AN BORD PLEANÁLA

ARP.

n 9 APR 2025

Fee: € 220.00 Type: <u>(4</u>

Time: 12-63 By: HAMD

Cornagill, Letterkenny, Co. Donegal. F92 P8K8

08/04/2025

### **DELIVERED BY HAND**

An Bord Pleanala, 64 Marlborough Street, Dublin 1, D01 V902

Dear Sirs,

# Re: Donegal County Council Planning Reference No. S525/04

We the undersigned residents of Cornagill Letterkenny, all being close neighbours of the property the subject of this appeal and all included in our Section 5 Application to Donegal County Council (DCC), enclose herewith a copy of DCC's Declaration in relation to our Section 5 Application.

The location of the proposed development is: Cornagill, Letterkenny, Co. Donegal, F92 P30R.

We now wish to lodge an appeal on the following grounds:

DCC issued a Section 5 Declaration on 14<sup>th</sup> March 2025 that social care in a private dwelling is development and is not exempted development ("Section 5 Declaration No. 2").

On this Declaration, DCC included a note stating as follows:

'Applicants are advised that notwithstanding the declaration made above on the referred question by Carl Rainey on behalf of Cornagill Residents the planning authority wishes to advise that following a request for information from the property owner in accordance with Section 5(2)(c) of the Planning & Development Act 2000 (as amended) the authority received a letter from the property owner's legal representative confirming that the proposed change of use of the property remains the same as that set out in the Section 5 referral considered under Reference No. S5 24/93 [Section 5 Declaration No. 1], that is "from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons" which is exempted development under Class 14(f) of Schedule 2 Part 1 of the Planning & Development Regulations 2001 (as amended). The question posed under the current referral relates to a different proposed change of use from a house to "a residential care facility for children under social care placements (as opposed to a residence for persons with an intellectual or physical disability or mental illness) and whether the same constitutes a material change of use that requires planning permission, and does it fall outside the scope of exempted development under Class 14(f) of the Planning and Development Regulations 2001 (as amended)" and in this regard you are advised that the original Section 5 Declaration (S5 24/93) [Section 5 Declaration No. 1], remains valid, given the clarification provided by the property owners on the intended change of use being consistent with that exempted by Class 14(f) of Schedule 2 Part 1 of the Planning & Development Regulations 2001 (as amended).'

In this regard, DCC are referring to a separate and distinct Section 5 Declaration (S5 24/93) sought by the developer and issued by them on 6<sup>th</sup> January 2025 that the "Change of use of a private dwelling house to a residence for persons with intellectual or physical disabilities or mental illness and persons providing care for such persons" is development and is exempted development ("Section 5 Declaration No. 1").

With respect, Section 5 Declaration No. 1 was issued on the basis of misrepresentations made to DCC and therefore its decision was based on an error of fact and is therefore null and void. By referring to Section 5 Declaration No. 1 expressly and specifically in the context of its Section 5 Declaration No. 2, the Section 5 Declaration No. 1 may now be the subject of an appeal to the Board.

We respectfully request that the Board determines our appeal in respect of Section 5 Declaration No. 1 and overturns it on the basis of the following information:

- 1. The information set out in our application (attached herewith) which resulted in Section 5 Declaration No. 2.
- 2. It is clear that they do not in actual fact intend to use the premises "as a residence for persons with an intellectual or physical disability or mental illness" but instead use it for children in need of social care services, solely referred to them by Tusla. We had a meeting with the new owners, including Patrick McQuade (Owner/Director), on 17<sup>th</sup> January 2025. The full conversation has been legally recorded (we sought and obtained his permission to record it) and is available (via email) if required by you. The following are extracts from the transcript of that meeting and it is very clear the intended use is for children in need of Social Care.

"So these children are children who through no fault of their own cannot obtain a foster placement. They are not children from the criminal justice system or young offenders, that is not the children we work with. These are children who are between the ages of 11 and 17 and the family situation has broken down through no fault of their own. There is a real shortage of foster placements in Ireland."

"Because it is a 4 bed house then, we have to have low risk children, because obviously they wouldn't gel. There is the homes that would be a lot of like our single placement, but that would be maybe somebody is difficult that is maybe significant trauma. I suppose for us our model of care is all our other homes, you know, are four bedded homes. So in that respect then the kids that are coming to us they're not presenting with significant risk or high risk behaviours, and that's the model that we have, I suppose being very careful and considering, especially because obviously the areas were, you know, the houses are being located because all of that is taken into consideration in terms of neighbours, and you know, locality for these kids, community connections and that works as well.

So the young people that we take in, there's a very careful, I suppose as Sarah has already mentioned, matching process, risk assessment process, where all of that has to be taken into consideration. So there wouldn't be kids as Sarah said, um, you know, with significant criminal justice backgrounds or anything like that, because I do know in Ardee whenever we had the conversations with the neighbours at the beginning, that was I suppose a big misconception. They thought these kids were coming out from juvenile justice centres. That's what their fear was, and I suppose a rumour mill had kind of started then too because they weren't sure that's not. [sic] We're mainstream, so we can't have, I suppose, different children presenting with certain significant behavioural issues, because there are four people in the one house and that just

wouldn't be viable, because they' be clashing with the other child, and then, yeah, things would blow up."

Question to new owners – "So these children have behavioural issues as opposed to disabilities?" Answer – "No, no, no there is no disabilities."

Q – "So there is no disabilities?"

A – "There's no disabilities, it is not a disability service and there is not necessarily behavioural issues either. But what Patrick was saying there is if you had somebody presenting with high needs or high behavioural issues they would not be in a 4 bed home. They would deem to be someone in a single bedded home. So our model and what we've registered in our license with Tusla is to have the mainstream children, mainstream means that they're not in the criminal justice. They children who have their own families have broken down for whatever reason. That's called mainstream. Low risk, 4 children who are all compatible, because you couldn't have children who have volatile behaviours in the one house. So it's four 4 kids in a house."

By their own admission these are not children with an intellectual or physical disability or mental illness.

3. We refer to a letter from Tusla (copy enclosed), dated 28th March 2025 which states as follows: "I can confirm that the Alternative Care Regulation office has received an application from Mr. McQuade's company from a premises in your locality, the assessment of same is ongoing." "The assessment team are most familiar with the existence and implementation of the planning exemptions that are prescribed for the operation of social care settings for children. As averred in my previous correspondence the Child and Family Agency will defer to the determination of the local authority on any matter of planning and its lawful application."

As is apparent from this, Tulsa have confirmed that they will defer to the determination of the local authority on any matter of planning. Giving the invidious situation in relation to Section 5 Declaration No. 1 having been issued on the basis of misrepresentations we consider that the only competent authority in this instance is An Bord Pleanala insofar as it is being asked to determine an appeal in respect of Section 5 Declaration No. 1.

- 4. We refer to the attached copy of our Title Deeds and refer you in particular to Page 2 clause C. and the Fourth Schedule in general. Also Clause 3 of the Fourth Schedule of the Indenture of Conveyance provides that "any of the negative covenants in this part of this schedule which restrain the purchaser from doing any act or thing shall be read, and construed, as a covenant by the purchaser not to do or permit or suffer the said act or thing to be done. 3. Not to use the sold land for any purpose other than as a single private or professional dwelling house with the usual out offices. It is obvious from this the long term intention, when we purchased our sites and build our houses, was that there would be no commercial development on the properties and that we would have peaceful enjoyment as one could reasonably expect from a development of private dwelling houses. Also as detailed in our Section 5 Application to Donegal County Council (attached), the estate road, in which the proposed development is located, is a private road and has not been 'taken over' by Donegal County Council.
- 5. As of today (9<sup>th</sup> April 2024) if you look at their website <a href="https://www.anns.co.uk/care-home/letterkenny-county-donegal/">https://www.anns.co.uk/care-home/letterkenny-county-donegal/</a>, you can see they are still only advertising of jobs/roles regarding Social Care only.

For the avoidance of any doubt we sought and agree with Section 5 Declaration No. 2 which confirms that inter alia planning permission is required before a private dwelling house may be used for social care (we appreciate the merits of any such application are not relevant to the Board's consideration of this appeal and we have therefore refrained from any comment, in this regard).

In conclusion, we respectfully request that the Board overturn DCC's Section 5 Declaration No.1.

Yours sincerely,

Carl Rainey

For the undersigned Cornagill Residents

Email:

carlrainey1@gmail.com

Mobile:

086-8216314

### **Enclosures:**

1. Copy of our original Section 5 Application

- 2. Copy of DCC's Declaration in relation to our Section 5 Application. (Section 5 Declaration No.2).
- 3. Site Map from Land Registry Ireland showing the location of the prop[posed development the subject of this appeal.
- 4. Ann's Care advertisement for staff for Letterkenny. Please note 'Social Care Workers' and 'Social Care Leaders'.
- 5. Home Manager Job Description.
- 6. Social Care Leader Job Description.
- 7. Social Care Worker Job Description.
- 8. Tusla Residential Services extract from their website concerning Social Care and dovetails with the Job Advertisements on Ann's Care Website.
- 9. Screenshots from Ann's Care Website.
- 10. Copy of Letter from Tusla dated 28th March 2025.
- 11. Copy of Deeds of one of the residents.

Name of Applicants:

 ${\sf Carl\ \&\ Katrina\ Rainey,\ Liam\ \&\ Linda\ Coyle,\ Katherine\ Purcell,\ Paul\ \&\ Anne\ Marie\ Hynd,}$ 

Eileen Bannan.

**Applicants Signatures:** 

Carl Rainey

Liam Coyle

Paul Hynd

Eileen Bannan

Katrina Rainey

Linda Coyle

Anne Marie Hynd

**Atherine Purcell** 

# **Donegal County Council**

### **SECTION 5 APPLICTION**

### FOR DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Name of Applicants:

Carl & Katrina Rainey, Mary Rose Ward, Tony Kieran & Françoise Arnaud Kieran, Liam & Linda Coyle, Michael & Katherine Purcell, Paul & Anne Marie Hynd, Liam & Eileen Bannan, Noel & Patti Harvey, Jim & Anne Toland, John & Dymphna Bradley, Mark &

Fidelma Carrigy, Michael & Edel McGinty, John & Maria O'Doherty.

**Agent Name:** 

None

**Location of Proposed** 

Development/Works: Cornagill, Letterkenny, Co. Donegal F92P30R

Description of Proposed Development including details of works (where applicable):

(Only works listed below will be assessed under this Section 5 Application)

We have recently become aware of the purported Section 5 Declaration which has issued by Donegal County Council (DCC) to Patrick McQuade dated 6th January 2025 in relation to a private dwelling house at Cornagill, Letterkenny, previously belonging to James & Irene Sweeney (neighbours to all of us) has been sold to a company/entity trading as Anns Care. https://www.anns.co.uk/care-home/letterkenny-county-donegal/

There are fundamental flaws in the Section 5 Declaration process including but not limited to the lack of a site notice, the lack of public notification of the application, the lack of public consultation, in particular consultation of those land owners adjacent to the proposed development and the lack of public notification of the purported decision and lack of appeal in respect of the Section 5 issued. We are therefore submitting this Section 5 Application.

We enclose a screenshots from this page. We note from the website they intend to open in March 2025. The primary purpose of this website appears to be for recruitment purposes as there is little or no information about the entity/company/owners etc.

It is difficult to establish, despite on-line searches, who are the exact owners of this entity but there is a connection with Anns Home Care and the current owners appear to be Pat and Ann McQuade. Anns Home care is a Northern Ireland entity and have an Irish Care Centre office at:

Ceol Na Mara

**Newry Street** 

Carlingford

Co. Louth

hr@childrenscare.ie

They also have Care Centres in Ardee, Castleblaney, Garristown (North Co Dublin) and Inniskeen (Co Monaghan).

The General Manager is their son Patrick. Patrick oversees the general management of the business in both Northern and Southern Ireland.

We are of the view they intend to open for business without applying for planning permission for a change of use, and we, due to the flaws in the Section 5 Application & Declaration process as explained above, are making this Section 5 Application to Donegal County Council seeking a declaration that this is not an exempt use and therefore does require planning permission.

For many reasons we believe they do not in actual fact intend to use the premises 'as a residence for persons with an intellectual or physical disability or mental illness' but instead use it for children in need of social care services, solely referred to them by Tusla. We recently had a meeting with the new owners and they stated: 'So these children are children who through no fault of their own cannot obtain a foster placement. They are not children from the criminal justice system or young offenders, that is not the children we work with. These are children who are between the ages of 11 and 17 and the family situation has broken down through no fault of their own. There is a real shortage of foster placements in Ireland.' By their own admission these are not children with an intellectual or physical disability or mental illness. This conversation has been legally recorded if you require proof.

Once again this is social care work and does not qualify as under Class 14(f) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) as an Exempted Development consisting of a change of use, from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.

Their premises in Ardee was advertised as a 6 bedded home with 37 single rooms, 3 lounges, 3 dining rooms. <a href="https://www.anns.co.uk/care-home/ardee-county-louth/">https://www.anns.co.uk/care-home/ardee-county-louth/</a>. Since our meeting they have amended this to a six bedded home (only) with no mention of lounges or dining rooms. They are advertising the house in Letterkenny as having 7 bedrooms (screenshots attached).

On the website for Letterkenny <a href="https://www.anns.co.uk/care-home/letterkenny-county-donegal/">https://www.anns.co.uk/care-home/letterkenny-county-donegal/</a> they are advertising for staff for the following roles — Home Manager, Social Care Leader and Social Care Worker. We attach a copy of the Job Descriptions. There is no mention of mental illness or intellectual or physical disability whatsoever in any of these job descriptions (or in their websites) but lots of references to social care and social work.

The advertisement for staff includes, among other requirements, the following:

### **Experience Required:**

- 2 years relevant experience working with children/young people from challenging backgrounds.
- Successfully completed Key working roles (or equivalent) for a minimum of 6 months
- Up to date knowledge of legislation surrounding Residential Childcare and Safeguarding
- Experience of multi-disciplinary working with a range of professionals in the industry.
- To attend court and furnish the court with updated court reports.

### Level 8 qualification (Honours degree) or above in one of the following:

Psychology

### Other qualifications:

Higher Certificate in Custodial Care (Irish Prison Service)

All of the above suggests that the house is to provide placements for children requiring residential placements from a social care point of view. This does not qualify as an exempted category under a Section 5 Application

We enclose a printout from the Tusla website <a href="https://www.tusla.ie/services/alternative-care/residential-care/what-are-childrens-residential-services/">https://www.tusla.ie/services/alternative-care/residential-care/what-are-childrens-residential-services/</a>. The last 2 paragraphs state:-

Over 90% of Children's Residential Centres nationally are community based which means they look like and <u>are situated within the same houses, estates and communities that everybody lives in.</u> For the most part, Children's Residential Centres are also supported by the same range of health services that are available to the rest of the population such as G.P.'s, Speech and Language Therapists, Physiotherapists, Psychologists etc.

Where Children's Residential Services differ however, is that <u>Centres are staffed on a 24hr basis by Social</u>
<u>Care Workers, Leaders and Managers</u> and are supported in their efforts to look after the children and

young people in their care by external Managers, Social Work Services, Inspectors, Monitoring Officers and any others <u>including An Garda Síochána</u>.

'Social Care Workers, Leaders and Managers' are exactly the same roles the purchasers are advertising to recruit on their website.

All of the above suggests that the unit is to provide placements for children requiring residential placements from a social care point of view. This does not qualify as an exempted category under a Section 5 Application.

### Summary of the above

They are advertising for 7 beds for children but the exemptions permits a maximum of 6, which means the exemptions cannot be availed of.

They are advertising for posts for social care, not for the care of children falling within the 3 specific categories in the exemption, which is another reason why the exemption cannot be availed of.

They are advertising for 3 social care posts, whereas the exemption permits a maximum of two, which is another reason they the exemption cannot be availed of.

Tusla requires a minimum of 3 employees for social care, exemption permits a maximum of 2, which is a further reason why the exemption cannot be availed of.

And, moreover, there are material proper planning and sustainable development considerations, which require assessment and analysis. Such assessment and analysis was lacking in respect of the purported S 5 declaration issued. The following are the primary considerations:

### **Traffic**

The road used by the residents is not a public road but a private road owned by one person and the residents have a right of way to use the road for private use in connection with their private residential house.

### However:

- each individual child has their own family members who will need access to visit, so that is six families, and each individual child will possibly need to have a variety of doctors, nurses and medical carers.
- Everybody in the house needs to be catered to with regards food and laundry services.
- The staff, including cooks, cleaners, gardeners etc. will need regular access.
- Tusla staff and inspectors will also need access.
- There will be playdates, school travel, sports events, socialising in town.

So all of these residents and attaching family members and service providers will almost double the traffic in the park if this project was to go ahead.

### **Noise**

There will be a dramatic increase in traffic and consequently in noise from this source. There will also be an increase in noise from the children and staff which will affect the immediate neighbours in the enjoyment of their property.

### **Overlooking**

The house is on a narrow site and on one side, the distance of this house from the boundary wall of the neighbouring property is only 2.35 metres. The upstairs window of this house looks directly into the kitchen and hall of the neighbouring house affording direct visibility into the house by the residents/staff/carers of a commercial premises. This will substantially affect the privacy of the neighbouring house in a way that has never before arisen.

### County Donegal Development Plan 2024 to 2030

The area in which the house is located is classified in County Donegal Development Plan 2024 to 2030 as 'Areas Under Strong Urban Influence' and in an 'Area of High Scenic Amenity'. The Development Plan states:

### RH-0-1

To ensure that new residential development in rural areas provides for genuine rural need. *This development is not a 'genuine rural need'*.

### RH-P-9

(a) 1. (iv.) the safe and efficient disposal of effluent and surface waters in a manner that does not pose a risk to public health and accords with Environmental Protection Agency codes of practice; See comments below about the septic tank situation.

The septic tank is designed for a family home. Is it a Health & Safety issue, with at least 8 people living there plus visitors, cooks, cleaners, maintenance staff and others coming & going. In the past 18 months a local contractor for emptying septic tanks had to approach and ask the neighbouring property for permission to take down part of his fence so that the contractor could gain access to his septic tank. Permission was granted and the contractor reinstated the fence as agreed. Permission will most likely be refused when the next request is made.

### T-P-12

It is a policy of the Council not to permit developments requiring new accesses, or which would result in the adverse intensification of existing access points onto:

- a.) National Roads where the speed limit is greater than 60 kph;
  - All the additional traffic from this development will need access to and from the R245 which has a speed limit of 80kph.

Moreover this is a commercial enterprise but:

- The property Title documents make it clear it is for a Private Dwelling House only.
- Access to the house is on a private road owned by one person and the right of way for use of the road is for residential purposes only.

We would, as precedent, like to draw to your attention to the Section 5 Application for Declaration on Development and Exempted Development to Louth County Council by Kholisa Sibanda & Sibonginkosi Bhebhe (T/A Nissi Healthcare).

This development consisting of a change of use as a house to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons. This is very similar to our Application and should be seriously considered as another reason not to grant an exemption. We attach a copy of the file and it can also be viewed here: <a href="https://www.louthcoco.ie/en/services/planning/exempted-development-section-5-declarations/s5-2024-55-kholisa-sibanda-sibonginkosi-bhebhe.pdf">https://www.louthcoco.ie/en/services/planning/exempted-development-section-5-declarations/s5-2024-55-kholisa-sibanda-sibonginkosi-bhebhe.pdf</a>.

### **Other Considerations**

Safety of Residents, Children, Staff & Carers

Condition 1. of Planning Permission for development of 9 no. sites in 1991, states 'All the development
hereby permitted shall be carried out in accordance with An Foras Forbartha's "Recommendations for
Site Development Works in Housing Areas", in consultation with the Council's Executive Engineer for the
area.' In this regard, we believe the development is not to the standard stated above, never mind
modern day standards.

- The 'Golf Course Road' is a 'Local Road'. It is a narrow road and is not gritted in winter. The private road
  used by the residents is also not gritted in winter. In winter it can, at times, be impossible to get up the
  hill of the private road and this raises an issue for Ambulance or other emergency services gaining
  access.
- There is no public lighting as required by Condition 8.of the original planning permission T.634/91 and the footpaths are in poor condition.
- The fire hydrants are rusted and have never been used or tested in over 30 years. Who has responsibility
  of ensuring the fire hydrants are to standard, tested and in working order, especially where the roads
  and footpaths are privately owned. What role does Donegal County Council and/or Uisce Eireann have
  here?
- As part of the recorded meeting they agreed, this is a business and the house will be used for commercial purposes.
- The considerations in Article 9, S.I. No. 600/2001 Planning and Development Regulations, 2001 require assessment and analysis:
   Article 9:
  - (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.



Áras an Chontae, Leifear. Contae Dhún na nGall, F93 Y622

County House, Lifford, County Donegal, F93 Y622

T: 074 91 53900 E: info@donegalcoco.ie W: www.donegalcoco.ie W: www.ccdhunnangall.ie

**Planning Services** E: planning@donegalcoco.ie

Ref. No: S525/04

14th March 2025

Cornagill Residents C/O Carl Rainey, Cornagill, Letterkenny. Co. Donegal, F92 P30R

Re: Change of use as a house to use as a residential care facility for children under social care placements (as opposed to a residence for persons with an intellectual or physical disability or mental illness) at Cornagill, Letterkenny, Co. Donegal

A Chara.

I refer to your request received on 20th January 2025 under Section 5 of the Planning and Development Act, 2000 (as amended). Same has now been decided and I now issue to you herewith the Council's Declaration thereon. You are now advised that, in accordance with Section 5 (3) (a) of the Planning & Development Act, 2000 (as amended) where a Declaration is issued, any person issued with such a Declaration may, on payment to An Bord Pleanala of such fee as may be prescribed, refer a Declaration for review by the Board within 4 weeks of the date of issuing of the Declaration.

Mise, le meas,

J.60 - a For Senior Ex/Planner **Planning Services** 

/RMcC

# Planning and Development Acts, 2000 (as amended) (Declaration and Referral on Development and Exempted Development)

### **DECLARATION**

Chief Executive's Order No:

2025PH0690

Reference No:

S525/04

Name of Requester:

Cornagill Residents C/O Carl Rainey.

Cornagill, Letterkenny, Co. Donegal, F92 P30R

# Summarised Description of development the subject matter of request:

Change of use as a house to use as a residential care facility for children under social care placements (as opposed to a residence for persons with an intellectual or physical disability or mental illness)

Location: Cornagill, Letterkenny, Co. Donegal

# IT IS HEREBY DECLARED THAT THE SUBJECT MATTER OF THE REQUEST AS ABOVE

**IS** Development

IS NOT Exempted Development

# WITHIN THE MEANING OF THE ABOVE ACT

# The Planning Authority, in considering this referral, had regard particularly to:

- Sections 2, 3, 4, and 177U of the Planning and Development Act, 2000 (as amended).
- Articles 6(3), 9(1), and Class 14(f) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

### And concluded that:

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act 2000 (as amended) and **IS NOT EXEMPTED DEVELOPMENT** as it does not meet the scope of Class 14(f) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

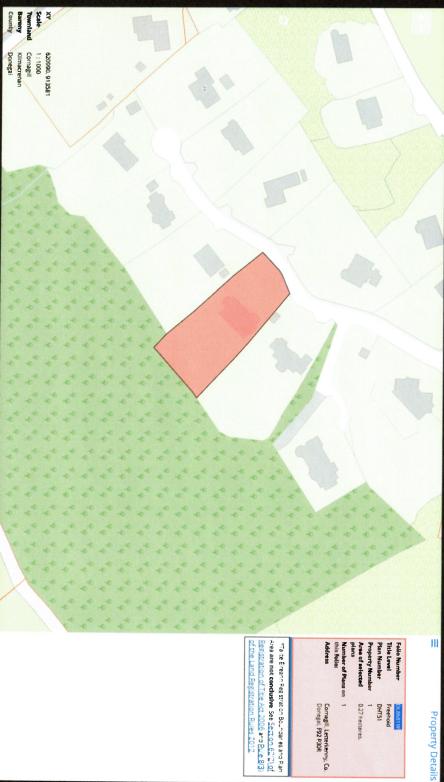
### **Advice**

Applicants are advised that notwithstanding the declaration made above on the referred question by Carl Rainey on behave of the Cornagill Residents the planning authority wishes to advise that following a request for information from the property owner in accordance with Section 5(2)(c) of the Planning & Development Act 2000 (as amended) the authority received a letter from the property owner's legal representative confirming that the proposed change of

use of the property remains the same as that set out in the Section 5 referral considered under Reference No. S5 24/93, that is "from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons" which is exempted development under Class 14(f) of Schedule 2 Part 1 of the Planning & Development Regulations 2001 (as amended). The question posed under the current referral relates to a different proposed change of use from a house to "a residential care facility for children under social care placements (as opposed to a residence for persons with an intellectual or physical disability or mental illness) and whether the same constitutes a material change of use that requires planning permission, and does it fall outside the scope of exempted development under Class 14(f) of the Planning and Development Regulations 2001 (as amended)" and in this regard you are advised that the original Section 5 Declaration (S5 24/93) remains valid, given the clarification provided by the property owners on the intended change of use being consistent with that exempted by Class 14(f) of Schedule 2 Part 1 of the Planning & Development Regulations 2001 (as amended).

For Senior Ex. Planner Planning Services

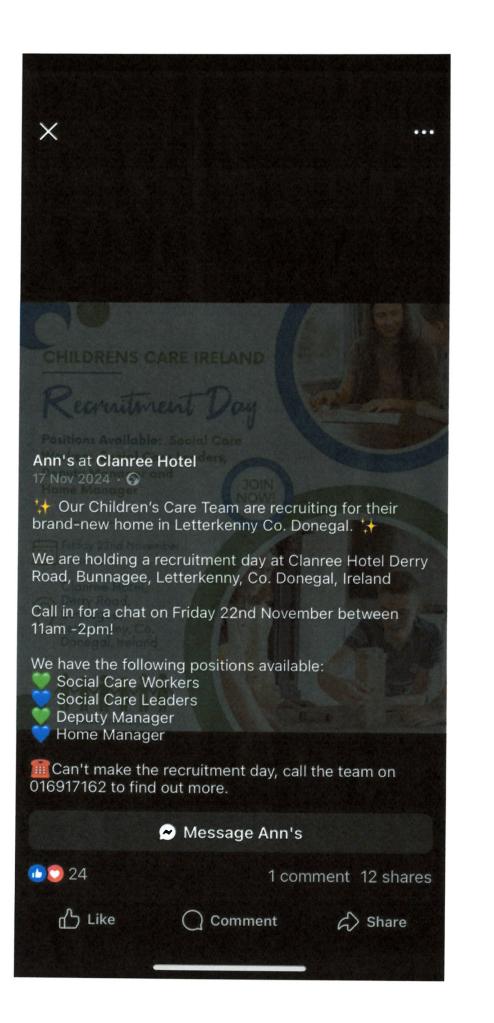
Dated this 14th day of March 2025



DL86819F Freehold DHT51

\*Ta te Éreann Registration Boundar es and Bian Area are not conclusive. See Se<u>ction 62'110f</u>
Registration of Title Act 2006 and Bules 8/3)
of the Land Registration Bules 2012





### The role - Home Manager

Children's Care Ireland is seeking an experienced, enthusiastic, organised and professional Home Manager to be part of the team at their new children's residential facility in Letterkenny, Co. Donegal. This will be a 5 bedroom house.

Working in a supervisory role and in collaboration with the Home Manager you will help guide the team in the delivery of high-quality social care in a safe and therapeutic environment in accordance regulatory requirements and our policies and procedures.

### **KEY RESPONSIBILITIES:**

- To ensure that all care practices comply with relevant childcare legislation, National Standards for Children's Residential Centres and best practice.
- To actively promote, participate in and ensure the provision of high standards of physical care, hygiene and safety for all children resident in the Home.
- To manage the home so as to meet as far as possible the expressed needs of the individual children, and to promote positive outcomes for them
- To participate in the pre-admission and admission processes to ensure that the placement needs of the child are fully identified and individual care plans in place to meet these needs.
- To ensure that individual care plans are developed, implemented and monitored in accordance with agreed standards.
- To attend and contribute to planning meetings, statutory reviews, management team
  meetings and other meetings as required, representing the Home in a positive fashion and
  where necessary, acting as an advocate for the child and their family.
- To contribute to the development and maintenance of good working relationships with parents and other family members, social workers, teachers, doctors, and all other relevant professionals and agencies.
- To ensure that the young people's views and wishes are sought and acted upon where appropriate.
- To ensure that the Therapeutic Crisis Intervention (TCI) model is fully integrated within the homes care practices and to monitor and evaluate their application.
- To ensure monthly summary reports/weekly reports on Children's placements are provided to the Social Worker.
- To attend court and furnish the court with updated court reports.
- To ensure that regular statistics are provided in updating the census held on young in people
- To carry out regular audits of care standards and practices within the home and develop creative ways of engaging young people in this process.
- To contribute to the development and implementation of governance systems within the company to ensure continuous improvement in the quality of service provided.
- To help create and develop links between the home and the local community.

### (2) STAFF MANAGEMENT:

- To provide leadership and guidance.
- To organize and manage staff on a day to day basis in order to maintain 24 hours staff cover and consistent care.
- To assist in the induction of new staff so that they can acquire an understanding of their role and responsibilities.
- To provide professional supervision to staff and participate in staff appraisal in accordance with Children's Care Ireland policies and procedures.
- To ensure effective communication within the staff team regarding operational practice, including systematic handovers between relevant staff, accurate and detailed recording by all staff, and regular staff meetings.
- To assist and support staff with the production of written reports.
- To implement Children's Care Irelands human resource policies when required including participating in the staff selection process, appraisal process, management of absence etc.
- To promote a positive culture of learning and development within the staff team.
- To develop on an annual basis a team training and development plan based on an analysis of individual training needs, the needs of residents and any external factors.

### (3) MANAGEMENT OF FINANCES:

- To assist with budgetary control in terms of verifying monthly returns, mileage sheets and accounts for payment where required.
- To ensure that financial procedures re: children's allowances, pocket money, clothing etc are adhered to by staff within the home.
- To ensure petty cash policy is adhered to by staff within the home and the completion of monthly petty cash returns to Finance

### (4) MANAGEMENT OF RESOURCES:

- To create a homely setting with which children can identify.
- To ensure the maintenance and promotion of a safe environment that complies with health and safety and other legal requirements.
- To ensure the outside of the building, the grounds, equipment, vehicles are maintained in good condition, encouraging staff and children to care for their surroundings and make best use of available resources.

### (5) PERSONAL:

- To promote high standards of child care practice.
- To take appropriate action to deal immediately with poor practice and to report to the Directors when aware of such practice in any circumstances.

- To continually develop own professional knowledge and skills, by participating in supervision, attending courses and study days to develop and broaden awareness and skills in accordance with the Homes' staff development and training plan.
- To participate with on call and undertake sleeping-in duties if required
- To supervise students where appropriate (subject to completion of practice teacher or similar training). This job description is not definitive or restrictive and should be regarded as providing guidelines within which the post holder will work. It will be subject to periodic review in order to ensure it continues to meet the future needs of Childrens Care Ireland

### **Essential Criteria:**

- Minimum Level 8 degree in Social Care/Work
- 4 years' experience of working in a social care environment with children
- A full driving licence with access to a car and business insurance.

### **Experience Required:**

- · Previous management experience preferred
- Up to date knowledge of legislation surrounding Residential Childcare and Safeguarding
- Experience of multi-disciplinary working with a range of professionals in the industry
- Ability to deliver reports and meet deadlines.
- Full driving licence
- · Flexible approach to meet business needs

### The role - Social Care Leader

Children's Care Ireland are seeking dedicated and compassionate and Social Care Leaders to be part of the team at their new children's residential facility in Letterkenny, Co. Donegal

Working in a supervisory role and in collaboration with the Home Manager you will help guide the team in the delivery of high-quality social care in a safe and therapeutic environment in accordance regulatory requirements and Our policies and procedures.

### **Principal responsibilities**

- To work directly with the young people in a home like setting, developing a therapeutic, professional, and caring relationship to ensure that their physical, psychological, social, and emotional needs are met.
- To assist the management team in creating and maintaining a caring, safe, stable, and professional environment for both the young people to live in and the staff to work in.
- To assist in the development of educational plans and support participation in recreational activities
- To keep accurate and up to date records and reports in respect of individual young people and the daily activities of the home.
- Oversee budgets for young people including clothing budgets, holiday budgets, school budgets and family access budgets.
- Attend and contribute at meetings such as Child in Care Reviews / Looked After Reviews,
   Placement Planning Meetings and other relevant multi-disciplinary meetings.
- Oversee, write, and edit all reports when submitted for meeting and reviews.
- Take responsibility for the effective and efficient running of shifts.
- Oversee, supervise, and develop the skills of staff in their daily working practice.
- Support management with the in-house induction of new staff and complete supervision both formal and informal with new staff
- Promote and actively encourage the delivery of a safe, structured, and nurturing environment.
- Complete identified pieces of monitoring work as directed by management.
- Complete internal audits on key work files to ensure all is in line with National Standards and company policy and procedures.
- Undertake role of Designated Liaison Person (DLP) for Child Protection within the home
- Work as part of a multidisciplinary team both within the home and with external agencies
- Ensure and undertake supervisory responsibilities, including the written supervision of care team support workers, within legislative time scales.
- To comply with relevant Health and Safety including Fire Safety policy and procedures

- Participate in training and continued professional development undertaking all relevant training as required.
- Ensure the delivery of all key worker areas and responsibilities.
- Participate in shift patterns which will include, evenings, weekend, and sleepovers. There
  may be occasions where there may have to be waking nights depending on the needs and
  risks presented by the young people.
- Participate in the on-call rota as and when required.

### **Qualifications Required**

### Level 7 qualification (degree) or above in one of the following:

- Social Care
- Social Work
- Health and Social
- Child & Adolescent Psychotherapy
- Youth & Community
- Teaching
- Nursing
- Social Science
- Addiction Counselling
- Counselling / Psychotherapy
- Family Support
- Disability Studies
- Applied Behavioural Analysis
- Early Years Care

## Level 8 qualification (Honours degree) or above in one of the following:

Psychology

### Other qualifications:

• Higher Certificate in Custodial Care (Irish Prison Service)

### **Experience Required:**

- 2 years relevant experience working with children/young people from challenging backgrounds.
- Successfully completed Key working roles (or equivalent) for a minimum of 6 months
- Up to date knowledge of legislation surrounding Residential Childcare and Safeguarding

- Experience of multi-disciplinary working with a range of professionals in the industry
- Ability to deliver reports and meet deadlines.
- Full driving licence
- Flexible approach to meet business needs.

### The role - Social Care Worker

Children's Care Ireland are seeking dedicated and compassionate and social care workers to be part of the team at their new children's residential facility in Letterkenny, Co. Donegal

Working as part of a team you will be responsible for providing high quality social care in a safe and therapeutic environment in accordance regulatory requirements and Ann's policies and procedures.

### **Principal responsibilities**

- To work directly with the young people in a home likesetting, developing a therapeutic, professional, and caring relationship to ensure that their physical, psychological, social, and emotional needs are met.
- Accompany the young people to appointments, meetings, holidays and outings where appropriate.
- To work in partnership with the young people and their families/ significant others to build, maintain and support relationships where appropriate.
- To assist in the development of educational plans and support participation in recreational activities.
- To participate in daily handovers, team meetings, Care planning meetings/ Looked After Review meetings and other meetings as required.
- Ensure any relevant information pertaining to the young people is appropriately handed over to colleagues / management during handovers and before the end of your shift.
- Undertake key worker responsibilities ensuring that young person's files are kept up to date, appropriate information is in place, be a key contact for that young person's network such as their Social Workers, Teachers, Guardian ad Litems and family where appropriate.
- Managing and overseeing daily petty cash ensuring proper recording of receipts, safe keeping of monies and any other valuables within the home.
- To comply with relevant Health and Safety including Fire Safety policy and procedures
- Participate in training and continued professional development through probation and appraisals.
- To foster good working relationships with professionals from other disciplines and agencies.
- To keep accurate and up to date records and reports in respect of individual young people and the daily activities of the home.
- Inform line management of any concerns you may have in relation to the welfare of the young people and any safeguarding concerns you may have in relation to the young people.
- Report any concerns in relation to the behaviours or conduct of other staff to line management.
- Participate in formal supervision with line management in accordance with Ann's Children's Care policy and procedures and in line with the National Standards.

- To carry out general housework and preparation of meals, involving the children as appropriate.
- Participate in shift patterns which will include, evenings, weekend, and sleepovers. There
  may be occasions where there may have to be waking nights depending on the needs and
  risks presented by the young people..

### **Qualifications Required**

### Level 7 qualification (degree) or above in one of the following:

- Social Care
- Social Work
- Health and Social
- Child & Adolescent Psychotherapy
- Youth & Community
- Teaching
- Nursing
- Social Science
- Addiction Counselling
- Counselling / Psychotherapy
- Family Support
- Disability Studies
- Applied Behavioural Analysis

### Level 8 qualification (Honours degree) or above in one of the following:

Psychology

### Other qualifications:

Higher Certificate in Custodial Care (Irish Prison Service)

### **Experience Required:**

- · Full clean driving licence
- Experience of working with children and young people in care and /or experience of working with children and young people in a residential setting desirable but not essential
- Ability to work in regulated activity, care for and supervise young persons
- Flexible willing and able to adapt to changing circumstances, shift patterns and expectation

### From Tusla Website

### Residential Care (https://www.tusla.ie/services/alternative-care/residential-care/)

The Child and Family agency is committed to ensuring that children and young people are supported to live at home with their families, near their friends and schools and within their own communities.

Accordingly, the Child and Family Agency will only take children and young people into care when it has formed the view that at least for the time being, their health, development or wellbeing cannot otherwise be ensured.

When taking children and young people into care, more often than not Social Workers and the parents concerned will do so by agreement but where agreement cannot be reached, the Child and Family Agency will apply to the courts for one of a number of Care Orders to ensure the safety and wellbeing of the child or young person concerned.

When this happens, every effort is made to place children and young people within their extended family (Relative Foster Care) or in a Foster Care placement.

However, this is not always possible and so at any moment in time approximately one in twenty of the children and young people taken into the care of the Child and Family Agency will be placed with Children's Residential Services.

# What are Children's Residential Services? (<a href="https://www.tusla.ie/services/alternative-care/residential-care/what-are-childrens-residential-services/">https://www.tusla.ie/services/alternative-care/residential-care/what-are-childrens-residential-services/</a>)

Children's Residential Services aim to provide a physically, emotionally and psychologically safe space in which children and young people can heal, develop and move forward in their lives.

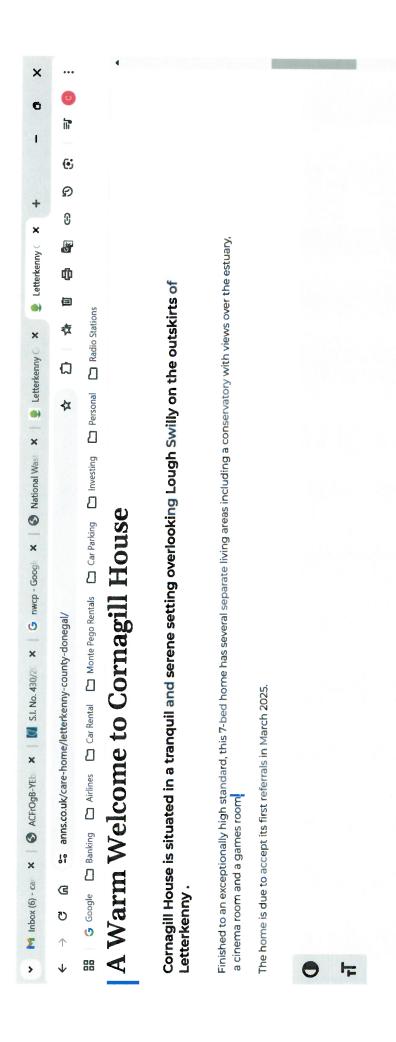
While the majority of children and young people placed in Children's Residential Services are there because of family problems and others have experienced neglect or some other form of abuse, most are placed in Residential Care because of their behaviour is too challenging to be managed in any other care setting.

It is also the case that some young people actually choose a placement in Residential Care because they do not wish to be placed with any family but their own. Other children and young people are placed in Children's Residential Centres while Social Workers work with their families and others to determine where their needs can best be met into the future.

Over 90% of Children's Residential Centres nationally are community based which means they look like and are situated within the same houses, estates and communities that everybody lives in. For the most part, Children's Residential Centres are also supported by the same range of health services that are available to the rest of the population such as G.P.'s, Speech and Language Therapists, Physiotherapists, Psychologists etc.

Where Children's Residential Services differ however, is that Centres are staffed on a 24hr basis by Social Care Workers, Leaders and Managers and are supported in their efforts to look after the children and young people in their care by external Managers, Social Work Services, Inspectors, Monitoring Officers and any others including An Garda Síochána.

16.]



# Job Vacancies at Letterkenny County Donegal



Office of the Director of Quality and Regulation
Tusla Child and Family Agency
Brunel Building
Heuston South Quarter,
Dublin 8 D08 X01F
Telephone: 01 771 8500
Email:auality@tusla.ie

Mr. Liam Coyle, Cornagill Residents Group, Letterkenny County Donegal

Sent by email: liam@lcoyle.com

28th March 2025

Re: Email dated 24th March 2025, Proposed Children's Residential Care Setting

Dear Mr Coyle,

I refer to your correspondence of Monday last to my colleagues and Mr. Hone, et al. The content of your email is noted. I can confirm that the Alternative Care Regulation office has received an application from Mr. McQuade's company from a premises in your locality, the assessment of same is ongoing. The content of your correspondence has been brought to their attention for appropriate consideration.

The assessment team are most familiar with the existence and implementation of the planning exemptions that are prescribed for the operation of social care settings for children. As averred in my previous correspondence the Child and Family Agency will defer to the determination of the local authority on any matter of planning and its lawful application. We note your intention to refer the matter to An Bord Pleanála in due course, regrettably we cannot give the undertaking that you are seeking in a context where the local authority have granted lawful authorisation to Mr. McQuade to operate form the premises. We will however bear appropriate consideration to the appeal outcome in due course.

As noted previously any decision to place children in the setting will not occur until such time as the centre attains both registration and a commission to provide services. I regret for reasons of confidentiality, the residential or child protection teams do not engage with third parties concerning the placement of children and will not be corresponding with you at this time.

Thank you again for taking time to advise of these matters, please be assured that they will be given appropriate consideration within our prescribed scope of responsibility.

Yours sincerely,

Dr Anthony O'Leary
Director of Quality and Regulation

20th November 1992 Dated this

PADRAIG MacGINTY

TO

BY PEGISTRY OF DEFINA

KO'G/MH/1658/6

DEED/OF CONVEYANCE

Messrs. V P. McMullin & Son Solicitors, Port Road, Letterkenny,

Co. Donegal

REF: D1/SL/ /92

KOS WH 16586 . 3242
INDENTURE OF CONVEYANCE made the 20 tday of November 1992 Between PADRAIG McGINTY of Castletown, St. Johnston, Co. Donegal Company Director (hereinafter called "the Vendor" which expression shall include and be deemed to include where the context so admits or requires its successors and assigns) of the One Part and

> (hereinafter called "the Purchaser", which expression shall include and be deemed to include where the context so admits or requires his executors, administrators and assigns) of the Other Part.

### WHEREAS

A. Definitions:-

these presents and the several Schedules hereto.

(i) "the plan means the plan annexed hereth.

(ii) "the estate" means those parts  $\phi f$  the lands of CORNAGILL situate in the Barony of KILMACRENAN and County of Donegal laid out in a building estate.

(iii) "the sold land" means the plot of ground described in the First Schedule above.

"the retained property" means so much of the estate that does not comprise the sold Aand.

Where two or more persons together constitute the (v) Purchaser the covenants and certificates on the part  $\phi f \mid$  the Purchaser shall be deemed to be joint and several covenants by such persons.

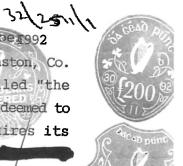
(vi) The masculine includes the feminine and neuter genders.

(vii) The singular includes the plural.

By virtue of the deeds and documents specified in В. the Fifth Schedule here to the Vendor is seized of inter alia the sold land for an estate in fee simple in possession free from incumbrances.

MINUTES AFTER 10 O'CLOCK ON THE 1 DAY OF

REGISTERED IN THE REGISTRY OF DEEDS (DUBLIN) 🔊







N.B.

C. The Vendor has laid out the estate in plots for development as a residential building estate and has caused a common form of Conveyance (being in substantially the same form as this Indenture) to be prepared for use in the sale of each plot.

D. The Vendor has agreed with the Purchaser for the sale to the Purchaser for the sum of Fourteen Thousand Pounds (IR£14,000.00) of the sold land for the estate in fee simple in possession free from incumbrances and it has been agreed that to give effect to the scheme of development mentioned in recital C these presents shall contain the covenants conditions exceptions and reservations hereinafter and in the Schedules hereto contained.

NOW THIS INDENIURE VITNESSETH & follows:-

In pursuance of the said agreement and in (1) consideration of the sum of Fourteen Thousand Pounds (TR£14,000,00) now paid by/the Purchaser to the Vendor (the kedeipt whereof/the Vendor hereby acknowledges) and the covenants/on the part of the Purchaser hereinafter contained the Vendor as beneficial owner hereby GRANTS/AND CONVEYS unto the Purchaser And THAT AND THOSE the sold land TOCETHER WITH the easements rights and privileges specified in the Second Schedule hereto EXCEPTING AND RESERVING unto the Vendor the easements rights and privileges specified in the Third Schedule hereto TO HOLD the same unto and to the use of the Purchaser in fee simple. AND the Vendor hereby acknowledges/the right of the Purchaser to production of the deeds numbered 6, 7 and 8 in the fifth schedule hereto and to delivery of copies thereof and here with undertakes with the Purchaser for the safe  $\phi$ ustody thereof AND the Vendor

hereby assigns to the Purchaser the benefit of covenant and undertaking for production and safe custody of title documents contained in Conveyance dated 30th November, 1973 specified at number 6 in the fifth schedule hereto.

- (2) The Purchaser hereby covenants with the Vendor to perform and observe the covenants conditions and stipulations set out in the Fourth Schedule to the intent that the burden of wuch of the same covenants as are set out in Part 1 of the Fourth Schedule hereto shall run with and bind the sold land and every part thereof and that the benefit thereof may be annexed to the retained property and every part thereof.
- (3) IT IS HEREBY CERTIFIED that the transaction hereby effected does not form part of a larger transaction of a series of transactions in respect of which the amount or value, or the aggregate amount or value, of the consideration exceeds £15,000.
- (4) AND IT IS HEREBY FURTHER CERTIFIED by the Purchaser being the person who becomes entitled under this instrument to the entire beneficial interest in the property hereby transferred that he is an Irish Citizen and is thus a qualified person within the meaning of Section 45 of the Land Act, 1965.

It is hereby certified, for the purposes of the stamping of this instrument, that this is an instrument to which the provisions of Section 112 of the Finance Act, 1990 do not apply for the reason that the transaction hereby effected is the transfer of a vacant building site and it is not connected with a contract for construction of a dwellinghouse thereon.

IN WITNESS WHEREOF the Vendor has caused its common Seal to be affixed hereto and the Purchaser has hereunto set his hand and affixed his Seal the day and year first herein written.

### FIRST SCHEDULE

ALL THAT AND THOSE that plot of ground containing 0.3288 hectares or thereabouts metric measure as is more particularly described and delineated on the Map thereof annexed hereto and thereow edged red and numbered 9 situate and being in the Townland of CORNAGILL in the Parish of Aughanunshin Parony of Kilmacrenan and County of Donegal.

### SECOND SCHEDULE

EASEMENTS, RIGHTS AND PRIVILEGES granted to the sold land and any building thereon.

Full right and liberty for the Purchaser his heirs executors and administrators his and their servants, agents, workmen, licensees, invitees, tenants and undertenants in common with the Vendor and all other persons who have or may hereafter have the like right:

- 1. At all times by day and by night and for the purpose only of the erection of a dwellinghouse on the sold land as hereinafter provided and the use of the sold land with the said dwellinghouse thereon for the purpose only of a single private or professional residence with or without horses, carts, motor cars, and motor lorries and all other manner of vehicles howsoever propelled or drawn laden or unladen to go pass or repass over and along all roadways and footpaths now laid over or at any time within 21 years from the date of this Indenture laid leading from and to the sold land to and from the public road.
- The free passage and running to and from the sold land of water, soil, gas electricity, telephone signals, oil and heating fuels and other services through all pipes, drains, sewers, mains, ducts, conduits, cables,

3. The right to connect up with and to cleanse and repair the said pipes, drains, sewers, mains, ducts, cables and wires and for that purpose to enter the retained property or any part thereof with workmen and others and all necessary equipment making good any damage thereby occasioned but not being responsible for any temporary inconvenience or damage thereby occasioned.

### THIRD SCHEDULE

EASEMENTS, RIGHTS AND PRIVILEGES excepted and reserved out of an over the sold land and to be for the benefit of and appurtenant to the retained property and every part thereof.

- 1. The free passage and running to and from the retained property or any part thereof of water, soil, gas, electricity, telephone signals, oil and heating fuels and other services through all pipes, drains, severy, mains, ducts, cables and wires now in under or over or at any time within 21 years from the date of this Conveyance to be in under or over the sold land.
- 2. The right to connect up with and to cleanse repair and renew the said pipes, drains, sewers, mains, ducts, conduits, caples, wires and within 21 years from the date of this Conveyance to construct in the sold land pipes drains sewers mains ducts conduits cables and wires and to cleanse repair and renew the same AND for the forementioned purpose to enter upon the sold land with workmen and others and all necessary equipment making good any damage thereby occasioned but not bein responsible for any temporary inconvenience or damage caused by such works.

3. Notwithstanding that the estate has been designed for development as a building estate for residential purposes the Vendor shall not be under any obligation to complete such development and may alter such development in such manner as it may wish and there is reserved unto the Vendor full right and liberty to execute such works and erections upon the retained property or any part thereof in such manner as it may think fit and notwithstanding that the access of light and air to the sold land and the buildings thereon may thereby be interfered with.

### FOURTH SCHEDULE

COVENANTS BY THE PURCHASER and so that the benefit thereof may be annexed to all the retained property and every part thereof.

Any of the negative covenants in this part of this Schedule which restrain the Purchaser from doing any act or thing shall be read, and construed as a covenant by the Purchaser not to do or permit or suffer the said act or thing to be done.

- Not to do any act or thing which shall be or may be or become a nuisance or annoyance to the Vendor the owner and occupiers of the estate nor which shall in any way prevent the taking in charge of the services by the Local Authority.
- 2. Not to exhibit on any part of the sold land or in the dwellinghouse any sign poster or advertisement of whatsoever nature so to be visible from the exterior of the said dwellinghouse, save that it shall be lawful to exhibit a notice advertising the sale or letting of the sold land with the dwellinghouse thereon, other than a sign of a type first approved of in writing by the Vendor exhibiting a house name.

N.B.

3. Not to use the sold land for any purpose other than as a single private or professional dwellinghouse with the usual out-offices.

### FIFTH SCHEDULE

- 1. Conveyance dated 22nd March, 1921 Kevin Michael Vincent McKeon to James Patterson.
- 2. Will and Grant of Probate dated 6th January, 1930 James Patterson.
- 3. Conveyance dated 9th January, 1941 Jossie Patterson (1st Part Joseph Patterson (2nd Part), John Harris, Joseph Patterson & Samuel Roulston (3rd Part).
- 4. Conveyance dated 8th October, 1947 John Harris and Samuel Roulston to Joseph Patterson.
- 5. Conveyance deted 24th February, 1972 Joseph Patterson to Wera Johnston.
- E. Conveyance dated 30th November, 1973 Vera Johnston to Peter McGettigan.
- 7. Conveyance dated 2nd September, 1975 Peter McGettigan to Padraig MacGinty and P.Colm Duffy.
- 8. Conveyance dated/14th March, 1979 P. Colm Duffy to Padraig McGinty.