

Planning Section
Donegal County Council
County House
Lifford
Co Donegal



**Comhairle Contae
Dhún na nGall**
Donegal County Council

Planning Services

RECEIVED DATE: 06/05/2025

1/5/2025

Dear Sir/Madam,

Please find attached a Section 5 application for construction of a slurry tank.

I hold and farm the land on a long lease from my uncle, Gerard Kelly.

This development is solely for farming purposes .

The highest point of the proposed development will be at ground level.

The nearest residential property is approximately 500 metres away and the development will not be visible from there or from any other property.

The nearest Natura 2000 site is at the river Finn, approximately 1 kilometre from the site.

The footprint of the site is substantially below 200m²

I believe that this development is exempted from a full planning application

The payment receipt number is 664984

Yours Faithfully

Joseph Kelly



Comhairle Contae
Dhún na nGall
Donegal County Council



Comhairle Contae
Dhún na nGall
Donegal County Council

Planning Services

RECEIVED DATE: 06/05/2025

SECTION 5 APPLICATION

FOR DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Completed application form & supporting documentation to be returned to the
Planning Authority by email to planning@donegalcoco.ie

Name of Applicant(s):	FRANCIS JOSEPH KELLY
Agent Name: (if applicable)	
Location of Proposed Development / Works: (Townland or postal address as appropriate and Eircode if available)	EDENAMOGHIL KILLYGORDON CO DONEGAL
Description of Proposed Development including details of works (where applicable): (Only works listed below will be assessed under this section 5 application)	
ANIMAL SLURRY TANK.	



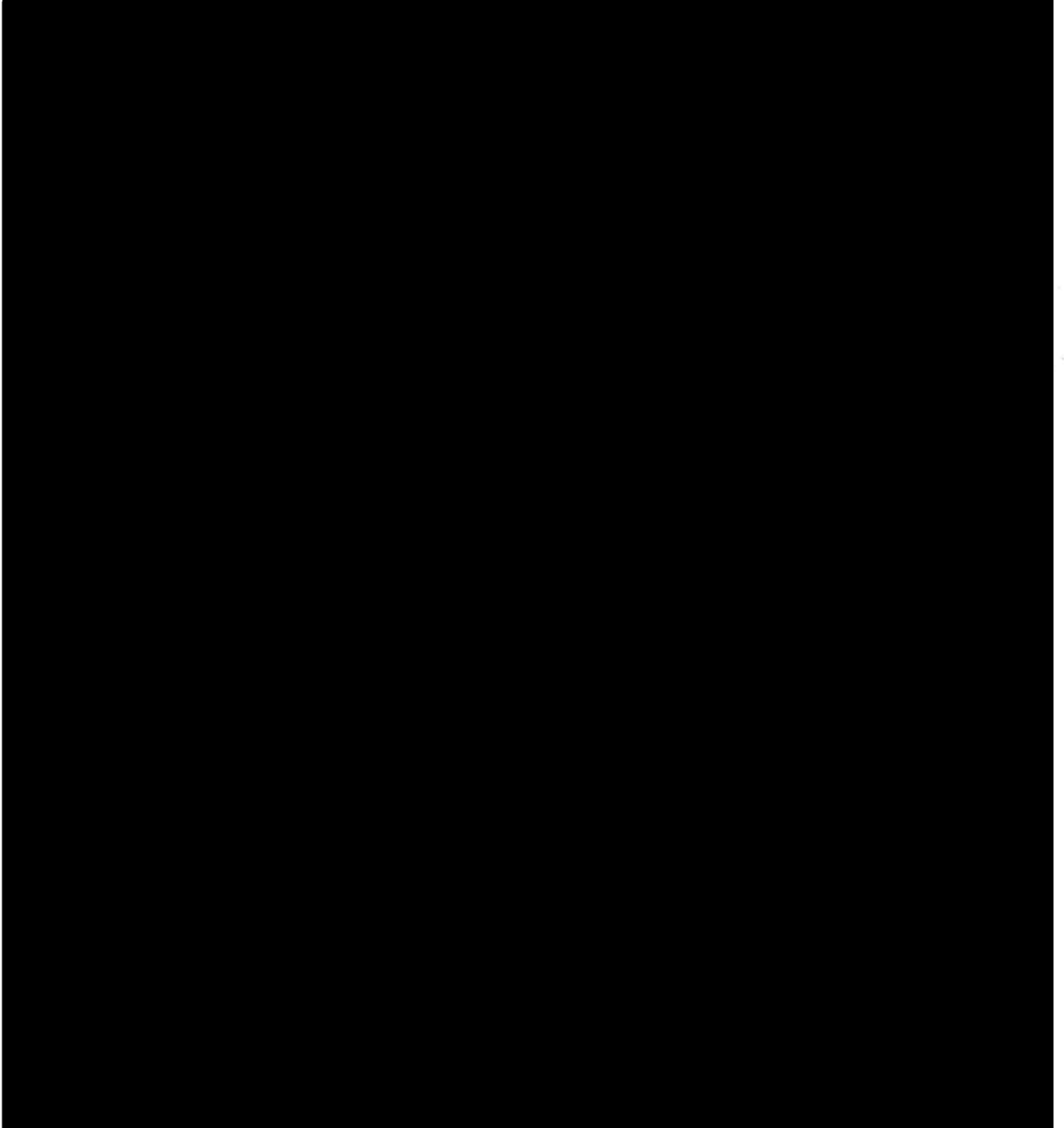
**Comhairle Contae
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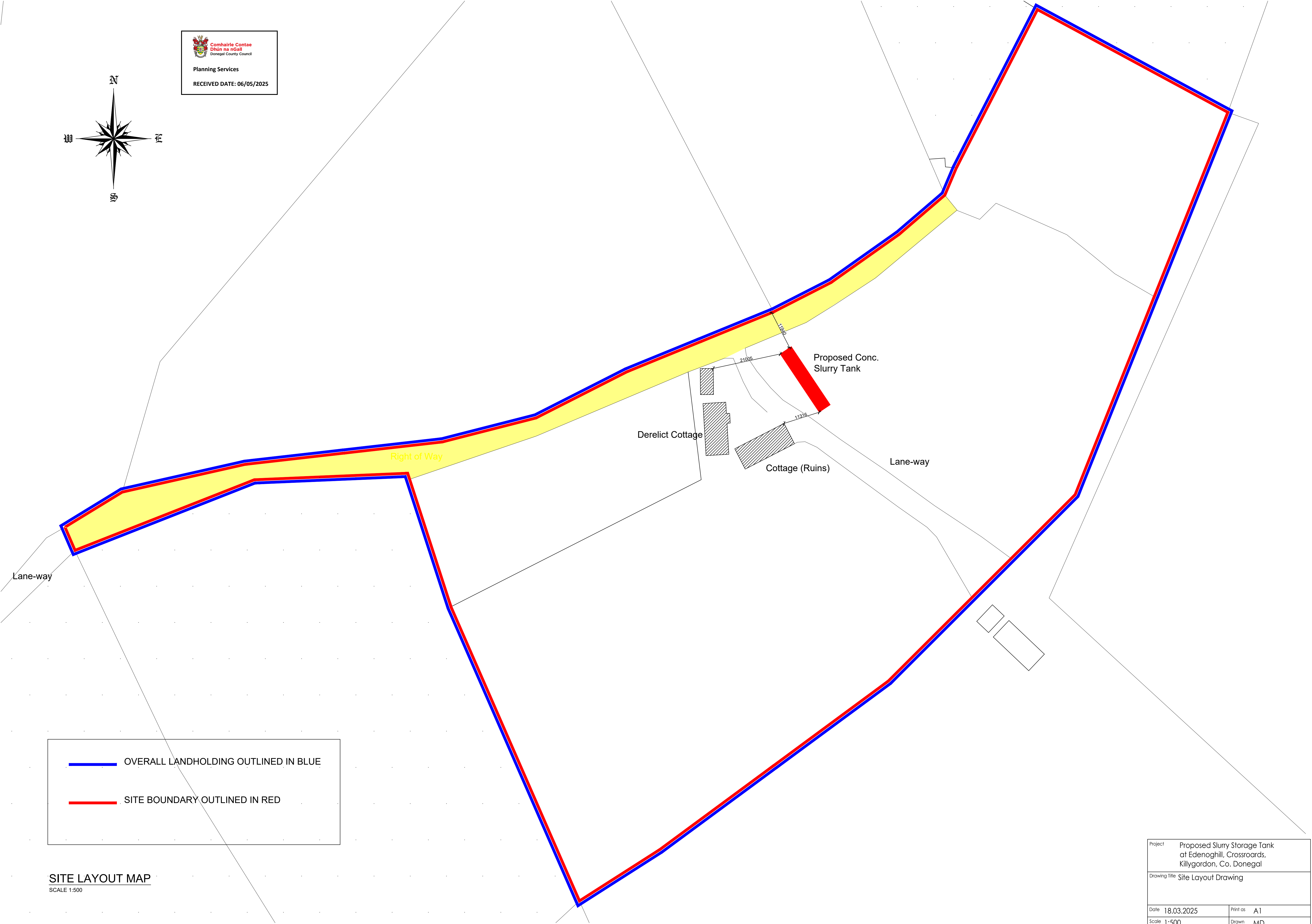
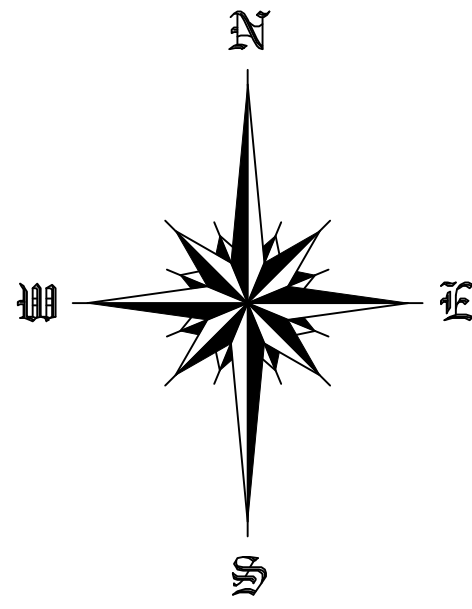
Is the development a Protected Structure or within the curtilage of a Protected Structure?	Yes	No
		✓
Has a declaration under Section 57 of the Planning and Development Act 2000 (as amended) been requested or issued in respect of the property.	Yes	No
		✓
Applicant(s) Interest in the site:	LEASED FOR FARMING. (LONG LEASE)	
If not the Owner of the site, please provide the name of the Landowner:	GERARD KELLY	
Please list types of plans, drawings etc. submitted with this application:		
Planning History - list any relevant planning application reference numbers:		
Are you aware of any enforcement proceedings connected to the site? If so, please supply details:		

I hereby certify that the information provided is true and accurate	
Signature of Applicant/Agent:	F. JOSEPH KELLY
Date:	



Comhairle Contae
Dhún na nGall
Donegal County Council





OVERALL LANDHOLDING OUTLINED IN BLUE

SITE BOUNDARY OUTLINED IN RED

SITE LAYOUT MAP

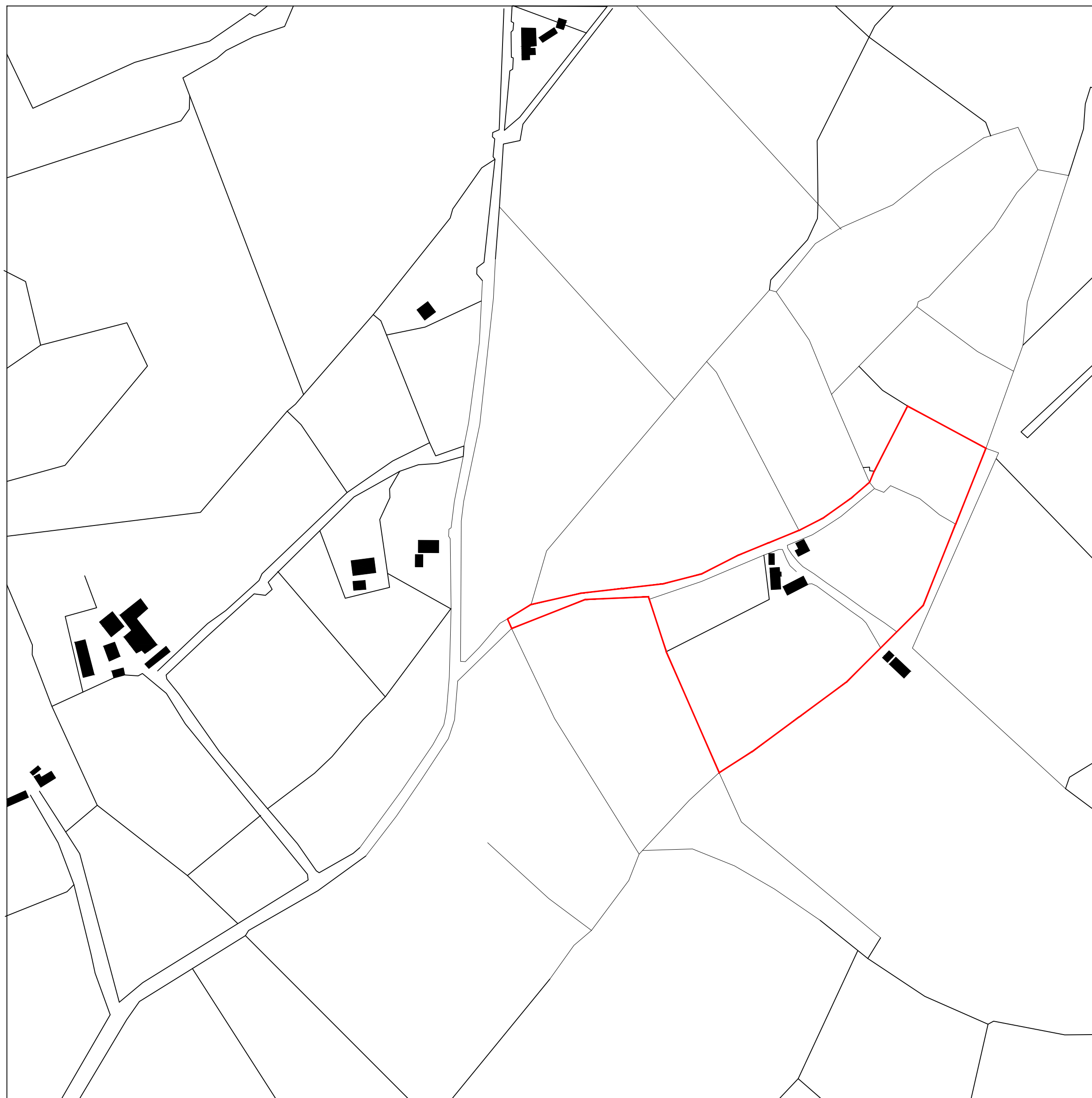
SCALE 1:500

Project	Proposed Slurry Storage Tank at Edenoghill, Crossroads, Killygordon, Co. Donegal		
Drawing Title	Site Layout Drawing		
Date	18.03.2025	Print as	A1
Scale	1:500	Drawn	MD
Drawing No.	C01-02	Rev.	.



SCALE 1:2500

COPYRIGHT NATIONAL MAPPING
DIVISION OF TAILTE EIREANN



RECEIVED DATE: 06/05/2025

SCALE 1:2500

Project	Proposed Slurry Storage Tank at Edenoghill, Crossroads, Killygordon, Co. Donegal		
Drawing title	Site Location Map		
Date	18.03.2025	Print as	A3
Scale	1:1250	Drawn	MD
Drawing No.	C01-01	Rev.	

B MANURE PIT

B.1 Foundation of Manure Pit Floor and Channel All topsoil and soft material shall be excavated to a minimum depth of 150mm, or down to solid stratum, and the excavated material shall be removed from site to a suitable area. The foundation shall consist of thoroughly compacted hardcore and shall extend to a minimum of 300mm in each direction beyond the edge of the finished floor. Hardcore placed in excavated soft areas or on made-up ground shall be compacted in max. 150mm layers using a suitable vibrating or heavy roller. Consolidation with wheeled or tracked plant is not adequate. The depth of compacted hardcore shall not be less than 150mm at any point. Special care shall be exercised in compacting the edges of the slab, and under proposed channels. Where channels are constructed the level of the foundation shall be lowered in accordance with Figs. 5, 6 & 7. All hardcore shall be blinded over by fine sand or a 50mm layer of blinding concrete finished smooth. The hardcore base shall be finished to a minimum fall of 1:40 when no walls are to be constructed. In cases where fill is purchased it shall be certified to EN 13242 and meet the requirements of Annex E of S.R. 21. It is important when ordering aggregate (fill) that this specification is clearly communicated to the supplier.

B.2 Foundations for Manure Pit Walls Foundations for manure pit wall footings shall be excavated to a minimum depth of 600mm below the original ground level, or to such further depth necessary to reach firm strata to ensure stability of structure. The excavation shall be taken out neatly so as to produce clean-cut, vertical sides against which concrete for the footings shall be poured. On completion of the excavation a 50mm (min) layer of blinding concrete shall be placed on the bottom of the excavation.

B.3 Steel Reinforcement All manure pit walls, other than kerbs, shall be reinforced as described below. Walls shall not exceed 1.8m in height. For walls greater than 1.8m high, the walls shall be constructed as per S.120, or shall be designed by a Chartered Engineer as per the paragraph below. Where it is desired to construct manure pit walls more than 1.8m high, or otherwise not covered by this specification, then a full set of design drawings (including details of reinforcing) and full structural calculations for the entire manure pit shall be prepared by a Chartered Engineer, and given to this Department for prior approval before the start of construction. The design of the manure pit shall be in accordance with IS EN 1992: Eurocode 2: Design of concrete structures, and the loadings shall be as per BS 5502. The concrete used in the construction of such tanks shall meet the requirements of section A.3 of this specification.

B.3.1 Steel Reinforcement Bars These shall consist of high yield steel with ribbed finish in accordance with the current edition of BS 4661. All steel shall be free from mill scale, and heavy deposits of rust. Steel bars shall not be straightened and rebent. Where bars must be overlapped, the overlap shall be at least 40 times the bar diameter.

B.3.2 Bending and Fixing of Steel Steel bars shall be cut and bent as per Fig. 2. The minimum cover of 50mm shall be achieved and maintained by the use of proprietary fixing blocks or space wheels. Junctions of bars shall be securely tied with 16 SWG tying wire (1.6mm diameter) or by tack-welding to ensure that steel is kept firmly in position during concreting.

B.3.3 Steel Reinforcing in Walls All steel shall be 10mm diameter. Vertical steel shall be placed at 225mm centres and shall extend to within at least 475mm of the top of the wall. Horizontal steel shall be placed at a maximum of 400mm centres and shall start at a maximum height of 460mm. The top horizontal bar shall be placed at the top of the vertical bars, and intermediate horizontal bars shall be spaced evenly between the top and bottom bars as shown on Fig. 3. Horizontal steel to footing shall be at 500mm centres and sized as shown in Fig. 2. At each rear corner a vertical bar shall be placed with its foot on the diagonal as shown on Fig. 4. This bar and the 3 bars on each side shall be extended to within 50mm of the top of the wall. Close to the top of the wall one horizontal L bar, min. 800mm each leg, shall be tied to the vertical steel.

B.4 Placing of Concrete

B.4.1 Shuttering Steel shuttering is recommended for manure pit walls but panels lined with timber may be used. All shutterings must be clean and tight fitting to prevent loss of grout. To maintain cleanliness and facilitate removal they should be oiled lightly with proprietary mould oil prior to each use. Care must be taken that oil does not get onto reinforcing bars and prevent bonding. All shutterings must be properly tied and braced to withstand the pressure of the concrete.

B.4.2 Footings Reinforcing shall be placed as set out in Clause B3. Concrete shall be poured to complete a footing in a single day. Vibration, by poker vibrator of diameter not less than 50mm shall follow closely on placing. The poker shall be inserted at maximum 400mm centres.

B.4.3 Pouring Concrete to Manure Pit Walls S108 June 2017 All dirt and debris shall be removed from within the shuttering. Concrete shall be placed in evenly spread layers of not more than 600mm deep. Vibration, by poker vibrator of diameter not less than 50mm shall follow closely on placing. The poker shall be inserted at maximum 400mm centres. It shall be allowed sink under its own weight to the depth of the layer plus 100mm into the layer beneath and when air bubbles cease to rise, be withdrawn slowly but evenly leaving no significant depression in the concrete. Care shall be taken to prevent the vibrator making contact with either the shutters or the reinforcement. Concrete shall not be poured under 40C in a falling thermometer.

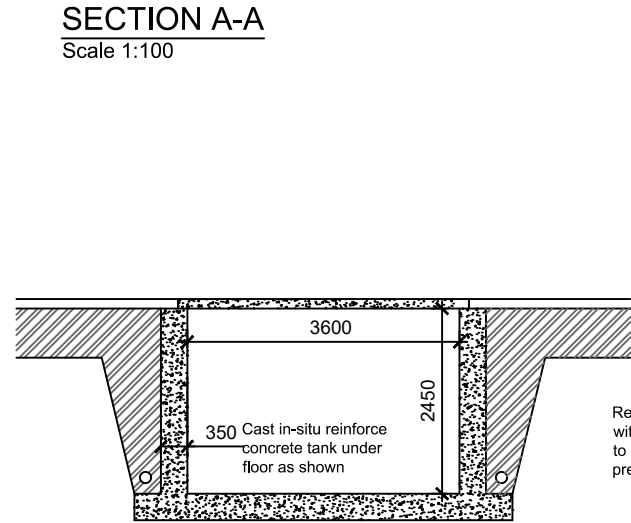
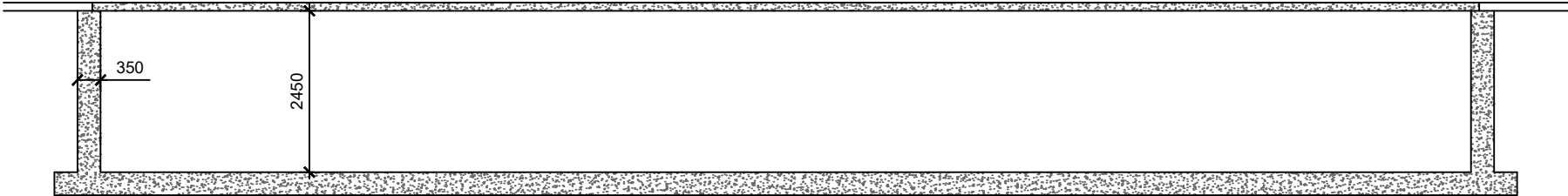
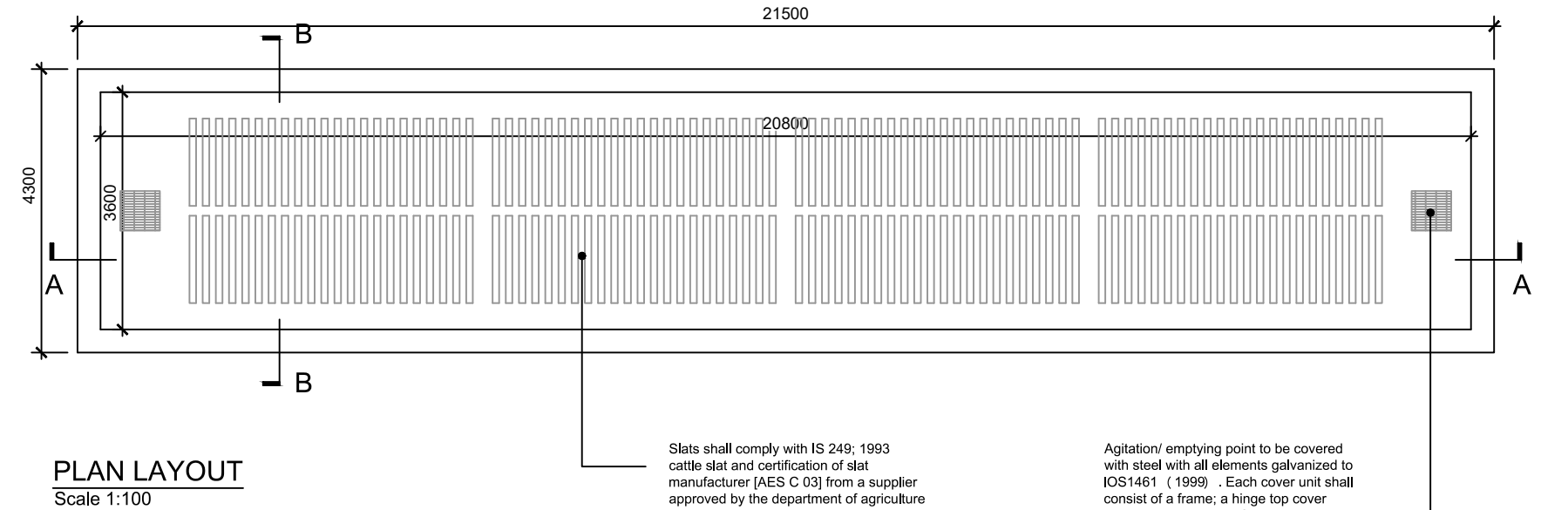
B.4.4 Removal of Shuttering Shuttering shall not be removed for at least 12 hours in warm weather, longer in cold weather. Fill all small blemishes caused by removal of bolts and tie bars with 1.5:1 washed sharp sand-cement mortar. All large bolt or tie bar blemishes and honeycombing, if they occur, shall be repaired with a sand-cement mortar incorporating SBR (Styrene Butadine Rubber) or a water resistant polymer bonding admixture in accordance with manufacturer's instructions. Note: If good shuttering, properly erected, is used and concrete of proper workability has been well compacted, honeycombing should not occur.

B.5 Precast Wall Precast wall systems are acceptable provided such walls are constructed in accordance with Department of Agriculture, Food and the Marine requirements as set out below. Proprietary pre-cast concrete wall panels, shall require prior acceptance by the Department of Agriculture, Food and the Marine and shall be listed on specification S.108A: Accepted Pre-Cast Wall Panels for use in Manure Pits. All pre-cast concrete wall panels shall be CE marked and produced in a plant certified by a Notified body (e.g. NSAI or equivalent), to produce pre-cast concrete wall panels to I.S. EN 14992: Precast concrete products – Wall elements. Foundations shall be constructed in strict accordance with manufacturers' instructions. Standard effluent channels shall be constructed outside the walls in all cases. Joints between panels shall be sealed with acid resistant mastic in accordance with manufacturers' instructions. Moveable wall panels are not permitted. All precast walls shall be permanently fixed in place, constructed in strict accordance with manufacturers' instructions.

B.6 Thickness of Concrete Floor Slab The thickness of the concrete slab shall be as shown on the detailed drawing but at no place shall it be less than 125mm. Under channels the concrete shall be thickened to at least 150mm below the invert level of the channels as shown (Figs. 5, 6 & 7).

B.7 Concrete to Floor Slab A 1000 gauge polythene membrane shall be laid on the finished hardcore with 600mm overlaps. The overlaps shall be sealed with suitable adhesive tape. The polythene shall be brought up on the inside of the timber or steel formers. The edges of the slabs (except where the slab abuts an existing bay) shall be supported by strong shuttering, set to the correct level. Concrete shall be laid in alternate bays measuring not more than 4.5m wide by 6m long where there is no fibre additive and not more than 4.5m wide by 8m long with fibre additive. Concrete should be allowed to harden for at least 2 days before the remaining bays are poured. The edges of the slabs (except where the slab abuts an existing bay or silo wall) shall be supported by strong shuttering, set to the correct level. The concrete should be placed about 20mm proud of the shuttering and then tamped down to the correct level using a vibrating screed. Particular care should be taken to compact the concrete near edges and joints, preferably with a poker vibrator. Joints between alternate bays should have a 25mm x 12mm recess preformed by the shuttering. This joint to be brushed out and filled with acid resistant mastic sealant. Alternatively, where concrete base is laid in one operation, joints (in bays not exceeding 4.5m wide by 6m long without fibre additive or 4.5m wide by 8m long with fibre additive) shall be cut by disc-cutter to a depth of 30mm and to a full 12mm width formed by a double cut in the hardened concrete within 24 hours of placing. These joints shall be brushed out and filled when dry with acid resistant mastic sealant installed in strict compliance with the manufacturer's instructions. Extra care shall be taken that joints running across effluent channels are completely sealed. The junction of floor and wall shall be treated as a joint. If it is thought necessary to strengthen the slab for any reason, A 142 steel mesh may be installed 50mm above the bottom of the slab. In all cases construction joints shall be formed.

B.8 Channels Manure pits without walls shall have channels at the back, sides and front to collect and convey all the effluent and soiled water that results from the use of the pit to a leak-proof storage tank. Side and back channels shall be set at least 200mm in from the edge of the concrete base. This 200mm concrete verge shall have a fall towards the channel as shown in Fig. 7. The front of the manure base shall have a recessed channel to convey the effluent to the approved storage facility. Side and back channels shall be constructed as shown in either Fig. 7 or Fig. 8. Front channels shall be constructed as shown in either Fig. 5 or Fig. 6. Care shall be taken when forming the channel to ensure that adequate depth and fall is maintained during construction and that sufficient concrete is provided at the sides and under the invert of channel as shown. Channels shall be constructed along all sides of a manure pit that do not have either a wall or kerb as set out in the paragraph above. Where surface water from concrete yards or other surrounding areas is likely to gain access to the manure base, a kerb type channel as per Fig. 8 shall be constructed to the back and sides. Effluent shall be piped in uPVC pipe (minimum internal diameter of 100mm) preferably through an interception chamber with a silt trap to a suitable storage tank.



Internal Tank Dimensions	
Length=	20800mm
Width =	3600mm
Height =	2450mm
Volume =	183.456 meters3 / 183,456Ltrs



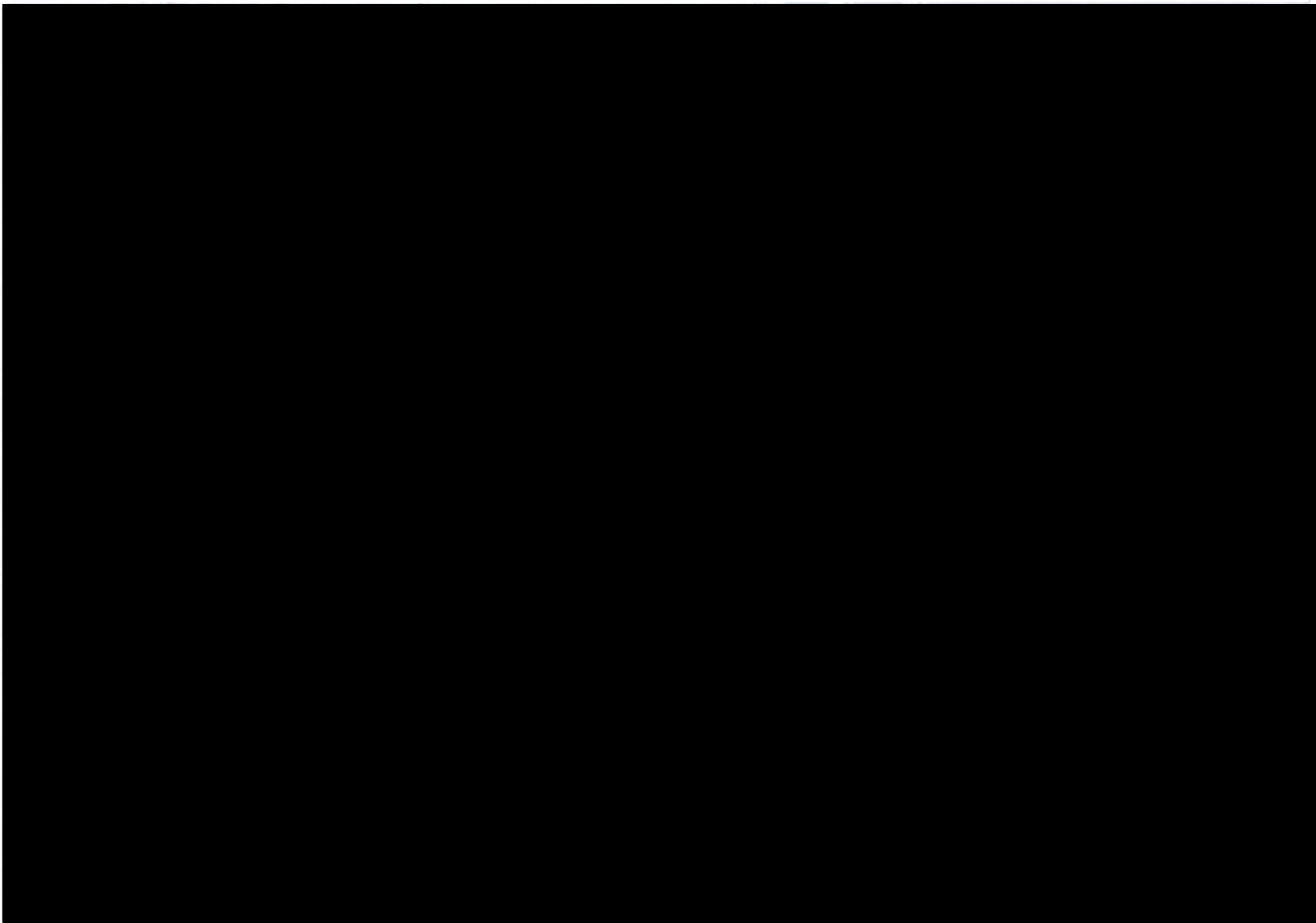
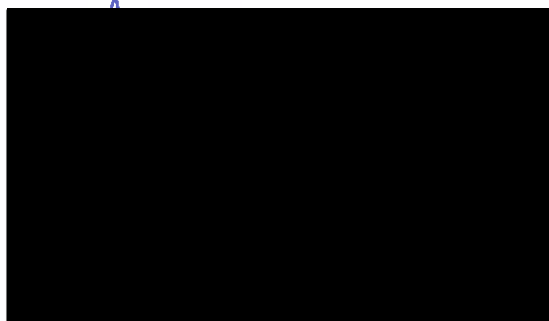
**Comhairle Contae
Dhún na nGall**
Donegal County Council

Planning Services

RECEIVED DATE: 06/05/2025

Project	Proposed Slurry Storage Tank at Edenoghill, Crossroads, Killygordon, Co. Donegal		
Drawing Title	Tank Layout Drawing		
Date	18.03.2025	Print as	A3
Scale	1:100	Drawn	MD
Drawing No.	C01-03	Rev.	.

FRANCIS JOSEPH KELLY





**Comhairle Contae
Dhún na nGall**
Donegal County Council

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

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W: www.ccdhunnangall.ie

Planning Services
E: planning@donegalcoco.ie

E-mail: john@ironmountainireland.com

Our Ref: S525/45

8th May, 2025

Francis Joseph Kelly

**Re: Section 5 - Application for proposed development at
Edenamoghil, Killygordon, Co Donegal.**

A Chara,

I wish to acknowledge receipt of your application received on 6th May, 2025 in relation to the above.

Yours sincerely,

Martina Parke

Donegal County Council
Planning Services



SECTION 5 REFERRAL REPORT – Ref. No: S5 25/45

1.0 BACKGROUND

1.1 Location:

Edenamoghil, Killygordan, Co Donegal

1.2 Planning History:

No recent planning history.

1.3 Proposed Development:

The development the subject of this Section 5 referral relates to the erection of a standalone animal slurry tank and seeks a declaration as to whether the proposed tank (as noted on the plans accompanying the referral), is or is not development and is or is not exempted development within the meaning of the Planning Acts.

2.0. THE QUESTION

The applicant has made a submission to Donegal County Council requesting that a Declaration be made under Section 5 of the Planning and Development Act, 2000 (as amended) as to whether or not the following is or is not development and is or is not exempted development:

- *Erection of an animal slurry tank*
- The tank will be below ground level with the highest point being stated as being at ground level. Applicant has not provided cubic capacity for the tank but states that the footprint of the site will be substantially below 200sqm. Plans detail the tank has a stated internal height of 2.45m, a stated width of 4.3m and a stated length of 21.5m. Plans also indicate the ground levels will have slab covering.

3.1 Planning and Development Act, 2000 (as amended)

Section 2(1)

In this Act, except where the context otherwise requires –

“**Structure**” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and

- (a) Where the context so admits, includes the land on, in or under which the structure is situate...

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal....

Section 3(1)

“Development” in this Act means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4(2)(a)(i)

“The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that-

by reason of the size, nature or limited affect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against the principles of proper planning and sustainable development, or”

Section 4(2)(b)

“Regulations under paragraph (a) may be subject to conditions and be of general application or apply to such area or place as may be specified in the regulations.”

Section 177U(9)

“In deciding upon a declaration for the purposes of Section 5 of this Act a planning authority or the Board, as the case maybe, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this Section.”

3.2 Planning & Development Regulations 2001 (as amended)

Article 6(1)

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 6(3)

Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions

and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

Article (9)(1)

Development to which article 6 relates shall not be exempted development for the purposes of the Act – (a) if the carrying out of the development would – (i) – (xii) refers.

Class 6- 10 inclusive of Part 3 of Schedule 2 (Exempted Development - Rural)
Relates to various types of exempted development. The provision of exemptions relating to a separate effluent storage is not provided for under any of this classes (I note classes 6,7 & 8 all provide for the ancillary provision for effluent storage to other structures however no provision exists for a stand alone structure):

Class 6

Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), **and any ancillary provision for effluent storage.**

Conditions and Limitations:

1. No such structure shall be used for any purpose other than the purpose of agriculture.
2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.
3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.
4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.
5. No such structure within 100 metres of any public road shall exceed 8 metres in height.
6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.
7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

Class 7 of Part 3 of Schedule 2 (Exempted Development - Rural)

Works consisting of the provision of a roofed structure for the housing of pigs, mink or poultry, having a gross floor space not exceeding 75 square metres (whether or not by extension of an existing structure), **and any ancillary provision for effluent storage**

Conditions and Limitations:

1. No such structure shall be used for any purpose other than the purpose of agriculture.
2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 100 square metres gross floor space in aggregate.
3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.
4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.
5. No such structure within 100 metres of any public road shall exceed 8 metres in height.
6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.
7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.
8. Boundary fencing on any mink holding must be escape-proof for mink.

Class 8 of Part 3 of Schedule 2 (Exempted Development - Rural)

Works consisting of the provision of roofless cubicles, open loose yards, self feed silo or silage areas, feeding aprons, 1. No such structure shall be used for any purpose other than the purpose of agriculture. 489 assembly yards, milking parlours or structures for the making or storage of silage or any other structures of a similar character or description, having an aggregate gross floor space not exceeding 200 square metres, **and any ancillary provision for effluent storage**.

Conditions and Limitations:

1. No such structure shall be used for any purpose other than the purpose of agriculture.
2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.
3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.

4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.
5. No such structure within 100 metres of any public road shall exceed 8 metres in height.
6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.
7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

4.0. ASSESSMENT

- 4.1.1** County Donegal Development Plan, 2024-30 applies. The subject site is located within a rural area zoned as being a 'Structurally Weak Rural Area.'

4.2 Scenic Amenity Designations

The subject site is located within an area of **Moderate Scenic Amenity (HSA)**.

Policy L-P-2 relates to developments within both High Scenic Amenity and Moderate Scenic Amenity areas is of particular relevance and states;

Within these areas, only development of a nature, location and scale that integrates with, and reflects the character and amenity of the landscape may be considered, subject to compliance with other relevant policies of the Plan' (Policy L-P-2 , County Development Plan 2024-30 refers).

- 4.3** No archaeological monuments are within the subject site(s).
- 4.4** The site is *not* located within any designated European Natura 2000 sites; however the site is located approx. 1km from the River Finn SAC.
- 4.5** Having regard to the scale and nature of the proposed development on an existing agricultural complex, and Dept of Agricultural Best Practice Requirements , it is not considered that the proposed extension would be likely to have any significant effect, individually or in combination with any other plan or project, and it is considered that Screening for Appropriate Assessment is **not** required in this instance.
- 4.6** Otherwise it is determined that the development does *not* fall with the exemptions listed under Classes 6-10 inclusive of Part 3 of Schedule 2 (Exempted Development - Rural) for the Planning & Development Regulations, 2000¹(as amended).

4.7 Conclusion

It is considered that:

- (i) The proposed development (being the erection of a new standalone animal slurry tank), constitutes “works” and therefore is “development” within the meaning of the Act, and
- (ii) Said works are NOT an exempted development class of use under Articles 9(1)(a)(iii) or falls within the exemptions provides for under Class 6 - 9 inclusive of Part 3 of Schedule 2 (Exempted Development - Rural) for the Planning & Development Regulations, 20001(as amended) .

It should also be noted that in determining the subject section 5 referral regard was had to recent Section 5 referrals to An Bord Pleanala for determination.

5.0. RECOMMENDATION

IT IS HEREBY RECEOMMENDED THAT A DECLARATION BE MADE THAT THE SUBJECT MATTER OF THE REQUEST AS ABOVE –

IS Development

&

IS NOT Exempted Development

WITHIN THE MEANING OF THE ABOVE ACT

The subject development:

Being the erection of a standalone animal slurry tank @ Edenamoghil, Killygordan, Co Donegal.

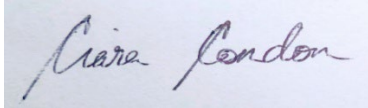
The Planning Authority in considering this referral, had regard particularly to:

- (a) Section 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended), and
- (b) Articles 6, 9 and Class 6 - 9 inclusive of Part 3 of Schedule 2 (Exempted Development - Rural) of the Planning and 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 fall within the scope of either Section 4 of the Planning and Development Act, 2000 (as amended) or the Planning and Development Regulations, 2001 (as amended).

Signed:

A handwritten signature in blue ink that reads "Ciara Condon".

Position: Executive Planner
Date: 29/05/2025

Handwritten initials "JS" in black ink.

Frank Sweeney
Senior Executive Planner
Community Development & Planning Services
30/05/2025

Chief Executive's Order No: 2025PH1537

Planning and Development Acts 2000 (as amended)

SECTION 5:-

Request received 6th May 2025 from Francis Joseph Kelly, [REDACTED] in relation to the erection of a standalone animal slurry tank at Edenamoghil, Killygordon, Lifford, Co. Donegal.

SUBMITTED:-

Written request received 6th May 2025 as above and report dated 29th May 2025 from the Executive Planner (Ref. No: S525/45 refers).

ORDER:-

Having considered the said request, the report of the Executive Planner, and the record forwarded to the Council by An Bord Pleanála in compliance with Sub-Section 6(c) of the said Section I have concluded that a declaration on the questions in the said request should be made in the terms of that in the Schedule to this Order, the main reasons and considerations therefore being detailed therein. I therefore Order that the declaration issue to the said requester and the owners/occupiers of the land concerned and, further, that it be entered in the Council's Planning Register in compliance with Sub-Section (5) of the said Section.


SENIOR EX. PLANNER

DATED THIS 30th DAY OF MAY 2025

MME

Chief Executive's Order No: 2025PH1537

Ref.No: S525/45

SCHEDULE

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:

- Section 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended), and
- Articles 6, 9 and Class 6 - 9 inclusive of Part 3 of Schedule 2 (Exempted Development - Rural) of the Planning and 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 fall within the scope of either Section 4 of the Planning and Development Act, 2000 (as amended) or the Planning and Development Regulations, 2001 (as amended).

JB 30/05



**Comhairle Contae
Dhún na nGall**
Donegal County Council

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

County House,
Lifford,
County Donegal, F93 Y622

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Ref. No: S525/45

30th May 2025

Francis Joseph Kelly,


**Re: Erection of a standalone animal slurry tank at Edenamoghil, Killygordon, Lifford,
Co. Donegal.**

A Chara,

I refer to your request received on 6th May 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 Pleanála 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,



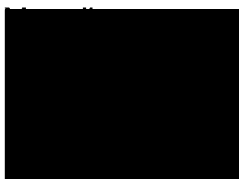
**For Senior Ex. Planner
Planning Services**

/RMcC

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

DECLARATION

Chief Executive's Order No: 2025PH1537
Reference No: S525/45
Name of Requester: Francis Joseph Kelly,



Summarised Description of development the subject matter of request:

Erection of a standalone animal slurry tank

Location: Edenamoghil, Killygordon, Lifford, 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:

- Section 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended), and
- Articles 6, 9 and Class 6 - 9 inclusive of Part 3 of Schedule 2 (Exempted Development - Rural) of the Planning and Development Regulations, 2001 (as amended)

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 fall within the scope of either Section 4 of the Planning and Development Act, 2000 (as amended) or the Planning and Development Regulations, 2001 (as amended).


For Senior Ex. Planner
Planning Services

Dated this 30th day of May 2025