

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):	Micheal McNulty
Agent Name: (if applicable)	Andrew Johnston
Location of Proposed Development / Works: (Townland or postal address as appropriate and Eircode if available)	Rossnowlagh Upper or Crockahany TD, Rossnowlagh Lower, Rossnowlagh, County Donegal.
Description of Proposed Development including details of works (where applicable): (Only works listed below will be assessed under <u>this</u> section 5 application)	
Proposed 1.2m high block wall to act as a retaining wall to the bottom of the embankment.	



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

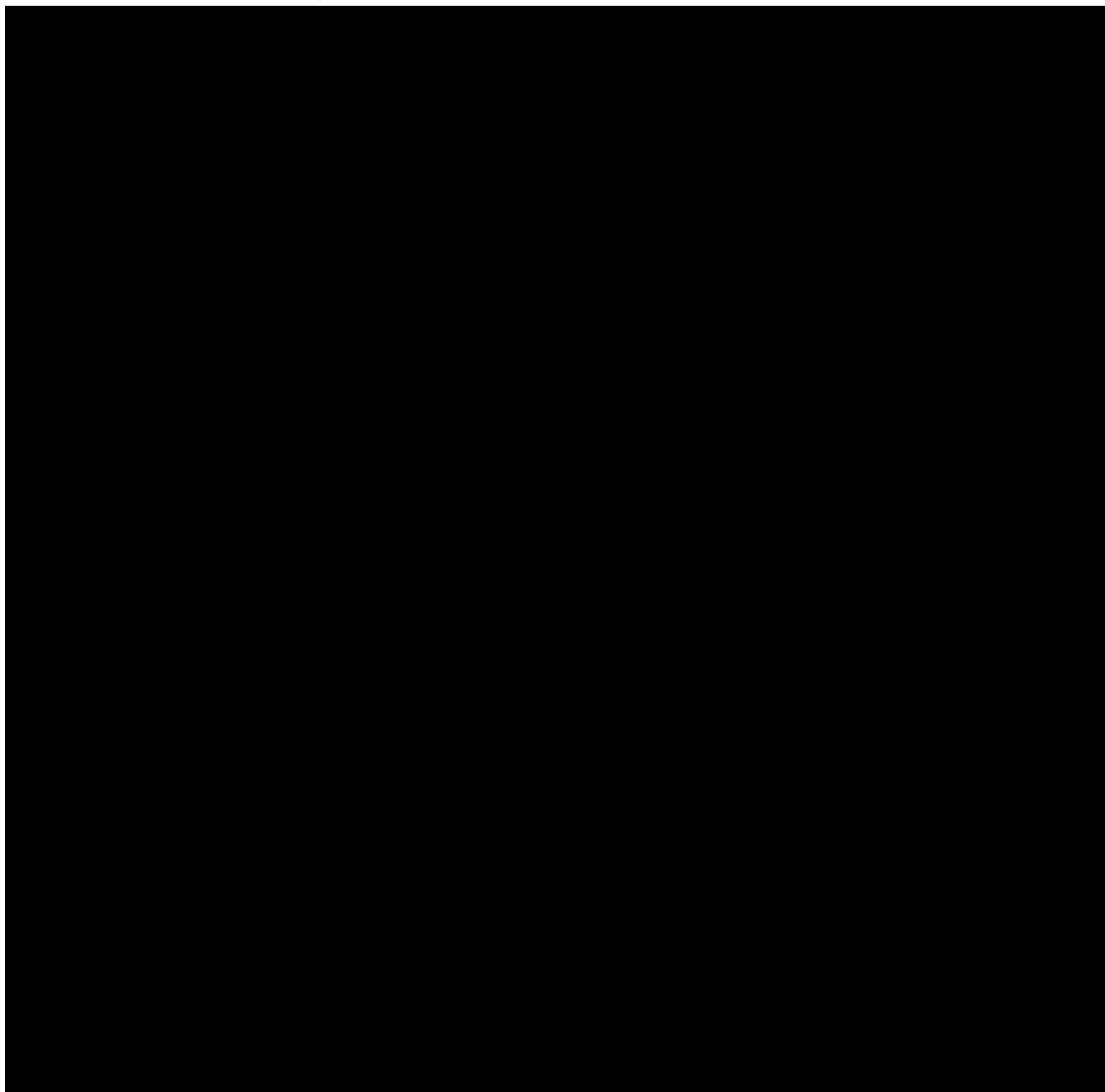
Is the development a Protected Structure or within the curtilage of a Protected Structure?	Yes	No
		X
Has a declaration under Section 57 of the Planning and Development Act 2000 (as amended) been requested or issued in respect of the property.	Yes	No
		X
Applicant(s) Interest in the site:	Freehold Title Owner	
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:	Site Plan. Site location map.	
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:	No	

I hereby certify that the information provided is true and accurate	
Signature of Applicant Agent:	
Date:	14th May 2025



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Donegal County Council

Additional Contact Information

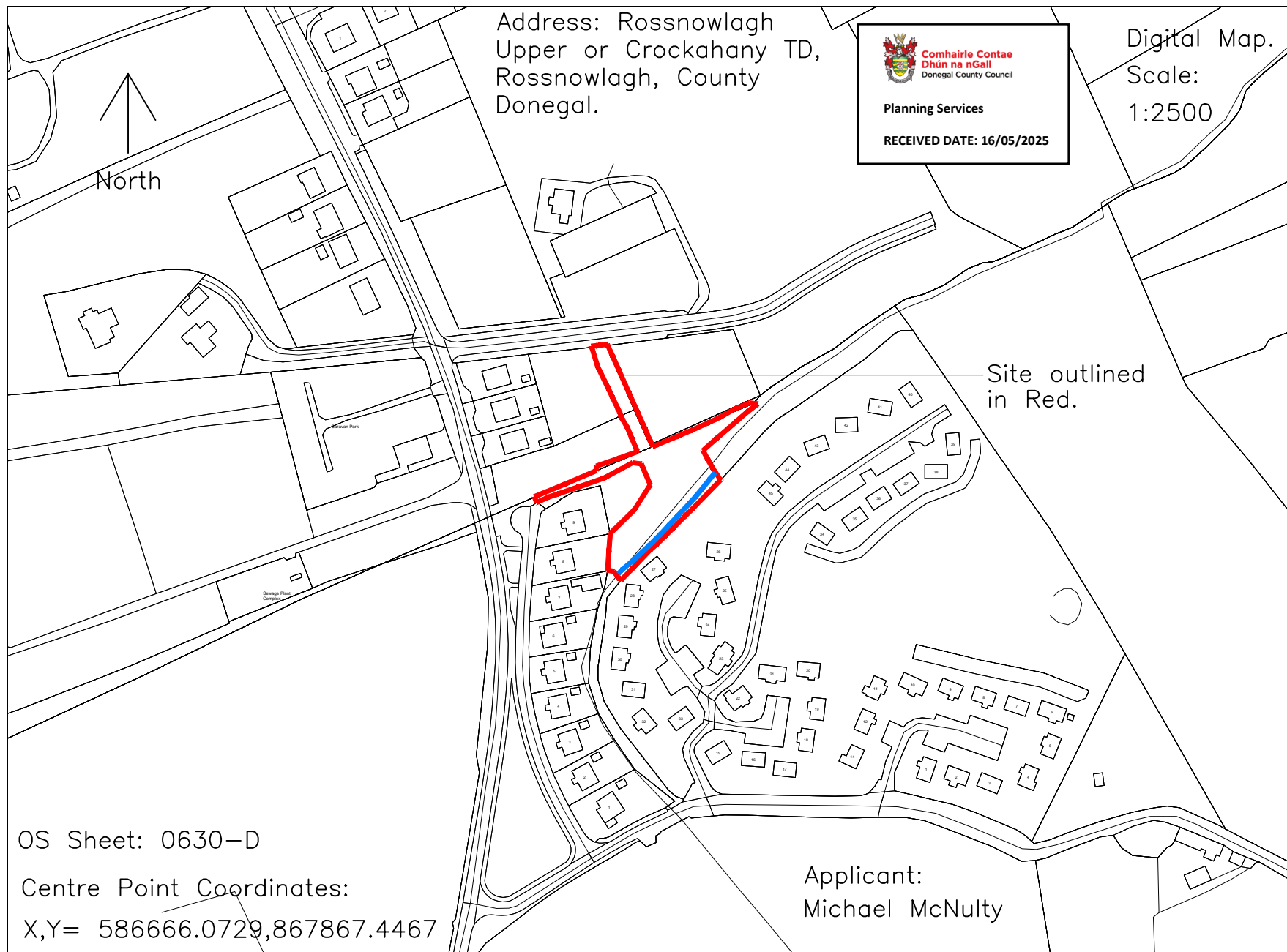


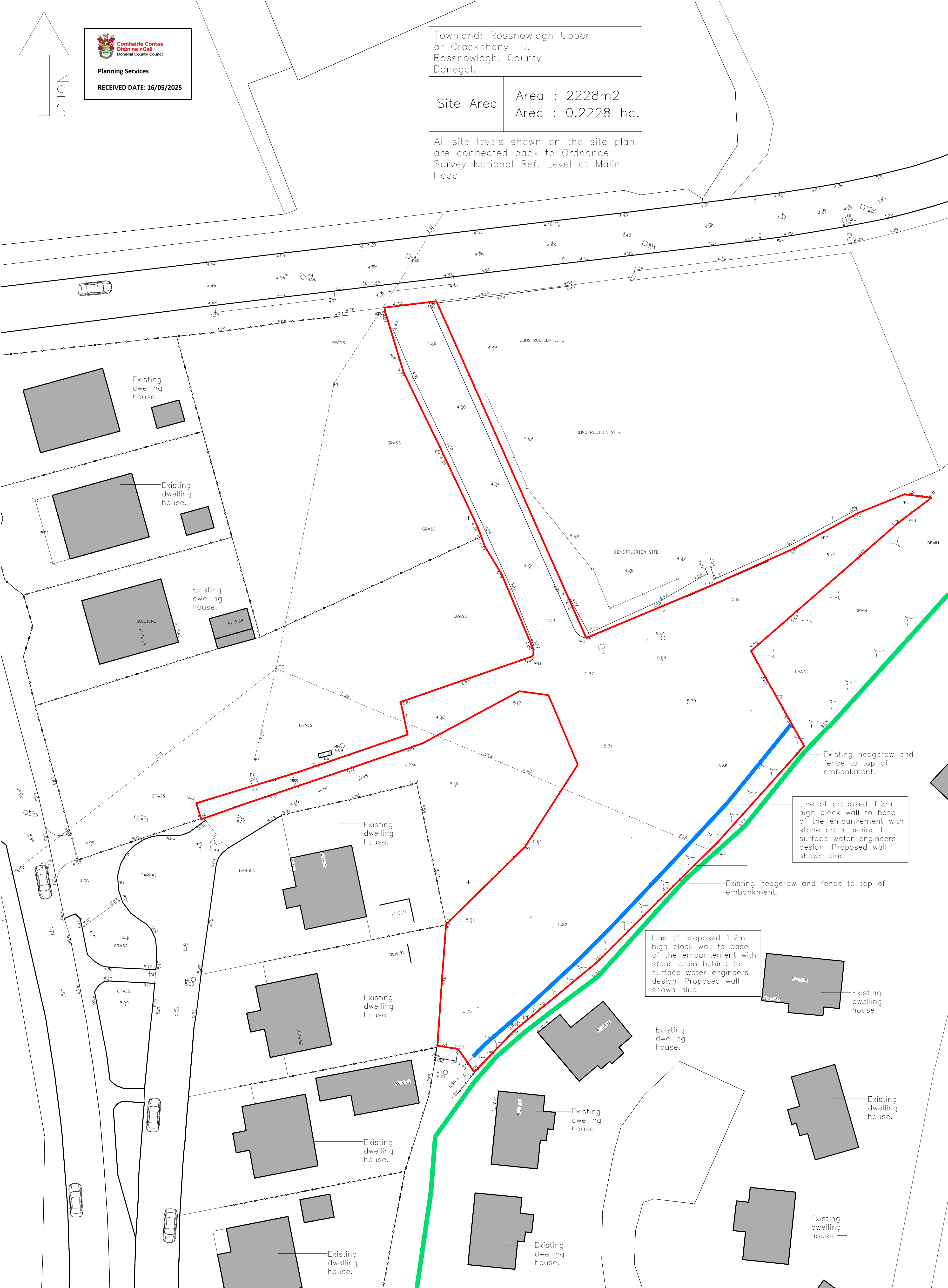


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Advice to Applicant

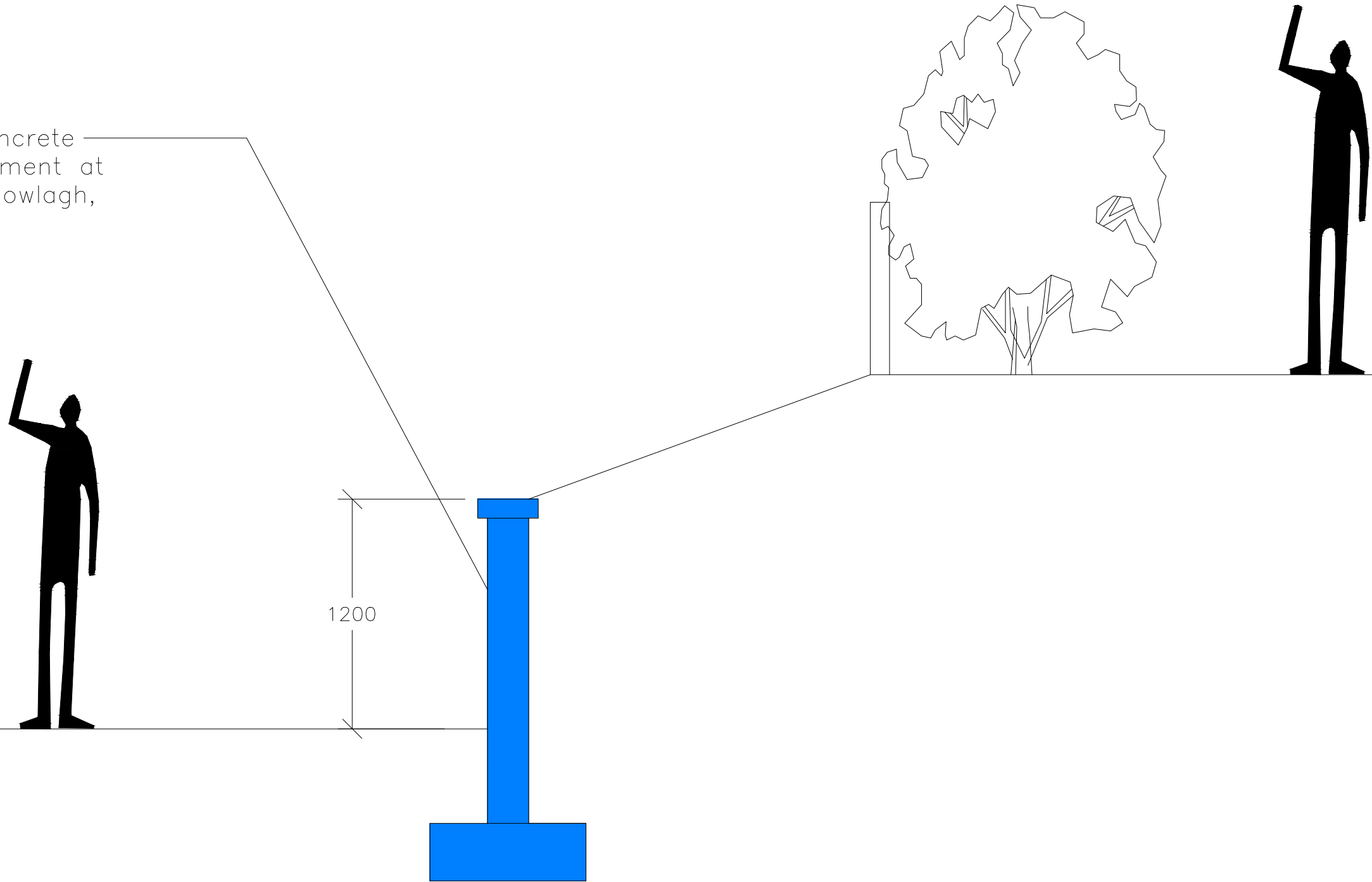
- (a) **Prescribed Fee** - €80.00 - You may wish to pay the fee by card by ringing the cash office on 074 9153900. Please note the receipt number in your cover email with the form.
- (b) Application must be accompanied by:
 - **Site location map** with site clearly outlined in red (to a scale of not 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/>





<div>FORESIGHT DESIGN AND PLANNING CONSULTANCY</div> <div>PROJECT</div>	Section 5 Declaration application for a 1.2m high block built wall with concrete capping to the base of the existing embankment at Rossnowlagh Upper or Crockahany TD, Rossnowlagh, County Donegal.	
	CLIENT:	Michael McNulty.
	TITLE:	Site Plan.
	Dwg.No:	FSDP/BL/01S5/25
DATE:	May. 2025	
	Designed by Foresight Design and Planning Grangebellew, Drogheda, County Louth, Mobile: 086 3201410 Email: foresight.andrew@gmail.com	
SCALE:	1:250	

Proposed 1.2m high block built wall with concrete capping to the base of the existing embankment at Rosstown Upper or Crockahany TD, Rosstown, County Donegal.



FORESIGHT DESIGN AND PLANNING
CONSULTANCY

PROJECT Section 5 Declaration application for a 1.2m high block built wall with concrete capping to the base of the existing embankment at Rosstown Upper or Crockahany TD, Rosstown, County Donegal.

CLIENT: Michael McNulty.

TITLE: Wall Section.

DATE: May. 2025

SCALE: 1:25

Dwg.No: FSDP/BL/02S5/25

Designed by
Foresight Design and Planning
Grangebellew,
Drogheda,
County Louth.
Mobile: 086 3201410
Email: foresight.andrew@gmail.com

SECTION 5 REFERRAL REPORT – Ref.No: 25/48

Donegal County Council

1.0 COMMENTS

The subject site is an area of land within the settlement framework of Rosstown that is the location of a current planning application, ref. no. 25/60793 for 4 no. units, service building and ancillary works. The proposed works constitute one element as follows:

1. Construction of a 1.2m high block wall to act as a retaining wall along the south eastern site boundary.

The site is located within the settlement framework of Rosstown village as designated in the County Donegal Development Plan 2024-2030.

2.0 EVALUATION

In preparing the assessment for this reference, regard has been had to the following statutory provisions:

3.0 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 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 may be, shall where appropriate, conduct screening for appropriate assessment in accordance with the provisions of this section".

Class 11 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001

(as amended) – Exempted Development

"The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house, of —

- (a) any fence (not being a hoarding or sheet metal fence), or
 - (b) any wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.
-
1. The height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, whichever is the greater, and in any event shall not exceed 2 metres.
 2. Every wall, other than a dry or natural stone wall, constructed or erected bounding a road shall be capped and the face of any wall of concrete or concrete blocks (other than blocks of a decorative finish) which will be visible from any road, path or public area, including a public open space, shall be rendered or plastered.

4.0 PLANNING HISTORY

There have been several applications for development on this site but no works have commenced to date.

5.0 ASSESSMENT

5.1 Consideration of Proposed Development:

- (i) The proposed wall is shown to be constructed along the south eastern boundary of the subject site. It is estimated to be c. 63m in length and shown to be constructed along the base of an existing embankment with a stone drain to the rear.
- (ii) The wall is shown to be 1.2m high with concrete capping and block built.
- (iii) The finish of the wall facing towards proposed development has not been described but can be managed as a condition of planning for any proposed future development in the case of a grant of permission.
- (iv) Having regard to *Class 11 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended)* the proposed development is in accordance with the criteria of Class 11 and can be considered as Development and as Exempted Development under Class 11.
- (v) It is considered that the proposed works noted above constitute “development” within the meaning of the Act, being works, and is exempted development.
- (vi) Appropriate assessment is not a consideration in the assessment of this referral.

5.2 Conclusion:

It is considered that:

- (i) Construction of a wall along the south eastern boundary of the site constitutes “development” within the meaning of the Act, being works, and is exempted development under *Class 11 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (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 Pleanála for determination.

6.0 RECOMMENDATION

IT IS HEREBY RECOMMENDED THAT A DECLARATION BE MADE THAT THE SUBJECT MATTER OF THE REQUEST AS ABOVE -

IS Development

&

IS Exempted Development

WITHIN THE MEANING OF THE ABOVE ACT

The proposal to:


- (i)** Construct a wall along the south eastern boundary of the site area

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

- (a) Sections 2, 3, Section 4 (1) (h) and 177U of the Planning and Development Act, 2000 (as amended)
- (b) Class 11 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).
- (c) Article 9 of the Planning and Development Regulations 2001 (as amended)

And concluded that:

The proposal is development and is exempted development coming within the scope of Class 11 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

Signed: 
Position: Exec Planner
Date: 03/06/2025.



Frank Sweeney
Senior Executive Planner
Community Development & Planning Services, 04/06/2025

Chief Executive's Order No: 2025PH1617

Planning and Development Acts 2000 (as amended)

SECTION 5:-

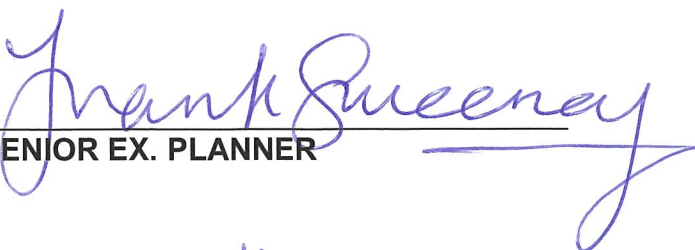
Request received 16th May 2025 from Michael McNulty C/o Andrew Johnston, Grangebellew, Drogheda, Co. Louth, A92 V0A6 in relation to the construction of a 1.2m high wall along the south-eastern boundary of the site area to act as a retaining wall to the bottom of the embankment at Rossnowlagh Upper or Crockahany TD, Rossnowlagh Lower, Rossnowlagh, Co. Donegal.

SUBMITTED:-

Written request received 16th May 2025 as above and report dated 3rd June 2025 from the Executive Planner (Ref. No: S5 25/48 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 10th DAY OF JUNE 2025

MME

Chief Executive's Order No: 2025PH1617

Ref.No: S5 25/48

SCHEDULE

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

IS Development

IS Exempted Development

WITHIN THE MEANING OF THE ABOVE ACT

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

- Sections 2, 3, Section 4 (1) (h) and 177U of the Planning and Development Act, 2000 (as amended)
- Class 11 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).
- Article 9 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 EXEMPTED DEVELOPMENT** as it comes within the scope of Class 11 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

JS 10/06



**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.ccdhunangall.ie

Planning Services
E: planning@donegalcoco.ie

Ref. No: S525/48

10th June 2025

Michael McNulty
C/o Andrew Johnston,
Grangebellew,
Drogheda,
Co. Louth,
A92 V0A6

Re: Construction of a 1.2m high wall along the south-eastern boundary of the site area to act as a retaining wall to the bottom of the embankment at Rosstown Upper or Crockahany TD, Rosstown Lower, Rosstown, Co. Donegal.

A Chara,

I refer to your request received on 16th 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: 2025PH1617

Reference No: S5 25/48

Name of Requester: Michael McNulty
C/o Andrew Johnston,
Grangebellew,
Drogheda,
Co. Louth,
A92 V0A6

Summarised Description of development the subject matter of request:

Construction of a 1.2m high wall along the south-eastern boundary of the site area to act as a retaining wall to the bottom of the embankment.

Location: Rossnowlagh Upper or Crockahany TD, Rossnowlagh Lower, Rossnowlagh, Co. Donegal.

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

IS Development

IS Exempted Development

WITHIN THE MEANING OF THE ABOVE ACT

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

- Sections 2, 3, Section 4 (1) (h) and 177U of the Planning and Development Act, 2000 (as amended)
- Class 11 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).
- Article 9 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 EXEMPTED DEVELOPMENT** as it comes within the scope of Class 11 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).



For Senior Ex. Planner
Planning Services

Dated this 10th day of June 2025