



Comhairle Contae
Dhún na nGall
Donegal County Council

Planning Services

RECEIVED DATE: 23/12/2024



Comhairle Contae
Dhún na nGall
Donegal County Council

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):	
Agent Name: (if applicable)	
Location of Proposed Development / Works: (Townland or postal address as appropriate and Eircode if available)	
Description of Proposed Development including details of works (where applicable): (Only works listed below will be assessed under <u>this</u> section 5 application)	



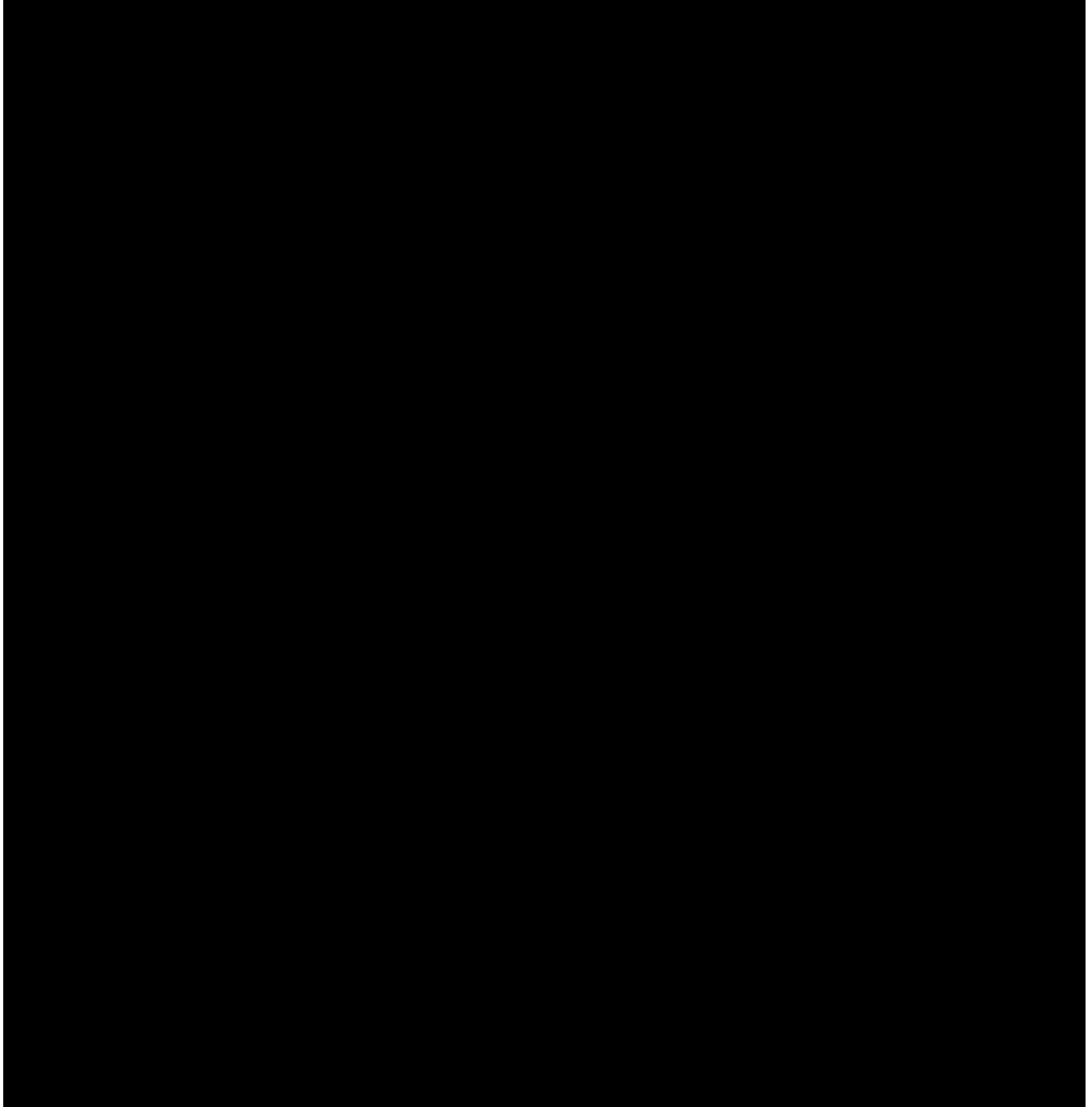
Is the development a Protected Structure or within the curtilage of a Protected Structure?	Yes	No
Has a declaration under Section 57 of the Planning and Development Act 2000 (as amended) been requested or issued in respect of the property.	Yes	No
Applicant(s) Interest in the site:		
If not the Owner of the site, please provide the name of the Landowner:		
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:	
Date:	



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Additional Contact Information





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Advice to Applicant

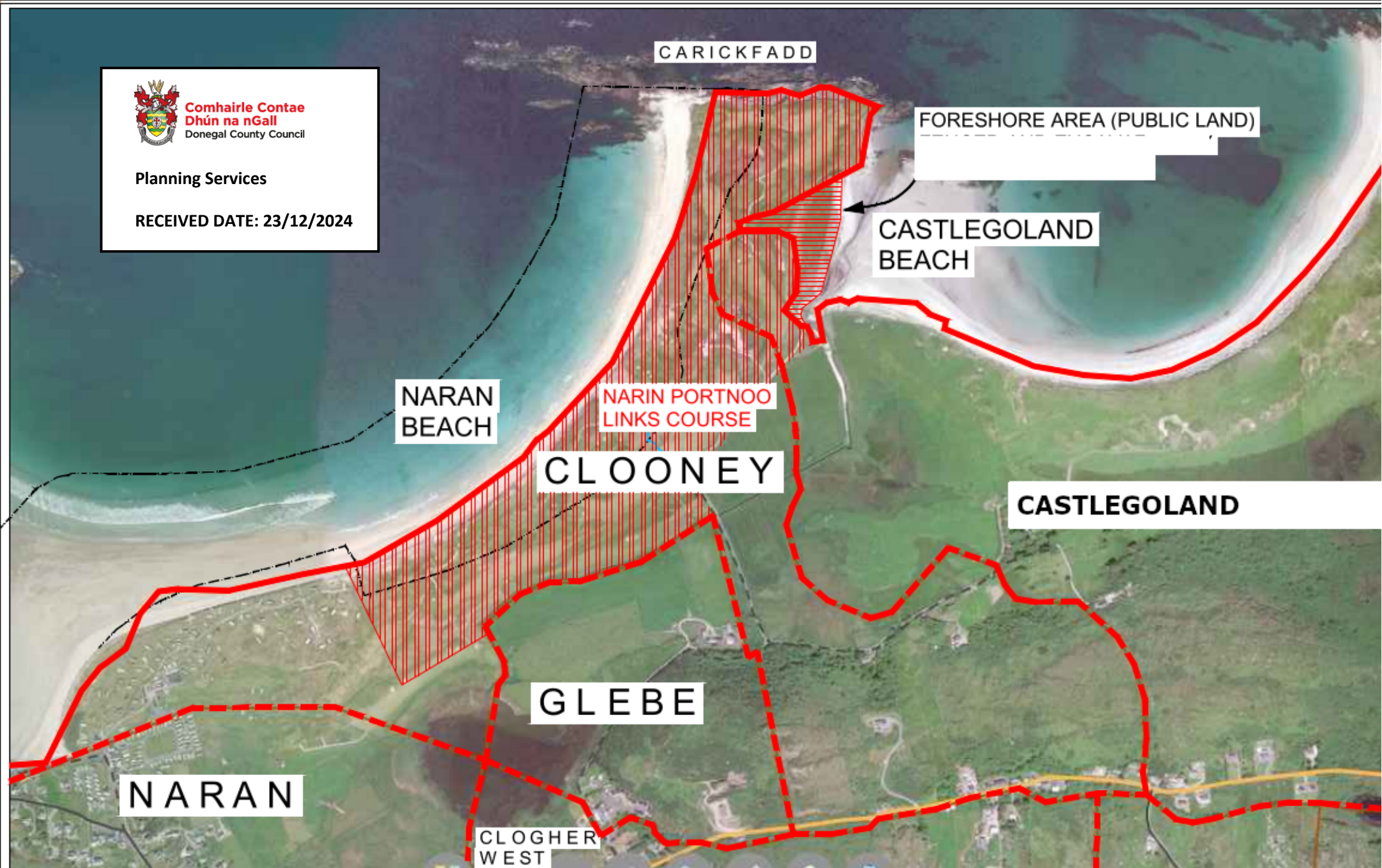
- (a) **Prescribed Fee** - €80.00 - You may wish to pay the fee by card by ringing the cash office on 074 9153900. Please note the receipt number in your cover email with the form.
- (b) Application must be accompanied by:
 - **Site location map** with site clearly outlined in red (to a scale of not less than 1:1000 in built up areas and 1:2500 in all other areas).
 - **Site layout plan** (Site or layout plans shall be drawn to a scale (which shall be indicated thereon) of not less than 1:500 or such other scale as may be agreed with the planning authority prior to the submission of the application, the site boundary shall be clearly delineated in red).
 - **Elevations** (if applicable) – (plans, elevations and sections drawn to a scale of not less than **1:200**).
 - **Other details** (e.g. landowner consent (if applicable), photographs as appropriate).
- (c) Completed application form & supporting documentation to be returned to the Planning Authority **by email** to planning@donegalcoco.ie
- (d) More information on exempted development can be found on the OPR planning leaflets available at <https://www.opr.ie/planning-leaflets/>



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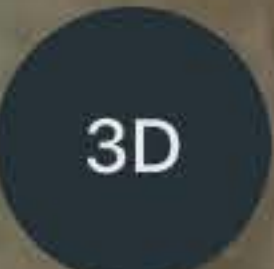
Planning Services

RECEIVED DATE: 23/12/2024



LOCATION PLAN 1:10560















Aerial photographs showing excavation works

BEFORE



AFTER





NATURA2000 SITE [Discover more](#)

West of Ardara/Maas Road SAC

Ireland (IE0000197)
Protected under the Habitats Directive

6733.42 ha **Established Jan. 2002**

26 HABITATS	27 SPECIES
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Áras an Chontae,
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W: www.donegalcoco.ie
W: www.ccdhunangall.ie

Planning Services
E: planning@donegalcoco.ie

28th January 2025

Our Reference S524/107

Larry Foley

[REDACTED] lub
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: A Declaration under Section 5 of the Planning & Development Act 2000 (as amended) sought on the carrying out of development on lands at Narin & Portnoo Golf Club, adjacent to Castlegoland beach, Narin, Portnoo, Co. Donegal. The development works are described as: excavation and removal of sand and vegetation.

Dear Sir,

I am writing to you in relation to a Section 5 Declaration which has been sought on works carried out by the golf club referenced above and whether these works constitute development or exempted development under the Planning codes. Under Section 5(2)(c) Planning & Development Act 2000 (as amended) the Planning Authority may request persons in addition to those who requested the declaration to submit information to enable the Authority to issue the declaration on the question. As it is understood that the works in question have been carried out by the golf club, you are being afforded the opportunity to set out the nature and extent of the aforementioned works providing a rationale on why the works are considered either exempted development or provided for by a previous planning permission.

You are further advised that all information considered relevant to assist the planning authority in making a declaration on the matter shall be submitted within 4 weeks from the date of this letter, following which time the planning authority will proceed to make the declaration within the subsequent 3 weeks. Furthermore, all documentation the subject of the Section 5 declaration is available for public inspection at the Planning Office, County House, Lifford during the opening hours of 09.00 – 16.30.

If you have any queries on the above you are advised to contact Lorna Ramsey on 074 91 53900 and to submit the relevant information by email to planningmailbox@donegalcoco.ie

Yours sincerely,

Lorna Ramsey
Executive Planner



Frank Sweeney
Senior Executive Planner
Community Development & Planning Services
28/01/2025



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Liam McDevitt
C/o. Narin & Portnoo Golf Club

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For Senior Ex. Planner
Planning Services



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[REDACTED]
[REDACTED]
[REDACTED]
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28 January 2025

Nicola North
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

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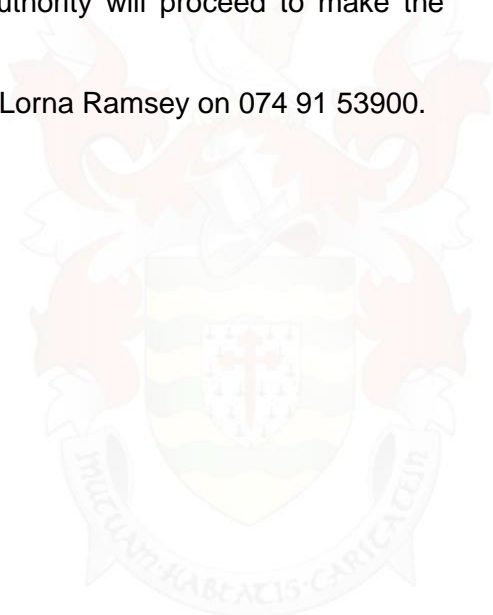
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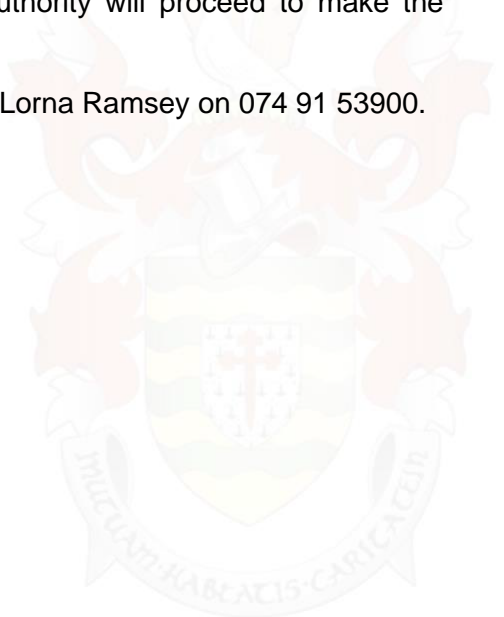
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Larry Foley

[REDACTED]

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Community Development & Planning Services
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28th January 2025

Our Reference S524/107

Liam McDermott
[Redacted]
[Redacted] Portnoo Golf Club
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

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Lorna Ramsey
Executive Planner



Frank Sweeney
Senior Executive Planner
Community Development & Planning Services
28/01/2025

From: [RUTH MCCROSSAN](#)
To: nickcavannorth@gmail.com
Subject: Section 5 Application
Date: 28 January 2025 15:56:00
Attachments: [FI - Letter to Applicant.pdf](#)
[image001.png](#)

Dear Nicolas,

Please find attached response in relation to the Section 5 application for lands at Narin & Portnoo Golf Club.

Hard copy to follow in post.

Kind Regards

Ruth McCrossan

Development Management | Community Development & Planning Services | Donegal
County Council | Lifford | Co. Donegal

Tel: + [REDACTED] **Email:** ruthmccrossan@donegalcoco.ie



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

From: [Nicolas North](#)
To: [RUTH MCCROSSAN](#)
Subject: Re: Recall: Section 5 Application
Date: 30 January 2025 14:48:02

CAUTION: This email originated from outside of Donegal County Council. Do not click links or open attachments unless you recognise the sender and are sure that the content is safe.

Dear Ruth,

As you know I submitted a Section 5 application on 22nd December 2024. As you are also aware, the Planning Authority should provide a declaration on the question within 4 weeks, which has now elapsed.

From your second (somewhat confusing) email to me on 28th January, I conclude that I have still not received a valid response and that no declaration has been made by the Planning Authority.

I would be grateful if you could please provide an explanation of all this. Thank you.

Regards,

Nicolas North

On Tuesday, 28 January 2025, RUTH MCCROSSAN <ruthmccrossan@donegalcoco.ie> wrote:

RUTH MCCROSSAN would like to recall the message, "Section 5 Application".

Email Disclaimer

Clásal Séanta Ríomhphoist

From: [RUTH MCCROSSAN](#)
To: [Nicolas North](#)
Subject: RE: Recall: Section 5 Application
Date: 31 January 2025 14:14:00
Attachments: [FI - Letter Issued to Applicant.pdf](#)
[image001.png](#)

Dear Nicolas,

In relation to the second email, it would appear that this was a technical error and I apologise for any inconvenience caused.

In response to your email I would refer you to correspondence issued to you by the Planning Authority dated 28th Inst. see copy of same attached for ease of reference.

In relation to your specific referral associated with alleged unauthorised activity at Narin Portnoo golf course the Planning Authority considered it was appropriate to use that part of the Planning & Development Act 2000 (as amended) under Section 5(2)(c) to “request persons in addition to those who requested the declaration to submit information to enable the Authority to issue the declaration on the question”. As the works in question have been carried out by the golf club, the Planning Authority has written to the club affording it the opportunity to submit information which may enable the Authority in issuing the declaration. This decision was based on High Court rulings on similar scenarios where the Courts ruled that the Planning Authority did not afford the landowners on whose land the development for which a declaration was sought an opportunity to make a submission, if they so wished, which is provided under the aforementioned Section of the Act.

I trust this clarifies the matter.

Ruth McCrossan

Development Management | Community Development & Planning Services | Donegal County Council | Lifford | Co. Donegal

Tel: + [REDACTED] **Email:** ruthmccrossan@donegalcoco.ie



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

From: Nicolas North [REDACTED]
Sent: Thursday, January 30, 2025 2:48 PM
To: RUTH MCCROSSAN <ruthmccrossan@Donegalcoco.ie>
Subject: Re: Recall: Section 5 Application

CAUTION: This email originated from outside of Donegal County Council. Do not click links or open attachments unless you recognise

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Dear Ruth,

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Clásal Séanta Ríomhphoist

From: [Nicolas North](#)
To: [RUTH MCCROSSAN](#)
Subject: Re: Recall: Section 5 Application
Date: 31 January 2025 14:40:49
Attachments: [image001.png](#)

CAUTION: This email originated from outside of Donegal County Council. Do not click links or open attachments unless you recognise the sender and are sure that the content is safe.

Dear Ruth,

Thank you for your reply and for the clarification regarding the second (erroneous) email.

I would like to note that I have not (in this instance) alleged unauthorised activity at the golf course; mine was a standard Section 5 application requesting a determination as to whether works which have been carried out were development works which required planning permission.

Kind regards,

Nicolas North

On Friday, 31 January 2025, RUTH MCCROSSAN <ruthmccrossan@donegalcoco.ie> wrote:

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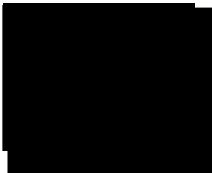
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Planning Services
E: planning@donegalcoco.ie

Ref. No: S524/107

18th March 2025

Nicolas North



Re: Excavation and removal of sand and vegetation (works already carried out) at Narin & Portnoo Golf Links, Narin, Co. Donegal F94 F433

A Chara,

I refer to your request received on 23rd December 2024 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
/jmcc

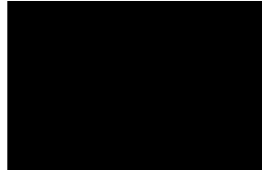
Planning and Development Acts, 2000 (as amended)
(Declaration and Referral on Development and Exempted Development)

DECLARATION

Chief Executive's Order No: 2025PH0714

Reference No: S524/107

Name of Requester: Nicolas North



Summarised Description of development the subject matter of request:

Excavation and removal of sand and vegetation (works already carried out)

Location: Narin & Portnoo Golf Links, Narin, Co. Donegal F94 F433

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), and,
- Articles 6, 9, and Class 34 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

And concluded that:

Excavation and removal of sand and vegetation (works already carried out) **IS DEVELOPMENT** within the meaning of the Planning and Development Act, 2000 (as amended) and **IS NOT EXEMPTED DEVELOPMENT** under Article 9 (1)(a)(viiB) of the Planning and Development Regulations, 2001 (as amended).

J. Bon-ef.

For Senior Ex. Planner
Planning Services

Dated this 18th day of March 2025

Chief Executive's Order No: 2025PH0714

Planning and Development Acts 2000 (as amended)

SECTION 5:-

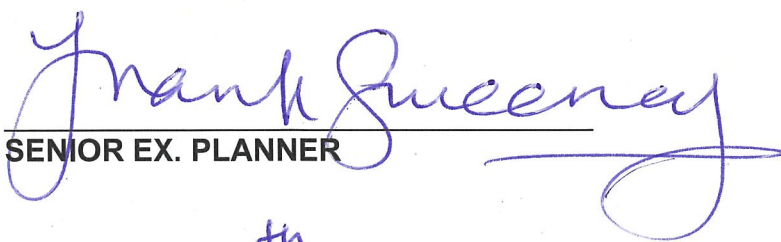
Request received 23rd December 2024 from Nicolas North, [REDACTED] in relation to the excavation and removal of sand and vegetation (works already carried out) at Narin & Portnoo Golf Links, Narin, Co. Donegal F94 F433

SUBMITTED:-

Written request received 23rd December 2024 above and report dated 14th March 2025 from the Executive Planner (Ref. No: S524/107 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 18th DAY OF MARCH 2025

Chief Executive's Order No: 2025PH0714

Ref.No: S524/107

SCHEDULE

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

IS Development

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JS 18/03



**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

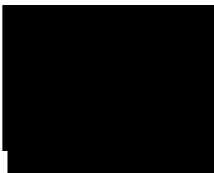
T: 074 91 53900
E: info@donegalcoco.ie
W: www.donegalcoco.ie
W: www.ccdhunnangall.ie

Planning Services
E: planning@donegalcoco.ie

Ref. No: S524/107

18th March 2025

Nicolas North



Re: Excavation and removal of sand and vegetation (works already carried out) at Narin & Portnoo Golf Links, Narin, Co. Donegal F94 F433

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Mise, le meas,



For Senior Ex. Planner
Planning Services
/jmcc

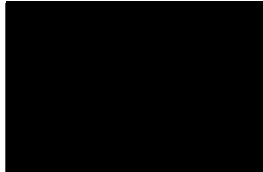
Planning and Development Acts, 2000 (as amended)
(Declaration and Referral on Development and Exempted Development)

DECLARATION

Chief Executive's Order No: 2025PH0714

Reference No: S524/107

Name of Requester: Nicolas North



Summarised Description of development the subject matter of request:

Excavation and removal of sand and vegetation (works already carried out)

Location: Narin & Portnoo Golf Links, Narin, Co. Donegal F94 F433

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For Senior Ex. Planner
Planning Services

Dated this 18th day of March 2025