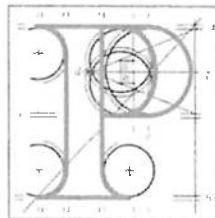


Our Case Number: ACP-324272-26

Your Reference: Patrick McDaid & Brendan McDaid &
Donegal Commercial Vehicles Limited



An
Coimisiún
Pleanála

Mollahan Solicitors
c/o Aileen Mollahan Principal
Edgeworthstown
Co. Longford

Date: 22 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,

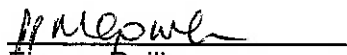
An Coimisiún Pleanála has received your recent submission in relation to the above-mentioned proposed road development and will take it into consideration in its determination of the matter.

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 relation to this matter, please contact the undersigned officer of the Commission at aps@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

HA02C

Teil	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1800 275 175
Láithreán Gréasáin	Website	www.pleanala.ie
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64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

Muirin Gowen

From: LAPS
Sent: Friday 10 July 2026 12:16
To: Eimear Reilly
Subject: FW: Objection to Compulsory Purchase Order Donegal County Council
Attachments: Formal Letter of Objection re CPO 10.07.2026.pdf; scan_20340529074333 (2).pdf; 26101-X-XXX-RP-TNT-T-0001.pdf

From: Mollahan Solicitors <aileen@mollahansolicitors.ie>
Sent: Friday 10 July 2026 12:11
To: LAPS <laps@pleanala.ie>
Subject: Objection to Compulsory Purchase Order Donegal County Council

You don't often get email from aileen@mollahansolicitors.ie. [Learn why this is important](#)

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

RE: Objection to the confirmation of the Donegal County Council (TEN-T Priority Route Improvement Project, Donegal) Compulsory Purchase Order 2026 An Coimisiún Pleanála Reference: HA05E.324272 Objectors: (1) Patrick McDaid and Brendan McDaid (owners of the lands) and (2) Donegal Commercial Vehicles Limited (occupier of the lands and operator of the undertaking) Landowner Ref. 2009 — Plot 2009 F.101 (0.0569 ha, "Part of Public Road", Permanent Acquisition); Plot 2009 C.102 (0.0211 ha, Temporary Acquisition); and private right of way marked AF1-AF1 and AF2-AF2 (Acquisition of Private Right of Way), townland of Listellian, Letterkenny, Co. Donegal

Dear Colleagues

Please see attached;

1. Letter of Objection on behalf of our clients.
2. Expert Report of TENT Engineering on behalf of our clients
3. Donegal County Council/RPS auto-track analysis and drawings for McDaid Bros commercial premises, previously prepared in relation to the proposed closure of the N13 access and replacement access arrangements.

Please acknowledge safe receipt. A Hard Copy will be provided by hand today also.

Kind regards,

Aileen Mollahan B.C.L, (DIP. NOT.L.) (F.N.P.I),
Principal
Mollahan Solicitors
Main Street
Edgeworthstown
County Longford
Ph: 043-6668855
Email: aileen@mollahansolicitors.ie
Website: www.mollahansolicitors.ie



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An Coimisiún Pleanála,
64 Marlborough Street,
Dublin 1.
D01 V902.

By Email and By Personal Delivery

Our Ref: AM/MN/MCDP001-001

Date: 10th July 2026

RE: Objection to the confirmation of the Donegal County Council (TEN-T Priority Route Improvement Project, Donegal) Compulsory Purchase Order 2026 An Coimisiún Pleanála Reference: HA05E.324272

Objectors: (1) Patrick McDaid and Brendan McDaid (owners of the lands) and (2) Donegal Commercial Vehicles Limited (occupier of the lands and operator of the undertaking)

Landowner Ref. 2009 — Plot 2009 F.101 (0.0569 ha, "Part of Public Road", Permanent Acquisition); Plot 2009 C.102 (0.0211 ha, Temporary Acquisition); and private right of way marked AF1-AF1 and AF2-AF2 (Acquisition of Private Right of Way), townland of Listellian, Letterkenny, Co. Donegal

Dear Sir/Madam,

1. Introduction and status of this objection

1.1. We act for (1) Patrick McDaid and Brendan McDaid and (2) Donegal Commercial Vehicles Limited (together "the Objectors"). The lands relevant to this objection are at Ballybofey Road, Listellian, Letterkenny, Co. Donegal and are owned personally by Patrick McDaid and Brendan McDaid. The specialist commercial vehicle testing and service facility on those lands is occupied and operated through Donegal Commercial Vehicles Limited, which has been registered with the Companies Registration Office since 1987 and has occupied and operated the undertaking on the site since then; the trade itself has been carried on from the lands since 1972.

1.2. For the purposes of this objection, the relevant elements of the Schedule to the above Compulsory Purchase Order ("the CPO") under Landowner Ref. 2009 are Plot 2009 F.101, Plot 2009 C.102 and the private right of way described in Part IV of the Schedule (markers AF1-AF1 and AF2-AF2). The Schedule identifies Brendan McDaid and Patrick McDaid and "Donegal Commercial Vehicles" as owners or reputed owners of Plot 2009 F.101, Brendan McDaid and Patrick McDaid as owners/reputed owners and occupiers of Plot 2009 C.102, and Brendan McDaid and Patrick McDaid as owners and occupiers of the private right of way. The facility is identified in the Environmental Impact Assessment Report ("the EIAR") as Property No. 2009.

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SOLICITOR

- 1.3. The CPO Schedule appears to refer to "Donegal Commercial Vehicles", rather than to Donegal Commercial Vehicles Limited. The company is the occupier/operator of the undertaking on the lands, and any confirmation of the CPO should modify the Schedule to identify the limited company and its status accurately.
- 1.4. This is a formal objection, made within time, to the confirmation of the CPO insofar as it relates to and affects the Objectors' lands and the private rights attaching to them, including the private right of way described in Part IV of the Schedule. The Objectors are persons on whom notice of the making of the CPO was required to be, and was, served. Accordingly, under the Housing Act 1966 (as amended), pursuant to which the CPO is made: (a) the Commission may not confirm the CPO in respect of the Objectors' lands unless and until it has considered this objection (paragraphs 5 and 6(a) of the notice served); and (b) the Commission cannot confirm an order authorising the acquisition of a private right of way where an objection to that acquisition by an owner or occupier of the right has been made and not withdrawn, until it has considered the objection (paragraph 6(c) of the notice served).
- 1.5. This objection is directed to the specific and severe effect of the scheme, as currently designed, upon a long-established, specialist and statutorily-licensed commercial undertaking, and to the failure of the Council to establish the necessity for, to justify, to assess, to avoid or to mitigate that effect. To the extent necessary, it also constitutes a submission or observation on the likely effects of the proposed development on the environment and on proper planning and sustainable development, pursuant to paragraph 10 of the served notice.
- 1.6. This objection is supported by, and should be read together with, the report of TENT Engineering entitled "Donegal TEN-T Priority Route Improvement Project — Impact on Donegal Commercial Vehicles Ltd. / McDaid Bros" (ref. 26101-X-XXX-RP-TNT-T-0001, rev. P0, dated 9 July 2026) (enclosed) ("the TENT Report"), which addresses the access and operational implications of the scheme for the Objectors' facility.
- 1.7. This objection does not relate exclusively to matters of compensation. It raises grounds going to the necessity and proportionality of the acquisition, whether the CPO may lawfully and properly be confirmed, the adequacy of the environmental impact assessment, and the proper planning and sustainable development of the area. These are not matters which can be dealt with by the property arbitrator, and the gateway in paragraph 5(b) of the notice (objections relating exclusively to compensation) has no application. The Commission is required to consider and determine this objection before it may confirm the CPO in respect of the Objectors' lands and rights.
- 1.8. This objection is made without prejudice to the Objectors' entitlement to compensation and to all other rights, and without prejudice to any further submission or evidence the Objectors may make or adduce, including at any oral hearing.

2. The Objectors and their undertaking

2.1 A commercial vehicle facility has been carried on from these lands since 1972, a period of over fifty years. The lands are owned personally by Patrick McDaid and Brendan McDaid (recorded in the CPO Schedule under Landowner Ref. 2009). The undertaking is operated through Donegal Commercial Vehicles Limited (Company Registration Number 121384), with a registered office at Ballybofey Road, Letterkenny, County Donegal; the company has been in existence since 1987 and has occupied and operated the undertaking on the site since then. The facility holds its Commercial Vehicle Roadworthiness Test (CVRT) and related authorisations in the name of the company. The facility fronts the existing national road (the N13) on the southern approach to Letterkenny and is identified in the EIAR as "McDaid's Brothers Vehicle Test Centre" (EIAR, Chapter 7: Population, §7.3.2.8).

2.2 The undertaking is not a general commercial premises. It is a specialist, statutorily-authorised facility providing, *inter alia*: commercial vehicle roadworthiness (CVRT) testing of heavy goods vehicles, public service vehicles and agricultural tractors; ADR testing of vehicles carrying dangerous goods; Individual Vehicle Approval (IVA) testing as an approved test centre; tachograph and speed-limiter calibration; NSAI weight and dimension plating; and the repair and sale of commercial vehicles.

2.3 The facility currently employs 25 persons (a figure recorded in the EIAR at §7.4.3.3.2.3) and serves commercial vehicle operators throughout the north-west. Its statutory authorisations depend upon its continuing physical ability to receive, manoeuvre and test the full range of vehicle sizes and categories for which it is approved, including the largest articulated and drawbar goods vehicle combinations and coaches.

2.4 The specialist and licensed character of the undertaking is material. Under the very methodology adopted by the EIAR, the Transport Infrastructure Ireland Population and Human Health Assessment Standard, a "specialist business ... at risk" with "no capacity to experience the impact without incurring a significant socio-economic loss" falls to be treated as a receptor of high sensitivity (EIAR, Chapter 7, Table 7-1). As set out below, the Objectors' facility answers that description, and the EIAR's treatment of it as a receptor of medium sensitivity materially understates its true sensitivity.

3. The CPO and the works proposed on the Objectors' lands

3.1 The elements of the CPO, as served on the Objectors on 13 May 2026, relevant to this objection and to the operation of the Objectors' facility are:

- (a)** the permanent acquisition of Plot 2009 F.101 (0.0569 ha, described as "Part of Public Road", townland of Listellian, of which the Schedule records Donegal County Council as occupier), being the relevant permanent acquisition affecting the frontage and access arrangements of the facility;
- (b)** the temporary acquisition of Plot 2009 C.102 (0.0211 ha, described as "Commercial", townland of Listellian); and
- (c)** the acquisition of the private right of way described in Part IV of the Schedule, over a section of the unnamed road within the townland of Listellian between the points marked AF1-AF1 and AF2-AF2 on the deposited map.



3.2 As the Objectors understand the scheme from the EIAR, the works to be carried out on foot of the CPO will permanently close the existing direct vehicular access from the premises onto the national road, erect a permanent boundary fence along the road frontage, and provide a single replacement access from the local road at the eastern/southern side of the site. The EIAR refers to that road as the L-5704, while project mapping/TENT material reviewed by the Objectors identifies the relevant local road as the L-5794; the Council should clarify the correct road reference. The published documents also appear to contemplate acquisition of a substantial part of, and demolition of the dwelling on, the adjoining Property No. 2010 in order to facilitate the replacement access; that property's residual effect is recorded as "Profound" in the EIAR land-take assessment.

3.3 Plot 2009 F.101 is described in the Schedule as "Part of Public Road" and the Schedule records Donegal County Council as its occupier. The Objectors' instructions, however, are that this strip forms part of the lands over which the undertaking has been in continuous occupation for many years. The Objectors require that their long occupation of this land be recognised, that the effect of the proposed permanent acquisition and of any future works on it upon the Objectors' occupation and use be identified and assessed, and that the necessity for acquiring it permanently from the Objectors be justified. The CPO Schedule should be modified to identify the Objectors as the occupier of this plot.

4. How the EIAR deals with the Objectors' lands

4.1 The facility is assessed in particular in two chapters of the EIAR in the published application documents.

4.2 Chapter 16 (Material Assets — Non-Agricultural) and its Appendix C16.01 (Landtake Assessments) assess the land take and its effect on viability.

4.3 Chapter 7 (Population) assesses the socio-economic and employment effect.

4.4 In Appendix C16.01, the premises is assessed as a medium-sensitivity commercial receptor with limited scope to expand or adjust given its location and operational requirements. The assessment records that the mainline access is to be removed and a new access provided, that the manoeuvring of some vehicles is affected, that parking must be re-arranged, and — critically — that the alteration to operating conditions is substantial and that the "viability may be compromised" (page 15). The residual effect is expressly rated as "Significant".

4.5 In Chapter 7, at §7.4.3.3.2.3 (operational phase), the EIAR records the outcome of an auto-tracking (swept-path) exercise carried out by/on behalf of the Council using vehicle dimensions supplied by the Objectors. That exercise confirms that vehicles ranging from 9 m to 18.75 m in length can be accommodated under the proposed access arrangement, but that vehicles ranging from 22 m to 31.6 m in length cannot be accommodated with the scheme in place. The EIAR then treats the effect as a potential reduction in commercial intensity, relying on an unquantified premise, apparently derived from consultation records, that larger vehicles are used less frequently and “does not form the main source of revenue for the business”. It identifies a “conservative estimate” of 5-10 job losses and a worst-case scenario of discontinuance of the business and loss of all 25 jobs. The latter position is more in tune with the likely outcome of the acquisition, meaning that the effect of the acquisition ought to be characterised as “profound”, in circumstances where there is a significant prospect of the business failing. It is extremely important that the Commission and the Council do not underplay this significance, as same would constitute a material error of fact and thus fatally undermine the analysis: see *Holland J’s recent judgment in Lissan Coal Company (Ireland) Limited v. An Coimisiún Pleanála* [2026] IEHC 255.

4.6 The Objectors also wish to refer on the Council’s earlier auto-track material for the premises. That material proceeded on the basis that the existing direct access to and from the N13 would be closed and that the proposed CPO boundary would be located so as to maximise room for turning vehicles within the site. It was expressly based on assumptions, including vehicle axle dimensions, which units would receive larger vehicles, whether particular front/rear doors were used, and whether Units 3 and 4 were genuinely capable of through-operation. Even where selected movements were shown as technically “satisfied”, the drawings frequently depended on reverse manoeuvres, extra pavement widening, modified rear fencing, or through-movements using rear access. The material also recorded that Unit 4 did not work for a 20 m vehicle entering from the front. The auto-track exercise is addressed further below.

4.7 For the reasons outlined below, the Objectors submit that the EIAR understates the impact of the scheme on the lands and business and the continued viability of the commercial operations at this location if the CPO is confirmed as regards the acquisition of their lands, rights and interests.

5. Grounds of objection

5.1 *The acquisition and works are not shown to be necessary and would constitute a disproportionate interference with the Objectors’ property rights:-*

5.1.1 Compulsory acquisition is a major interference with property rights guaranteed by Articles 40.3.2° and 43 of the Constitution and by Article 1 of Protocol No. 1 to the European Convention on Human Rights. In *Reid v. Industrial Development Agency* [2015] IESC 82, the Supreme Court (McKechnie J.), drawing on *Heaney v. Ireland* [1994] 3 I.R. 593 and *Crosbie v. Custom House Dock Development Authority* [1996] 2 I.R. 531, reaffirmed that both the conferral and every exercise of compulsory powers must satisfy constitutional proportionality, and identified the requirements which an acquiring authority, and, on confirmation, the Commission, must demonstrate.

5.1.2 Those requirements are that:



- (a) the interference with property rights must be justified by the exigencies of the common good, having regard to the principles of social justice;
- (b) the acquisition must be rationally connected to a legitimate public objective and must not be arbitrary or unfair;
- (c) the measure must impair the right as little as possible — it must be the least intrusive means necessary to achieve the legitimate aim;
- (d) all statutory conditions precedent to the exercise of the compulsory power must be strictly complied with; and
- (e) there must be a proper evaluation of alternatives and an overall balance struck between the impact on the individual and the benefit to the community.

5.1.3 As McKechnie J. put it, *“the impairment of the individual’s rights must not exceed that which is necessary to attain the legitimate object sought to be pursued”*. The inquiry is a structured, multi-stage one, and it must be conducted at the level of the particular interference with the particular landowner’s lands. It is not answered by reciting the public benefits of the scheme at large, or by a bare assertion that the CPO is reasonable and proportionate.

5.1.4 The issue on this objection is therefore not whether the TEN-T Priority Route Improvement Project pursues a legitimate public objective — it plainly does, and the Objectors do not contend otherwise. The issue is whether the Council has demonstrated, and whether the Commission can be satisfied, by reference to the particular interference with the Objectors’ lands and rights, that the acquisition and the works it facilitates impair the Objectors’ property rights no more than is necessary to attain that objective. The onus of demonstrating necessity and least-intrusiveness lies on the acquiring authority, and the Commission must itself be satisfied of these matters, at the required level of specificity, before it may lawfully confirm the CPO as respects the Objectors’ lands.

5.1.5 The Council has not discharged that onus. Nothing in the CPO documentation or the EIAR demonstrates why it is necessary, in order to deliver the scheme at this location, to erect the proposed boundary wall along the frontage of the premises, close the existing direct access, alter access in a manner which, on the Council’s own swept-path evidence and the TENT Report, removes the frontage manoeuvring capacity on which the licensed undertaking depends, permanently acquire Plot 2009 F.101 (described as “Part of Public Road” and over which the Objectors assert long occupation/use), acquire the Part IV private right of way, and facilitate a replacement access whose associated impacts include the acquisition/demolition of adjoining Property No. 2010. Each of these interferences requires its own necessity and proportionality justification, which as a matters stand is absent.

5.1.6 The disproportion is demonstrated by the Council's own evidence: on the auto-tracking analysis in the EIAR, the replacement access which this interference delivers is incapable of accommodating vehicles of 22m to 31.6m in length, which are precisely the vehicles a commercial-vehicle test and ADR centre exists to receive. An interference of this magnitude which does not even secure a functioning outcome for the business cannot be the least intrusive means of achieving the scheme's objectives, and no counter-justification for it has been offered. At present, the *Reid* requirements are not satisfied on the information the Council has put before the Commission.

5.1.7 Nor has there been a proper evaluation of alternatives at this location. The Objectors are not aware of any assessment demonstrating that less injurious access arrangements, junction configurations or boundary treatments, including arrangements retaining a workable frontage manoeuvring capability, were considered and rejected on rational grounds. The absence of such an assessment is particularly material because the TENT Report identifies the operational envelope against which any proposed mitigation, revised access arrangement or replacement facility would have to be tested, including the need for sufficient yard space, access width, swept-path capacity, testing lanes, workshop areas, parking and vehicle waiting/circulation space to accommodate articulated HGVs, trailers, coaches and recovery vehicles safely and consistently. Further, the status and reinstatement of Plot 2009 C.102 require clarification. If permanent works are to be carried out on that plot, if the temporary possession is to be materially prolonged, or if the land is not to be reinstated to its former condition, the true interference with the Objectors' lands must be identified, assessed and justified. That has not been done.

5.1.8 A disproportionate interference with an established property use is not a matter that can be cured by, or dealt with exclusively through, an award of compensation. It goes to the validity of the acquisition itself. Unless and until the Council demonstrates, and the Commission is satisfied of, each of the matters at paragraph 5.1.2 above by reference to the particular interference with the Objectors' lands and rights, the CPO cannot lawfully be confirmed as respects those lands and rights.

5.2 *The acquisition of the Objectors' private right of way (Schedule Part IV):-*

5.2.1 Part IV of the Schedule provides for the acquisition of the Objectors' private right of way over a section of the unnamed road within the townland of Listellian, between the points marked AF1-AF1 and AF2-AF2 on the deposited map. The Objectors, as the owners and occupiers of that right, object to its acquisition. By paragraph 6(c) of the notice served, the Commission cannot confirm an order authorising the acquisition of a private right of way in the face of such an objection, not withdrawn, until it has considered the objection.

5.2.2 No justification has been offered for the acquisition of this right, nor for depriving the Objectors of it rather than temporarily regulating it or replacing it by formal deed with an equivalent right. The right of way forms part of the access arrangements on which the operation of the facility depends. Its acquisition fails to be justified under the same Reid principles set out at Ground 5.1, and the Objectors require the Council to identify: (a) the necessity for its acquisition; (b) the works proposed on the way; (c) the arrangements proposed for equivalent access during and after construction; and (d) why a less intrusive interference would not suffice. As matters stand, the Reid proportionality test has not been applied to the right of way and the need for acquisition has not been established. Confirmation should be refused or modified accordingly.

5.3 *The scheme permanently removes the manoeuvring capacity on which the Objectors' specialist and licensed undertaking depends:-*

5.3.1 The essential problem of the scheme, as designed, is that it permanently removes the road-frontage manoeuvring area by which large vehicles enter and leave the Objectors' test lanes, and replaces the existing direct access with a single access from a local road behind a new boundary fence. The EIAR's own auto-tracking confirms the consequence: vehicles in the 22m–31.6m range — precisely the articulated goods vehicles, drawbar combinations and coaches which a commercial-vehicle test and ADR centre exists to receive and test — cannot be accommodated once the scheme is in place. Notably, this is the Council's own swept-path analysis; the deficiency is established on the Council's own evidence.

5.3.2 This is not a peripheral inconvenience affecting "some vehicles". It goes to the core statutory function of the facility. The TENT Report addresses the operational reality: the facility comprises four operational units within two portal-frame structures (total floor area c.1,438 m²), served by a large external yard which is essential for the safe entry, manoeuvring, alignment and exit of commercial vehicles. The TENT Report identifies the units as Unit 1 (two LGV testing lanes), Unit 2 (the current HGV testing lane, central to the site's heavy commercial vehicle testing), Unit 3 (an additional LGV testing lane) and Unit 4 (the garage / workshop). Following construction of the proposed boundary wall, the Report's swept-path (auto-tracking) assessment demonstrates that the 22 m articulated HGV cannot access any of the four units. Specifically:

- (a) Unit 1 can be accessed only by a 9.57 m motorhome and shorter vehicles, the 22 m and 16.5 m articulated HGVs and the 12 m motorhome all being unachievable; and
- (b) Units 2, 3 and 4 are limited to a 16.5 m articulated HGV and shorter vehicles, the 22 m articulated HGV being unachievable to each.

5.3.3 The Report further records that Unit 4 cannot be operated as a drive-through unit, because ancillary buildings and operational areas to its rear are integral to the running of the site and cannot be treated as available manoeuvring space. Critically, the Report cautions that the swept-path drawings are idealised technical checks based on fixed vehicle parameters and controlled manoeuvres, and do not capture real-world variation in wheelbase, axle configuration, steering lock, overhang, articulation characteristics, body shape, driver behaviour and day-to-day manoeuvrability; a movement shown as marginally achievable on a drawing may not be achievable safely and consistently in real-life operation.

- 5.3.4** The Council's earlier auto-track drawings do not answer this point. At their height, they show computer-modelled paths for selected design vehicles on stated assumptions. They do not establish that a licensed commercial vehicle testing premises can operate safely and consistently every day with vehicles of differing specifications, shapes, body types, dimensions, axle configurations, overhangs, steering locks, articulation characteristics and driver behaviour. In several scenarios, the Council's own drawings assume reverse manoeuvres, extra pavement widening or modification to rear fencing, and Unit 4 front-entry does not work for a 20 m vehicle. On the Objectors' instructions, Pat McDaid demonstrated to the Council in 2021 that the proposed auto-track arrangements were not workable in real-life operation.
- 5.3.5** The Report's conclusion is that the scheme renders the heavy commercial vehicle, trailer, PSV, ADR, recovery and associated calibration, type-approval and plating functions unworkable at the site, such that the facility can no longer operate in its current form as a complete commercial vehicle testing, repair, calibration and recovery centre, and that reinstatement at a suitable alternative site — which a standard industrial unit or garage site may not provide — is likely to be required.
- 5.3.6** This deficiency is not merely theoretical. When the Council inspected the premises, it arranged for a local operator to bring a large commercial vehicle to the site in order to test whether the intended arrangement could accommodate such a vehicle, and that exercise showed that it could not. The Council was therefore aware, from its own inspection, that the proposed arrangement would not work for the vehicles the facility exists to receive.
- 5.3.7** The EIAR establishes a Significant residual effect, and its own analysis does not support the conclusion that viability is preserved
- 5.3.8** The EIAR does not conclude that the Objectors' business is unaffected. On the contrary, its land-take assessment expressly finds that the alteration to operating conditions is substantial, that "viability may be compromised", and that the residual effect is "Significant".
- 5.3.9** The countervailing conclusion in Chapter 7, that the effect is confined to business "intensity" and to 5-10 jobs, rests on an unquantified premise, expressed in the EIAR as that larger vehicles "does not form the main source of revenue for the business". The EIAR does not quantify the revenue or throughput attributable to the affected vehicle categories; it relies on consultation notes. In this regard, the difficulty for the business is that the heavy-vehicle categories which the scheme excludes are central, not peripheral, to the undertaking. Where the two relevant chapters of the EIAR reach materially different conclusions on the same impact, and the more favourable conclusion depends on an unquantified assumption, the CPO ought not to be confirmed on the strength of that assumption. Contracts which are presently available to the business will simply cease to be available in the absence of any ability to service these larger vehicles.

5.4 *The EIAR fails to assess the effect of the scheme on the facility's statutory authorisations*

- 5.4.1** The facility operates under, and derives its value and its employment from, a suite of statutory authorisations, as a commercial vehicle (CVRT) test centre, an ADR test centre, an IVA approved test centre and an NSAI plating facility. These authorisations are held in the name of Donegal Commercial Vehicles Limited, which is named on the CVRT licence for the centre. Each depends on the facility's continuing physical capacity to receive and test the vehicle categories for which it

is approved, and the continued suitability of the premises for safe commercial vehicle testing and movement is relevant to the future renewal of the CVRT licence.

- 5.4.2** The EIAR nowhere assesses whether the permanent loss of capacity to receive and test the largest vehicle categories would jeopardise the renewal or retention of those authorisations. This is a material lacuna in the assessment. The loss or curtailment of the authorisations would not be a mere reduction in "intensity"; it would remove a distinct and specialised function of the facility, with corresponding employment and economic consequences and the loss of a specialist service to commercial vehicle operators across the region. The failure to assess this effect means that the likely significant effects of the development on this receptor have not been fully identified.

- 5.4.3** The CPO confirmation application is not insulated from the environmental assessment of the road development. The served notice itself invited submissions or observations on the likely environmental effects of the proposed development, on the implications of the proposed development for proper planning and sustainable development, and on likely significant effects on European Sites. The Commission must therefore be satisfied that the EIAR adequately identifies and assesses the likely significant effects on the Objectors' lands, rights and undertaking before deciding whether to confirm the CPO insofar as it affects those lands and rights.

5.5 *The mitigation on which the assessment relies is unproven*

- 5.5.1** To the extent that the EIAR relies on mitigation to reduce the effect on the Objectors, that mitigation is not shown to be workable. The EIAR records that discussions were held with the operator regarding a reconfiguration of the entry and exit of one of the buildings (Unit 3) to address the access concerns, but candidly acknowledges that it "would take time to rearrange the system and there is no definitive clarity on the feasibility of this arrangement" (EIAR, Chapter 7, §7.4.3.3.2.3). The Objectors' position, as confirmed by the TENT Report, is that neither Unit 3 nor Unit 4 is in fact suitable for conversion to preserve the lost capacity: Unit 4 cannot operate as a drive-through unit, because the ancillary buildings and operational areas to its rear are integral to the running of the site and cannot be sacrificed as manoeuvring space; and a reconfiguration of Unit 3 does not preserve the full commercial vehicle manoeuvring envelope the business requires. The absence of any adequate feasibility assessment is particularly material because the TENT Report identifies the operational envelope against which any proposed mitigation, revised access arrangement or replacement facility would have to be tested, including the need for sufficient yard space, access width, swept-path capacity, testing lanes, workshop areas, parking and vehicle waiting/circulation space to accommodate articulated HGVs, trailers, coaches and recovery vehicles safely and consistently. The mitigation is therefore not merely unproven but, on the Objectors' evidence, unavailable.

- 5.5.2** A CPO ought not to be confirmed, and land ought not to be permanently taken, on the strength of mitigation which the applicant's own assessment concedes may not be feasible. If the Commission is not satisfied that a demonstrably workable access (i.e. one which accommodates the full range of vehicle sizes and categories historically served by the facility) can be delivered, the appropriate course is to decline to confirm the CPO in respect of these lands, alternatively to confirm only subject to conditions or modifications securing such an access.

5.6 Demolition of the adjoining dwelling and the adequacy of the examination of alternatives

5.6.1 The severity of the scheme's effect at this location is underscored by the published documents' indication that the replacement access to the Objectors' premises can only be provided by acquiring a substantial part of, and demolishing the dwelling on, the adjoining Property No. 2010 — an effect the EIAR itself rates as "Profound".

5.6.2 That a dwelling appears to be required solely to provide a replacement access which, on the EIAR's own analysis, is incapable of accommodating the Objectors' largest vehicles, powerfully reinforces the necessity and proportionality concerns at Ground 5.1, and raises a serious question as to whether less injurious alternatives have been properly examined (Reid requirement (e), paragraph 5.1.2 above). The Objectors request that the Commission require the Council to demonstrate that reasonable alternative alignments, junction arrangements and access design, including designs which retain a workable frontage manoeuvring capability for the facility and which avoid or reduce the injury to both properties, have been properly considered, and that the design adopted represents the least injurious means of achieving the scheme's objectives at this location.

5.7 Continuous access, timing, reinstatement and services — information and assurances required

5.7.1 To enable the Objectors to properly consider their position, and consistent with the Council's obligation to state with due care the effect of the CPO on the Objectors' property and without prejudice to the Objectors' general objection to the confirmation of the CPO as affects them, the Objectors require, and call upon the Council to provide, detailed and adequate information and binding assurances as to:

- (a) the precise nature, extent and permanence of the works proposed on Plots 2009 F.101 and 2009 C.102, including the boundary treatment, the closure of the existing access, the construction of the replacement access, the correct local-road reference for that access, and the purpose of the permanent acquisition of Plot 2009 F.101 ("Part of Public Road");
- (b) the precise timing and duration of the temporary acquisition of Plot 2009 C.102, and of the works on the road network to the north of the premises (which the EIAR indicates will be ongoing for more than twelve months), together with a binding assurance that continuous operational access to the facility, sufficient to allow vehicles to be received and tested throughout, will be maintained during construction, and not merely "wherever practicable";
- (c) a binding assurance that unimpeded access to and from the retained lands — for all purposes, and for vehicles of all kinds, including the largest vehicle categories historically served — will be preserved and provided both during and after construction, and reflected in a formal deed of easement, including in substitution for the private right of way to be acquired under Part IV of the CPO Schedule;
- (d) the arrangements for the reinstatement of Plot 2009 C.102 to its former condition, and confirmation of whether any permanent works are proposed on it; and
- (e) whether any services, utilities or safety infrastructure serving the facility (for example water, electricity, telecommunications, drainage or fire-fighting infrastructure) lie within the lands to be acquired or the works area, and the arrangements for their protection, diversion or replacement.

5.8 Proper planning and sustainable development

- 5.8.1 The Objectors' undertaking is an established and significant source of specialist employment and economic activity. The permanent impairment of that undertaking, and the potential loss of its specialist licensed functions, would be inconsistent with the policy emphasis in the County Donegal Development Plan 2024-2030 and the Letterkenny Plan and Local Transport Plan 2023-2029 on retaining and growing employment and economic activity, and contrary to proper planning and sustainable development.
- 5.8.2 The Objectors are advised that the current use of the premises is established and planning-compliant: the site has been the subject of five grants of planning permission in the last ten years, the most recent granted on 10 December 2025, and no planning enforcement issue has been identified to the Objectors. The preservation of this established and specialist employment use is a material consideration weighing against confirmation of the CPO in its present form.
- 5.8.3 The scheme's public benefits cannot justify an avoidable or insufficiently justified injury to the Objectors' undertaking. At a minimum, the Council must demonstrate a workable access/layout, or provide for relocation/reinstatement, before the CPO is confirmed as regards the Objectors' lands and rights.
- 5.8.4 Whilst the common good is an important consideration, it cannot be achieved by an impact on the business if the acquisition is permitted that will, in reality, preclude commercial operations of the current nature of a long established and planning compliant business to the extent that the ongoing operation of the enterprise on the retained land becomes impossible and unworkable, given the consequences in real terms of employment losses.

6. Request for an oral hearing

- 6.1 The Objectors request that the Commission exercise its discretion under section 218 of the Planning and Development Act 2000 (as amended) to hold an oral hearing, at which the Objectors wish to be heard, to call the evidence of the Objectors and their traffic consultants, and to expand upon the grounds set out above.

7. Conclusion

7.1 In summary, this is not a case in which the Objectors' concerns can properly be characterised as matters of valuation or compensation only. The Council's own auto-track assessment accepts that, once the scheme is implemented, vehicles in the 22m–31.6m range cannot be accommodated at the facility. The TENT Report explains why that loss is not a marginal inconvenience, but strikes at the operational core of a long-established, specialist and licensed commercial vehicle testing, repair, calibration and recovery undertaking. Nor is the position rescued by computer-generated auto-track drawings showing selected 15.4 m or 16.5 m vehicle movements under idealised assumptions: the issue is whether the facility can operate safely and consistently in real-life conditions with the full range of vehicles it exists to receive. The CPO would remove or materially impair the access and manoeuvring envelope on which the undertaking depends, without any adequate demonstration that this interference is necessary, least intrusive, or capable of being mitigated by a workable alternative arrangement.

7.2 In those circumstances, the Commission cannot safely be satisfied that the proposed acquisition, as it affects the Objectors' lands, rights and undertaking at the facility, satisfies the requirements of necessity, proportionality, proper planning and sustainable development, or that the likely significant effects on this receptor have been adequately assessed, particularly as the effect of the acquisition is likely to render the current commercial operations at this facility unviable, with the consequent loss of 25 jobs, unless a suitable alternative location can be found. No adequate mitigation is proposed in the EIAR or otherwise as respects the impacts of this particular acquisition.

7.3 The CPO should therefore not be confirmed in its present form insofar as it affects the facility, Plot 2009 F.101, Plot 2009 C.102 and the Part IV private right of way; alternatively, it should be modified or conditioned so as to secure, before confirmation or implementation, a demonstrably workable access and operational arrangement, or an equivalent replacement solution, which preserves the full functional capacity of the undertaking.

7.4 The Objectors respectfully request that the Commission (following an oral hearing):

(a) refuse to confirm the CPO insofar as it relates to the Objectors' lands and rights affecting the facility (Plots 2009 F.101 and 2009 C.102 and the Part IV private right of way);

Alternatively and strictly without prejudice to this primary position;

(b) confirm the CPO in respect of those lands and rights only subject to such conditions and/or modifications as will secure (i) a demonstrably workable permanent access to the premises capable of accommodating the full range of vehicle sizes and categories historically served by the facility, or, if that cannot be achieved, a binding scheme-level solution for relocation/reinstatement capable of preserving the business in its current form before any interference with existing access occurs, (ii) the preservation of the facility's operational and licensed functions, and (iii) binding provision for unimpeded access by formal deed of easement, including in substitution for the Part IV right of way;

(c) require the Council to demonstrate, by reference to the particular interference with the Objectors' lands and rights, each of the matters identified at paragraph 5.1.2 above (Reid), including that the acquisition and works are necessary, that they represent the least intrusive means of achieving the scheme's objectives at this location, and that reasonable alternatives have been properly evaluated;

(d) hold an oral hearing pursuant to section 218 of the Planning and Development Act 2000 (as amended); and

(e) make such further or other order, condition or modification to the CPO as may be appropriate.

32 Francis Street
Dublin 8, D08NN96

Reference: **Donegal Commercial
Vehicles Ltd. / McDaid Bros**

Date: 09.07.2026

To: Donegal County Council
Donegal National Roads Office
Drumlonagher
Donegal Town
Co. Donegal
F94 DK6C

Dear Sir / Madam,

Please find enclosed the report titled "Donegal TEN-T Priority Route Improvement Project Impact on Donegal Commercial Vehicles Ltd. / McDaid Bros", dated 09.07.2026, prepared by Tent Engineering on behalf of Brendan McDaid and Patrick McDaid / Donegal Commercial Vehicles Ltd. / McDaid Bros in relation to the premises at Ballybofey Road, Letterkenny, Co. Donegal. The report sets out the operational impact of the proposed TEN-T Priority Route Improvement Project, Donegal, Section 2: N56/N13 Letterkenny to Manorcunningham, on the existing commercial vehicle testing, repair, calibration and recovery business operating from the site, with particular regard to the proposed land acquisition, boundary treatment and resulting restrictions to vehicle access and manoeuvrability.

Sincerely,



Diarmuid Healy

Donegal TEN-T Priority Route

09.07.2026

Improvement Project Impact on Donegal
Commercial Vehicles Ltd. / McDauid Bros

26101-X-XXX-RP-TNT-T-0001



TENT ENGINEERING

Site Address:
Listellian,
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Donegal Commercial Vehicles Ltd.

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32 Francis Street,
Dublin,
D08 NN96

Revision and Review

This report has been prepared for the sole benefit, use and information of the client. The liability of Tent engineering with respect to the information contained in this report will not extend to any third party.

REVISION(S)

Rev.	Description	Date
P0	1st Issue	09.07.2026

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1 Executive Summary

Tent Engineering has been appointed by Brendan McDaid and Patrick McDaid, the landowners of the affected property, in relation to the business operated as Donegal Commercial Vehicles Ltd / McDaid Bros, a well-established and highly specialised commercial vehicle business operating from Ballybofey Road, Letterkenny, Co. Donegal. The business is directly impacted by the proposed TEN-T Priority Route Improvement Project, Donegal - Section 2: N56/N13 Letterkenny to Manorcunningham, which requires the acquisition of land and alterations to the existing access arrangement serving the site. The CPQ documentation identifies the affected landowner reference as 2009 and includes permanent and temporary acquisition of such land.

This report provides an assessment of the severe impact these alterations will have on the business's operations. Our analysis examines:

- The facility's current functionality, including its integration with the existing N13 access and surrounding road network.
- The loss of operational yard and manoeuvring space, which will significantly disrupt daily commercial vehicle operations.
- The inability to continue key business activities due to access constraints and swept-path limitations caused by the proposed land acquisition and boundary wall.

The facility is highly dependent on its testing lanes, workshop units, staff and customer parking and the movement of commercial vehicles ranging from light vans and motorhomes to articulated HGVs, trailers, coaches and recovery vehicle combinations. Under the proposed plans, the business will be unable to continue operating in its current form at this site, as the permanent land acquisition and proposed boundary wall make continued use of key areas of the facility unworkable.

The existing business provides Commercial Vehicle Roadworthiness Testing for HGVs, LGVs, PSVs and agricultural tractors, ADR testing, vehicle type approval, tachograph calibration, speed limiter calibration, NSAI weight and dimension plating, HGV / PSV / LGV repairs and commercial vehicle sales and preparation.

The existing facility comprises four principal operational units. Unit 1 accommodates two LGV testing lanes, Unit 2 accommodates the current HGV testing lane, Unit 3 accommodates an additional LGV

testing lane and Unit 4 accommodates the garage / workshop function. Further details of the existing facility, its operational units and their respective functions are provided in Section 2.

The swept-path assessment demonstrates that following construction of the proposed boundary wall, Unit 1 can only be accessed by a 9.57 m motorhome and shorter vehicles. The 22 m large motorhome movement, 16.5 m articulated HGV and 12 m motorhome movements are not achievable.

For Unit 2, which accommodates the current HGV testing lane, the swept-path assessment demonstrates that a 22 m articulated HGV is not achievable. A 16.5 m articulated HGV and shorter vehicles can access the unit. While this retains a degree of HGV access, it does not demonstrate that the full range of HGV, trailer, PSV, ADR and recovery-related vehicle movements required by the business can continue to be accommodated.

For Unit 3, which accommodates an LGV testing lane, the swept-path assessment demonstrates that a 22 m articulated HGV is not achievable, with only a 16.5 m articulated HGV and shorter vehicles capable of accessing the unit.

For Unit 4, which accommodates the garage / workshop function, the swept-path assessment demonstrates that a 22 m articulated HGV is not achievable. A 16.5 m articulated HGV and shorter vehicles can access the unit. However, it should be noted that a drive-through arrangement for Unit 4 is not considered operationally feasible, as multiple buildings are located to the rear of this unit and are key to the day-to-day operation of the site.

The retention of access for smaller vehicles to Units 2 and 4 does not preserve the operational functionality of the business as a complete commercial vehicle testing, repair, calibration and recovery facility. The swept-path assessment represents a controlled design scenario based on fixed vehicle assumptions. The facility will receive a wide range of vehicles over its operational life, with different wheelbases, axle configurations, steering locks, overhangs, articulation characteristics and driver behaviours. Therefore, a movement shown as technically achievable on a swept-path drawing may still be difficult to achieve safely and consistently in real-world day-to-day operation.

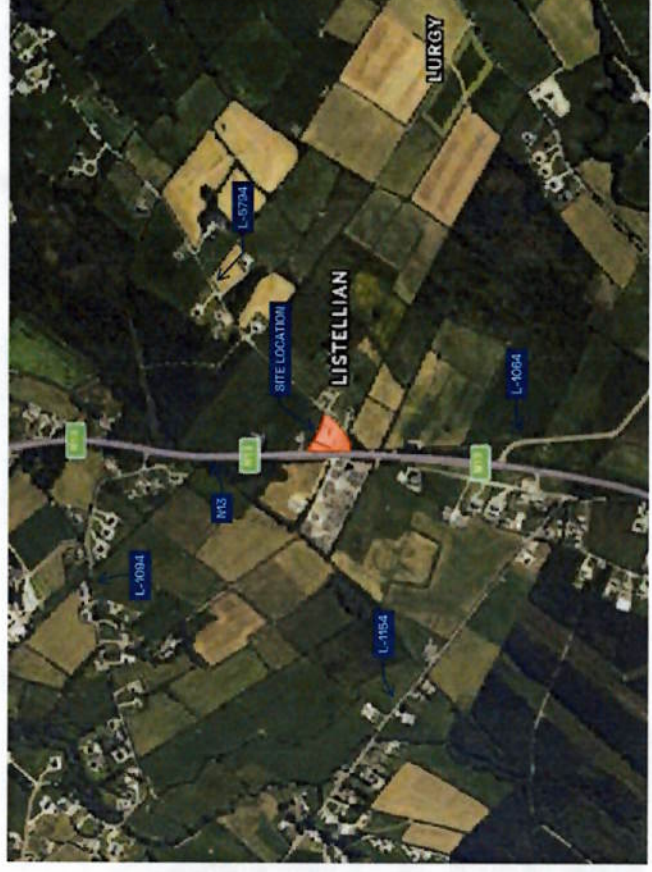
Further details of the existing facility, its operational units and their respective functions are provided in Section 2.

The EIAR for this road scheme expressly

recognises the operational risk to McDaid's CVRT testing centre. Chapter 7, Section 7.4.3.2.3, "Employment (Direct and Indirect Impacts on Existing Businesses)", identifies McDaid's under "Changes to Operating Conditions / Access Arrangements at Commercial Premises" and notes that the proposed access changes have implications for the manoeuvring of larger vehicles. The EIAR states that vehicles from 22 m to 31.6 m cannot be accommodated with the Proposed Development in place. It further notes that the facility has 25 employees and acknowledges that, in a worst-case scenario where the operator discontinues the business due to the revised arrangements, all 25 jobs would be lost. The EIAR also identifies a reduced-intensity scenario, with a conservative estimate of 5 to 10 jobs lost.

The EIAR appears to frame the impact as a reduction in the intensity of commercial activity. However, the client's position is that the loss of the HGV, trailer, PSV, ADR, recovery and associated calibration / repair functions would undermine the operation of the facility as a whole.

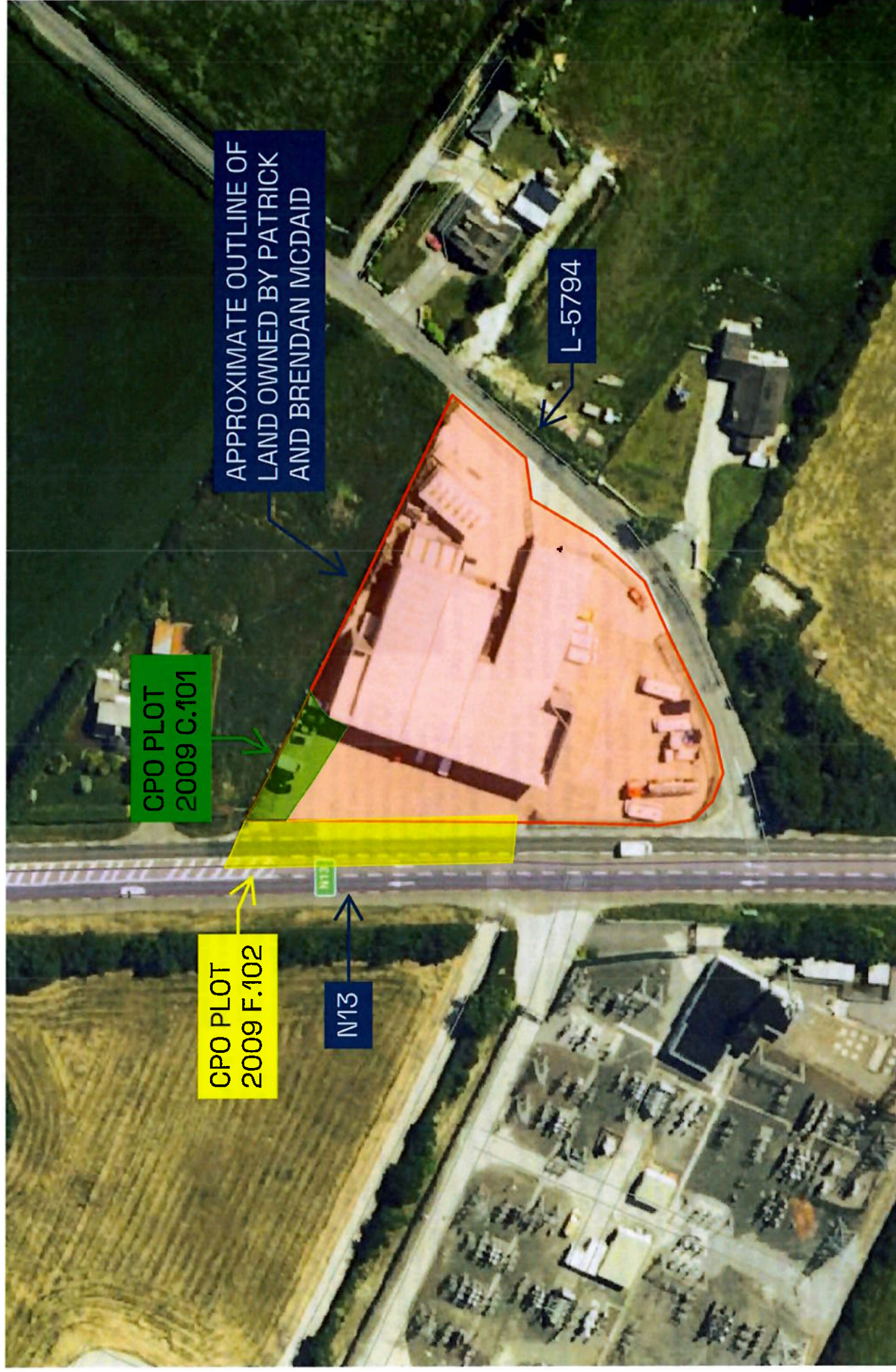
Fig 1.1 - Site location in relation with the existing regional road network



Key Findings:

- The proposed CPQ boundary wall renders key heavy commercial vehicle operations unworkable at the current site.
- Unit 1 loses the ability to accommodate larger commercial vehicle movements, with access limited to a 9.57 m motorhome and shorter vehicles.
- Unit 2 contains the current HGV testing lane. While a 16.5 m articulated HGV and shorter vehicles can access the unit, the 22 m articulated HGV movement is not achievable.
- Unit 3 loses the ability to accommodate 22 m articulated HGV movements, with access limited to a 16.5 m articulated HGV and shorter vehicles.
- Unit 4 contains the garage / workshop function. While a 16.5 m articulated HGV and shorter vehicles can access the unit, the 22 m articulated HGV movement is not achievable.
- The loss of HGV, trailer, PSV, ADR and recovery capability threatens the continued operation of the business at this location.
- Reinstatement at a suitable alternative site is likely to be required to maintain the business in its current form.

Fig 1.2 - Site location in relation with the existing local road network



2 Description of the Land Use

Donegal Commercial Vehicles Ltd / McDaid Bros is a long-established and highly specialised commercial vehicle business operating from the lands in question.

The business has served Donegal and the wider north-west region for more than five decades, having operated since 1972. It operates as a purpose-built commercial vehicle testing, repair, calibration and recovery facility. Unlike a standard garage or light-vehicle workshop, the facility depends on large commercial vehicles being able to safely enter, manoeuvre within the yard, align with the test lanes and workshop units and exit the premises.

Donegal Commercial Vehicles provides commercial vehicle services to the road transport industry within the north-west region. These services include:

- Commercial Vehicle Roadworthiness Testing of heavy and light commercial vehicles, Public Service Vehicles and agricultural tractors;
- ADR testing;
- heavy vehicle recovery using specially adapted HGV recovery vehicles;
- vehicle type approval;
- tachograph calibration;
- speed limiter calibration;
- NSAI weight and dimension plating;
- HGV, PSV and light commercial vehicle repairs and overhaul.

Key Facility Advantages and Operations

One of the key operational advantages of this facility is its ability to provide a complete commercial vehicle service from one site. Customers can attend for testing, repairs, tachograph calibration, speed limiter calibration, plating, pre-test preparation and associated commercial vehicle works.

The facility regularly accommodates large commercial vehicles, including articulated HGVs, trailers, coaches and recovery vehicle combinations. The 2022 correspondence identifies typical vehicle lengths used by the business, including 12 m rigid vehicles, 15 m coaches, 16.5 m articulated vehicles, 18.75 m vehicle combinations and 22 m large vehicle combinations. It also notes that DOV's recovery truck is 9.8 m long, with a 2.6 m towbar extension on the new recovery truck.

The site comprises four main operational units:

Unit	Existing Use
Unit 1	Two LGV testing lanes
Unit 2	Current HGV testing lane
Unit 3	Additional LGV testing lane
Unit 4	Garage / workshop

Units 1 and 2 are located within one portal frame structure. Units 3 and 4 are located within a second portal frame structure. The four operational units have a total area of approximately 1,438 m².

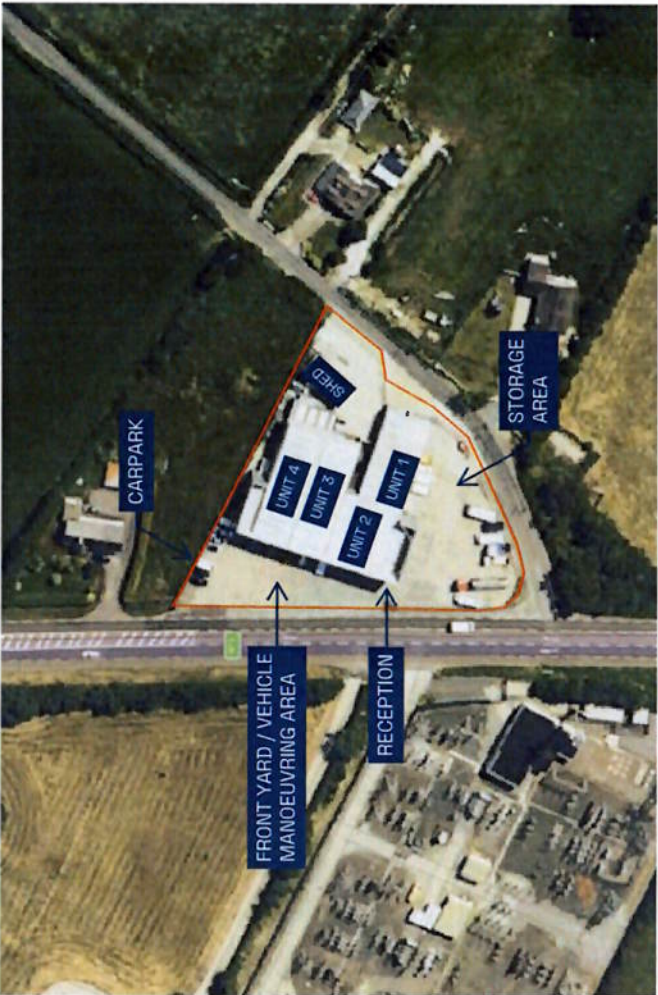
Unit 1 accommodates two LGV testing lanes. Unit 2 accommodates the current HGV testing lane and is therefore central to the heavy commercial vehicle testing operation of the site. Unit 3 accommodates an additional LGV testing lane. Unit 4 accommodates the garage / workshop function, which supports the repair, maintenance, preparation and associated commercial vehicle activities undertaken at the premises.

A key operational requirement is the large external yard area, which extends beyond the building footprint. This space is essential for accommodating commercial vehicles of all sizes, ensuring safe access, manoeuvring and alignment with the testing and workshop lanes.

Currently, the external yard is used for staff and customer parking, vehicle circulation and access waiting, testing-related movements and access to the four operational units. The available yard space allows multiple vehicle types to operate efficiently at the same time. These operations were viewed during the site visit undertaken on 3 July 2026. The photographs taken during the visit, included in the Appendix, show HGVs and long commercial vehicles using the premises, together with the test lanes, workshop areas, circulation routes, boundary fencing and ancillary operational areas.

Despite the size of the overall landholding, the land currently used for access and manoeuvring is essential to the business. If this space is removed or restricted, the buildings cannot continue to operate for their intended commercial vehicle functions.

Fig 2.1 - Site usage diagram



3 TEN-T Project Impact on the Business

The site is located within the proposed TEN-T Priority Route Improvement Project, Donegal - Section 2: N56/M13 Letterkenny to Manorcunningham, as shown in the proposed road development drawing (Figure 3). The proposed development includes alterations to the N13, L-5794, Listellian Junction and associated local road connections.

To assess the impact on the facility, we have focused on the portion of the site affected by the proposed CPD boundary and associated permanent boundary treatment.

The CPD documentation identifies landowner reference 2009 and includes permanent and temporary acquisition of lands associated with Donegal Commercial Vehicles. The relevant CPD plots include (as shown in Figure 3.3):

CPD Plot	Area	Description
2009 F.101	0.0569 ha	Part of public road
2009 C.102	0.0211 ha	Commercial land

The CPD deposit map also identifies a number of surrounding plots and proposed rights affecting the wider road scheme area, including lands around the existing site as shown in Figure 3.1 & 3.2.

Operational Impact

The facility is heavily reliant on its testing lanes, workshop units, external yard, parking and access arrangements, all of which are currently operating as part of one integrated commercial vehicle facility. The revised site layout introduces significant constraints, including:

- severe restrictions on vehicle access and manoeuvrability, particularly for articulated HGVs, trailers and recovery vehicles;
- loss of the manoeuvring space required for large vehicles to align with the test lanes and workshop units;
- loss of the ability to accommodate the full range of vehicles currently using the facility;
- fundamental operational challenges due to the proposed boundary wall and permanent land acquisition, ultimately making the business non-viable in its current form at this location.

The client's correspondence states that the proposed boundary fence along the frontage of the premises would remove the manoeuvring space required for articulated HGVs, trailers and coaches to safely enter and exit the test lanes and therefore, the premises would no longer function as the purpose-built commercial vehicle facility that has operated successfully for more than fifty years. The client has also advised that the continued suitability of the premises for safe commercial vehicle testing and movement is relevant to future CVRT licence renewal.

The challenges associated with the movement and access of large commercial vehicles are examined in the swept-path drawings shown in Figures 3.5, 3.6 and 3.7.

The swept-path drawings should be read as technical design checks based on defined vehicle parameters and controlled manoeuvres. They do not fully replicate day-to-day operating conditions, where vehicles may vary significantly in wheelbase, axle arrangement, steering lock, overhang, articulation behaviour and driver approach. The facility will receive a wide range of commercial vehicles over its operational life and there is no single vehicle profile that represents all operating conditions. A manoeuvre that is marginal or constrained on a swept-path drawing may therefore be more difficult to achieve safely and consistently in practice.

Fig 3.1 - CPD Deposit Map Section 2



Fig 3.2 - CPD Deposit Map Section 2 Close-Up

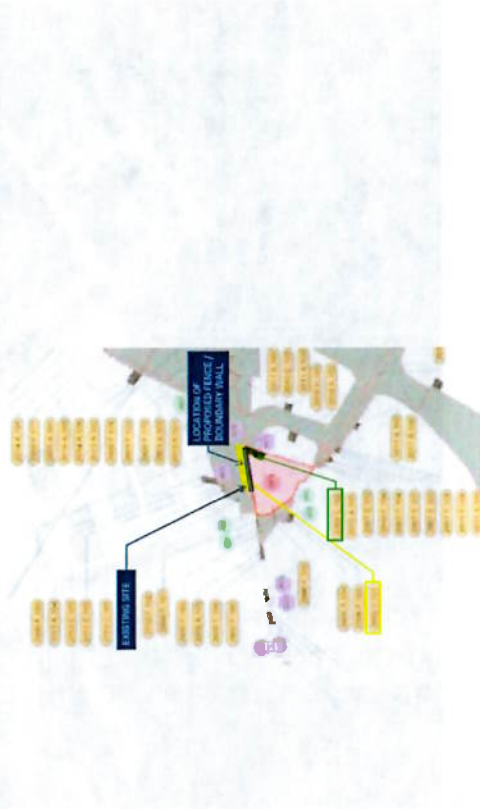


Fig 3.3 - CPD schedule for the relevant plots

Number on map deposited at the offices of the Local Authority	Quantity, Description and Situation of the Land		Description of Property	Owners or Reputed Owner	Lessees or Reputed Lessees	Occupiers
	Area in Hectares	Location				
2009 F.101	0.0569	Location: Left-side way Co Donegal	Part of Public Road	Brendan McDaid & Patricia McDaid Donegal Commercial Vehicles	Name	Donegal County Council
2009 C.102	0.0211	Location: Left-side way Co Donegal	Commercial	Brendan McDaid & Patricia McDaid	Name	Brendan McDaid & Patricia McDaid

Unit 1 (Figure 3.5)

Unit 1 currently accommodates two LGV testing lanes. Following construction of the proposed boundary wall, the swept-path assessment demonstrates that only a 9.57 m motorhome and shorter vehicles can access Unit 1. The 22 m large vehicle movement, 16.5 m articulated HGV and 12 m motorhome movements are not achievable. The 34.1 m recovery combination autotracking has been omitted because these shorter vehicles are already not achievable.

This has a direct impact on the operational flexibility of the facility. While Unit 1 is understood to accommodate LGV testing lanes, the inability to accommodate 12 m motorhomes, 16.5 m articulated HGVs and 22 m large vehicle movements in this part of the site reduces the range of commercial vehicles that can safely and consistently manoeuvre within the premises.

Unit 2 (Figure 3.6)

Unit 2 currently accommodates the current HGV testing lane and is therefore key to the HGV testing operation of the site.

The swept-path assessment demonstrates that a 22 m articulated HGV is not achievable to access Unit 2. The assessment confirms that a 16.5 m articulated HGV and shorter vehicles can access Unit 2.

This has a direct impact on the operational flexibility of the facility. While this retains a degree of HGV access, it does not demonstrate that the full range of HGV, trailer, PSV, ADR and recovery-related vehicle movements required by the business can continue to be accommodated.

Unit 3 (Figure 3.6)

Unit 3 currently accommodates an additional LGV testing lane.

Following construction of the proposed boundary wall, the swept-path assessment demonstrates that a 22 m articulated HGV is not achievable to access Unit 3. The assessment confirms that a 16.5 m articulated HGV and shorter vehicles can access Unit 3.

This has a direct impact on the operational flexibility of the facility. The proposed arrangement does not preserve the full commercial vehicle manoeuvring envelope currently required by the business.

Unit 4 (Figure 3.7)

Unit 4 currently accommodates the garage / workshop function. This unit supports the repair, maintenance, preparation and associated commercial vehicle activities undertaken at the premises.

Following construction of the proposed boundary wall, the swept-path assessment demonstrates that a 22 m articulated HGV is not achievable to access Unit 4. The assessment confirms that a 16.5 m articulated HGV and shorter vehicles can access Unit 4.

This has a direct impact on the operational flexibility of the facility and is particularly relevant given the role of the workshop in supporting repairs, maintenance, preparation and recovery-related activities associated with the wider commercial vehicle operation. It should also be noted that a drive-through arrangement for Unit 4 is not considered operationally feasible. Multiple buildings / operational areas are located to the rear of Unit 4 and are key to the ongoing operation of the site. These areas cannot simply be removed or treated as available manoeuvring space without further undermining the functionality of the premises.

EIAR Commentary

The EIAR for this road scheme expressly recognises the operational risk to McDaid's CVRT testing centre, Chapter 7, Section 7.4.3.2.3, "Employment (Direct and Indirect Impacts on Existing Businesses)", identifies McDaid's under "Changes to Operating Conditions / Access Arrangements at Commercial Premises" and notes that the proposed access changes have implications for the manoeuvring of larger vehicles.

The EIAR records that vehicles from 9 m to 18.75 m can be accommodated, but vehicles from 22 m to 31.6 m cannot be accommodated with the Proposed Development in place. It also records that the facility has 25 employees and that, in a worst-case scenario where the operator decides to discontinue the business, these jobs would be lost. The EIAR also identifies a reduced-intensity scenario, with a conservative estimate of 5 to 10 jobs lost.

The EIAR appears to frame the impact as a reduction in the intensity of commercial activity. However, the client's position is that the loss of the HGV, trailer, PSV, ADR, recovery and associated calibration / repair functions would undermine the operation of the facility as a whole.

Fig 3.5 - Swept Path Analysis: Access to Unit 1

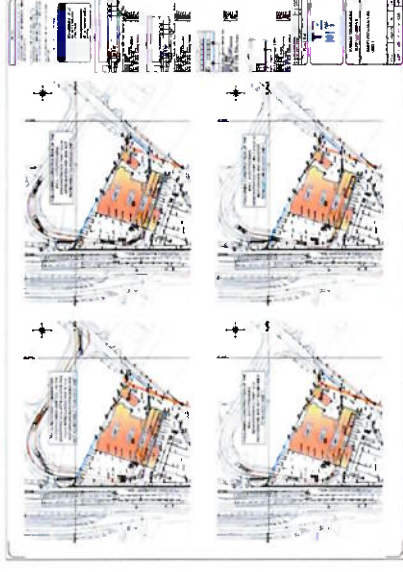


Fig 3.6 - Swept Path Analysis: Access to Units 2 and 3

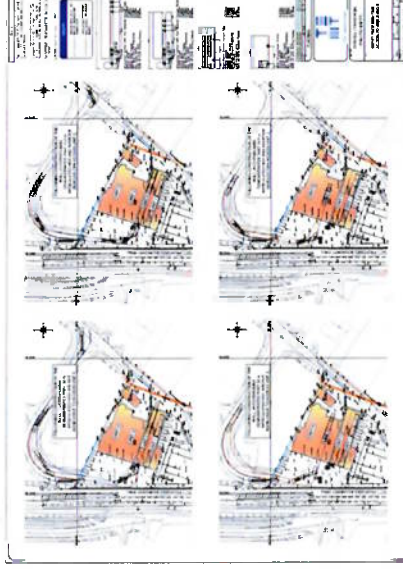
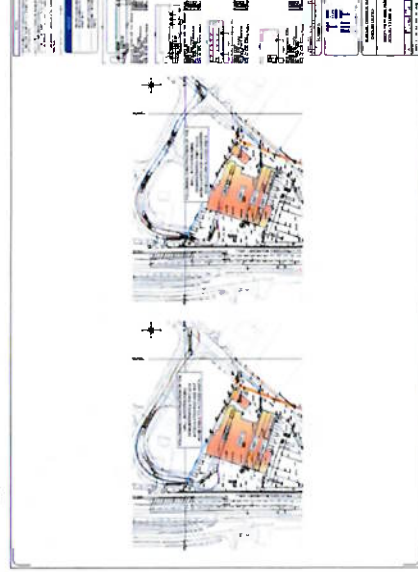


Fig 3.7 - Swept Path Analysis: Access to Unit 4



4 Reinstatement at Alternative Site

The proposed scheme will have a detrimental effect on the continued operation of Donegal Commercial Vehicles at its current site. The issue is not limited to the land take itself. The proposed CPO boundary wall materially reduces the manoeuvring space required for the large commercial vehicles that currently use the premises.

The swept-path assessment demonstrates that key heavy commercial vehicle operations become constrained under the proposed layout. Unit 1 is limited to a 9.57 m motorhome and shorter vehicles, with larger commercial vehicle movements not achievable. Unit 2, which accommodates the current HGV testing lane, can accommodate a 16.5 m articulated HGV and shorter vehicles, but cannot accommodate a 22 m articulated HGV. Units 3 and 4 are similarly unable to accommodate the 22 m articulated HGV movement.

The updated swept-path assessment therefore confirms that the proposed layout does not preserve the full operational envelope required by the business. While selected 16.5 m articulated HGV movements remain possible to Units 2, 3 and 4, this does not demonstrate that the full range of HGV, trailer, PSV, ADR and recovery-related movements can continue to be accommodated safely and consistently.

The loss of HGV, trailer, PSV, ADR and recovery capability threatens the continued operation of the business at this location. While some smaller vehicle movements may remain possible, this does not preserve the existing commercial vehicle operation in its current form. The business relies on being able to provide a complete commercial vehicle service from one site, including testing, repair, calibration, plating and recovery-related activities.

As a result, reinstatement at a suitable alternative site is likely to be required to maintain the business in its current form. Any such site would need to provide sufficient yard space, access width, internal test lanes, workshop areas, customer and staff parking and swept-path capacity for articulated HGVs, trailers, coaches and recovery vehicles. A standard industrial unit or garage site may not be suitable.

5 Conclusion

The findings of this report demonstrate that the TEN-T Priority Route Improvement Project, Donegal, as currently proposed, will have a severe impact on the continued operation of Donegal Commercial Vehicles Ltd / McDaid Bros at its existing location. The permanent and temporary land acquisition required for the project directly threatens the viability of the business by significantly reducing the yard, access and manoeuvring areas which are fundamental to its operations.

Our analysis confirms that:

- The revised site layout under the TEN-T scheme results in severe restrictions on vehicle access and manoeuvrability, particularly for articulated HGVs, trailers, coaches and recovery vehicle combinations.
- The proposed CPO boundary wall renders key heavy commercial vehicle operations unworkable at the current site.
- Unit 1 is limited to access by a 9.57 m motorhome and shorter vehicles, with 12 m motorhome, 16.5 m articulated HGV and 22 m large vehicle movements not achievable.
- Unit 2 contains the current HGV testing lane. While a 16.5 m articulated HGV and shorter vehicles can access the unit, the 22 m articulated HGV movement is not achievable.
- Unit 3 can accommodate a 16.5 m articulated HGV and shorter vehicles, but cannot accommodate the 22 m articulated HGV movement.
- Unit 4 accommodates the garage / workshop function. While a 16.5 m articulated HGV and shorter vehicles can access the unit, the 22 m articulated HGV movement is not achievable.
- A drive-through arrangement for Unit 4 is not operationally feasible due to the multiple buildings located to the rear of this unit, which are key to the functioning of the site.
- The loss of HGV, trailer, PSV, ADR and recovery capability threatens the continued operation of the business at this location.

The EIA for this road scheme recognises that vehicles from 22 m to 31.6 m cannot be accommodated with the proposed development in place. It also records that the facility has 25 employees and that, in a worst-case scenario where the operator decides to discontinue the business, all 25 jobs would be lost.

The reinstatement requirements identified in this assessment indicate that a standard industrial unit or garage site may not be a suitable replacement due to:

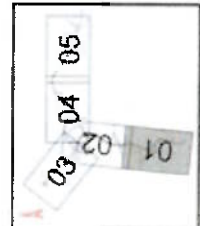
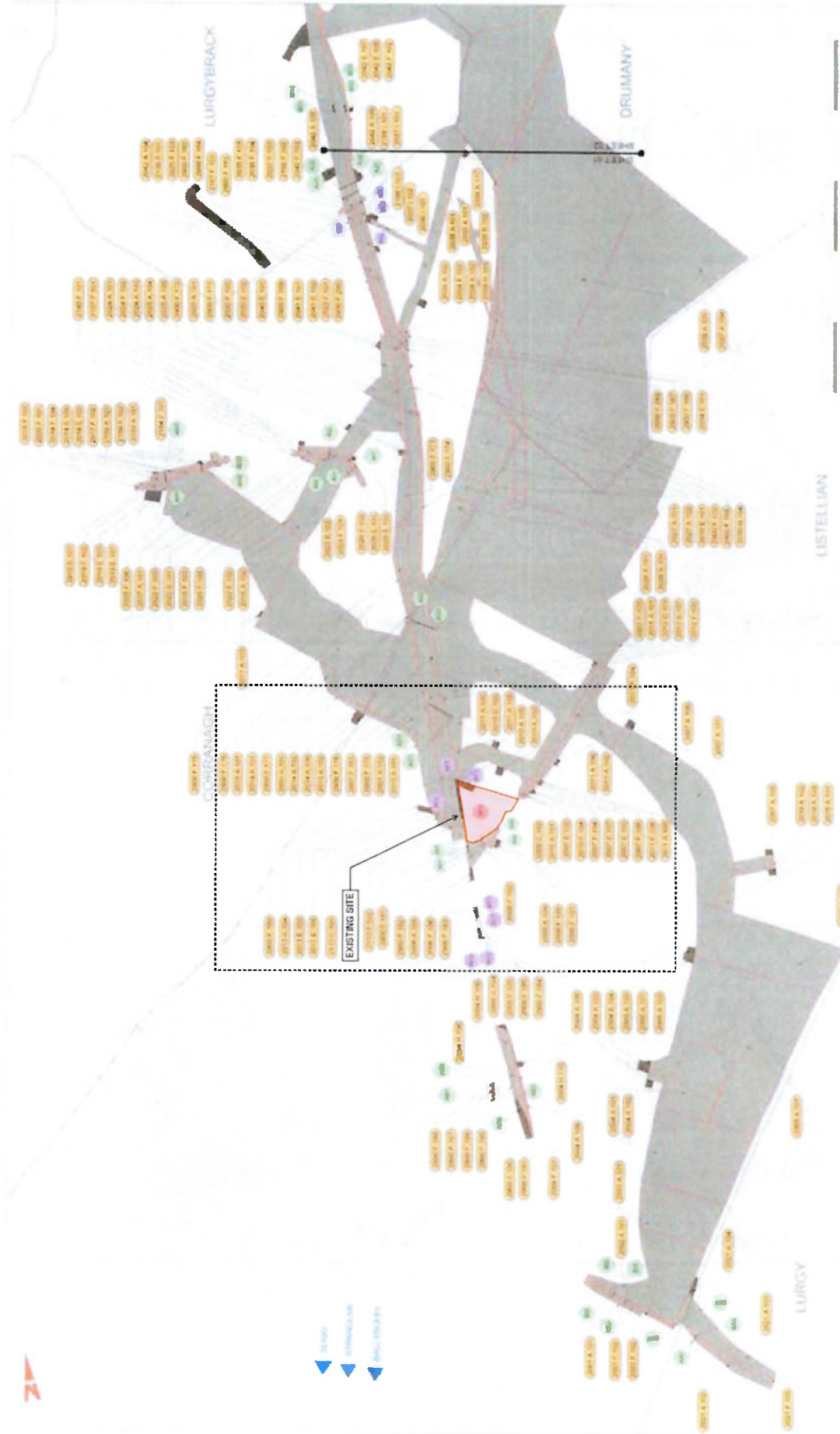
- Inadequate external yard space for the movement of articulated HGVs, trailers, coaches and recovery vehicles.
- Insufficient access width and swept-path capacity for the vehicle types currently using the facility.
- The need for dedicated commercial vehicle testing lanes, workshop areas, calibration facilities and associated specialist equipment.
- The requirement for customer and staff parking, secure yard space and vehicle waiting areas.

While some smaller vehicle movements may remain possible under the proposed layout, this does not preserve the existing commercial vehicle operation in its current form. The business relies on being able to provide a complete commercial vehicle service from one site, including testing, repair, calibration, plating and recovery-related activities.

As a result, reinstatement at a suitable alternative site is likely to be required to maintain the business in its current form. Any such site would need to

be capable of accommodating the existing commercial vehicle testing, repair, calibration,





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 TEN-1 PRIORITY ROUTE IMPROVEMENT PROJECT, DONEGAL
 SECTION 2 - NORTON'S LETTERKENNY TO MANORCUNNINGHAM

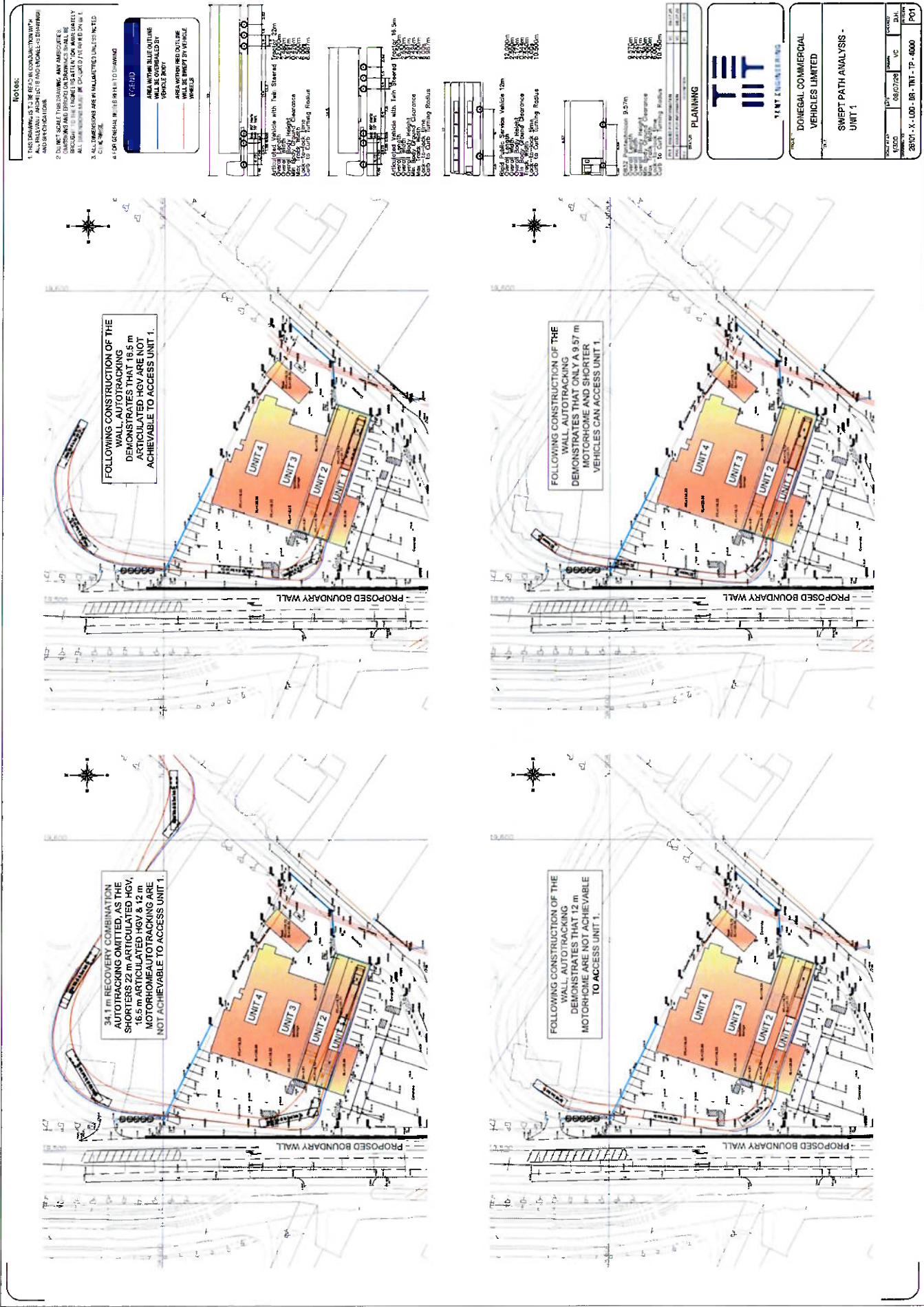
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Date DEC 2023
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Sheet 01 of 05

Project File
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 SECTION 2 - NORTON'S LETTERKENNY TO MANORCUNNINGHAM
 ORDER, 2020 - DEPOSIT MAP

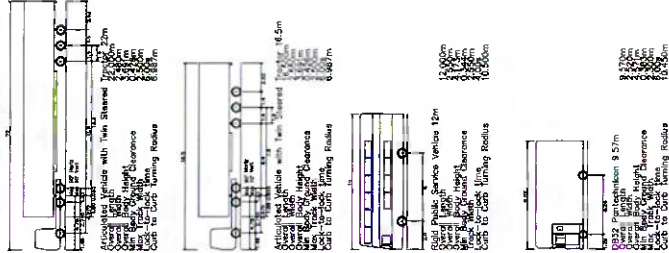
Author J. J. O'Donnell
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Sheet 01 of 05

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Author J. J. O'Donnell
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Date DEC 2023
Scale 1:250 @ A1
Status A3
Sheet 01 of 05



- NOTES:
- 1 THIS DRAWING IS TO BE USED IN CONJUNCTION WITH THE DRAFTER'S REPORT AND ANY OTHER DRAWINGS AND SPECIFICATIONS.
 - 2 DO NOT SCALE THIS DRAWING. ANY DIMENSIONS, UNLESS OTHERWISE SPECIFIED, SHALL BE TAKEN FROM THE DRAFTER'S REPORT.
 - 3 ALL DIMENSIONS ARE IN METERS UNLESS NOTED OTHERWISE.
 - 4 1:500 GRAPHIC NOT SCALE TO DRAWING.



PLANNING			
DATE	10/10/2020	BY	10/10/2020
REV	1	REV	1



DONEGAL COMMERCIAL VEHICLES LIMITED		TENT ENGINEERING	
SWEPT PATH ANALYSIS - ACCESS TO UNIT 4		PROJECT NO: 20/01-X-100-JR-TY-TP-4022	
DATE	10/10/2020	BY	10/10/2020
REV	1	REV	1

plating and recovery operations currently
provided by Donegal Commercial Vehicles Ltd /



Contact: Diarmuid Healy
Company: Tent Engineering Ltd
Email: hello@tentengineering.com

Created: 03.07.26 09:27
Location: Diarmuid Healy
Title: McDaid
No. Items: 27



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Created: 03.07.26 08:27

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page 1 of 27

Contact: Diarmuid Healy
Company: Tent Engineering Ltd
Email: hello@tentengineering.com

Created: 03.07.26 09:27
Location: Diarmuid Healy
Title: McDaid
No. Items: 27



(2)

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page 2 of 27

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Company: Tent Engineering Ltd
Email: hello@tentengineering.com
Created: 03.07.26 09:27
Location: Diarmuid Healy
Title: McDade
No. Items: 27



Contact: Diarmuid Healy
Company: Tent Engineering Ltd
Email: hello@tentengineering.com
Created: 03.07.26 09:27
Location: Diarmuid Healy
Title: McDade
No. Items: 27



(3)

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16.7m

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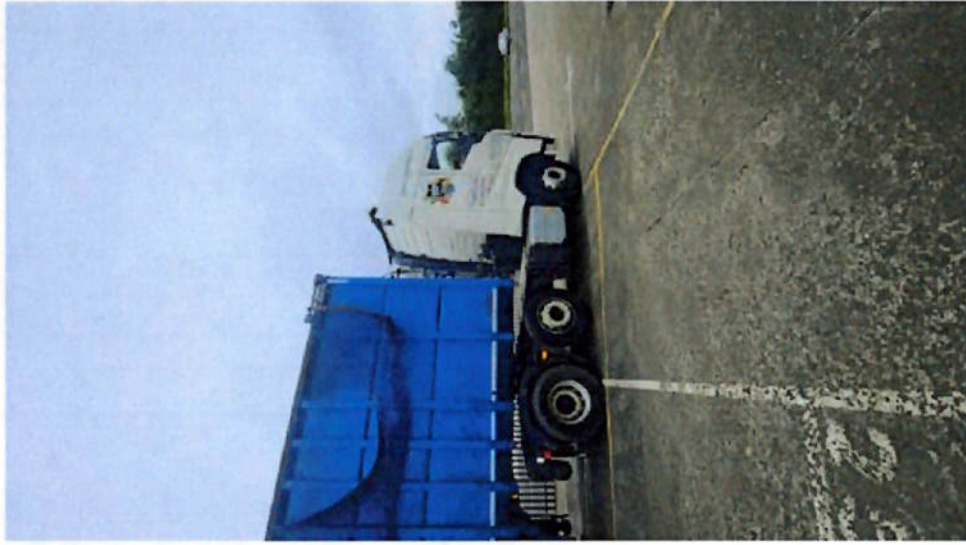


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Email: hello@tentengineering.com

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Location: Diarmuid Healy
Title: McDade
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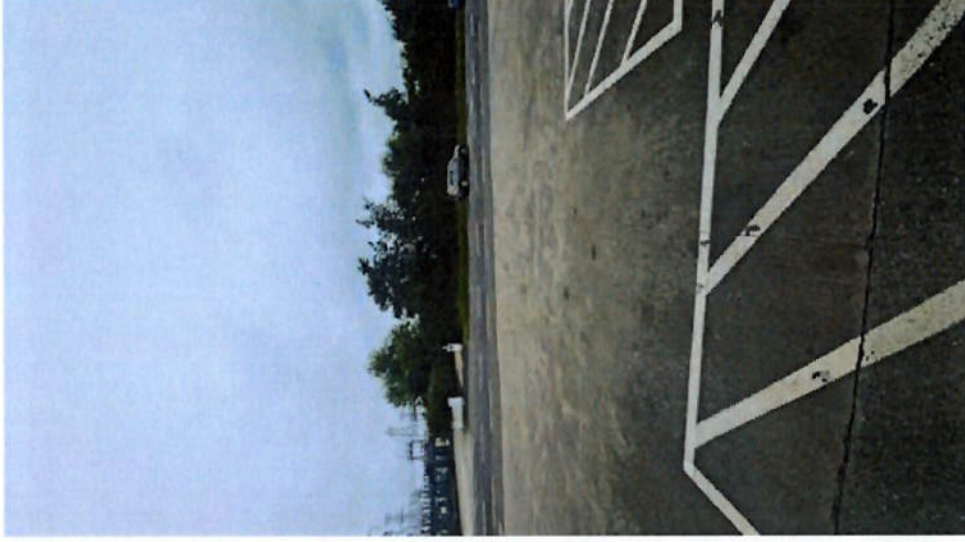
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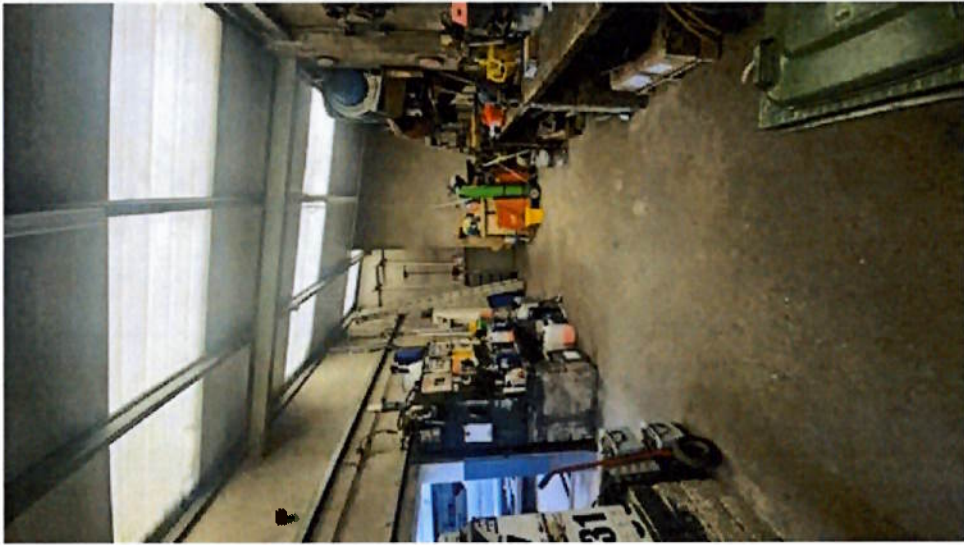
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Email: hello@tentengineering.com
Created: 03.07.26 09:27
Location: Diarmuid Healy
Title: McDade
No. Items: 27



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Company: Tent Engineering Ltd
Email: hello@tentengineering.com
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Title: McDade
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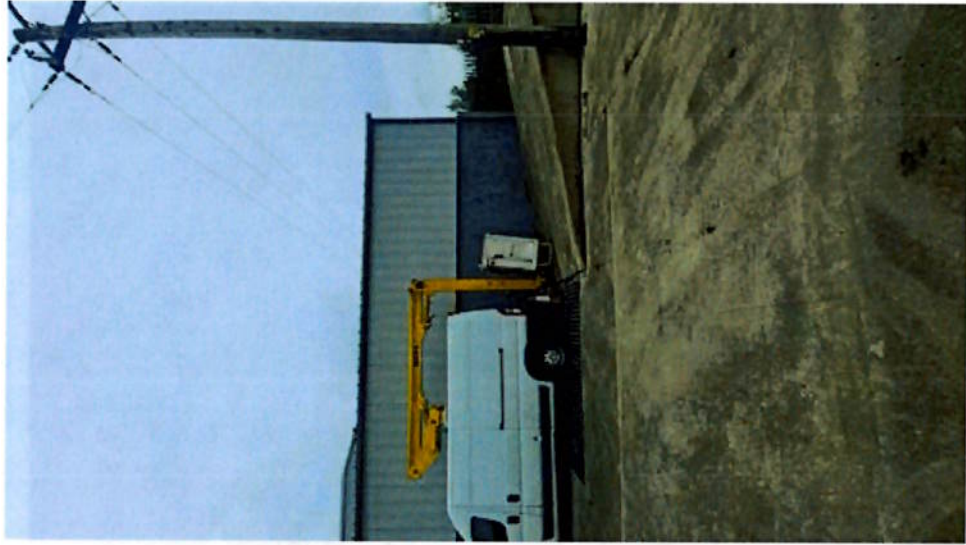
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Email: hello@tentengineering.com

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Title: McDade
No. Items: 27



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Company: Tent Engineering Ltd
Email: hello@tentengineering.com

Created: 03.07.26 09:27
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Title: McDade
No. Items: 27



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Created: 06.07.26 07:37



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Company: Tent Engineering Ltd
Email: hello@tentengineering.com
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Title: McDade
No. Items: 27



(27)

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Page 27 of 27



Brian Reid 0871818348
(NRD0)

~~IT WAS PROVEN THESE~~

McDaid Bros. Commercial Premises

Auto-track scenarios for all commercial units

SUGGESTIONS
WOULD NOT

McDaid Bros. premises is located near the southern tie-in of the TEN-T Priority Road Improvement Project, Donegal, Section 2, Letterkenny to Manorcunningham.

All auto-track options shown on basis that the existing direct access from/to the N13 is closed.

WORK ON
15/9/21

The CPO boundary will be located behind the verge and along the outer limit of the N13 earthworks. This is to allow maximum room for turning vehicles within the site.

We have assessed the entry/exit door options available at each unit and how we consider this will work best for the commercial premises; this includes discussions with our landowner liaison team and DCC. Our assessment is outlined below.

For simplicity we numbered the Units 1, 2 3 and 4 (left to right looking from the N13), see plan view shown. Some clarifications are needed from McDaid Bros. as assumptions were made in our assessments:

- a) A 65-foot-long oversize vehicle has been used. McDaid Bros. to confirm vehicle axel dimensions.
- b) Some units are unable to facilitate the larger oversize vehicle. We would like confirmed the size of vehicle each unit is likely to receive.
- c) Unit #2 has an existing door at the rear however it's not apparent if this is used. We would like confirmed that vehicles enter and exit both Units #1 and #2 from the front only.
- d) Unit #3 receives the large oversize vehicle in the front and the rear door is used to exit; please confirm.
- e) Unit #3 and #4 have an open internal floor plan however Unit #4 is not used by the larger oversized vehicles; please confirm.

Aerial view of N13, commercial premises and local road (L-5794) in rear



Front of premises – view from existing N13

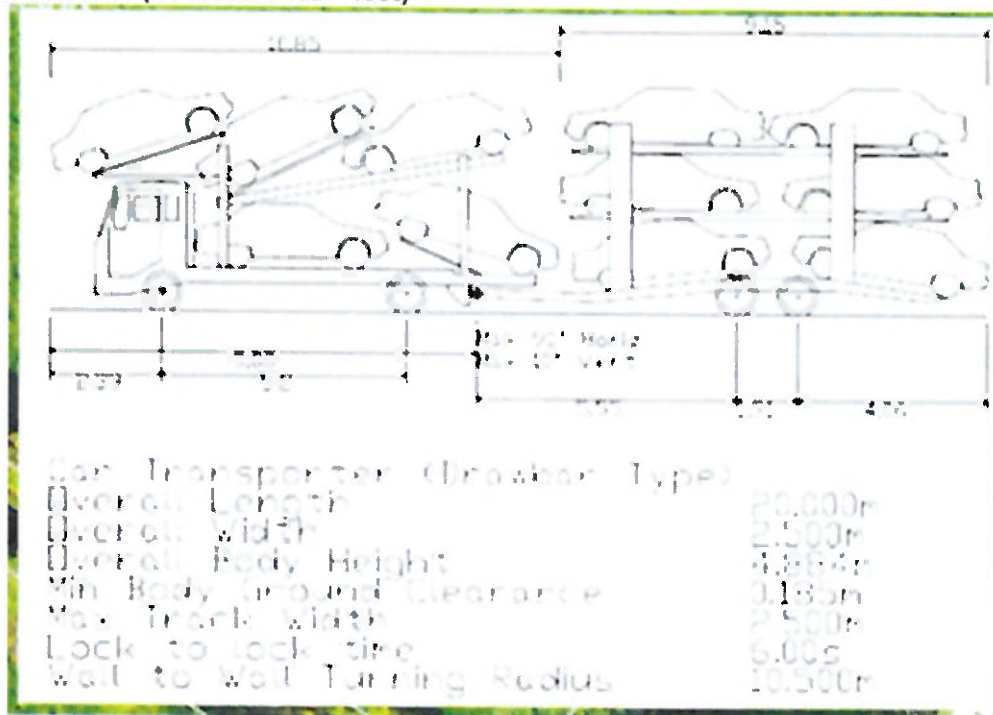


Rear of premises – view from existing L5794



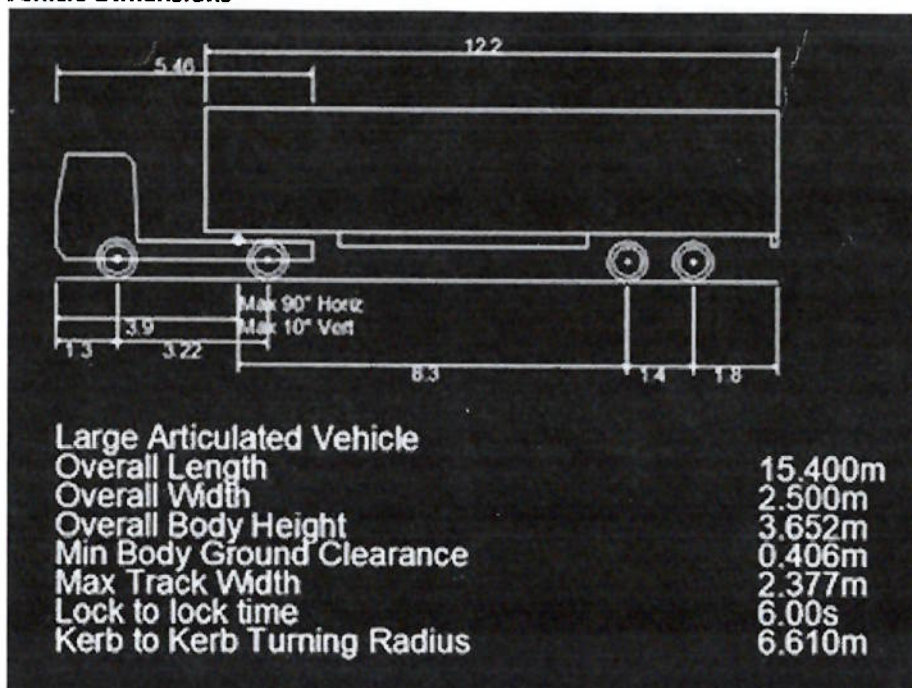
McDaid Bros confirmed a 65-foot-long vehicle is sometimes received at the premises. The specific axle spacings for this vehicle were not provided however a typical 65-foot-long oversize vehicle is shown below and this was used in our auto-track assessment.

Vehicle Dimensions (20 metres = 65.6 feet)



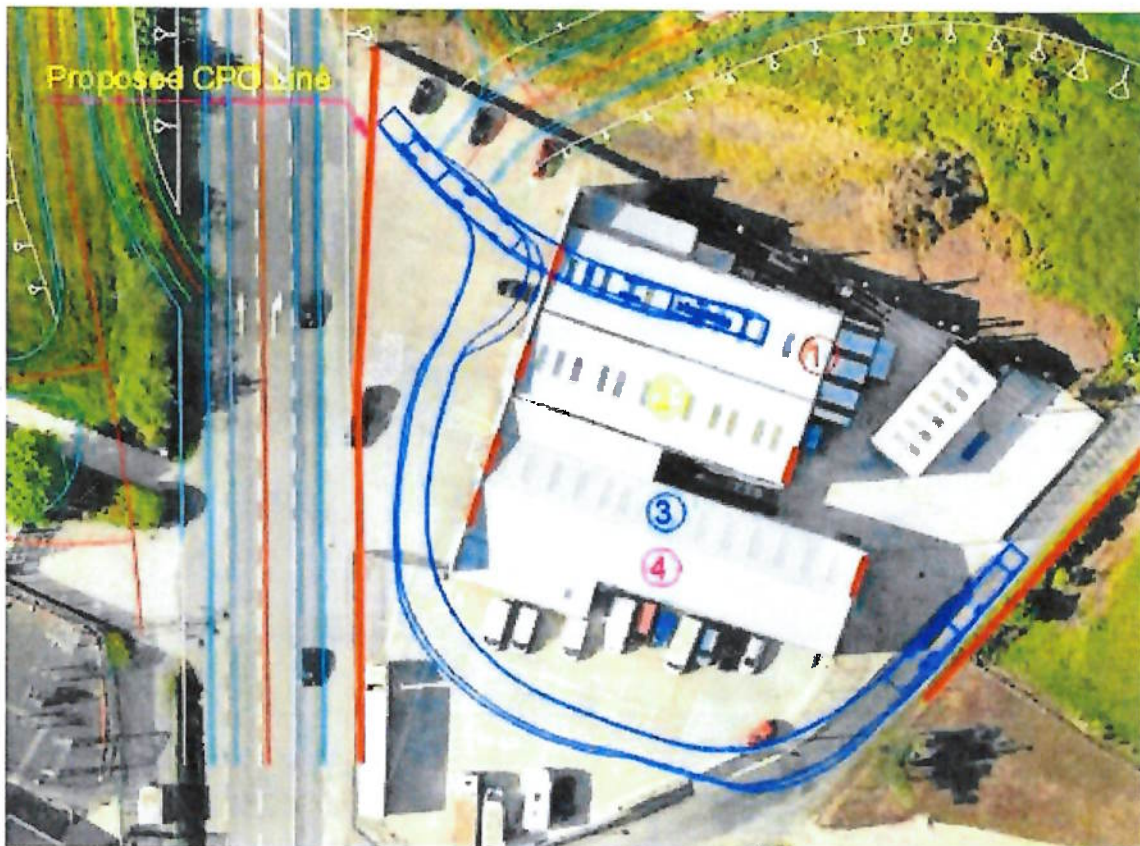
By way of comparison only a typical articulated lorry is shown below.

Articulated Vehicle Dimensions



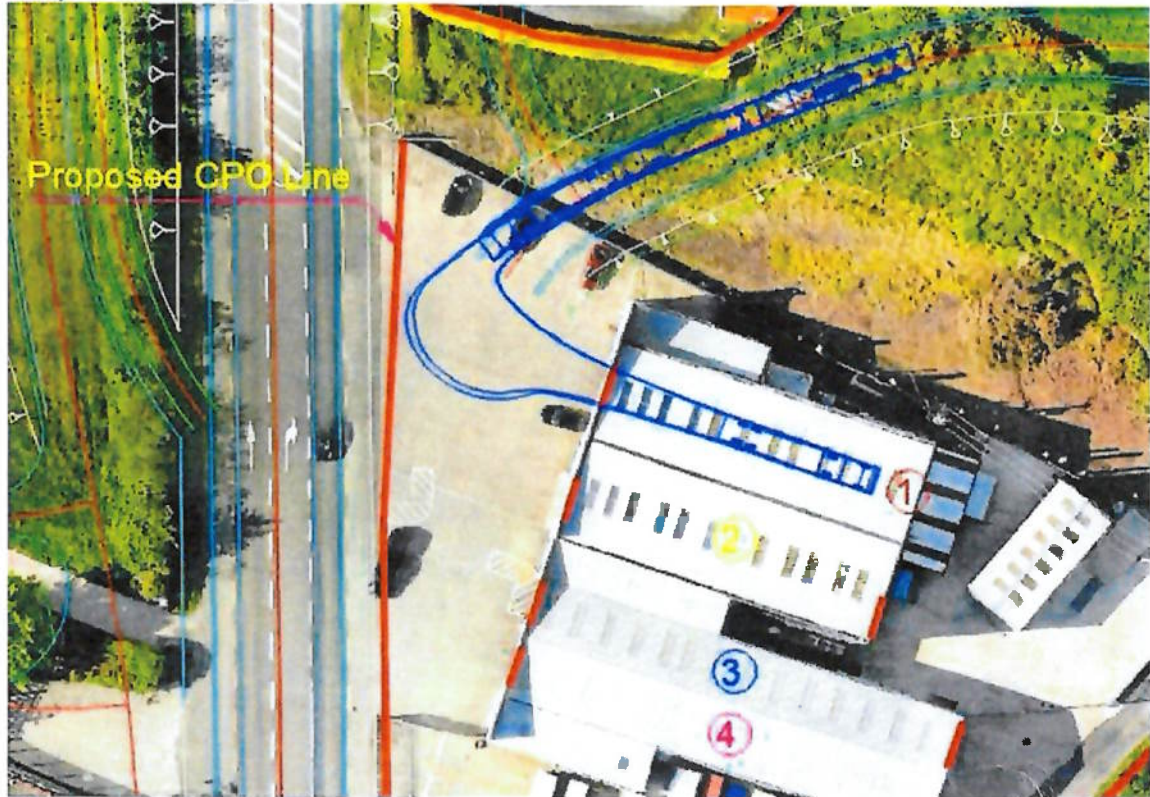
Unit 1 : Swept Path checked for 20m (Long Vehicle).

Scenario 1: with the current design, the turning movement for the 20m long vehicle entry to shed is satisfied but only with several reverse manoeuvres as shown below. The exit movement for this scenario is also shown below.



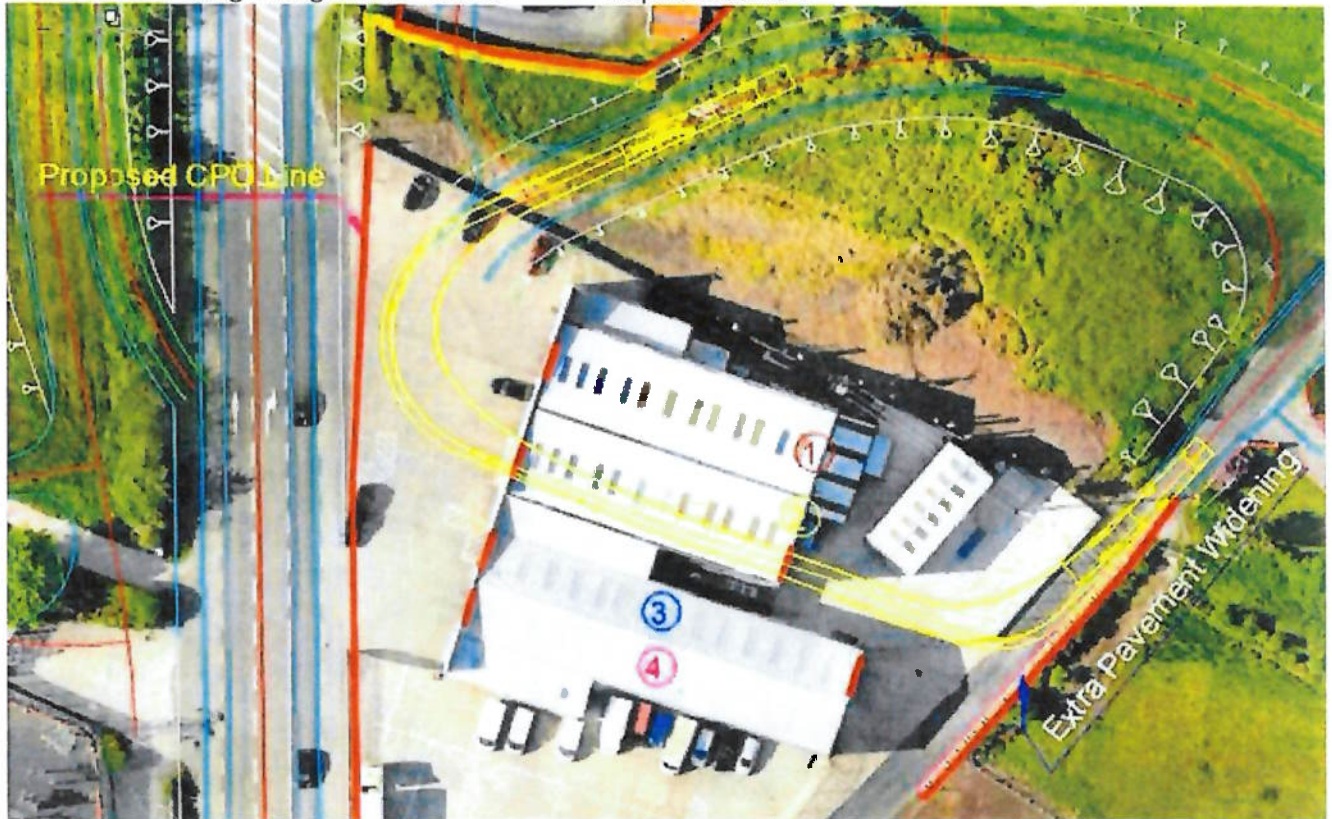
Scenario 2: the turning movement for a 15.4m Articulated vehicle entry was satisfied without any reverse manoeuvres as shown below. The exit movement is also shown below.

Entry and Exit for Unit 1

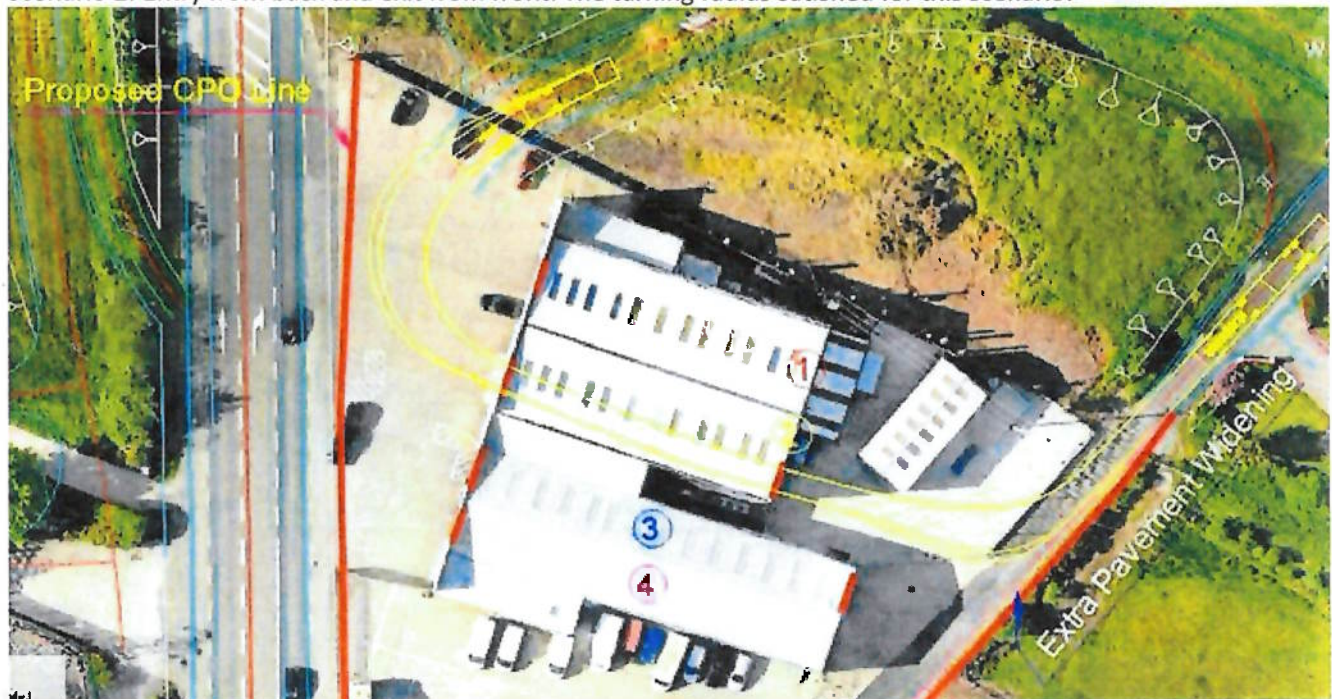


Unit 2: Swept Path checked for 20m (Long Vehicle).

Scenario 1: Entry from front and exit from back. The turning radii were satisfied for this scenario however the fencing arrangement in the rear would require modified.



Scenario 2: Entry from back and exit from front. The turning radius satisfied for this scenario.



Unit 3: Swept Path checked for 20m (Long Vehicle).

Scenario 1: Entry from front and exit from back. The turning radius satisfied for this scenario.

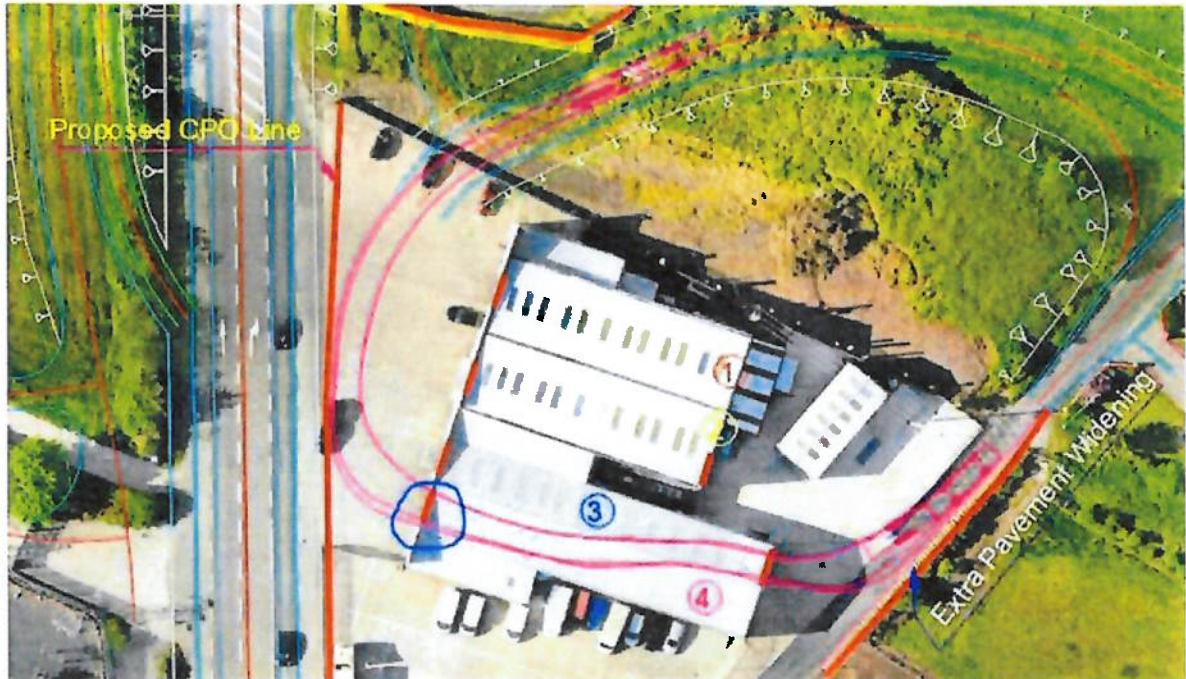


Scenario 2: Entry from back and exit from front. The turning radius satisfied for this scenario.



Unit 4: Swept Path checked for 20m (Long Vehicle)

Scenario 1: Entry from front and exit from back. The 20m long vehicle entering from the front will not work for this unit.



Scenario 2: Entry from back and exit from front. The turning radius satisfied for this scenario.



Vehicle Turning Radius Summary

Entry from front : Exit from back					Entry from back : Exit from front			
Vehicle Size	Unit 1	Unit 2	Unit 3	Unit 4	Unit 1	Unit 2	Unit 3	Unit 4
20m (65 foot) Car Transporter	Yes (but only with reverse manoeuvres + pavement widening)	Yes	Yes	No	Yes (but only with reverse manoeuvres + pavement widening)	Yes	Yes	Yes
16.5m Articulated Vehicle	Yes (but only with reverse manoeuvres + pavement widening)	Yes	Yes	No	Yes (but only with reverse manoeuvres + pavement widening)	Yes	Yes	Yes
15.4m Articulated Vehicle	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes
12m Rigid Truck	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

