coimisiún Pleanála Reference No. HA05E.324272

Dear Sir/Madam,

This letter is a submission in relation to the application by Donegal County Council under Section 51 of the Roads Act 1993. Our above-named clients fully adopt and endorse the contents of the submission made by David Kee in his own right in relation to the application under Section 51 of

Principal Solicitor: Gabriel A. Toolan, B.A. (Hons.), LL.M. (Advocacy), LL.M. (Environmental & Natural Resource Law), Accredited Mediator



Solicitors: Maeve Sharpley, B. Corp. Law (Int.), LL.B.
Geraldine Boyle, B.A. (Hons).

Legal Executives: Cora Gill
Patricia Flynn

Yvonne McAllister
Emer Dolphin-Murray



VAT No. IE 5266835J

the Roads Act 1993, and we attach a copy of same, which is to be considered a part of the submission. We enclose a cheque in the sum of €50.00. Please kindly acknowledge receipt hereof.

Our clients are extremely troubled by the proposed road development taking place, affecting the family farm at Drumboe and Cappry. They do not regard this as proper planning and sustainable development and indeed view it as being completely the contrary. The creation of this vast industrial style infrastructure across their farm, permanently removing their lands from agricultural usage and enterprise, is lacking in foresight and is a short-term solution to the artificial style of living in Ireland at this time in which there is a total dependence on motor vehicles, both in terms of private transport, public transport, and commercial transport. In terms of proper planning and sustainable development, there needs to be an entire reconsideration of the infrastructure for traffic and transport in this country as the creation of large-scale road systems and motorways is a self-defeating and circular exercise which will simply result in more and more traffic causing more and more congestion to the future.

One needs to look no further than the M50 in Dublin, which was heralded at the time, a short 20 years ago as being the solution to Dublin City's traffic problems, and now this road system is in a state of total gridlock and congestion. The creation of bigger and better roadways simply facilitates and encourages the increase of bigger and more vehicles, which will result in the continued and irreversible degradation of Ireland's natural environment to the cost of all of the aspects of the natural environment such as habitats, flora and fauna of every description. The catastrophic decline in the quality of all of these aspects of the environment is already continuing with no sign of abatement and developments such as this will greatly accelerate the decline of the natural environment. By reason with the fact that this could never constitute proper planning and sustainable development, based as it is on the short-term expediency of temporarily alleviating traffic congestion, which inevitably, as in the case of the M50, will only get worse, and is no solution to these problems. Our clients request that approval not be granted for this road scheme.

Yours faithfully,



WALTER P. TOOLAN & SONS SOLICITORS

**An Coimisiún Pleanála,
64 Marlborough Street,
Rotunda,
Dublin 1.**

Date: 10 July 2026

Your Ref: HA05E.324272

Our Ref: GT/DS/008848/0001

Our Client: David Kee, Cappry, County Donegal, F93 RT72.

Re: Application for Approval of:

1. An application under Section 51 of the Roads Act 1993 for Proposed TEN-T Priority Route Improvement Project all routed along the electoral divisions of Dooish, Stranorlar, Convoys, Lettermore, Magheraboy, Letterkenny Rural, Manorcunningham, Kincraig, Treantaghmucklagh, Feddyglass, Clonleugh North, and Clonleugh South, all in County Donegal, including the preparation of an Environmental Impact Assessment Report and a Natura Impact Statement.
2. The making of a Compulsory Purchase Order under 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, to be served on owners, lessees and occupiers in accordance with Article 4(d) of the Third Schedule to the Housing Act 1966 as amended by the Planning and Development Act, 2000 (as amended) and Sections 202 and 203 of the Planning and Development Act 2000 (as amended) and Section 184 of the Local Government Act 2001 (as amended).

An Coimisiún Pleanála Reference No. HA05E.324272

Dear Sir/Madam,

We act on behalf of the above-named, and to the application under Section 51 of the Roads Act 1993 for the Proposed TEN-T Priority Route Improvement Project in County Donegal, ACP Reference No. HA05E.324272. We enclose herewith cheque in the sum of €50.00. Please kindly acknowledge

Principal Solicitor: Gabriel A. Toolan, B.A. (Hons.), LL.M. (Advocacy), LL.M. (Environmental & Natural Resource Law), Accredited Mediator



Solicitors: Maeve Sharpley, B. Corp. Law (Int.), LL.B.
Geraldine Boyle, B.A. (Hons).

Legal Executives: Cora Gill
Patricia Flynn

Yvonne McAllister
Emer Dolphin-Murray



VAT No. IE 5266835J

receipt hereof.

Our client is the owner of certain lands in the townland of Drumboe and in the townland of Cappry, County Donegal. Our client is a full time farmer and agricultural contractor, and has resided his entire life at this particular location. It has been his intention to continue farming in this location for the entire duration of his lifetime. He will now have to consider a change of career for the reason that the best part of his farm is those lands situated in the townland of Drumboe, comprising approximately 20 acres, are scheduled to be acquired by compulsory acquisition. The remaining lands will be exceedingly devalued and indeed he considers that they will be more of a burden to work in the future having regard to their geographical location and being situated beneath the noisy motorway, and would be almost unworkable for him. This proposed scheme taking place as it does in this location is a life-changing event for him.

By letter of the 13th of May, 2026, our client received a letter by ordinary post from the National Roads Office of Donegal County Council. This letter contained a number of enclosures as referred to therein, namely a copy of a form of notice of the making of a Compulsory Purchase Order (CPO), which was signed by Brian Reid, Senior Executive Engineer on the 13th of May 2026, and it also enclosed a map of a portion of our client's lands and copies of extracts of schedules from the CPO at part II(a) and part II(b). This is the sum total of the documentation received by our client as purported notification of certain matters. We enclose a copy of this letter dated the 13th day of May with enclosures.

This submission is a submission in response to the notice published in the Irish Independent under section 51 of the Roads Act 1993 for which submissions have to be made in relation to the likely effects on the environment for the proposed road development, the implications for the road development for proper planning and sustainable development in the area in which it is proposed to situate the road development, and the likely significant effects of the proposed road development on the European site.

A companion submission is being lodged today also in respect of the proposed Compulsory Purchase Order, which has been lodged with An Coimisiún Pleanála for approval, pursuant to a Compulsory Purchase Order dated 20th of April 2026, in view of the fact that these two processes have effectively been merged so as to run in tandem with each other by the Roads Authority of County Donegal and lodged simultaneously with An Coimisiún Pleanála to be treated as one project at the same time..Section 51(7)(b) of the Roads Act 1993 (as amended), states:

"Section 51(7)(b) Where an application for approval under this section relates to a proposed road development, and

- (i) a scheme submitted to the Minister for approval under section 49, or*
- (ii) an application submitted to the Minister for a bridge order under the Act of 1946, or*
- (iii) a compulsory purchase order submitted to the Minister for confirmation,*

relate wholly or partly to the same proposed road development, the Minister shall make a decision on such approval and on the approval of such scheme or the making of such bridge order or the confirmation of such compulsory purchase order at the same time."

The above section contemplates that an application for a proposed road development, as under Section 51 in this case, and a Compulsory Purchase Order as submitted to the Minister for confirmation, again in this case, relate wholly to the same road development, the Minister may make orders in respect of both processes at the same time. However, this does not necessarily imply that both processes have to be the subject of the very same notification periods and be running side by side with each other, such as would cause untold confusion for affected landowners as it has done in this case. It may be that the Roads Authority mistakenly interprets Section 51(7)(b) to mean that both processes, namely the approval for the proposed road development and the purchase order, must run at the same time. But this most certainly is not the case and ideally, they should not run as one process so as to give a meaningful opportunity to those affected to consider each process separately and distinctly and more importantly to have time to engage with the vast quantity of documentation that is involved in each process. This right has been denied to the parties in this regard, as will be set out further below.

In view of the fact that the issues between these two processes have become inextricably linked and merged as a result of the mistaken understanding of running both of these processes simultaneously, the contents of each of the submissions in respect of each process overlap considerably, and it will be found that each of the submissions have similar content because of the intermingling of the issues in this manner, the same, as aforesaid, having become inextricably linked. However, for the avoidance of any doubt, and so as to ensure that there is clarity that there is a separate submission in relation to each process, this particular letter is to be deemed to be the submission in relation to Section 51 of the Roads Act 1993.

Preliminary Objection No. 1.

1. In recent weeks, for the purposes of making a submission to An Coimisiún Pleanála in response to the Compulsory Acquisition of Land Notice that he received from Donegal County Council, which was dated the 13th of May 2026, and for the purposes of lodging a submission with on Coimisiún Pleanála in respect thereof before 5.30pm on the 10th of July 2026, which is the deadline given in the said notice, our client engaged our firm to advise.
2. In the course of endeavouring to ascertain precisely what is the nature of the scheme that is taking place in this area and which directly affects our client and his family, we then commenced an investigation into the documentation as referred to in the Compulsory Purchase Notice and began reviewing documentation as referred to therein on the website of Donegal County Council. In the course of our researches, we came across a copy of a document entitled:

"A form of notice to be published pursuant to Section 51(3)(a) of the Roads Act 1993 (as amended) in relation to an application for approval of a proposed road development and the submission of an Environmental Impact Assessment Report and the Natura Impact Statement. 10-T, Priority Route Improvement Project – Donegal."

It appears that this notice was published in the Irish Independent on Thursday, the 14th of May 2026.
3. Our client nor any member of his family were not furnished with a copy of this notice. They did not see its publication in the newspaper and had no advance or prior notification of its contents.
4. When we discussed this notice, as we have done, with the members of the Kee family, they understood that this notice was referring to the same information that was being referred to in the Compulsory Purchase Order Notice that they had received on the 13th of May 26th, and in particular in view of the fact that the deadline for submission in respect of both documents is the 10th of July 2026, the family informed us in recent days that their understanding was that this was all the one process that had to be responded to.

5. We have informed our clients that in fact the two notices refer to very different processes and procedures and each of the said processes and procedures require separate treatment, separate research, separate analysis and a separate response. Our clients were truly shocked and appalled to learn of this, as at no time was any explanation given to them as to the fact that there were in fact two separate processes taking place along the same timelines and in tandem, but nowhere was it explained to them what the nature of these processes was and the steps that had to be taken by them, and in particular, at no time was it explained to them that the two processes were entirely different, separate, and bear different treatment and analysis.
6. When we informed our client that the notice under Section 51(3)(a) of the Roads Act 1993 requires an in-depth analysis of the Environmental Impact Assessment Report, which is a document running to 2299 pages, excluding the extensive appendices to the Report, and that it also required a detailed analysis of the Natura Impact Statement, which is a document running to 213 pages, excluding the extensive appendices to the Statement, he informed us that this was quite simply an impossible exercise, incapable of being fulfilled by him, because quite simply within the limited time afforded to him from the date on which he received knowledge of this notice, which was only in the past week, and not having received direct notification in respect of same, he has indicated that he quite simply would not have the time to read through documentation running to several thousand pages. In any event, he has informed us that he would not have the expertise or expert knowledge to understand the documentation, and insofar as it relates to him and to matters of interest to him, he would require to get expert assistance to give him an understanding of the concepts that are involved.
7. Accordingly, our client's first preliminary objection in relation to this matter, having regard to the foregoing paragraphs, is that he has not been given proper and appropriate notice of the nature of the schemes that are taking place which have a direct effect upon his property.
8. At the very least, our client ought to have been given notification in the form of a copy of the notice under Section 51(3)(a) of the Roads Act 1993. It may be the case that the acquiring authority seek to rely on some technical defence by stating that the Act doesn't provide that landowners affected in the scheme are not required to receive such notification. If so, at the very least, the Roads Authority for Donegal County Council could have, as they had express knowledge as to who each of the affected landowners are, as they had written to them

separately on the 13th of May 2025 for the CPO, was to inform them that a notice was being published in the Irish Independent and any other local newspaper, and that they should immediately address their minds to that notice and draw a distinction between the contents of that notice, and the Compulsory Purchase Order Notice that they received on the 13th of May 2026.

9. Indeed, what should have occurred is that the Road Authority of Donegal ought to have sent out an explanatory memorandum to all of the owners and occupiers of lands that they were writing to on the 13th of May, 2026 setting out, in understandable plain English and layman's terms for each of the landowners, what the process is, what steps were being taken, what our client's rights were in relation to the processes being taken, and informing them of the requisite deadlines in respect of each of these processes.
10. Instead, what has occurred is a piecemeal notification was given to the landowner, and once a reference was made to Section 51 of the Roads Act 1993 in the letter of the 13th of May 26th from Mr. Reid to our client, our client could well be forgiven for not having the faintest idea of what Section 51 of the Roads Act 1993 referred to, and in particular of having any understanding that a separate process was being undergone where the Environmental Impact Assessment Report and the Natura Impact Assessment Report had been filed with An Coimisiún Pleanála and that interested members of the public would have an entitlement to comment thereon.
11. What has occurred here must be contrasted with the notification procedures which occur in a very simple planning application where a person is applying for a planning development over lands which that person does not own. It is mandatory that the consent and permission of the landowner be given. In this circumstance, pursuant to Section 51 of the Roads Act 1993, An Coimisiún Pleanála is tasked with providing approval in relation to the proposed road development. The approval of such a similar type of development has been described by the Courts in *Kerry County Council v. An Bord Pleanála* [2014 IEHC 238] at para. 20 per Charlton J as a planning permission for a road, and indeed it could be said that this procedure has all the hallmarks of being a grant of planning permission. In those circumstances, it is absolutely extraordinary that the owner of the land over which the permission/approval is being sought does not receive direct notification of same other than a notice being placed in a newspaper which may or may not be read, much less understood by an ordinary landowner,

and no consent or authorisation is sought of the landowner for this process. This is all the more troubling, where the process involves no other right of appeal (in contrast with regular planning law) other than by way of Judicial Review.

12. An ordinary landowner, as in this case our client who is a small farmer with no formal education in any matters of planning, local authority law or administrative law, could not in any sense be expected to understand the complexity of the laws relating to compulsory acquisition of land, much less could he be expected to understand the interrelationship between the compulsory purchase laws, planning laws and the laws relating to construction of roads under the Roads Act. Each of these codes, namely the compulsory acquisition laws, the planning laws, and the provisions of the Roads Act 1993, consist of the most complex legal procedures in the Republic of Ireland, and in circumstances where all three of these codes, are coalescing into a singular effect on certain landowners such as our client in this case, there is an absolute obligation incumbent upon the acquiring authority and indeed An Coimisiún Pleanála to ensure that all affected landowners are fully apprised of the procedures and the laws and their rights and their entitlements and that these are explained and the interrelationship as to how all these various laws and procedures interact must be explained by the relevant authorities in a tangible and coherent way and opportunities given to each of the landowners to assess all of these matters in a timely fashion.
13. Instead, what has occurred is that the Roads Authority of Donegal County Council have decided to merge all of these processes into one singular timeline and to condense and compress all procedures into one unified procedure, obviously with a view to create a self-serving administrative procedure in the quickest timeline possible. However, this approach is simply unacceptable.
14. Pursuant to the provisions of the Aarhus Convention, members of the public have been granted the right to information, the right to public participation and the rights of access to justice. A system such as the above, such as outlined above, in which inadequate notice has been given to those members of the public who are directly affected by this scheme, and where no tangible or coherent explanation has been given to those members of the public as to what in fact is taking place, together with the fact that all of these procedures are taking place within the same timeline, renders it a truly impossible task for ill-informed members of the public,

who are only partially informed of what exactly is taking place, could possibly have their rights vindicated. The above procedure is in direct breach of the principles of the Aarhus Convention.

15. The above procedures are in fact in direct breach of fair procedures, natural and constitutional justice, to include the right to be heard, *audi alteram partem*.
16. Our clients are quite satisfied that most of their neighbours have absolutely no clue or understanding of the complexity of the arrangements which have been put in place or of their rights to participate in this because of inadequate notification, and indeed, we are informed by our client and his family that most of the people have simply resigned themselves to doing nothing about this state of affairs because they believed there was nothing they could do in circumstances where no adequate notification has been communicated in respect of the range of issues which arise and in particular the inadequate notification arising in respect of the section 51(3)(a) notice and the undoubted confusion that arises between both processes or both procedures being processed simultaneously rendering it impossible for ordinary landowners to come to grips with the nature and effect of the effect on their properties. This matter is of all the more concern where it relates to a person like our client who is losing almost half of his agricultural enterprise, in effective terms, as the remainder of the land left to our client in the townland of Drumboe, will in fact perhaps be more of a burden to him than an asset in the future. The situation is accentuated all the more as we understand there are a large number existing residents who are actually losing their entire dwelling houses, and there must be grave concerns with regard to the confusing nature in which this entire process has been advanced on behalf of all of the affected landowners and the consequent failure to advise them of all of their rights to include their constitutional rights.
17. On the above basis, we believe that both the application for the confirmation of the Compulsory Purchase Order 2006 and the approval of the proposed road development under Section 51 of the Roads Act 1993 should both be deemed to be invalid, and a full, proper and meaningful explanation of both schemes separate as they are, should be set forth in understandable terms to all landowners affected and persons who are losing their properties, so that they can make a meaningful decision with regard to what submissions they wish to make in relation to both processes. For both procedures to proceed further, as it appears to be

intended that they will both be dealt with at the one time, will taint the whole process as being an unfair procedure.

Preliminary Objection No. 2

18. This development consists of a development in three stages, namely:

- (i) Section 1 N15 Ballybofey/Stranorlar Urban Region, consisting of a proposed 25.5km of roads, 3 compact grade separated junctions, 3 at grade roundabout type junctions, a 360m long seven span bridge, 2 river/stream bridges, 7 overbridges, 5 underbridges, 3 underpasses, culverts, gantries, environmental barriers, provision of active travel infrastructure, access roads and ancillary works.
- (ii) Section 2 N56/N13 Letterkenny to Manorcunningham, consisting of a proposed 21.8km of roads, 1 grade separated junction, 5 at grade roundabout junctions, a 235m three span bridge, 3 overbridges, 3 underbridges, 1 active travel overbridge, 1 active travel river bridge, 2 active travel underpasses, culverts, gantries, environmental barriers, active travel infrastructure, access roads and ancillary works.
- (iii) Section 3 N14 Manorcunningham to Lifford/Strabane/A5 Link consisting of a proposed 34.1km of roads and 5 no. junctions.

19. Each of these three sections of road are separate and distinct projects. The Roads Authority for Donegal County Council has decided to treat all of the three projects as the one project and progress this application as one very large application. It is directly affecting in excess of 2000 landholdings. The net result of this is that the quantity of reports, documentation and studies required to analyse this matter runs to thousands of pages, causing it to become a project of such scale that it is simply beyond the scope of any of the hundreds of private individuals who are directly affected by the project to be in a position to engage with such scale and complexity. No explanation has been given as to why these separate projects have been coalesced together other than the possibly perceived convenience to the Roads Authority to deal with this with these separate projects as one batch.

20. In fact there is no physical connection between section 1 of the project and sections 2 and 3.

It is the case that the scale of a project matters and the manner in which that scale is presented to those who are affected by the project is also of major significance. The distinct impression has been created for persons directly affected by the project is that it is, *'too big to fail'*, by reason of its scale and enormity, of course by reason of its scale and enormity, wherein 3 projects are joined together as one, when in fact they are each separate and distinct road projects. When this particular complaint is coupled with preliminary objection no. 1 in relation to the lacuna that exists in relation to the ability of parties to participate on the notification procedures, it creates a circumstance that results in the process, being intrinsically unfair to such persons.

Objection to the proposed alignment where it passes through our client's landholding

21. Having reviewed the application documentation, our client is concerned that while work has been undertaken to assess the environmental and agricultural effects of the chosen alignment, that the detailed alignment through our client's holding has not been sufficiently demonstrated to represent the least impactful practicable option.

22. In particular, our client has been unable to identify sufficient information explaining how the detailed alignment was refined at the farm level to minimise permanent impacts on productive agricultural land while balancing the other environmental, engineering and planning constraints associated with the project.

23. For the purposes of this observation, references to agricultural effects are intended to include the impact on agriculture and other forms of primary production, together with the productive capacity of the land resource, the finite soil resource, its life supporting capability, and the long term productive potential of the land, including its capacity to support other forms of primary production such as horticulture.

24. For the reasons set out in this observation, our client respectfully requests that the Commission refuse permission for the proposed development in its current form and require that any future application be supported by a more detailed ground level assessment of local alignment options, demonstrating that the proposed route has been optimised to

promote the continued functionality of our client's agricultural holding while appropriately balancing all relevant environmental, engineering and planning considerations.

Description of the Subject Holding

25. The subject holding is located within the townland of Drumboe Lower, Stranorlar, County Donegal. The holding extends to approximately 15 hectares and comprises a generally contiguous agricultural unit located between Mill Cottages Road to the west, Drumboe Cottages Road to the north and the River Finn, which forms the southern boundary of the holding.



Figure 1. Location of Subject Holding



Figure 2. Aerial of Subject Holding.

26. Existing farm access is provided from the junction of Mill Cottages Road and Drumboe Cottages Road, from where access is available to the agricultural fields within the holding. The holding functions as a single agricultural unit, with the individual fields operating collectively as part of the overall farm enterprise.
27. The lands are generally open in character with a gentle fall in topography towards the River Finn.
28. The holding is currently utilised for sheep grazing and the production of grass as agricultural fodder. The lands have previously supported a productive cattle enterprise, demonstrating their versatility and capacity to accommodate different forms of primary agricultural production over time.
29. A 110 KV overhead electricity transmission line traverses the holding in a north east to south west direction and forms an established feature within the site. The River Finn defines the southern extent of the holding, whilst residential development is located to the north beyond Drumboe Cottages Road.

30. The lands subject to this submission comprise the following plots identified within the Compulsory Purchase Order documentation, upon Sheet 4 of 8 of Compulsory Purchase Order, 2026 - Deposit Map:

- 1050 A.102
- 1050 A.103
- 1050 A.104
- 1050 A.105
- 1050 A.106
- 1050 A.107
- 1050 A.108

31. These plots form part of the wider agricultural holding illustrated on the Compulsory Purchase Order Deposit Plans.

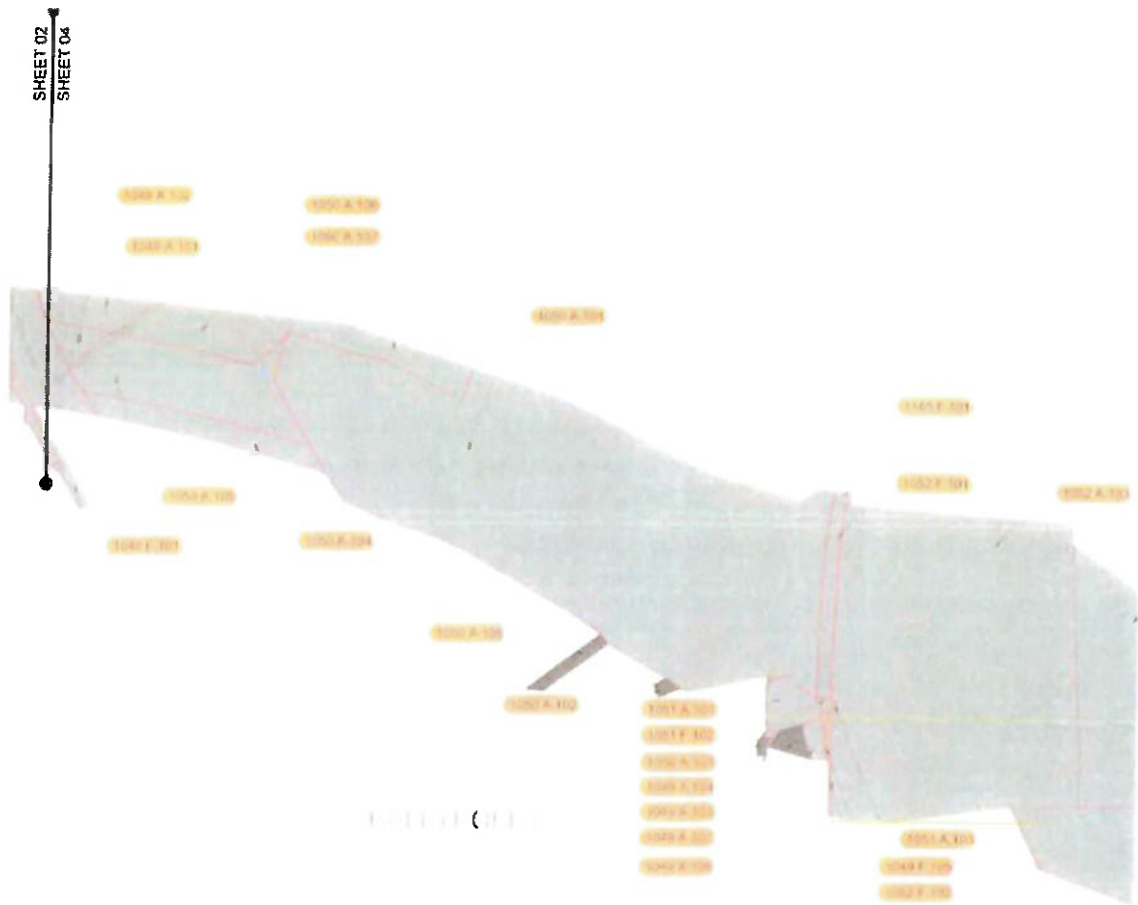


Figure 3. Subject Holding and CPO land identified (From Sheet 4 of 8 of Compulsory Purchase Order 2026 – Deposit Map.)

32. Figures 4 and 5 illustrate the existing character and use of the holding. The photographs show the generally open agricultural landscape, the existing field pattern, the relatively flat to gently undulating topography and the presence of the existing 110kv overhead electricity transmission line.



Figure 4. View across the holding from the west.



Figure 5. View across the central portion of the holding showing the existing 110kv overhead electricity transmission line.

Consideration of Alternative Local Alignments

33. The application documentation demonstrates that a comprehensive assessment of strategic route alternatives has been undertaken in selecting the preferred corridor for the proposed development. Consideration has been given to a broad range of engineering, environmental and planning constraints, and the preferred route has evolved through an iterative design process. This observation is concerned with the subsequent stage of the design process, namely the refinement of the detailed alignment through individual agricultural holdings.
34. Whilst the application contains a detailed assessment of the effects arising from the selected alignment, it is considerably less clear how the final alignment through individual holdings was itself determined. The distinction is important, as an assessment of the effects of a chosen alignment is fundamentally different from demonstrating why that alignment represents the least impactful practicable solution.
35. The agricultural assessment provided in the EIAR documentation identifies the impacts arising from the proposed acquisition, including permanent land take, severance, accommodation works and residual effects. In the case of the holding, the assessment acknowledges a significant permanent impact. However, the application provides comparatively little explanation as to how those impacts influenced the detailed alignment during the design process, or whether alternative local alignments within the preferred corridor were examined in order to reduce those impacts where reasonably practicable.
36. This issue is particularly relevant having regard to the extent of land affected. The application documentation identifies the specific land parcels proposed to be acquired and quantifies the permanent land take from the holding. However, neither those schedules nor the agricultural assessment clearly demonstrate how the alignment relates to the distribution of productive agricultural land within the holding, the existing field configuration, farm access, operational efficiency or the ongoing functionality of the agricultural enterprise.
37. Similarly, whilst the application identifies the overall agricultural land classification associated with the holding, it has not been possible to determine from the publicly available documentation how the distribution of higher and lower quality agricultural land

across the holding informed the final alignment. Without this information, it is difficult to understand whether the alignment has avoided the most productive areas where reasonably practicable, or whether opportunities existed to reduce the permanent impact on the agricultural resource through local refinement.

38. The importance of this assessment extends beyond simply understanding the effects of the proposal. The selection of a detailed road alignment through an individual agricultural holding necessarily depends upon an understanding of the characteristics of that holding, including the distribution of productive agricultural land, field layout, existing access arrangements, drainage patterns and the continued operation of the farm. These are matters that should inform the design process itself before a final alignment is selected.
39. In the absence of a clearly documented assessment demonstrating how these matters influenced the detailed alignment, it is difficult to understand how the proposed route through the holding has been optimised, or how the Commission can be satisfied that the permanent impacts on the agricultural resource have been minimised to the greatest extent reasonably practicable.
40. Furthermore, the publicly available documentation does not readily identify holding specific plans or mapping demonstrating the relationship between the proposed alignment, the affected land parcels, the internal field structure and the agricultural characteristics of the holding.
41. At the very least, any site specific assessment and associated mapping informing the detailed alignment should form part of the publicly available application documentation. It appears that EIAR Volume C – Technical Appendices, Chapter 15, where such supporting information would ordinarily be expected, is not available within the publicly accessible application documentation.
42. The type of holding specific mapping capable of informing this assessment is illustrated in Figures 6 and 7 below, demonstrating how the spatial distribution of soil resources across an individual agricultural holding can be identified and considered as part of detailed route optimisation. In the absence of equivalent information, it is not possible to properly

understand or scrutinise the basis upon which the detailed alignment through the subject holding was selected.



Figure 6. Illustrative Example One of Property Scale Land Resource Mapping.

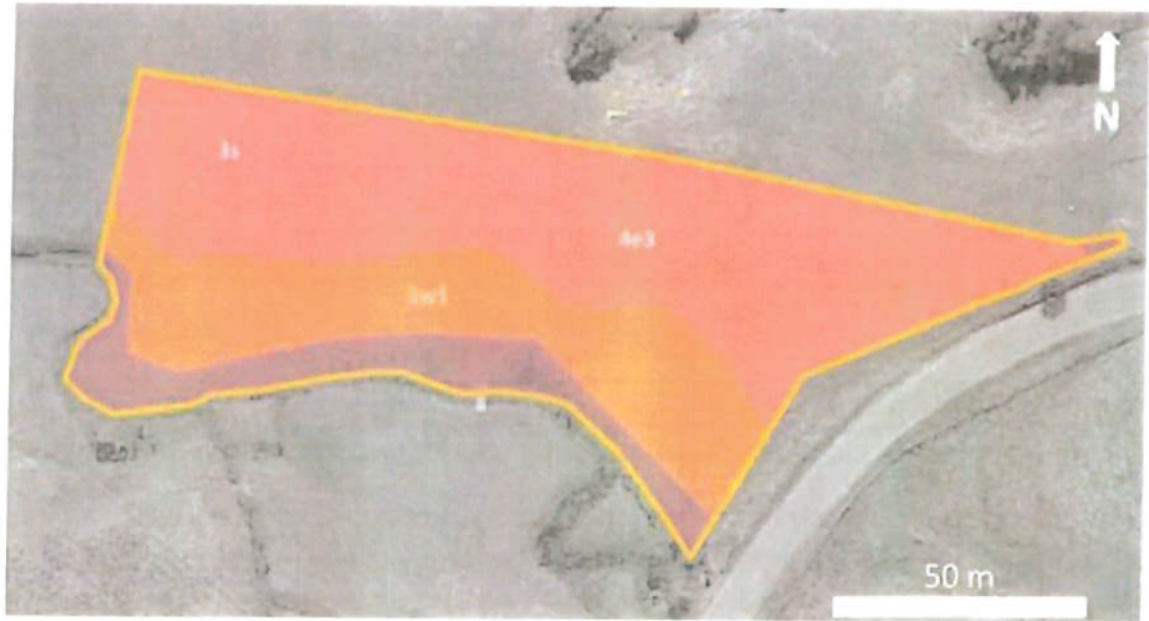


Figure 7. Illustrative Example Two of Property Scale Land Resource Mapping.

43. The publicly available application documentation does not provide sufficient holding specific information to enable the basis for the detailed alignment through the subject holding to be properly understood.
44. This is not a matter that can appropriately be addressed following the grant of permission through the imposition of planning conditions. The detailed alignment forms part of the development for which approval is sought and must therefore be justified before permission is granted. Once the alignment has been approved, the fundamental planning judgement regarding its location has already been made.
45. Accordingly, it is respectfully submitted through this observation that the application does not sufficiently demonstrate that the proposed alignment through the land holding represents the least impactful practicable local alignment, nor does it provide the Commission with sufficient information to conclude that the permanent impacts on the agricultural holding have been appropriately balanced against the other engineering, environmental and planning considerations informing the final design.

Balancing of Planning Considerations

46. The planning of major infrastructure projects requires many competing considerations to be balanced before a final alignment is selected. These include transport objectives, engineering constraints, ecology, archaeology, hydrology, landscape, existing land uses and the protection of productive agricultural land. It is accepted that no single consideration should determine the outcome and that an appropriate balance must be achieved between all relevant factors.
47. Having reviewed the application documentation, it is evident that considerable weight has been given to environmental and engineering considerations during the evolution of the project. The Environmental Impact Assessment Report contains extensive technical assessments describing ecological, hydrological, archaeological and other environmental constraints, together with measures to avoid, reduce and mitigate their effects. These assessments clearly informed the development of the preferred route.
48. Chapter 15 provides a detailed assessment of the effects of the selected alignment on agricultural holdings, including land take, severance, accommodation works and the impact on farm operations. However, the assessment is principally directed towards describing the impacts of the chosen alignment, rather than demonstrating how the agricultural resource influenced the selection of that alignment in the first place.
49. This is an important distinction. A planning authority is required to consider not only the effects of a proposal, but also whether the proposed development represents the most appropriate planning solution having regard to all relevant considerations. That judgement can only be made where the balancing exercise leading to the selected alignment is clearly demonstrated.
50. Productive agricultural land is recognised at both European and national level as a finite resource that underpins food production and rural sustainability. The European Union Soil Strategy for 2030 identifies healthy soils as essential to food security and seeks to reduce unnecessary land take and protect soil functions. Similarly, the Common Agricultural Policy recognises soil as a non-renewable resource requiring sustainable management.

These policy objectives reinforce the importance of avoiding the unnecessary permanent loss of productive agricultural land where reasonably practicable.

51. This submission does not suggest that the protection of agricultural land should take precedence over ecological or other environmental considerations in every case. Rather, it is observed that productive agricultural land should be afforded equivalent consideration during the design process as one of the finite resources affected by the development.
52. In practice, this means considering whether alternative local alignments could achieve a better overall planning outcome. In some locations, ecological constraints may properly dictate the alignment. In others, there may be opportunities to reduce the permanent loss of productive agricultural land while continuing to achieve the environmental and engineering objectives of the project. Where ecological effects can be appropriately avoided, minimised or otherwise addressed through the mitigation hierarchy, it may be possible to achieve a more balanced outcome than that currently proposed. Equally, there will be circumstances where this is not possible. The important point is that the comparative assessment should be undertaken and clearly demonstrated.
53. Having reviewed the application documentation, it is not clear that this comparative balancing exercise has been carried out at the detailed alignment stage through the land holding. The documentation explains the impacts of the selected alignment, but it does not sufficiently demonstrate why that alignment represents the optimum balance between the protection of productive agricultural land, environmental considerations, engineering constraints and the wider objectives of the project.
54. This is particularly significant because the permanent loss of productive agricultural land cannot be reversed once the development is constructed. The decision as to where that permanent loss occurs is therefore a fundamental planning judgement which should be fully justified before planning permission is granted.
55. For example, it appears that a viable alternative route would have been to have the new road traversing through an existing holding of land owned by Coillte Teoranta, which currently consists of sitka spruce woodland.

56. It is understood that this large woodland forest is second generation sitka spruce. It is well recognised in the forest industry that sitka spruce woodland does not enhance the soils but rather degrades the soils and indeed after a third rotation of sitka spruce, monoculture such as this, the soil is actually considered to be spent. As such, the traversing of this roadway through the Coillte Toeranta sitka spruce monoculture forest would have been, on balance, a much more practical usage of land as the excellent farm of land which our client owns would be preserved for future generation of the Kee family. Indeed, this particular realignment would also, it is understood, prevent a number of family homes from being demolished.

57. Accordingly, it is respectfully submitted through this observation that the application does not provide sufficient information to demonstrate that the proposed alignment through the land holding represents the best overall balance between the competing planning considerations. A different local alignment within the preferred corridor may have reduced the permanent loss of productive agricultural land whilst continuing to satisfy the project's engineering, environmental and transport objectives. On the information before the Commission, it has not been demonstrated whether such alternatives were identified, assessed and discounted during the design process.

58. Accordingly, it is respectfully submitted through this observation that the application should be refused in its current form. A revised proposal should demonstrate, through a robust assessment of local route alternatives, that the selected alignment minimises permanent impacts on the productive land resource whilst achieving an appropriate balance between agricultural, environmental, engineering and transport considerations.

Overall Planning Effects of the Proposed Alignment

59. Whilst the preceding sections focus on the consideration of alternative local alignments and the balancing of planning considerations, the proposed alignment also gives rise to a number of additional planning effects on the subject holding. When considered collectively, they reinforce the importance of demonstrating that the selected alignment represents the least impactful practicable option.

Permanent Fragmentation of the Holding

60. The proposed alignment will permanently divide an existing agricultural holding into separate areas, altering the existing field configuration and the relationship between those fields. This has the potential to reduce operational efficiency and increase the complexity of day to day farm management. These effects arise directly from the location of the proposed alignment and should therefore be considered as part of the alignment selection process. These are long term planning consequences that extend beyond the initial construction of the project.

Existing Farm Access and Internal Connectivity

61. The holding is currently accessed from the junction of Drumboe Cottages Road and Mill Cottages Road. The proposed alignment has the potential to alter the movement of machinery, livestock and farm vehicles throughout the holding. The long term practicality of accessing and managing the remaining land should form part of the overall assessment of the proposed alignment. The impact of this does not appear to have been assessed specifically for this site.

Existing Infrastructure

62. The holding already accommodates a 110 KV overhead electricity transmission line. The proposed development introduces a further strategic infrastructure corridor through the same property, increasing the concentration of infrastructure within the holding. Consideration should also be given to the ongoing access required for inspection and maintenance of the transmission infrastructure and how this relationship has influenced the detailed alignment.
63. It is also not apparent whether opportunities existed to retain the transmission corridor within the agricultural land itself, rather than incorporating it within or immediately adjoining the proposed transport corridor, thereby increasing the degree of fragmentation experienced across the holding. This should be considered in order to preserve the most practical agricultural use of the site as a whole.

Visual Amenity and Rural Character

64. The subject holding is characterised by an open agricultural landscape with extensive views to the River Finn and the surrounding rural area. The openness of the site means that the proposed transport corridor will become a prominent and permanent feature within the holding, fundamentally altering its existing rural character.
65. Whilst the application includes a landscape and visual assessment of the proposed development at the wider project level, it is less clear how the detailed alignment and associated infrastructure have been designed to integrate with the specific characteristics of this holding. Given the openness of the site, greater consideration would be expected as to how the detailed alignment, earthworks, structures, boundary treatments and associated infrastructure have been arranged to minimise the visual presence of the development within the holding where reasonably practicable.
66. This is not simply a matter of visual appearance. The integration of a major transport corridor into an open rural landscape is a fundamental planning consideration that should be demonstrated before planning permission is granted. On the information currently before the Commission, it has not been demonstrated that the proposed alignment has been sufficiently integrated into the characteristics of the subject holding or that its permanent visual effects have been minimised through the detailed design process. This further reinforces the conclusion that the selected alignment has not been adequately justified.

Active Travel Infrastructure

67. The proposed development includes active travel infrastructure forming part of the overall transport corridor. It also increases the overall width of the corridor and the extent of permanent land required through the subject holding.
68. In the context of this site, the active travel infrastructure forms part of the overall corridor footprint and therefore contributes to the permanent loss of productive agricultural land, the fragmentation of the holding and the long term operational effects arising from the proposed alignment. It is not apparent from the application documentation whether the layout and positioning of the active travel infrastructure have been specifically considered as part of the local alignment optimisation process, or whether opportunities existed to reduce the overall corridor footprint through the holding whilst continuing to achieve the

project's active travel objectives. This exercise should be undertaken at a minimum in order to have a balanced route consideration.

Cumulative Planning Effects

69. The matters identified above should not be considered in isolation. Collectively, they demonstrate the extent to which the proposed alignment will permanently alter the agricultural holding through land take, fragmentation, operational change, additional infrastructure, changes in rural character and ongoing management requirements.
70. When these cumulative effects are considered alongside the concerns raised elsewhere in this submission regarding local alignment assessment and the balancing of planning considerations, they reinforce the need for a more robust demonstration that the selected alignment represents the least impactful practicable option.

Rural Amenity of the Holding

71. The subject holding is not simply an area of agricultural land. It is an established rural property that is occupied, managed and experienced as a single, integrated holding. The proposed alignment will introduce a permanent transport corridor through the centre of the property, fundamentally changing the amenity of the holding and the way in which it is occupied, managed and experienced into the future.
72. Whilst the application assesses a range of environmental effects, including landscape, visual, noise and other environmental matters, these assessments are undertaken on a topic by topic basis. It is less apparent that the combined effect of these changes on the amenity and overall functionality of the holding has been assessed as a single planning consideration.
73. The permanent introduction of a strategic transport corridor associated active travel infrastructure, additional traffic, changes to the rural setting, fragmentation of the holding and the concentration of multiple infrastructure corridors collectively alter the character and amenity of the property. These are not simply environmental effects; they are permanent planning consequences arising from the location of the proposed alignment.

74. On the information before the Commission, it has not been sufficiently demonstrated that these cumulative effects on the rural amenity of the holding have been minimised through the detailed alignment process. Had a more appropriate local alignment been identified, one that better respected the existing configuration and operation of the holding, many of these amenity effects could reasonably have been reduced whilst continuing to achieve the wider objectives of the project.
75. These matters relate to the fundamental planning judgement concerning the location of the proposed development. They are not matters that can readily be addressed after planning permission has been granted, as the alignment itself forms an integral part of the development for which approval is sought.
76. Accordingly, the Commission is respectfully requested to:
- a) Refuse permission for the proposed development in its current form; and
 - b) Require that any future application be supported by a comprehensive, site specific assessment demonstrating that the detailed alignment has been optimised at the individual holding level, that all practicable local alternatives have been considered, and that the permanent loss of productive agricultural land and the finite soil resource has been avoided or minimised wherever reasonably practicable whilst achieving the overall objectives of the project.
77. Our client respectfully considers that a revised alignment, informed by a more comprehensive assessment of local alternatives and the protection of the productive agricultural land resource, would better achieve the principles of proper planning and sustainable development.

Likely effects on the environment of the proposed development and likely significant effects of the proposed development on a European site.

78. Our client has significant concerns regarding the receiving environment in the vicinity of the proposed development and likely significant effects thereon.

79. The Natura Impact Statement (the NIS), at page 75 thereof, states that there will be no temporary construction phase in-channel works or permanent in-stream footprint within the River Finn in Section 1. Section 1 is the section of the project in which a large bridge is to be constructed which will landfall on our client's property. This bridge will directly cross over the river and be supported by up to six piers together with a southern abutment and a northern abutment. Drawings of this huge bridge are contained in the Environmental Impact Assessment Report (the EIAR) at drawing numbers 4.13, 4.14, and 4.15 – copies attached.
80. The NIS and EIAR state that there will be no footprint of this bridge within the River Finn Special Area of Conservation (River Finn SAC). Our client does not accept this finding. Drawing 4.13, which is attached to this submission, purports to show the SAC boundary of the River Finn. The boundary as depicted on this particular drawing appears to indicate that the SAC boundary simply runs from one bank of the river channel to the other bank of the river channel. We enclose herewith a copy of the map of the River Finn Special Area of Conservation, Site Code 002301 on a scale of 1:7,500. The location of our client's lands is marked on this map, coloured green. It is to be seen that on our client's lands there is a significant area along the bank of the river comprising of what our client believes to be up to between 8 and 12 metres, which is situated within the SAC. Accordingly, the comments in the NIS and the EIAR that no construction works are taking place within the SAC are in fact materially incorrect and are not an accurate representation of the actual boundaries of the SAC. It would appear that one of the series of piers consisting of four pillars will most certainly be situated within the corridor of the actual SAC according to the said SAC map as prepared by National Parks and Wildlife Services.
81. It is considered that the assessment under the Habitats Directive, encompassed in the Stage 1 screening and in the Natura Impact Statement, is in fact incorrect, as it seeks to portray that the entirety of the construction works will occur outside the SAC, but our client is of the view that works will actually take place within the corridor of the SAC, which is situated on the northern bank of the river on our clients' lands. Our client is an expert as to the extent of his landholding.

82. Accordingly, and having regard to the gravity of the situation that there can be no piecemeal encroachment onto an SAC, we say that a fresh screening under the Habitats Directive and Appropriate Assessment needs to be carried out to take account of the fact that there is in fact a material encroachment within the SAC.
83. Even if there were to be a dispute or debate as to exactly where the boundary of the SAC lies (although we say it is clear from the maps that there is a significant portion of Mr. Kee's lands within the boundary of the SAC), the simple fact of the matter is that the extensive excavation works that are required to pile drive the pillars supporting the bridge in this location will undoubtedly have a significant direct effect on the SAC and that these works need to be properly assessed. The said works will involve significant excavation and displacement of soils, all of which has to be considered in detail particularly having regard to the sensitivity of the River Finn SAC, and these matters have not been properly assessed. Furthermore, it is undoubtedly the case that the large cranes which will be working on the lands for the purposes of this extensive construction and engineering work, will have major compressive effects of the soils in the immediate vicinity of the SAC. The impacts of same needs to be fully and comprehensively addressed.
84. Accordingly, the comments in the NIS that the bridge construction involves no temporary or permanent in-stream footprint or incursion into the SAC is deemed to be incorrect. The NIS on page 76 goes on to state, that the proposed pre-commencement ground investigation works will be rotary core boreholes will include archaeological surveys and testing. It states that the works are located 8 metres minimum away from the river channel, which is outside the SAC boundary. It goes on to state that there are no temporary bridge construction works required within the SAC. This is disputed as it is considered that the northern boundary of the SAC on our client's lands is considerably more than 8 metres in width.
85. One of the qualifying interests for the River Finn SAC is salmon (*salmo salar*). It is recorded that the River Finn rises in the Stack mountain range in central County Donegal, draining in a predominantly easterly direction towards Ballybofey/Stranorlar to confluence with the River Foyle at Lifford/Strabane. The main channel of the River Finn is a designated salmonid water, and is part of the River Finn SAC Site Code 002301. It is considered one of Ireland's premier spring salmon waters.

86. Page 43 of the NIS refers to the bridge over the River Finn, which will land directly on our client's lands. Again it is stated that there would be no in-stream footprint or no permanent footprint within the SAC, which is disputed. It is acknowledged that the riparian habitat on the left-hand side, which is our client's lands, consists of tree lines, hedgerow and improved agricultural grassland. Our client is concerned that the hazel and oak scrubland, which is ideal riparian arboricultural habitat will be removed and destroyed in order to accommodate the piers and buttresses for the bridge. The NIS is singularly silent with regard to this natural habitat, and indeed its removal, which is within the SAC, appears to be absolutely inevitable, and it is the source of great concern to our client that the report is silent on the destruction of this essential habitat along the bank of the river on our client's lands. Please see enclosed photograph of the riparian woodland on our client's lands.
87. A further source of acute concern for our client relates to the construction of the bridge on his lands, with specific reference to the repeated commentary that there will be no in-stream footprint and no permanent footprint within the SAC. This bridge will perhaps be the largest bridge being constructed in County Donegal in the last quarter of a century. The drawings set out at 4.13, 4.14, 4.15 in the EIAR indicate the enormous scale of this engineering project. It will permanently dwarf the surrounding landscape and permanently and irrevocably alter the entire surrounding landscape.
88. The definition of "*development*", under Section 3(1) of the Planning and Development Act 2000, as adopted at section 2(1) of the Roads Act 1993 means:
- "Except where the context otherwise requires, the carrying out of any works on, in, over, or under land, or the making of any material change in the use of any structures or other land".*
- "Works", are defined in Section 2(1) of the Act of the Planning and Development Act 2000 as amended, as including:
- "Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal."*

89. In the context of this bridge which constitutes development within the meaning of the definition in both the Planning Act and the Roads Act, and which by its very essence relates to the carrying out of works "*on, in, over or under land*". This definition is impossible to reconcile with the repeated attempts by the Road Authority to state that there is no encroachment on the SAC. The bridge, by its very nature, is development of land over the SAC and the area above the SAC, namely the land space above it, obviously constitutes part of the SAC itself. This has obvious consequences for the SAC. The position of the bridge over the river will have a direct impact on the flight paths of all manner of avian fauna who would be using the river corridor as one of the safe areas in which to traverse the landscape, it being a corridor which has traditionally not been impeded in this location.
90. A further possible consequence is that the presence of this very large structure will shade the river and have an effect on the resident insect and invertebrate population in the area, all of which is crucial for the successful perpetration of the salmon colony within the River Finn. It appears that these effects have not been considered or assessed. In addition, consideration must be given is the noise impacts on the resident avifauna, all wildlife, our client and his livestock for the residue of the farm in this area.
91. Accordingly, there is a direct in situ effect on the SAC as a result of the construction of this vast bridge structure over our client's lands and property, and the Appropriate Assessment Screening Report and the NIS Report are both insufficient and incorrect insofar as that they do not provide a proper assessment on the likely effects of the on the environment of the proposed road development and the likely significant effects of the proposed road development on the European site.
92. Whilst the Roads Authority and the Engineering Department have gone to great lengths to portray the boundaries of the SAC as remaining intact and unaffected by the works, and whilst, as stated above, this is disputed by our client, it must be understood that in the greater analysis of the protection of the environment, that such analysis is utterly academic and pedantic in terms of a meaningful analysis of the effects on the environment. The boundary of the SAC is a man-made line on a map and such a boundary does not exist in the natural environment. To suggest that because that line has not been breached, but that within a metre or two of it one of the most large-scale

industrial developments ever undertaken in County of Donegal is going to take place, would not affect the SAC in any manner, shape or form, is an utter contrivance. Such an approach, namely to artificially suggest that the development of this scale taking place in this location has no effect on the SAC because it does not cross an imaginary line, but is going to take place on either side of it and above it, displays an approach which is completely lacking in the fundamental understandings of the protection of the environment as contained in the Habitats Directive. Such an approach should not be countenanced as it undermines the credibility of the entire concept of environmental protection as enshrined in the Habitats Directive, and there must be a full and holistic approach, free from contrivance, as to how this enormous development is going to have direct impacts on the receiving environment.

Climate Effects

93. This development constitutes one of the largest infrastructural developments undertaken in the county of Donegal at any time. It involves the utilisation of vast quantities of material extracted from the earth, and the permanent removal of arable lands from the agricultural enterprise of Ireland. It is being built for the purposes of facilitating motorized traffic.
94. It clearly contemplates that the scale and volume of the traffic of motor vehicles is going to increase in the future, and the purpose of this vast development is to facilitate this. Obviously, the facilitation of further traffic of motorised vehicles, which year on year are getting larger and larger, is going to result in further bottlenecks throughout the county of Donegal and beyond. This is a never-ending spiral of the delusion of growth.
95. The cost to the environment in terms of the interference with the natural habitats, not alone SPAs, SACs NHAs and other European and protected sites, but in terms of the overall general environment is, in real terms, incalculable insofar as unalterable and irrevocable changes are being made to the landscape at the cost of the natural environment. Given the fact that motorized traffic has only been a phenomenon in the world for scarcely 100 years, the proposed accommodation of infrastructure of this scale comes at an enormous cost to the natural world.

96. Taking our client's farm alone, it constitutes some of the best and most fertile arable land in County Donegal. The farm at Drumboe will be utterly devastated in that 20 acres of the farm will be permanently utilised as part of the road project and there will be such disturbance to the remaining 15 acres that they will be almost unusable. Ireland is a country which imports between 80 and 90% of all of its fruits and vegetables. The removal of such fertile and arable land as this from the production of food on a permanent basis constitutes unsustainable planning in the circumstances. Arable land is a dwindling resource, particularly in the current development-driven era in which we live in this country.
97. Once our client's lands are destroyed, as they will be having regard to the scale of the disturbance of soils and displacement, they will never be capable of restoration. The development of a project such as this, in which consideration should be given to degrowth, rather than never-ending growth, constitutes improper planning and development and is utterly unsustainable.
98. The analysis in relation to climate effects has not been fully ascertained, as it should by definition, calculate the carbon cost of all the materials that goes into creating the project to include the cost of extraction and same, the cost of fuels of the extraction of same, and the cost of the environment of the loss of resources in producing all of the materials for a project such as this. The calculation should include the permanent ongoing annual effect of the volumes of traffic and the cost to the environment of the production costs and fuel costs of all such traffic as it impacts on the receiving environment over the coming decades. Having regard to the ongoing and unrelenting degradation of the natural habitats in Ireland (in which 90% of all European sites are deemed to be in poor condition), it is irresponsible to be engaging in development of this magnitude at such a cost to the environment.
99. There is no realistic balancing exercise that can be engaged in that can compensate for the permanent interference, damage and destruction that will occur to the environment as a result of projects of this nature, and future generations of this country, who do not seem to be factored into the equation, will not thank the current generation for inflicting such unsustainable development on the country at the expense of the natural environment.

Local Government Act 1946, Part IV.

100. As part of the application to An Coimisiún Pleanála, Donegal County Council engaged in pre-application consultation under Section 51A of the Roads Act 1993 (as amended), and meetings were held on the 9th of December 2025, 24th of July 2025, 22nd of October 2021, 2nd of September 2021, 6th of July 2021, 15th of January 2021, and 17th of September 2020, and it appears that a site inspection was carried out by Inspector Stephen Rhys Thomas on the 19th and 20th of December 2025. A report was prepared by Mr. Thomas, in relation to the pre-application consultations dated the 23rd of March 2026.
101. The Inspector states that the main points discussed were project need, overview, planning policy background, design process, and benefits. Landowner and public consultation, Appropriate Assessment and Environmental Impact Assessment were discussed at length. The Commission representatives identified several areas of interest, including potential impacts on the landscape, cultural heritage, flood risk, drainage and ecology, including the relationship with European sites and biodiversity. The scale of the project was noted and the option for formal scoping with reference to the EIAR was indicated as an option. Nowhere in this documentation is there a reference to the requirements of the Local Government Act 1946 in respect of the construction and reconstruction of bridges, viaducts and tunnels.
102. Section 44-(1) of the said act states:
- “44.-(1) Where a road authority are of opinion that the construction or reconstruction of a bridge forming part of a road, viaduct forming part of a road or tunnel through which a road passes or is intended to pass (including any such bridge, viaduct or tunnel wholly or partly outside their functional area) is expedient for the purpose of improving road communications between places within their functional area or between places within and places outside that area or for the purpose of improving road communications through that area, they may apply to the Minister for an order providing for such construction or reconstruction (as the case may be).*
- (2) The making of the application for the bridge order shall be a reserved function.*

(3) The application for the bridge order shall state the nature of the work and the manner in which road communications will be improved thereby and may make proposals for the defraying of the expenses of the work and of the maintenance of the bridge by two or more road authorities."

103. In circumstances where the bridge being constructed on our client's land will be one of the largest bridges ever to be constructed in Donegal, it is surprising to note that no consideration appears to have been given to the provisions of the Local Government Act 1946, and indeed the statutory exercise in which a road authority are to form an opinion that the construction of a major bridge is expedient, that they may then apply to the Minister for an order providing for such construction. as the case may be. Nowhere in the documentation available in relation to this process is it apparent that such an application has been made.
104. We say that this is a very significant matter insofar as our client is concerned. For the purposes of making a Bridge Order, a preliminary report has to be prepared, setting out the feasibility of the work, the probable cost of the work, the manner in which the work can best be executed and where the work is the construction of the bridge, the best situation for the bridge (see Section 46). Furthermore, Section 47 of the said Act states that after consideration of the preliminary report, the Minister may cause a Local Inquiry to be held to consider the work. The preliminary report and any information relating to the work to be given to the Minister pursuant to paragraph c of subsection 4 of Section 46 of the Act. Section 48 states that the making of a bridge order states, *inter alia*, that the making of a bridge order shall not be made by the Minister unless every road authority to which the bridge order applies has consented to such application, or that the following things have been done, namely a preliminary report has been prepared and furnished under Section 46 and a local inquiry has been held under Section 47 of the Act.
105. The above statutory protections are of very considerable importance to our client, given the fact that this large bridge is to be constructed on his property, and the failure to carry out this exercise is a breach of the statutory duties and invalidates the application under Section 51 of the Roads Act in the specific circumstances of this case.
106. Section 51(7)(a) of the Roads Act 1993 states that a person conducting:

“(ii) a local inquiry in relation to a Bridge Order under Section 47 of the Act of 1946... which relates wholly or partly to a proposed road development in respect of which a road authority has applied for an approval under this section shall be entitled to hear evidence in relation to the likely effects on the environment of such development.”

107. In the context that it appears that none of the statutory provisions of the Local Government Act 1946 appear to have been fulfilled, it appears that the statutory requirements of Section 51(7)(a) cannot be fulfilled either.

108. Accordingly, the approval sought under Section 51 by Donegal County Council in relation to the proposed road development should be refused on the basis of this invalidity in the statutory procedure.

Transboundary Effects on the Environment in Northern Ireland

109. The form of notice under Section 51(3)(a) of the Roads Act 1993 recites at paragraph 4 thereof that, *“the proposed road development is likely to have significant effects on the environment in Northern Ireland.”* By letter sent by registered post on the 14th of May 2026, it appears that Donegal County Council wrote to the Department for Infrastructure in Northern Ireland at James House, 2-4 Cromack Avenue, Belfast, BT72JA, setting out a prescribed form of notice for the purpose of Section 51(3) of the Roads Act, 1993.

110. The final paragraph of page two of the said letter states:

“Further, in accordance with Section 51(3)(d) of the Roads Act 1993 (as amended) as soon as maybe after this notice has been sent to you enclosing as it does the electronic copy of the ELAR and NIS, Donegal County Council will enter into consultations with the Department for Infrastructure (Northern Ireland) regarding the potential effects on the environment of the proposed road development and the measures envisaged in the said documentation to reduce or eliminate any such effects”.

111. As of the 9th of July 2026, there is no record of any such consultations having taken place being posted on the website of Donegal County Council, and one can assume in the absence of any publication of same that same has not occurred, which is a material breach of the statutory obligation which it appears remains unfulfilled and cannot now be fulfilled having regard to the closing of the deadline for material considerations, which is the 10th of July 2026.

Conclusion

For all of the above reasons, it is requested that the request by Donegal County Council to approve the proposed road scheme is refused.

If approval of the scheme is not forthcoming from the Commission, we are expressly instructed to request an Oral Hearing in relation to this matter, and we trust, owing to the enormity and magnitude of this particular proposal that the Commission, as a matter of priority, will agree to this request.

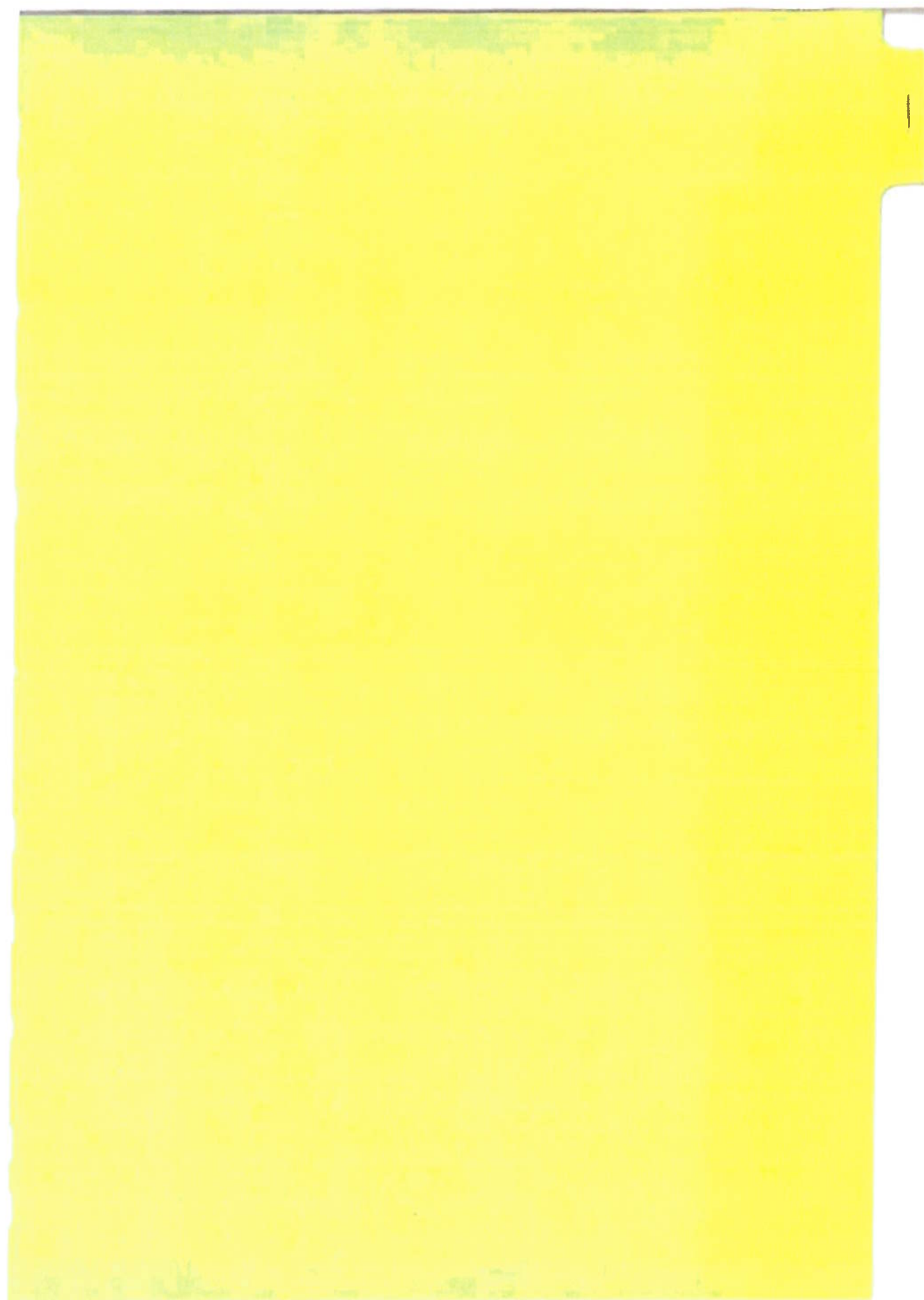
Yours faithfully,



WALTER P. TOOLAN & SONS SOLICITORS

Enclosures:

1. Notice from Donegal County Council re; CPO (x2)
2. Area Aid Maps of our client's lands.
3. NPWS Maps of the SAC with our client's lands shaded in green.
4. Drawings 4.13 – 4.15 inclusive showing the proposed bridge construction.
5. Photograph of the riparian woodland on our client's lands.



Our Reference: 1036-2026-L-14668

13th May 2026

Nigel & David Kee
Cappry
Ballybofey
Lifford
Co. Donegal

Landowner Ref: 1036

Re: Donegal County Council - TEN-T Priority Route Improvement Project, Donegal
Compulsory Purchase Order 2026

A Chara,

Donegal County Council (the "Council") has submitted an application under Section 51 of the Roads Act, 1993 (as amended) in relation to the TEN-T Priority Route Improvement Project, Donegal to An Coimisiún Pleanála and will be submitting the associated application for confirmation of the TEN-T Priority Route Improvement Project (Donegal) Compulsory Purchase Order 2026 (the "CPO") in the coming days. You have been identified as an owner, lessee or occupier of, or have rights over or an interest in land referred to in the CPO.

A number of documents relating to the CPO are enclosed for your attention. They comprise the following:

- Statutory landowner/interested party notice
- Extracts from the Schedules to the CPO describing the location and extent of the impacted lands and/or rights relating to you;
- Server map(s) showing the location and extent of the impacted land(s) and/or rights; and
- A copy of the DCC privacy statement.

We recommend that you consider these enclosures carefully.

Further information relating to the TEN-T Priority Route Improvement Project, Donegal including a copy of the Environmental Impact Assessment Report, Natura Impact Statement and CPO documentation can be found at the Donegal County Council website for the TEN-T Priority Route Improvement Project, Donegal at www.donegal-ten-t.ie.

Should you have any queries or require any clarity, please contact Brian Reid, Senior Executive Engineer, NRDO who is dealing with this matter.

Mise, le meas,



Brian Reid
Land Liaison Manager
For on Behalf of Donegal National Road Design Office

Donegal County Council (TEN-T Priority Route Improvement Project, Donegal) Compulsory Purchase Order 2026

FORM OF NOTICE OF THE MAKING OF A COMPULSORY PURCHASE ORDER UNDER 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, TO BE SERVED ON OWNERS, LESSEES AND OCCUPIERS IN ACCORDANCE WITH ARTICLE 4(b) OF THE THIRD SCHEDULE TO THE HOUSING ACT, 1966, AS AMENDED BY THE PLANNING AND DEVELOPMENT ACT, 2000 (AS AMENDED) AND SECTIONS 212 AND 213 OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED) AND SECTION 184 OF THE LOCAL GOVERNMENT ACT 2001 (AS AMENDED).

COMPULSORY ACQUISITION OF LAND

**DONEGAL COUNTY COUNCIL (TEN-T PRIORITY ROUTE IMPROVEMENT PROJECT, DONEGAL)
COMPULSORY PURCHASE ORDER, 2026**

To: Nigel & David Kee

Of: Cappry, Ballybofey, Lifford, Co. Donegal

1. Donegal County Council (hereinafter referred to as "the Local Authority") in exercise of the powers conferred upon them by Section 76 of the Housing Act, 1966 and the Third Schedule thereto, as extended by Section 10 of the Local Government (No.2) Act 1960 as substituted by Section 86 of the Housing Act, 1966 and as amended by Section 6 and the Second Schedule to the Roads Act, 1993 and the Planning and Development Act 2000 (as amended) and under sections 212 and 213 of the Planning and Development Act 2000 (as amended), and Section 184 of the Local Government Act 2001 (as amended), have made an order ("the Order") entitled as above which is about to be submitted to An Coimisiún Pleanála (hereafter "the Commission") for confirmation.
2. If confirmed, the Order will authorise the Local Authority to acquire compulsorily the land and/or rights described in Parts IIa, IIb, III and IV of the Schedule to the Order ("the Schedule") for the purposes of a proposed road development consisting of an upgrade of three sections of the national road network, namely (1) N15/N13 Ballybofey/Stranorlar Urban Region. (2) N56/N13 Letterkenny to Manor Cunningham, and (3) N14 Manor Cunningham to Lifford/Strabane/A5 Link together with all associated amenities including an integrated active travel network and all ancillary and consequential works associated with and known as the TEN-T Priority Route Improvement Project, Donegal.
3. A copy of the Order and of the map referred to in it may be seen at:
 - a) The offices of the Local Authority, County House, Lifford, F93 Y622
 - b) The offices of the Local Authority, Public Services Centre, Letterkenny, F92 TNY3
 - c) Twin Towns Community Library, The Base Enterprise Centre, Stranorlar, F93 VAK6
 - d) The offices of the Local Authority, Public Services Centre, Donegal Town, F94 DK6C
 - e) The offices of the Local Authority, Public Services Centre, An Clochán Liath, F94 H4CF
 - f) The offices of the Local Authority, Public Services Centre, Carrdonagh, F93 YV1N
 - g) An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1, D01 V902,

on working days during normal working hours at each venue from the 15th May 2026 to 10th July 2026.

4. A copy of the Order and of the maps referred to in it are also available on the following website www.donegal-ten-t.ie.

Donegal County Council (TEN-T Priority Route Improvement Project, Donegal) Compulsory Purchase Order 2026

5. The Housing Act, 1966, as amended, provides that if an objection is made to the proposed compulsory acquisition of land and/or rights, the land and/or rights in respect of which an objection is duly made by any of the persons upon whom notices of the making of the order are required to be served shall not be acquired compulsorily unless the Commission makes an order to confirm the compulsory purchase order, unless:-
 - a) the objection is withdrawn, or
 - b) the Commission is satisfied that the objection relates exclusively to matters which can be dealt with by the arbitrator by whom the compensation may have to be assessed.
6. The Commission cannot, however, confirm:-
 - a) a compulsory purchase order in respect of the land if an objection is made in respect of the acquisition by an owner, lessee or occupier of the land, and not withdrawn;
 - b) an order which authorises the extinguishment of a public right of way if there is an objection to the extinguishment, which is not withdrawn;
 - c) an order which authorises the acquisition of a private right of way if there is an objection to the acquisition of the private right of way by an owner, lessee or occupier of the private right of way which is not withdrawn, until it has considered the objection.
7. The Commission has an absolute discretion under Section 218 of the Planning and Development Act 2000 (as amended) to hold an oral hearing.
8. Before making its decision on an application to confirm the Order, the Commission must consider any objection made and not withdrawn, any additional submissions or observations made pursuant to a request by the Commission under Section 217A of the Planning and Development Act 2000 (as amended) and any report of the person who held the oral hearing, if such an oral hearing takes place.
9. Any objection to the Order must state in writing the grounds of objection and be sent addressed to **An Coimisiún Pleanála at 64 Marlborough Street, Dublin 1, D01 V902**, so as to reach the said Commission before **5.30 pm on the 10th July 2026**.
10. An Environmental Impact Assessment Report, and a Natura Impact Statement have been prepared in respect of the development which it is proposed to carry out on the land for which separate public notice has been given. Copies of the Environmental Impact Assessment Report and the Natura Impact Statement are available for inspection at locations listed at Point 3 above and on the following website www.donegal-ten-t.ie and can be purchased at the offices listed at a) – f) at Point 3 above.

Submissions or observations in relation to (i) the likely effects on the environment of the proposed development, (ii) the implication of the proposed development for proper planning and sustainable development in the area in which it is proposed to situate the proposed development and (iii) the likely significant effect of the proposed development on European Sites, may be made in writing to the Commission before the **5.30 pm on the 10th July 2026**. Evidence in relation to (i) the likely effects on the environment of the proposed development, (ii) the implication of the proposed development for proper planning and sustainable development in the area in which it is proposed to situate the proposed development and (iii) the likely significant effects of the proposed development on European Sites may be heard at any oral hearing, that may take place.

11. The Commission has an absolute discretion at any time before making its decision to request further submissions or observations in relation to the proposed development and/or to hold meetings with the Local Authority in relation to the proposed development in accordance with Section 217A of the Planning and Development Act 2000 (as amended).

Donegal County Council (TEN-T Priority Route Improvement Project, Donegal) Compulsory Purchase Order 2026

12. The Commission, if it thinks fit, may confirm the compulsory acquisition or any part thereof, with or without conditions or modifications, or may annul the Order or any part thereof.
13. If no objection is received to the proposed compulsory acquisition of land and/or rights, the objection is withdrawn or the Commission is satisfied that the objection relates exclusively to matters which can be dealt with by the arbitrator by whom the compensation may have to be assessed, the Commission shall inform the Local Authority, which may then confirm the Order with or without modification, or refuse to so confirm it.
14. If the land and/or rights to which the Order, as confirmed by either the Commission or the Local Authority relates is acquired by the Local Authority, compensation for the land and/or rights will be assessed in respect of the acquisition as the value of the land and/or rights at the date that the relevant notice to treat is served.
15. In the opinion of the Local Authority, no part of the land in which you have an interest consists of a house or houses which is/are unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense. If the land to which the Order relates is acquired by the Local Authority, compensation will be assessed in accordance with Part II of the Fourth Schedule to the Housing Act, 1966, and the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919 as amended by the Acquisition of Land (Reference Committee) Act, 1925, the Property Values (Arbitrations and Appeals) Act, 1960, and the Local Government (Planning and Development) Act, 1963 (as applied by section 265(3) of the Planning and Development Act, 2000), subject to the modifications contained in the Third Schedule to the Housing Act, 1966 (as amended).
16. Any dispute in relation to compensation shall be referred to and be determined by a property arbitrator appointed under the Property Values (Arbitration and Appeals) Act, 1960.
17. A claimant for compensation may at any time after the expiration of the fourteen days from the date on which the relevant notice to treat is served, send to the Secretary, the Reference Committee, Four Courts, Dublin an application in writing for the nomination of a property arbitrator for the purpose of determining the compensation to be paid. The application should be made in accordance with the Property Values (Arbitrations and Appeals) Rules, 1961 (S.I. No. 91 of 1961).
18. An extract from the Schedule and Map indicating lands and/or rights in which you may have an interest is attached.
19. If you have any questions or queries in relation to the above or attached map, or if you no longer have an interest in this property or are aware of anyone else who has an interest in this property, please contact us at Brian Reid, Senior Executive Engineer, NRDO, Drumlonagher, Donegal Town, at design@dnrdo.ie or on 074 9724500.

Dated this 13th day of May 2026



Brian Reid
Senior Executive Engineer
For and on behalf of the Local Authority

Ár dTagairt: 1036-2026-L-14668

13 Bealtaine 2026

Nigel & David Kee
Cappry
Ballybofey
Lifford
Co. Donegal

Tagairt Úinéir Talaimh: 1036

Comhairle Contae Dhún na nGall - Tionscadal Feabhsúcháin Bealaí Tosaíochta TEN-T, Dhún na nGall
Ordú Ceannaigh Éigeantaigh 2026

A Chara,

Tá iarratas faoi Alt 51 d'Acht na mBoithre, 1993 (arna leasú) curtha ag Comhairle Contae Dhún na nGall (an Chomhairle) faoi bhráid an Choimisiúin Pleanála faoi Alt 51 d'Acht na mBoithre, 1993 (arna leasú) i ndáil le Tionscadal Feabhsúcháin Bealaí Tosaíochta TEN-T, Dhún na nGall agus cuirfidh siad an t-iarratas gaolmhar isteach ar dhaingniú Tionscadal Feabhsúcháin Bealaí Tosaíochta TEN-T (Dhún na nGall) Ordú Ceannaigh Éigeantaigh 2026 (an "CPO") sna laethanta amach romhainn. Aithníodh thú mar úinéir, léasaí nó áititheoir ar thalamh dá dtagraítear sa CPO, nó tá cearta agat ar thalamh nó leas ann.

Tá roinnt cáipéisí a bhaineann leis an CPO faoi iamh le d'aird. Cuimsíonn siad na nithe seo a leanas:

1. Fógra reachtúil úinéir talún/páirtí leasmhar
2. Steachta as na Sceidil a ghabhann leis an CPO ina ndéantar cur síos ar shuíomh agus ar mhéid na dtaitte agus/nó na gcearta a bhaineann leat;
3. Léarscáil(eanna) freastalaí a theispeánann suíomh agus méid na talún nó na dtalún agus/nó na gcearta a ndearnadh dífeall dóibh; agus
4. Cóip de ráiteas príobháideachais DCC.

Molaimid duit na doiciméid sin a mheas go cúramach.

Tá tuilleadh eolais maidir le Tionscadal Feabhsúcháin Bealaí Tosaíochta TEN-T, Dhún na nGall, lena n-áirítear cóip den Tuarascáil Measúnachta Tionchair Timpeallachta, Ráiteas Tionchair Natura agus cáipéisí CPO, ar fáil ar shuíomh gréasáin Chomhairle Contae Dhún na nGall don Tionscadal Feabhsúcháin Bealaí Tosaíochta TEN-T, Dhún na nGall ag www.donegal-ten-t.ie.

Má tá aon cheist agat nó má theastaíonn aon soiléireacht uait, déan teagmháil le do thoil le Brian Reid, Innealtóir Sínearach Feidhmiúcháin, NRDO atá ag déileáil leis an ábhar seo.

Mise le meas,



Brian Reid

Bainisteoir Idirchaidrimh Talún

Ar Son agus Thar Ceann Oifig Náisiúnta um Dhearadh Boithre Dhún na nGall

Cuir freagra chuig: Oifig Boithre Náisiúnta Dhún na nGall, Ionad Seirbhísí Pobail, Droim Lonachair,
Baile Dhún na nGall, Contae Dhún na nGall. F94 DK6C

Please reply to: National Roads Office, Public Service Centre, Drumlonagher, Donegal Town, Co. Donegal. F94 DK6C



FOIRM AN FHÓGRA I DTAOBH ORDÚ CEANNAIGH ÉIGEANTAIGH A DHÉANAMH FAOI ALT 76 D'ACHT NA DTITHE, 1966, AGUS AN TRIÚ SCEIDEAL A GHABHANN LE HACHT NA DTITHE, ARNA LEATHNÚ LE ALT 10 DEN ACHT RIALTAIS ÁITIÚIL (UIMH. 2), 1960, A BHEIDH CURTHA AR FÁIL D'ÚINÉIRÍ, LÉASAITHE AGUS ÁITTHEOIRÍ DE RÉIR AIRTEAGAL 4(B) DEN TRIÚ SCEIDEAL A GHABHANN LE HACHT NA DTITHE, 1966, ARNA LEASÚ LEIS AN ACHT UM PLEANÁIL AGUS FORBAIRT, 2000 (ARNA LEASÚ) AGUS AILT 212 AGUS 213 DEN ACHT UM PLEANÁIL AGUS FORBAIRT 2000 (ARNA LEASÚ) AGUS ALT 184 DEN ACHT RIALTAIS ÁITIÚIL 2001 (ARNA LEASÚ).

TALAMH A FHÁIL GO HÉIGEANTACH

**COMHAIRLE CONTAE DHÚN NA NGALL (TIONSCADAL FEABHSÚCHÁIN BEALAÍ TOSAÍOCHTA TEN-T, DÚN NA NGALL)
ORDÚ CEANNAIGH ÉIGEANTAIGH, 2026**

Chuir: Nigel & David Kee

De: Cappry, Ballybofey, Lifford, Co. Donegal

1. Comhairle Contae Dhún na nGall (dá ngairtear "an tÚdarás Áitiúil" anseo feasta) i bhfeidhmiú na gcumhachtaí a thugtar dóibh le hAlt 76 d'Acht na dTithe, 1966 agus leis an Tríú Sceideal a ghabhann leis, arna leathnú le hAlt 10 den Acht Rialtais Áitiúil (Uimh. 2) 1960 arna ionadú le hAlt 86 d'Acht na dTithe, 1966 agus arna leasú le hAlt 6 agus leis an Dara Sceideal a ghabhann le hAcht na mBóithre, 1993 agus an tAcht um Pleanáil agus Forbairt 2000 (arna leasú) agus faoi ailt 212 agus 213 den Acht um Pleanáil agus Forbairt 2000 (arna leasú), agus faoi Alt 184 den Acht Rialtais Áitiúil 2001 (arna leasú), tá ordú ("an tOrdú") dar teideal mar atá thuas ar tí a chur faoi bhráid an Choimisiúin Pleanála (dá ngairtear "an Coimisiún" anseo feasta) lena dhaingniú.
2. Má dheimhnítear é, údaróidh an tOrdú don Údarás Áitiúil an talamh agus/nó na cearta a thuairiscítear i gCodanna IIa, IIb, III agus IV den Sceideal a ghabhann leis an Ordú ("an Sceideal") a fháil go héigeantach chun críocha forbartha bóthair beartaithe arb éard é uasghrádú ar thrí chuid den ghréasán bóithre náisiúnta, eadhon (1) N15/N13 Réigiún Uirbeach Bhealach Féich/Srath an Urláir. (2) N56/N13 Leitir Ceanainn go Mainéar Uí Chuinneagáin agus (3) N14 Mainéar Uí Chuinneagáin go Leifear/An Srath Bán/Nasc A5 mar aon leis na taitneamhachtaí gaolmhara go léir lena n-áirítear líonra taistil ghníomhaigh comhtháite agus na hoibreacha coimhdeacha agus iarmhartacha go léir a bhaineann le Tionscadal Feabhsúcháin Bealaí Tosaíochta TEN-T, Dún na nGall.
3. Is féidir cóip den Ordú agus den léarscáil dá dtagraítear ann a fheiceáil ag:
 1. Oifigí an Údaráis Áitiúil, Teach an Chontae, Leifear, F93 Y622
 2. Oifigí an Údaráis Áitiúil, Ionad Seirbhísí Poiblí, Leitir Ceanainn, F92 TNY3
 3. Leabharlann Phobail na Nascbhailte, Ionad Fiontraíochta na Bunáite, Srath an Urláir, F93 VAK6
 4. Oifigí an Údaráis Áitiúil, Ionad Seirbhísí Poiblí, Baile Dhún na nGall, F94 DK6C
 5. Oifigí an Údaráis Áitiúil, Ionad Seirbhísí Poiblí, An Clochán Liath, F94 H4CF
 6. Oifigí an Údaráis Áitiúil, Ionad Seirbhísí Poiblí, Carn Domhnach, F93 YV1N
 7. An Coimisiún Pleanála, 64 Sráid Mhaolbhríde, Baile Átha Cliath 1, D01 V902,

Ar laethanta oibre le linn gnáthuaireanta oibre ag gach ionad ó **15 Bealtaine 2026 go 10 Iúil 2026**.

4. Tá cóip den Ordú agus de na léarscáileanna dá dtagraítear ann ar fáil fosta ar an tsuíomh gréasáin seo a leanas www.donegal-ten-t.ie.
5. Foráitítear le hAcht na dTithe, 1966, arna leasú, má dhéantar agóid i gcoinne talamh agus/nó cearta a fháil go héigeantach beartaithe, nach bhfaighfean an talamh agus/nó na cearta a ndéanann aon

duine de na daoine ar a gceanglaítear fógraí i dtaobh an t-ordú a dhéanamh a sheirbheáil go héigeantach mura ndéanfaidh an Coimisiún ordú chun an t-ordú ceannaigh éigeantaigh a dhaingniú, mura rud é:-

1. go dtarraingítear siar an agóid, nó
 - a) gur deimhin leis an Choimisiún go mbaineann an agóid go heisiach le nithe ar féidir leis an eadránaí a mbeidh ar an gcúiteamh a mheasúnú.
6. Ní féidir leis an Choimisiún, áfach, an méid seo a leanas a dhearbhu:
 1. ordú ceannaigh éigeantaigh i leith na talún má dhéantar agóid i leith úinéir, léasaí nó áititheoir an talamh a fháil, agus mura dtarraingítear siar é;
 2. ordú lena n-údaraítear ceart slí poiblí a mhúchadh má tá agóid i gcoinne an mhúchta, nach dtarraingítear siar;
 3. ordú lena n-údaraítear ceart slí príobháideach a fháil má tá agóid ann i gcoinne úinéir, léasaí nó áititheoir an chirt slí príobháidigh a fháil nach dtarraingítear siar, go dtí go mbeidh an agóid breithnithe aige.
7. Tá lánrogha ag an Choimisiún faoi Alt 218 den Acht um Pleanáil agus Forbairt 2000 (arna leasú) éisteacht ó bhéal a thionól.
8. Sula ndéanfaidh sé a chinneadh ar iarratas chun an tOrdú a dhaingniú, ní mór don Choimisiún breithniú a dhéanamh ar aon agóid a rinneadh agus nár tarraingíodh siar, aon aighneachtaí nó tuairimí breise a rinneadh de bhun iarratais ón Choimisiún faoi Alt 217A den Acht um Pleanáil agus Forbairt 2000 (arna leasú) agus aon tuarascáil ón duine a thionóil an éisteacht ó bhéal, má tharlaíonn éisteacht ó bhéal den tsórt sin.
9. Ní foláir forais na hagóide a lua i scríbhinn in aon agóid i gcoinne an Ordaithe agus é a sheoladh chuig an Choimisiún Pleanála ag 64 Sráid Maoilbhríde, Baile Átha Cliath 1, D01 V902, ionas go sroichfidh sé an Coimisiún sin roimh 5.30pm ar an 10 Iúil 2026.
10. Ullmhaíodh Tuarascáil ar Mheasúnacht Tionchair Timpeallachta, agus Ráiteas Tionchair Natura maidir leis an fhorbairt a bheartaítear a dhéanamh ar an talamh a bhfuil fógra poiblí ar leith tugtha ina leith. Tá cóipeanna den Tuarascáil ar Mheasúnacht Tionchair Timpeallachta agus den Ráiteas Tionchair Natura ar fáil lena n-íniúchadh ag suíomhanna atá liostaithe ag Pointe 3 thuas agus ar an tsuíomh gréasáin seo a leanas www.donegal-ten-t.ie agus is féidir iad a cheannach in oifigí liostaithe a) – f) ag Pointe 3 thuas.

Aighneachtaí nó tuairimí i ndáil le (i) na héifeachtaí is dóigh a bheidh ag an fhorbairt bheartaithe ar an chomhshaol, (ii) impleachtaí na forbartha beartaithe do phleanáil chuí agus d'fhorbairt inbhuanaithe sa limistéar ina mbeartaítear an fhorbairt bheartaithe a shuíomh agus (iii) an éifeacht shuntasach is dóigh a bheidh ag an fhorbairt bheartaithe ar Láithreáin Eorpacha. Féadfar é a dhéanamh i scríbhinn chuig an Choimisiún roimh 5.30pm ar an 10 Iúil 2026. Féadfar fianaise i ndáil le (i) na héifeachtaí is dóigh a bheidh ag an fhorbairt bheartaithe ar an chomhshaol, (ii) impleachtaí na forbartha beartaithe maidir le pleanáil chuí agus forbairt inbhuanaithe sa limistéar ina mbeartaítear an fhorbairt bheartaithe a shuíomh agus (iii) na héifeachtaí suntasacha is dócha a bheidh ag an fhorbairt bheartaithe ar Láithreáin Eorpacha a éisteacht ag aon éisteacht ó bhéal, D'fhéadfadh sé sin tarlú.
11. Tá lánrogha ag an Choimisiún tráth ar bith sula ndéanann sé a chinneadh aighneachtaí nó tuairimí breise a iarraidh i ndáil leis an fhorbairt bheartaithe agus/nó cruinnithe a thionól leis an Udarás Áitiúil i ndáil leis an fhorbairt bheartaithe de réir Alt 217A den Acht um Pleanáil agus Forbairt 2000 (arna leasú).

12. Féadfaidh an Coimisiún, más cuí leis, an fháil éigeantach nó aon chuid de, le nó d'éagmais coinnfollacha nó modhnuithe a dhaingniú, nó féadfaidh sé an tOrdú nó aon chuid de a neamhniú.
13. Mura bhfaightear aon agóid i gcoinne talamh agus/nó cearta a fháil go héigeantach, go dtarraingítear siar an agóid nó gur deimhin leis an Choimisiún go mbaineann an agóid go heisiach le nithe ar féidir leis an eadránaí a chaithfidh an cúiteamh a mheasúnú déileáil leo, cuirfidh an Coimisiún an tÚdarás Áitiúil ar an eolas, agus féadfaidh an Coimisiún an tOrdú a dhaingniú ansin le modhnú nó gan mhodhnú, nó diúltú é a dhaingniú amhlaidh.
14. Má fhaigheann an tÚdarás Áitiúil an talamh agus/nó na cearta lena mbaineann an tOrdú, mar a dhearbhaigh an Coimisiún nó an tÚdarás Áitiúil, déanfar cúiteamh i leith na talún agus/nó na gceart a mheasúnú i leith na fáta mar luach na talún agus/nó na gceart ar an dáta a chuirfear an fógra ábhartha ar fáil le déileáil.
15. I dtuairim an Údaráis Áitiúil, níl aon chuid den talamh ina bhfuil leas agat ann ná teach nó títhe atá mí-oiriúnach chun daoine cónaí agus nach féidir a dhéanamh oiriúnach le haghaidh daoine cónaí ar chostas réasúnach. Má fhaigheann an tÚdarás Áitiúil an talamh lena mbaineann an tOrdú, déanfar cúiteamh a mheasúnú de réir Chuid II den Cheathrú Sceideal a ghabhann le hAcht na dTithe, 1966, agus de réir fhorálacha an Acquisition of Land (Assessment of Compensation) Act, 1919 arna leasú leis an Acht um Thalamh a Fháil (Coiste Réitigh), 1925, an tAcht um Luachanna Maoine (Eadrána agus Achomhairc), 1960, agus an tAcht Rialtais Áitiúil (Pleanáil agus Forbairt), 1963 (arna leasú chun feidhme le halt 265(3) den Acht um Pleanáil agus Forbairt, 2000), faoi réir na modhnuithe atá sa Tríú Sceideal a ghabhann le hAcht na dTithe, 1966 (arna leasú).
16. Déanfar aon díospóid i ndáil le cúiteamh a tharchur chuig eadránaí maoine arna cheapadh faoin Acht um Luachanna Maoine (Eadrána agus Achomhairc), 1960, agus déanfar í a chinneadh.
17. Féadfaidh éilitheoir ar chúiteamh, tráth ar bith tar éis na ceithre lá dhéag a bheith caite ón dáta a chuirfear an fógra iomchuí ar fáil chun cóireála, iarratas i scríbhinn a chur chuig an Rúnaí, chuig an Choiste Tagartha, na Ceithre Cúirteanna, Baile Átha Cliath chun eadránaí maoine a ainmniú chun an cúiteamh atá le hloc a chinneadh. Ba chóir an t-iarratas a dhéanamh de réir na Rialacha um Luachanna Maoine (Eadrána agus Achomhairc), 1961 (I.R. Uimh. 91 de 1961).
18. Tá sliocht as an Sceideal agus as an Léarscáil a léiríonn tailte agus/nó cearta a bhféadfadh leas a bheith agat iontu ceangailte.
19. Má tá aon cheist agat maidir leis an léarscáil thuas nó ceangailte, nó mura bhfuil suim agat sa mhaoin seo a thuilleadh nó má tá eolas agat ar aon duine eile a bhfuil suim aige sa mhaoin seo, déan teagmháil linn ag Brian Reid, Innealtóir Feidhmiúcháin Sinsearach, NRDO, Droim Lonachair, Baile Dhún na nGall, ag design@nrdo.ie nó ag 074 9724500

Dar dáta 13 an lá seo Bealtaine 2026



Brian Reid
Innealtóir Feidhmiúcháin Sinsearach
Ar son agus thar ceann an Údaráis Áitiúil

Donegal County Council (TEN-T Priority Route Improvement Project, Donegal) Compulsory Purchase Order 2026

EXTRACT FROM CPO SCHEDULE Part I(a)

Section 1 N15/N13 Ballybofey/Stranorlar Urban Region
Land other than Land consisting of a House or Houses unfit for Human Habitation and not capable of being rendered fit for Human Habitation at reasonable expense to be acquired Permanently

Number on map deposited at the offices of the Local Authority							Quantity, Description and Situation of the Land			Owners or Reputed Owners		Lessees or Reputed Lessees		Occupiers	
Area in Hectares		Location		Description of Property											
1036 A.101	0.073	Cappry Stranorlar Co Donegal		Agricultural Land		David & Nigel Kee		None		David & Nigel Kee					
1036 A.102	0.2656	Cappry Stranorlar Co Donegal		Agricultural Land		David & Nigel Kee		None		David & Nigel Kee					
1036 F.103	0.0076	Cappry Stranorlar Co Donegal		Part of Public Road		David & Nigel Kee		None		Donegal County Council					

Privacy Statement – Donegal County Council

1. Introduction

Donegal County Council is responsible for the provision of an extensive range of services such as Housing, Roads, Planning, Community Development etc.

In order to provide these services the Council routinely collects and processes a significant amount of personal data (as defined in the Data Protection Acts and General Data Protection Regulations 2016). This data may be submitted by you on an application form, via our website or in correspondence/direct contact with us.

2. Need for A Privacy Statement

This privacy statement is designed to help you understand why we need to obtain personal information and how we process it and to demonstrate our commitment to privacy and to assure you that in all your dealings with the Council we will ensure the security of the data you provide to us.

We may also obtain personal data from government departments/statutory agencies or other third parties in order to comply with regulations or legislative requirements.

Donegal County Council's commitment is that the personal data you may be required to supply us is:-

- Obtained lawfully, fairly and in a transparent manner.
- Obtained for only specified, explicit and legitimate purposes.
- Adequate, relevant and limited to what is necessary for the purpose for which it was obtained.
- Recorded, stored accurately, securely and where necessary kept up to date.
- Kept only for as long as is necessary for the purposes for which it was obtained.
- Kept in a form which permits identification of the data subject.
- Processed only in a manner that ensures the appropriate security of the personal data, including protection against unauthorised or unlawful processing.

3. Sharing Data

The Council may share your Personal Data with other public bodies and regulatory authorities in order to comply with regulations or legislative requirements.

Our Reference: 1036-2026-L-14668

13th May 2026

David Kee
Cappry
Ballybofey
Lifford
Co. Donegal

Landowner Ref: 1050

**Re: Donegal County Council - TEN-T Priority Route Improvement Project, Donegal
Compulsory Purchase Order 2026**

A Chara,

Donegal County Council (the "Council") has submitted an application under Section 51 of the Roads Act, 1993 (as amended) in relation to the TEN-T Priority Route Improvement Project, Donegal to An Coimisiún Pleanála and will be submitting the associated application for confirmation of the TEN-T Priority Route Improvement Project (Donegal) Compulsory Purchase Order 2026 (the "CPO") in the coming days. You have been identified as an owner, lessee or occupier of, or have rights over or an interest in land referred to in the CPO.

A number of documents relating to the CPO are enclosed for your attention. They comprise the following:

- Statutory landowner/interested party notice
- Extracts from the Schedules to the CPO describing the location and extent of the impacted lands and/or rights relating to you;
- Server map(s) showing the location and extent of the impacted land(s) and/or rights; and
- A copy of the DCC privacy statement.

We recommend that you consider these enclosures carefully.

Further information relating to the TEN-T Priority Route Improvement Project, Donegal including a copy of the Environmental Impact Assessment Report, Natura Impact Statement and CPO documentation can be found at the Donegal County Council website for the TEN-T Priority Route Improvement Project, Donegal at www.donegal-ten-t.ie.

Should you have any queries or require any clarity, please contact Brian Reid, Senior Executive Engineer, NRDO who is dealing with this matter.

Mise le meas,



Brian Reid
Land Liaison Manager
For on Behalf of Donegal National Road Design Office

Donegal County Council (TEN-T Priority Route Improvement Project, Donegal) Compulsory Purchase Order 2026

FORM OF NOTICE OF THE MAKING OF A COMPULSORY PURCHASE ORDER UNDER 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, TO BE SERVED ON OWNERS, LESSEES AND OCCUPIERS IN ACCORDANCE WITH ARTICLE 4(b) OF THE THIRD SCHEDULE TO THE HOUSING ACT, 1966, AS AMENDED BY THE PLANNING AND DEVELOPMENT ACT, 2000 (AS AMENDED) AND SECTIONS 212 AND 213 OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED) AND SECTION 184 OF THE LOCAL GOVERNMENT ACT 2001 (AS AMENDED).

COMPULSORY ACQUISITION OF LAND

**DONEGAL COUNTY COUNCIL (TEN-T PRIORITY ROUTE IMPROVEMENT PROJECT, DONEGAL)
COMPULSORY PURCHASE ORDER, 2026**

To: David Kee

Of: Cappry, Ballybofey, Lifford, Co. Donegal

1. Donegal County Council (hereinafter referred to as "the Local Authority") in exercise of the powers conferred upon them by Section 76 of the Housing Act, 1966 and the Third Schedule thereto, as extended by Section 10 of the Local Government (No.2) Act 1960 as substituted by Section 86 of the Housing Act, 1966 and as amended by Section 6 and the Second Schedule to the Roads Act, 1993 and the Planning and Development Act 2000 (as amended) and under sections 212 and 213 of the Planning and Development Act 2000 (as amended), and Section 184 of the Local Government Act 2001 (as amended), have made an order ("the Order") entitled as above which is about to be submitted to An Coimisiún Pleanála (hereafter "the Commission") for confirmation.
2. If confirmed, the Order will authorise the Local Authority to acquire compulsorily the land and/or rights described in Parts IIa, IIb, III and IV of the Schedule to the Order ("the Schedule") for the purposes of a proposed road development consisting of an upgrade of three sections of the national road network, namely (1) N15/N13 Ballybofey/Stranorlar Urban Region. (2) N56/N13 Letterkenny to Manorcunningham, and (3) N14 Manorcunningham to Lifford/Strabane/A5 Link together with all associated amenities including an integrated active travel network and all ancillary and consequential works associated with and known as the TEN-T Priority Route Improvement Project, Donegal.
3. A copy of the Order and of the map referred to in it may be seen at:
 - a) The offices of the Local Authority, County House, Lifford, F93 Y622
 - b) The offices of the Local Authority, Public Services Centre, Letterkenny, F92 TNY3
 - c) Twin Towns Community Library, The Base Enterprise Centre, Stranorlar, F93 VAK6
 - d) The offices of the Local Authority, Public Services Centre, Donegal Town, F94 DK6C
 - e) The offices of the Local Authority, Public Services Centre, An Clochán Liath, F94 H4CF
 - f) The offices of the Local Authority, Public Services Centre, Carndonagh, F93 YV1N
 - g) An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1, D01 V902,

on working days during normal working hours at each venue from the 15th May 2026 to 10th July 2026.

4. A copy of the Order and of the maps referred to in it are also available on the following website www.donegal-ten-t.ie.

Donegal County Council (TEN-T Priority Route Improvement Project, Donegal) Compulsory Purchase Order 2026

5. The Housing Act, 1966, as amended, provides that if an objection is made to the proposed compulsory acquisition of land and/or rights, the land and/or rights in respect of which an objection is duly made by any of the persons upon whom notices of the making of the order are required to be served shall not be acquired compulsorily unless the Commission makes an order to confirm the compulsory purchase order, unless:-
 - a) the objection is withdrawn, or
 - b) the Commission is satisfied that the objection relates exclusively to matters which can be dealt with by the arbitrator by whom the compensation may have to be assessed.
6. The Commission cannot, however, confirm: -
 - a) a compulsory purchase order in respect of the land if an objection is made in respect of the acquisition by an owner, lessee or occupier of the land, and not withdrawn;
 - b) an order which authorises the extinguishment of a public right of way if there is an objection to the extinguishment, which is not withdrawn;
 - c) an order which authorises the acquisition of a private right of way if there is an objection to the acquisition of the private right of way by an owner, lessee or occupier of the private right of way which is not withdrawn, until it has considered the objection.
7. The Commission has an absolute discretion under Section 218 of the Planning and Development Act 2000 (as amended) to hold an oral hearing.
8. Before making its decision on an application to confirm the Order, the Commission must consider any objection made and not withdrawn, any additional submissions or observations made pursuant to a request by the Commission under Section 217A of the Planning and Development Act 2000 (as amended) and any report of the person who held the oral hearing, if such an oral hearing takes place.
9. Any objection to the Order must state in writing the grounds of objection and be sent addressed to **An Coimisiún Pleanála at 64 Marlborough Street, Dublin 1, D01 V902**, so as to reach the said Commission before **5.30 pm on the 10th July 2026**.
10. An Environmental Impact Assessment Report, and a Natura Impact Statement have been prepared in respect of the development which it is proposed to carry out on the land for which separate public notice has been given. Copies of the Environmental Impact Assessment Report and the Natura Impact Statement are available for inspection at locations listed at Point 3 above and on the following website www.donegal-ten-t.ie and can be purchased at the offices listed at a) – f) at Point 3 above.

Submissions or observations in relation to (i) the likely effects on the environment of the proposed development, (ii) the implication of the proposed development for proper planning and sustainable development in the area in which it is proposed to situate the proposed development and (iii) the likely significant effect of the proposed development on European Sites, may be made in writing to the Commission before the **5.30 pm on the 10th July 2026**. Evidence in relation to (i) the likely effects on the environment of the proposed development, (ii) the implication of the proposed development for proper planning and sustainable development in the area in which it is proposed to situate the proposed development and (iii) the likely significant effects of the proposed development on European Sites may be heard at any oral hearing, that may take place.
11. The Commission has an absolute discretion at any time before making its decision to request further submissions or observations in relation to the proposed development and/or to hold meetings with the Local Authority in relation to the proposed development in accordance with Section 217A of the Planning and Development Act 2000 (as amended).

Donegal County Council (TEN-T Priority Route Improvement Project, Donegal) Compulsory Purchase Order 2026

12. The Commission, if it thinks fit, may confirm the compulsory acquisition or any part thereof, with or without conditions or modifications, or may annul the Order or any part thereof.
13. If no objection is received to the proposed compulsory acquisition of land and/or rights, the objection is withdrawn or the Commission is satisfied that the objection relates exclusively to matters which can be dealt with by the arbitrator by whom the compensation may have to be assessed, the Commission shall inform the Local Authority, which may then confirm the Order with or without modification, or refuse to so confirm it.
14. If the land and/or rights to which the Order, as confirmed by either the Commission or the Local Authority relates is acquired by the Local Authority, compensation for the land and/or rights will be assessed in respect of the acquisition as the value of the land and/or rights at the date that the relevant notice to treat is served.
15. In the opinion of the Local Authority, no part of the land in which you have an interest consists of a house or houses which is/are unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense. If the land to which the Order relates is acquired by the Local Authority, compensation will be assessed in accordance with Part II of the Fourth Schedule to the Housing Act, 1966, and the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919 as amended by the Acquisition of Land (Reference Committee) Act, 1925, the Property Values (Arbitrations and Appeals) Act, 1960, and the Local Government (Planning and Development) Act, 1963 (as applied by section 265(3) of the Planning and Development Act, 2000), subject to the modifications contained in the Third Schedule to the Housing Act, 1966 (as amended).
16. Any dispute in relation to compensation shall be referred to and be determined by a property arbitrator appointed under the Property Values (Arbitration and Appeals) Act, 1960.
17. A claimant for compensation may at any time after the expiration of the fourteen days from the date on which the relevant notice to treat is served, send to the Secretary, the Reference Committee, Four Courts, Dublin an application in writing for the nomination of a property arbitrator for the purpose of determining the compensation to be paid. The application should be made in accordance with the Property Values (Arbitrations and Appeals) Rules, 1961 (S.I. No. 91 of 1961).
18. An extract from the Schedule and Map indicating lands and/or rights in which you may have an interest is attached.
19. If you have any questions or queries in relation to the above or attached map, or if you no longer have an interest in this property or are aware of anyone else who has an interest in this property, please contact us at Brian Reid, Senior Executive Engineer, NRDO, Drumlonagher, Donegal Town, at design@dnrdo.ie or on 074 9724500.

Dated this 13th day of May 2026


Brian Reid
Senior Executive Engineer
For and on behalf of the Local Authority

Donegal County Council (TEN-T Priority Route Improvement Project, Donegal) Compulsory Purchase Order 2026

EXTRACT FROM CPO SCHEDULE Part IIB

Section 1 N15/N13 Ballybofey/Stranorlar Urban Region

Land other than Land consisting of a House or Houses unfit for Human Habitation and not capable of being rendered fit for Human Habitation at reasonable expense to be acquired Temporarily

Number on map deposited at the offices of the Local Authority	Quantity, Description and Situation of the Land		Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
	Area in Hectares	Description of Property			
1050 A.102	0.0171	Drumboe Lower Stranorlar Co Donegal	David Kee	None	David Kee
1050 A.103	0.0124	Drumboe Lower Stranorlar Co Donegal	David Kee	None	David Kee
1050 A.108	0.0672	Drumboe Lower Stranorlar Co Donegal	David Kee	None	David Kee

Donegal County Council (TEN-T Priority Route Improvement Project, Donegal) Compulsory Purchase Order 2026

EXTRACT FROM CPO SCHEDULE Part IIa

Section 1 N15/N13 Ballybofey/Stranorlar-Urban Region

Land other than Land consisting of a House or Houses unfit for Human Habitation and not capable of being rendered fit for Human Habitation at reasonable expense to be acquired Permanently

Number on map deposited at the offices of the Local Authority	Quantity, Description and Situation of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
	Area in Hectares	Location	Description of Property			
1050 A.101	5.9045	Drumboe Lower Stranorlar Co Donegal	Agricultural Land	David Kee	None	David Kee
1050 A.104	0.3064	Drumboe Lower Stranorlar Co Donegal	Agricultural Land	David Kee	None	David Kee
1050 A.105	0.8068	Ironworks/Drumboe Lower Stranorlar Co Donegal	Agricultural Land	David Kee	None	David Kee
1050 A.106	0.3746	Ironworks/Drumboe Lower Stranorlar Co Donegal	Agricultural Land	David Kee	None	David Kee
1050 A.107	0.2731	Drumboe Lower Stranorlar Co Donegal	Agricultural Land	David Kee	None	David Kee

3



Comhairle Contae
Dhún na nGall
Donegal County Council

Privacy Statement – Donegal County Council

1. Introduction

Donegal County Council is responsible for the provision of an extensive range of services such as Housing, Roads, Planning, Community Development etc.

In order to provide these services the Council routinely collects and processes a significant amount of personal data (as defined in the Data Protection Acts and General Data Protection Regulations 2016). This data may be submitted by you on an application form, via our website or in correspondence/direct contact with us.

2. Need for A Privacy Statement

This privacy statement is designed to help you understand why we need to obtain personal information and how we process it and to demonstrate our commitment to privacy and to assure you that in all your dealings with the Council we will ensure the security of the data you provide to us.

We may also obtain personal data from government departments/statutory agencies or other third parties in order to comply with regulations or legislative requirements.

Donegal County Council's commitment is that the personal data you may be required to supply us is:-

- Obtained lawfully, fairly and in a transparent manner.
- Obtained for only specified, explicit and legitimate purposes.
- Adequate, relevant and limited to what is necessary for the purpose for which it was obtained.
- Recorded, stored accurately, securely and where necessary kept up to date.
- Kept only for as long as is necessary for the purposes for which it was obtained.
- Kept in a form which permits identification of the data subject.
- Processed only in a manner that ensures the appropriate security of the personal data, including protection against unauthorised or unlawful processing.

3. Sharing Data

The Council may share your Personal Data with other public bodies and regulatory authorities in order to comply with regulations or legislative requirements.

4. Information We Collect

If you wish to apply for a particular service from the Council you will be asked for a varying amount of personal details (in some cases the personal information of dependants may be required) in order to support your application. Donegal County Council will set out the information we require in a series of separate and distinct application forms relevant to each service.

The types of personal data you may be asked to supply can include the following:-

- a) Contact details to allow for sufficient communication with you. You do not have to provide all contact details but providing more such as email, address, telephone contact no., makes it easier to communicate with you.
- b) Details of your personal circumstances which you are required by law to supply as part of your application process.
- c) Your own financial details which are required to by law to supply to support your application.

5. Data Protection Policy

The Council has a Data Protection Policy which explains how the Council is committed to ensuring the security of any personal data you provide to us.

6. Records Retention Policy

The National Records Retention Policy provides detail in relation to the time period for which your personal data will be retained by Donegal County Council and what will happen to it after the time period has expired.

7. Your Rights

You have the right to request access to personal data held about you, obtain confirmation as to whether data concerning you exists, be informed of the content and source of data and check its accuracy. If the data held by the Council is found to be inaccurate you have the right to change, remove, block, or object to the use of, personal data held by the Council. In certain circumstances blocking access to data may delay or remove access to a service to you. Please note that to help protect your privacy, we take steps to verify your identity before granting access to personal data.

In addition you have a right to:-

- Exercise data portability, i.e., obtain a transferable copy of information we hold to transfer to a third party/provider.
- Obtain details of any transfer of data to a third country (outside the European Economic Area) and safeguards in place.
- Obtain details of any automated decision making.

To exercise these rights, you can make a Subject Access Request. This request can be made in writing or electronically, to the Council's Data Protection Officer.

8. Data Protection Contact Details

For all enquiries relating to Data Protection you can contact the Council at:

Phone: 074 9153900

Email: dpo@donegalcoco.ie

Postal Address: Donegal County Council
County House
The Diamond
Lifford P.O.
Co. Donegal
F93 Y622

Right of Complaint to the Office of the Data Protection Commissioner

If you are not satisfied with the outcome of the response you received from Donegal County Council in relation to your request, then you are entitled to make a complaint to the Data Protection Commissioner who may investigate the matter for you.

The Office of the Data Protection Commissioner's website is www.dataprotection.ie or you can contact their Office at:

Lo Call Number : 1890 252 231

E-mail: info@dataprotection.ie

Postal Address: Office of the Data Protection Commissioner
Canal House
Station Road
Portarlinton
Co. Laois
R32 AP23



An tSeán Talmhaíochta,
Raiscú Ára,
Département d'Agriculture,
Food and the Marine

For Basic Payment Scheme,
Areas of Natural Constraint Schemes and
Other Area-based Schemes Purposes only
Year: 2018 Scale: 1:5000

Name: David Kee
Address:
County: Wick
Postcode: L94 001
Lifford
Co Donegal

Townland Code: E15009
Townland Name: DRUMBOE LOWER

Parcel	Digitised	MEAN	Claimed
E15009002	2.95	2.74	2.74
E15009003	4.15	4.15	4.15
E15009004	0.38	0.38	0.38
E15009114	6.67	6.66	6.67
E15009115	1.99	1.99	1.99
E15009120	0.09	0	0.09

Exclusion	Est	Area	Ratio	Area	Ratio	Area	Ratio
E15009002 X01	0.04	100%	0.04	100%	0.04	100%	
E15009003 X02	0.02	100%	0.02	100%	0.02	100%	
E15009004 X01	0.02	100%	0.02	100%	0.02	100%	
E15009120 X01	0.07	100%	0.07	100%	0.07	100%	

Ortho Used: Color Ortho Full Coverage



All areas displayed above are in hectares
• NEA calculation available online via agfood.ie
20/03/2018 © Digital Globe
Unauthorized reproduction is not permitted.



E1470918 3 of 3
Mon Nov 18 15:46:21 GMT 2019



Áine Eoinn Ó'Leahacháin,
Bia agus Mara
Department of Agriculture,
Food and the Marine

For Basic Payment Scheme,
Average Annual Income Scheme and
other Area-Based Scheme Purposes only
Year: 2018 Scale: 1:25000

Name: David Kea
Address: Cappry
Ballydooley
Lifford
Co Donegal

Transferred Code: E14701
Townland Name: CAPPRY

Field	Digitised	MEA	Catchment
E14701258	0.63	0.63	0.76
E14701269	0.74	0.74	0.78
E14701297	0.74	0.74	0.78
E14701300	1.74	1.74	1.95
E14701301	0.51	0.51	0.51
E14701302	0.13	0.13	0.17
E14701303	1.00	1.00	1.00
E14701304	2.89	2.89	2.98
E14701305	0.23	0.23	0.00

Field	Area	Rate	Elig. Type
E14701258	0.63	0.00	0.00
E14701269	0.74	0.00	0.00
E14701297	0.74	0.00	0.00
E14701300	1.74	0.00	0.00
E14701301	0.51	0.00	0.00
E14701302	0.13	0.00	0.00
E14701303	1.00	0.00	0.00
E14701304	2.89	0.00	0.00
E14701305	0.23	0.00	0.00

Ordn. Used: Cont. Other Full Coverage

All areas displayed above are in hectares
• MEA calculation available online via agfood.ie
2023/2018 Digital Globe
Unauthorised reproduction is not permitted.



