

AGREEMENT dated the 15th day of December 2021 between Donegal County Council of County House, Lifford in the County of Donegal, Local Authority ("the Council") of the one part and Donegal 2040 Strategic Development DAC also of County House, Lifford, Co. Donegal, Designated Activity Company ("the Company") of the other part.

WHEREAS:-

- (a) The Council has in place an ambitious and transformative regeneration programme for the town of Letterkenny titled "Letterkenny 2040" ("the programme"). The programme is designed to achieve the Council's goals as a regional growth centre in line with its identified role in the National Planning Framework ("the NPF"), the Regional Spatial Economic Strategy (the "RSES") and in the cross border context of the North West City Region.
- (b) The programme is being progressed under the Urban Regeneration and Development Fund ("the URDF"), which supports compact growth and sustainable development of Ireland's five cities and other large urban centres under Project Ireland 2040.
- (c) The overarching vision of the programme is to deliver a vibrant, liveable and fully functional regional centre with a flourishing population that has a strong economy, employment and housing choice, healthy and restorative environments, community and social amenities, high quality of life and positive public and civic spaces.
- (d) The programme is multi-faceted and a phased approach to delivery thereof is planned.
- (e) In 2019 the Council was successful in securing URDF funding support for the first three strands of the project which were (i) the preparation of a regeneration strategy for Letterkenny Town Centre, (ii) the acquisition of a key town centre regeneration site and (iii) delivery of public realm works in the form of Phase 1 Linear Park infrastructure.
- (f) The first strand has now progressed with the publication of a draft regeneration strategy for Letterkenny Town Centre on the 11th November 2021 . The second strand has been advanced by the identification of a key regeneration site ("the regeneration site") as shown on map 1 attached hereto, which site is part owned by the Council and an active private sector interest with the balance to be acquired on foot of Compulsory Purchase Order made by the Council dated the 2nd November 2021 titled the "Donegal County Council (Letterkenny 2040 Strategic Urban Regeneration Site) Compulsory Purchase Order 2021 ("the CPO").
- (g) The said CPO site which forms part of the overall regeneration site shown on map 1 is also shown on the separate CPO map attached hereto as "map 2" ("the CPO lands").
- (h) The Company is wholly owned by the Council and was established by it in accordance with Section 66(4)(i) of the Local Government Act 2001 as amended ("the Act")

- (i) The Company was established for the purpose of delivering economic development initiatives to strengthen inward investment opportunities, indigenous business initiation and expansion in the County of Donegal. The Regeneration Site will house the ALPHA Innovation Centre and the BETA Business Centre.
- (j) The Council will oversee the planning, tendering, design and construction through to handover, of these projects (identified in recital (i) immediately above) while the company will oversee their management once completed, ensuring adherence with the funding criteria specified by the respective funding bodies.
- (k) The development of the Regeneration Site is strategically aligned with the overall aims of the Donegal Local Economic and Community Plan 2016-2022 and specifically with regards to the 5th and 7th Priority Goals as follows –
- To develop Donegal as a Lead Region for Learning, Research and Innovation (5th Priority Goal) and
 - To promote Entrepreneurship, Enterprise and Investment (7th Priority Goal).
- (l) The Council in partnership with the company proposes to carry out the development specified in the Schedule hereto (“the Development”) on a part of the Regeneration Site which development includes the proposed ALPHA and BETA projects specified in recital (i) above.

NOW IT IS HEREBY AGREED between the parties as follows:-

1. The Council will carry out the development in partnership with the company.
2. Subject to paragraph 3(III) below, the Council will initiate and proceed through the planning process required by Part XI of the Act and Part 8 of the Planning and Development Regulations 2001 (as amended) (“the regulations”) in respect of the development (“the Part 8 Planning Process”).
3. The development will not be carried out unless the following conditions are met:-
 - (I) The outcome of the Part 8 planning process is that the Council is entitled to carry out the development in accordance with Section 179(4)(b) of the Act subject in the event that the Council members resolve in accordance with Section 179(4) that the development be varied or modified, it will only proceed subject to such variation(s)/modification(s).
 - (II) The CPO is confirmed by An Bord Pleanála, thereafter becomes operative and the Council decides to proceed with the acquisition of the required lands .
 - (III) The development is currently subject to screening processes for Environmental Impact Assessment (“EIA”) and Appropriate Assessment (“AA”) and if the development were found to require either or both EIA/AA the development will not

be carried out unless the required statutory authorisations are obtained instead of following the Part 8 Planning Process.

4. The development includes enabling works on the strategic regeneration site such as demolition and clearance.
5. A further agreement will be entered into between the parties subject to the development proceeding as above which will deal with the tender/construction phases of the project and beyond.
6. The parties will bear their own legal costs in connection with the preparation of and execution of this agreement and the costs of the Part 8 planning process and the separate CPO process up to confirmation of same will be borne by the Council.

SCHEDULE

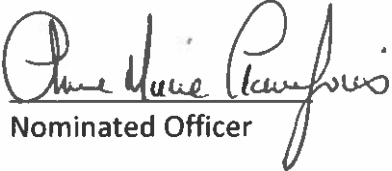
The following development is to be carried out on the part of the Regeneration Site to be shown on the plans which will be made available as part of the Part 8 Planning Process (per Article 81(2)(d)(i) of the Regulations). The development comprises -

- Demolition of the former ESB retail & office premises and existing shed(s) to the rear of same together with general site clearance and boundary treatment;
- Construction of a new 7 storey Business, Enterprise and Innovation (Alpha) building providing flexible accommodation solutions including Office and R&D facilities and having a floor area of approx. 1,625sq.m (17,500sq.ft);
- Construction of a new 8 storey Business, Enterprise and Innovation (Beta) building with flexible accommodation solutions including Office and R&D facilities and having a floor area of approx. 4,000sq.m (43,000sq.ft);
- Construction of an associated public realm and controlled access arrangements inclusive of: a central civic space; pedestrian, cycle, accessibility and mobility infrastructure; landscaping; disabled and age friendly courtesy parking and emergency/service vehicle entry and egress;
- All associated ancillary works to include site drainage, connection to public water supply and other services, landscaping, development related signage & public art, connection & discharge to the public sewerage network.
- A schedule of uses for the Alpha & Beta buildings will be provided with the required particulars per Article 81(2)(d)(i) of the Regulations.

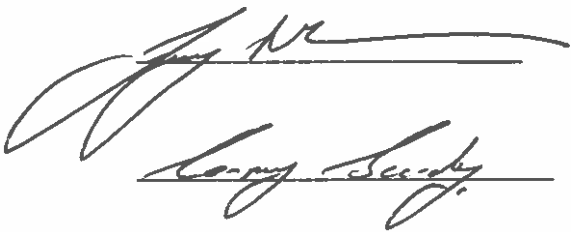
The development will be located at Pearse Road and Ramelton Road, Letterkenny within the town of Letterkenny and in the Letterkenny and Milford municipal district.

IN WITNESS WHEREOF the parties hereto have affixed their seals the day and year first herein before written.

Seal of Donegal County Council affixed
hereto as authenticated by


Nominated Officer

Signed on behalf of Donegal 2040 Strategic
Development DAC



Dated this 15th day of December 2021

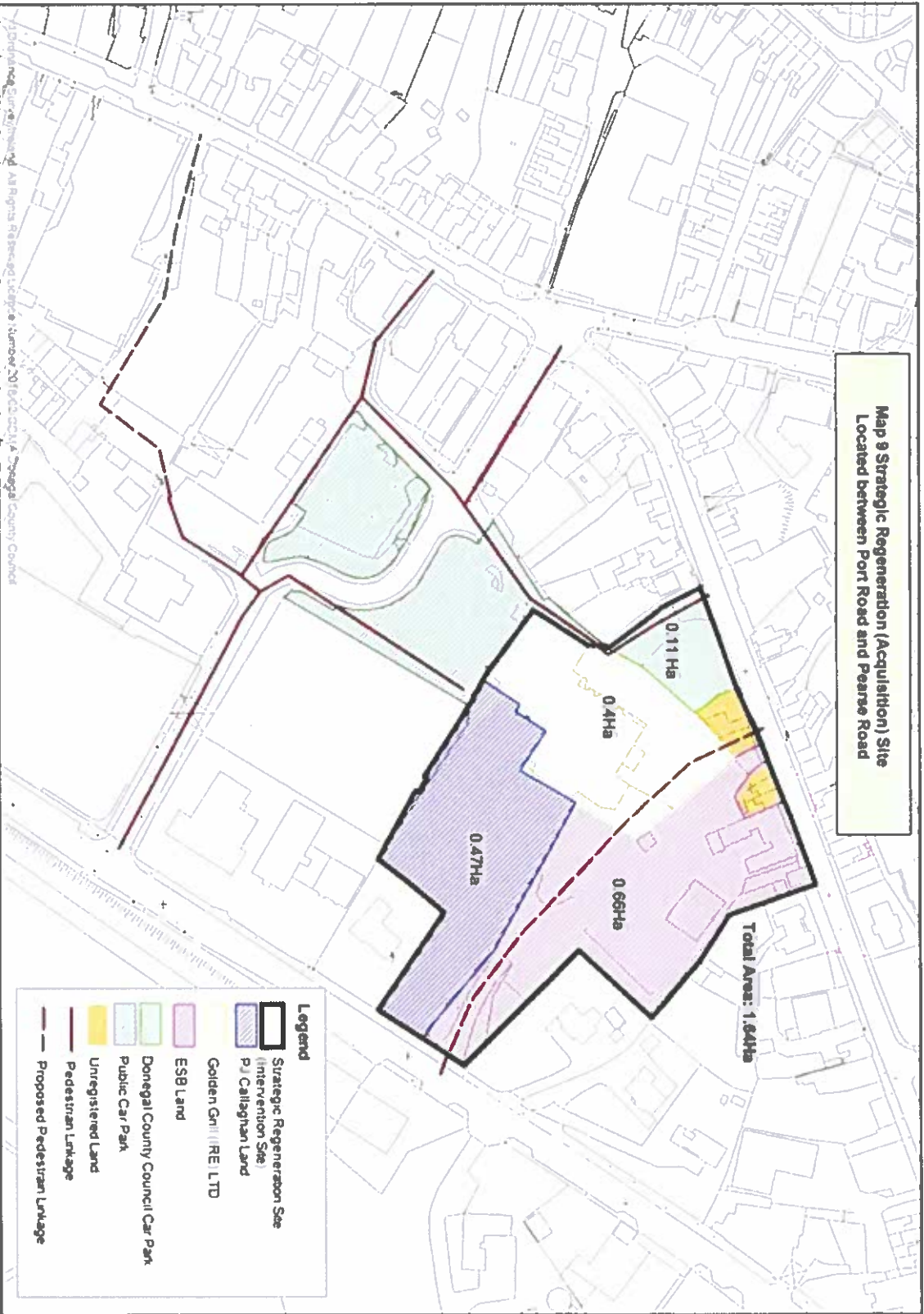
Donegal County Council

and

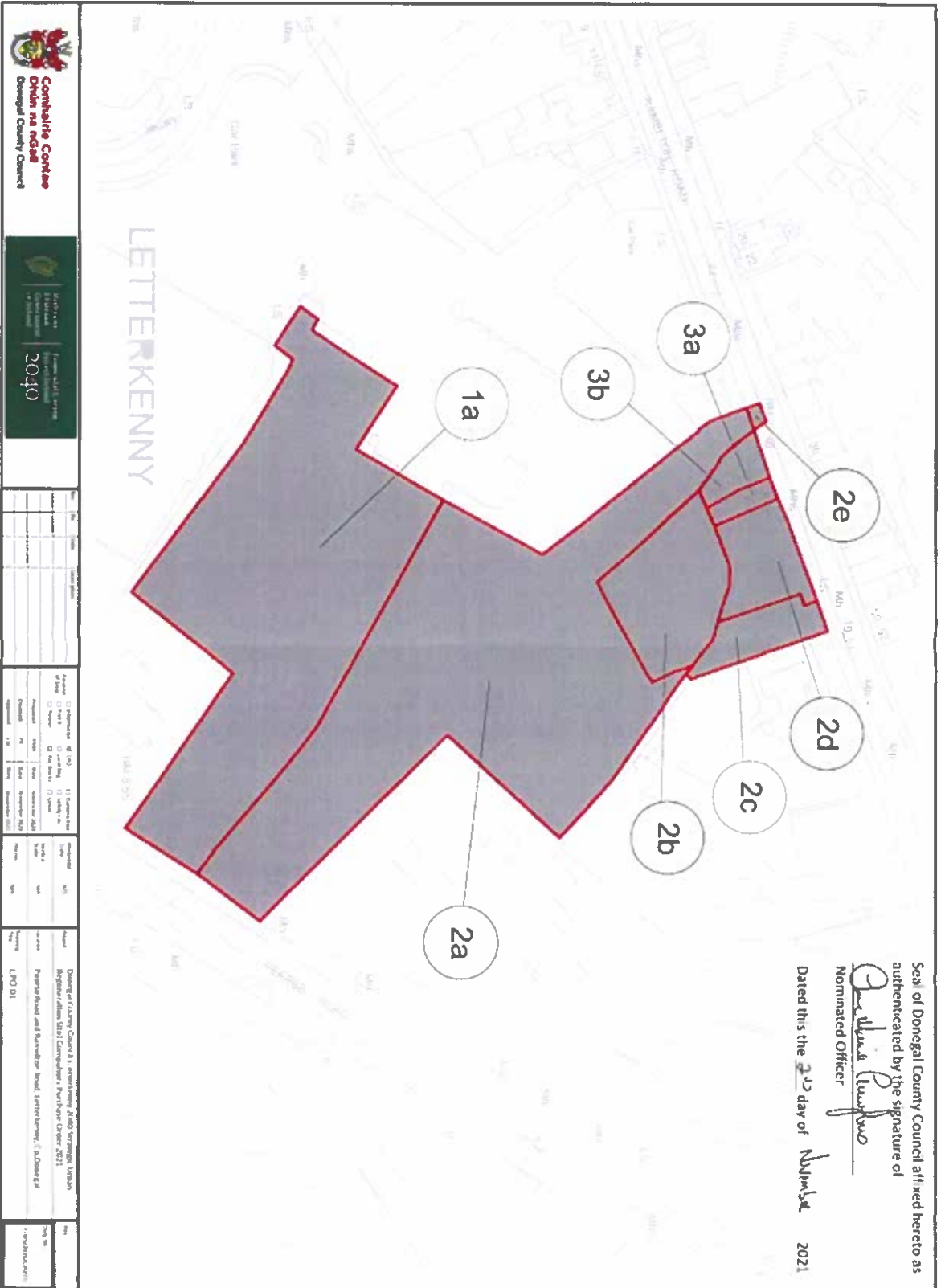
Donegal 2040 Strategic Development DAC

AGREEMENT

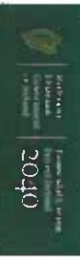
VP McMullin
Solicitors
Ballybofey
Co. Donegal



Map 1 – “The Regeneration Site”



Seal of Donegal County Council affixed hereto as
 authenticated by the signature of
Pauline Humphreys
 Nominated Officer
 Dated this the 23rd day of November 2021



Area	Area	Area	Area

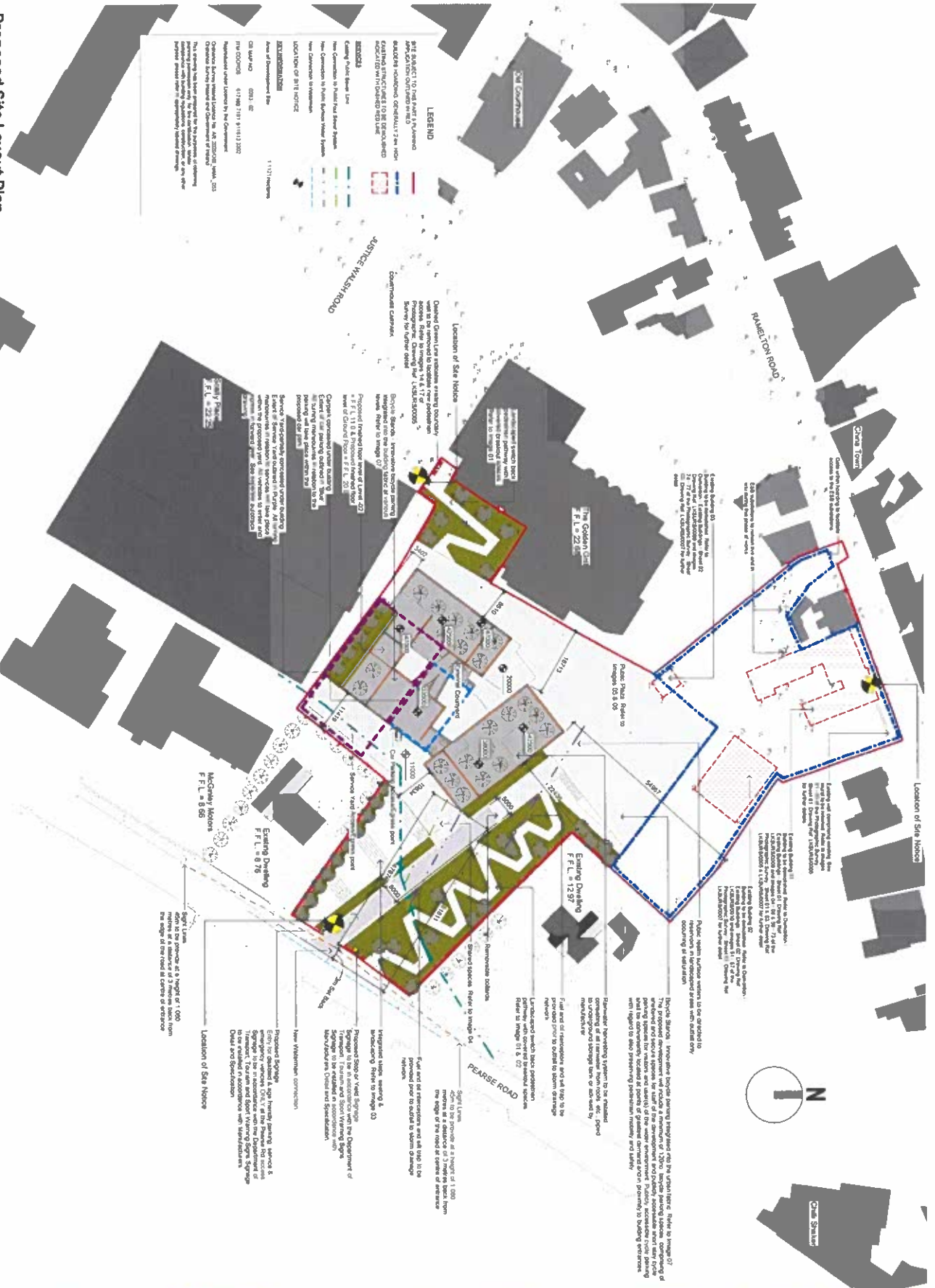
Area	Area	Area	Area

Area	Area	Area	Area

Donegal County Council 8, Ardara Road, Stranmillis, Letterkenny, Donegal
 Planning and Development Department
 LND 01

Area	Area	Area	Area

MAP 2 – "The CPO Site"



Proposed Site Layout Plan

1:500

Comhairle Contae Dhún na nGall
Donegal County Council

Community Development & Planning Services
Regeneration & Development Team
Three Point Green, Lond D Donegal
Tel: 091 536001 Fax: 091 536002 www.donegal.ie
Local Director of Community Development & Planning Services

Millennium Heritage Initiative 2040

Issue No.	Date	Issue	Revised By
1		Issue 1	
2		Issue 2	
3		Issue 3	
4		Issue 4	
5		Issue 5	
6		Issue 6	
7		Issue 7	
8		Issue 8	
9		Issue 9	
10		Issue 10	

Project No: L2019/0001-0002 Strategic Urban Regeneration
Location: Three Point Green, Lond D Donegal
Drawing Title: Proposed Site Layout Plan
Drawing No: L2019/0001-0002
Author: J. O'Donnell
Checked: J. O'Donnell
Approved: J. O'Donnell
Date: 13/11/2021
Scale: 1:500
Drawing No: L2019/0001-0002
Drawing Title: Proposed Site Layout Plan
Drawing No: L2019/0001-0002
Author: J. O'Donnell
Checked: J. O'Donnell
Approved: J. O'Donnell
Date: 13/11/2021
Scale: 1:500

DONEGAL

Image 07: Bicycle Stands. Innovative bicycle parking integrated into the urban fabric. Promoting Green Transportation, creates design inspiration and connectivity.



Image 08: 5.06 Public Plaza. Active spaces to better experience public community and culture.



Image 09: Shared Urban. Promote an active, pedestrian friendly environment.



Image 10: Shared Urban. Promote an active, pedestrian friendly environment.



Image 11: Shared Urban. Promote an active, pedestrian friendly environment.



Image 12: Shared Urban. Promote an active, pedestrian friendly environment.

