

**From:** [CARMEL KELLY](#) on behalf of [planning mailbox](#)  
**To:** [TERESA CONWAY](#)  
**Subject:** FW: Clachan Mor Section 5 Application - Transboil Ltd  
**Date:** 03 March 2025 13:24:28  
**Attachments:** [Clachan Mor Donegal Map.pdf](#)  
[Clachan Mor Donegal.pdf](#)  
[Clachan Mor Plans Sections Elevations.pdf](#)  
[Clachan Mor Site layout plan.pdf](#)  
[Clachan Mor Site location map.pdf](#)

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**From:** Lynn Holland [REDACTED]  
**Sent:** 03 March 2025 13:23  
**To:** planning mailbox <Planning@Donegalcoco.ie>  
**Cc:** Bernard Reilly [REDACTED]  
**Subject:** Clachan Mor Section 5 Application - Transboil Ltd

You don't often get email from [REDACTED] [Learn why this is important](#)

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Good afternoon,

Please find attached our application to progress a SECTION 5 for the following property:  
Attached is the application & relevant drawings for a "Change of Use " application.

Clachan Mor House  
Kilmacrennan Rd  
Letterkenny  
Co Donegal  
F92 X08D

I understand that the application must be validated by the relevant department before payment can be processed. To avoid any delays, I kindly request that a representative from the planning department contact me by email or phone. Once contacted, I will ensure the necessary payment is completed immediately.

Should you require any further information, please contact me either on this email or happy to take a call at any stage.

Kind Regards

Lynn Holland  
Group Operations Manager  
Transboil Ltd  
Office 4/ Old Rossmore Factory/ Dublin Rd/ Monaghan / H18VX08





Comhairle Contae  
Dhún na nGall  
Donegal County Council

Planning Services

RECEIVED DATE: 03/03/2025



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](mailto:planning@donegalcoco.ie)

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



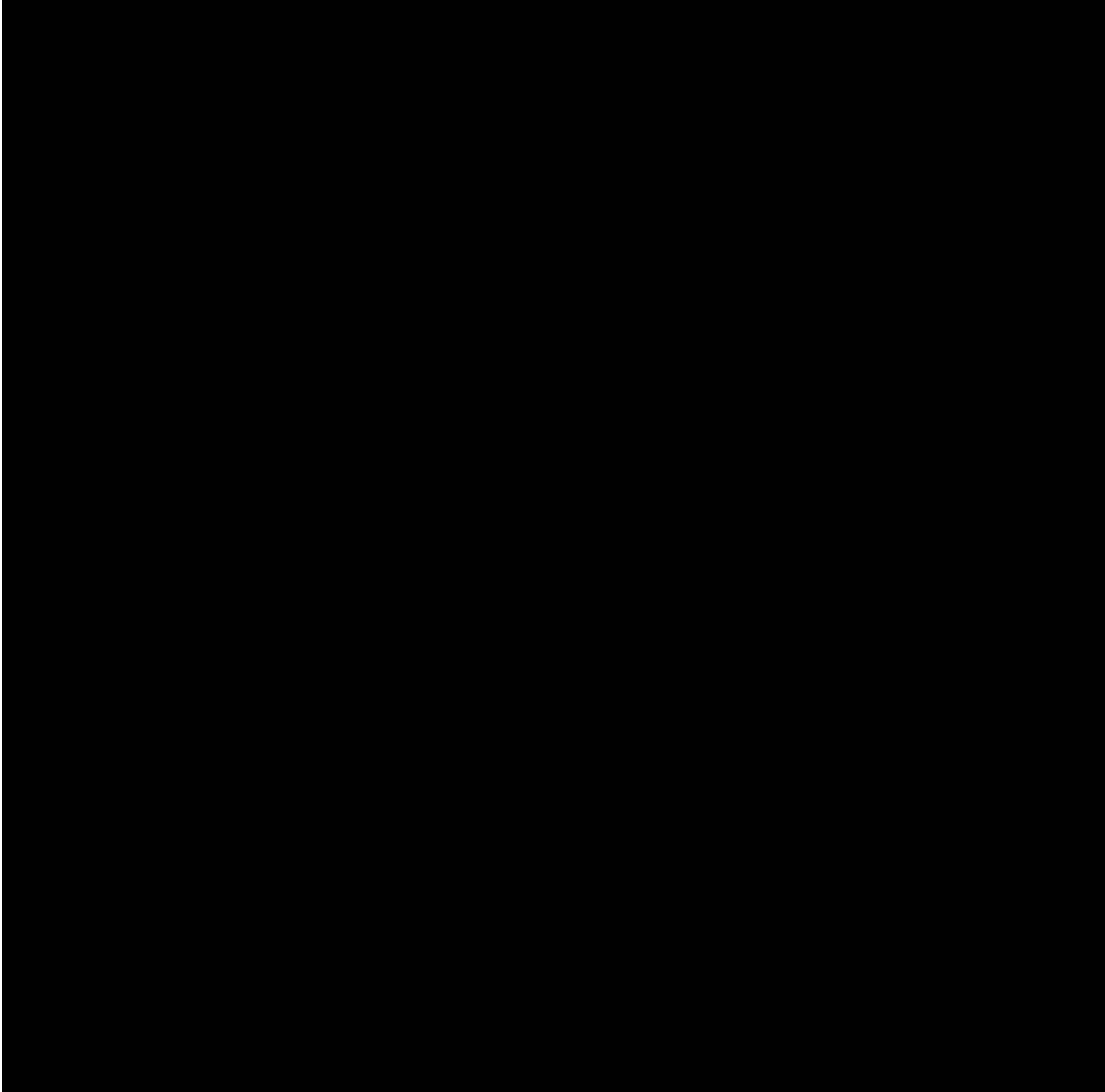
<b>Is the development a Protected Structure or within the curtilage of a Protected Structure?</b>	<b>Yes</b>	<b>No</b>
<b>Has a declaration under Section 57 of the Planning and Development Act 2000 (as amended) been requested or issued in respect of the property.</b>	<b>Yes</b>	<b>No</b>
<b>Applicant(s)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

<b>I hereby certify that the information provided is true and accurate</b>	
<b>Signature of <del>Applicant</del>/Agent:</b>	
<b>Date:</b>	



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

## Additional Contact Information



### **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](mailto: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/>

Clachan Mor, Letterkenny, Co. Donegal F92X08D



RIAI

Registered Architect  
2025

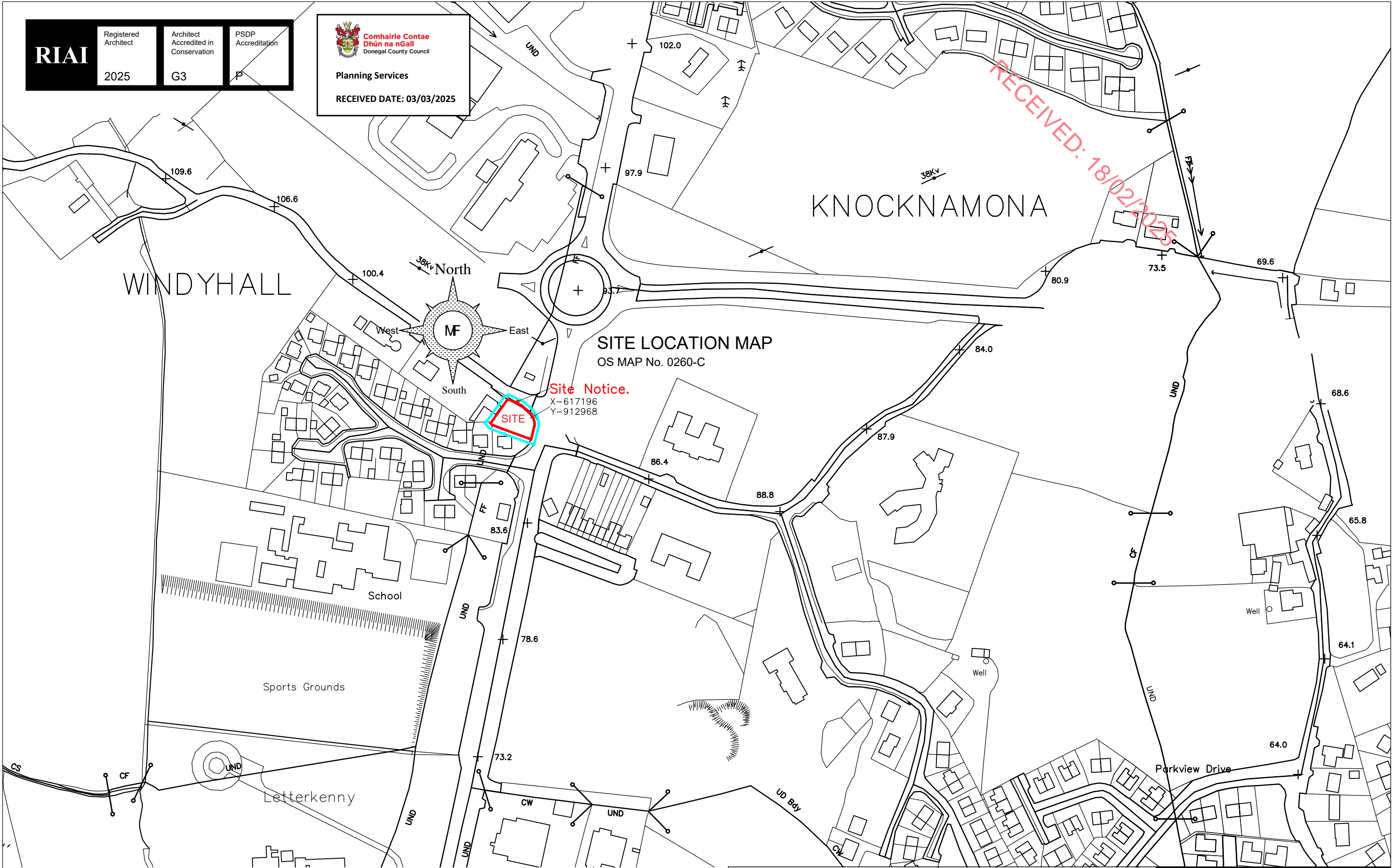
Architect Accredited in Conservation  
G3

PSDP Accreditation  
P

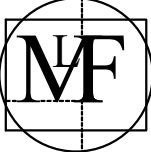


Comhairle Contae  
Dhún na nGall  
Donegal County Council

Planning Services  
RECEIVED DATE: 03/03/2025



<b>Job Title:</b> Retention Planning, 1 Clachan Mór, Windyhall Letterkenny, Co. Donegal F92 X08D	<b>Drawing Title:</b> SITE LOCATION MAP	
	<b>Scale:</b> 1:2500	<b>Date:</b> FEB. 2025.
	<b>Client:</b> Brendan McDaid	<b>Drawing No.</b> 03.

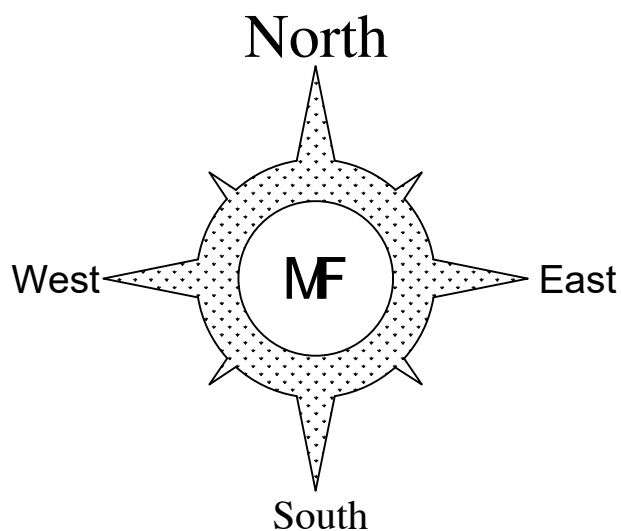


Michael Friel  
Architects & Surveyors Ltd  
Creeslough,  
Co. Donegal.  
Tel - 074 91 38814  
Mob - 087 2869658  
E-mail:  
michael@mfielarchitects.ie



# SITE LAYOUT PLAN

SITE AREA = 0.052 Ha.



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

## Planning Services

RECEIVED DATE: 03/03/2025

RECEIVED DATE: 18/02/2025

TO ROUNDABOUT

TO  
KNOCKNAMONA

TO  
LETTERKENNY  
UNIVERSITY  
HOSPITAL

Note\*  
Existing connection  
to public sewage  
mains on site

Existing connection  
to public storm  
drain on site

~~Bicycle Rack of 2~~

Site Notice.

- Existing manholes

- Existing entrance
- Stop Cock.

Existing 19mm Water  
pipe connected  
to mains supply

- 5 Parking bays including a disabled and a electric car charging spot

—EV Charging port

Wall along footpath-  
 87.49

**Job Title:**  
Retention Planning,  
1 Clachan Mór, Windyhall  
Letterkenny, Co. Donegal  
F92 X08D

**Client:**  
Brendan McDaid

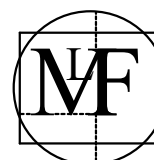
**Drawing Title:**  
SITE LAYOUT

**Scale:**  
1:250

Job No.  
25XXX

Date: FEB. 2

**Drawing No.**  
02.

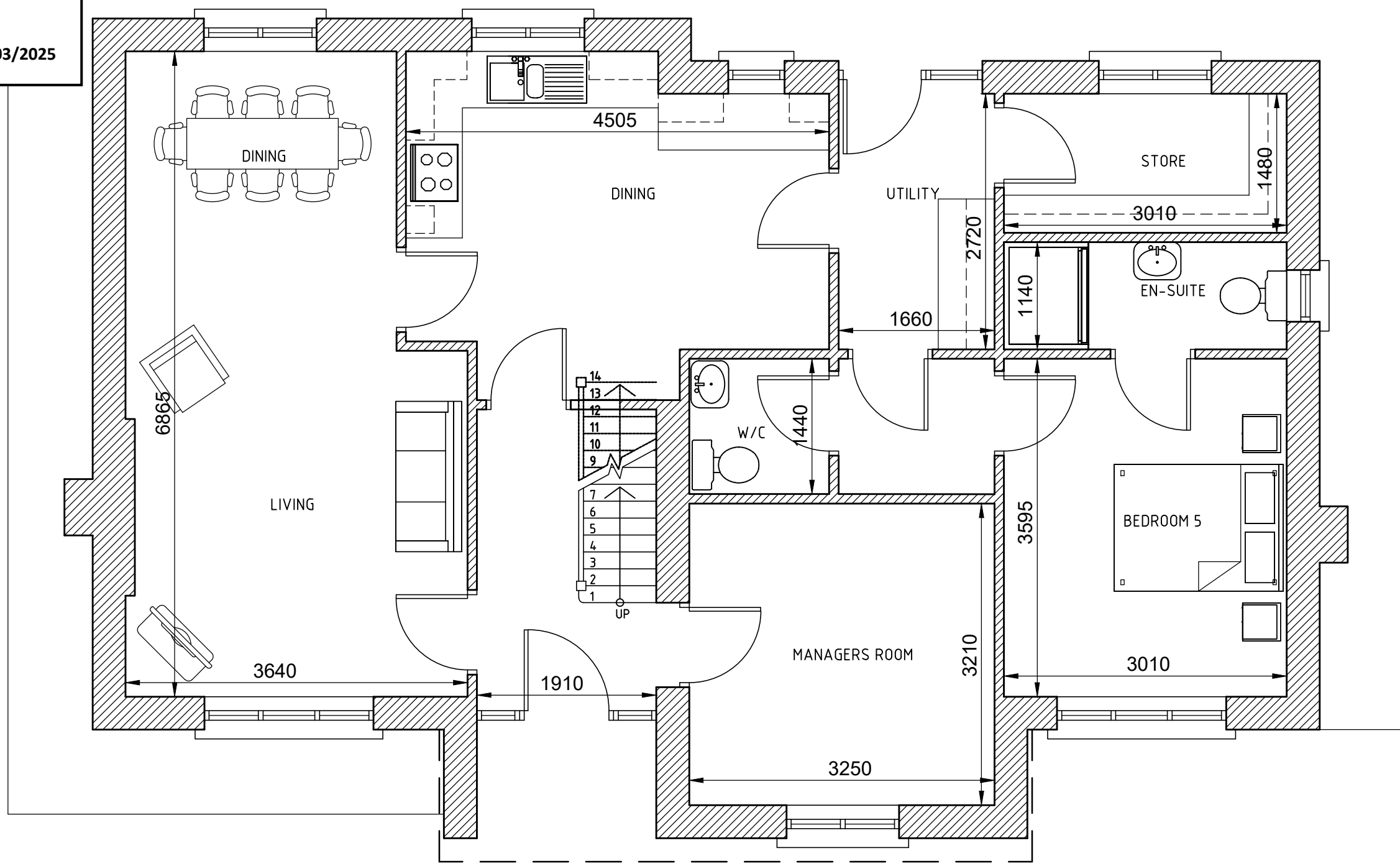


Michael Friel  
Architects & Surveyors Ltd  
Creeslough,  
Co. Donegal.  
Tel - 074 91 38814  
Mob - 087 2869658  
E-mail:  
michael@mfrichelarchitects.ie



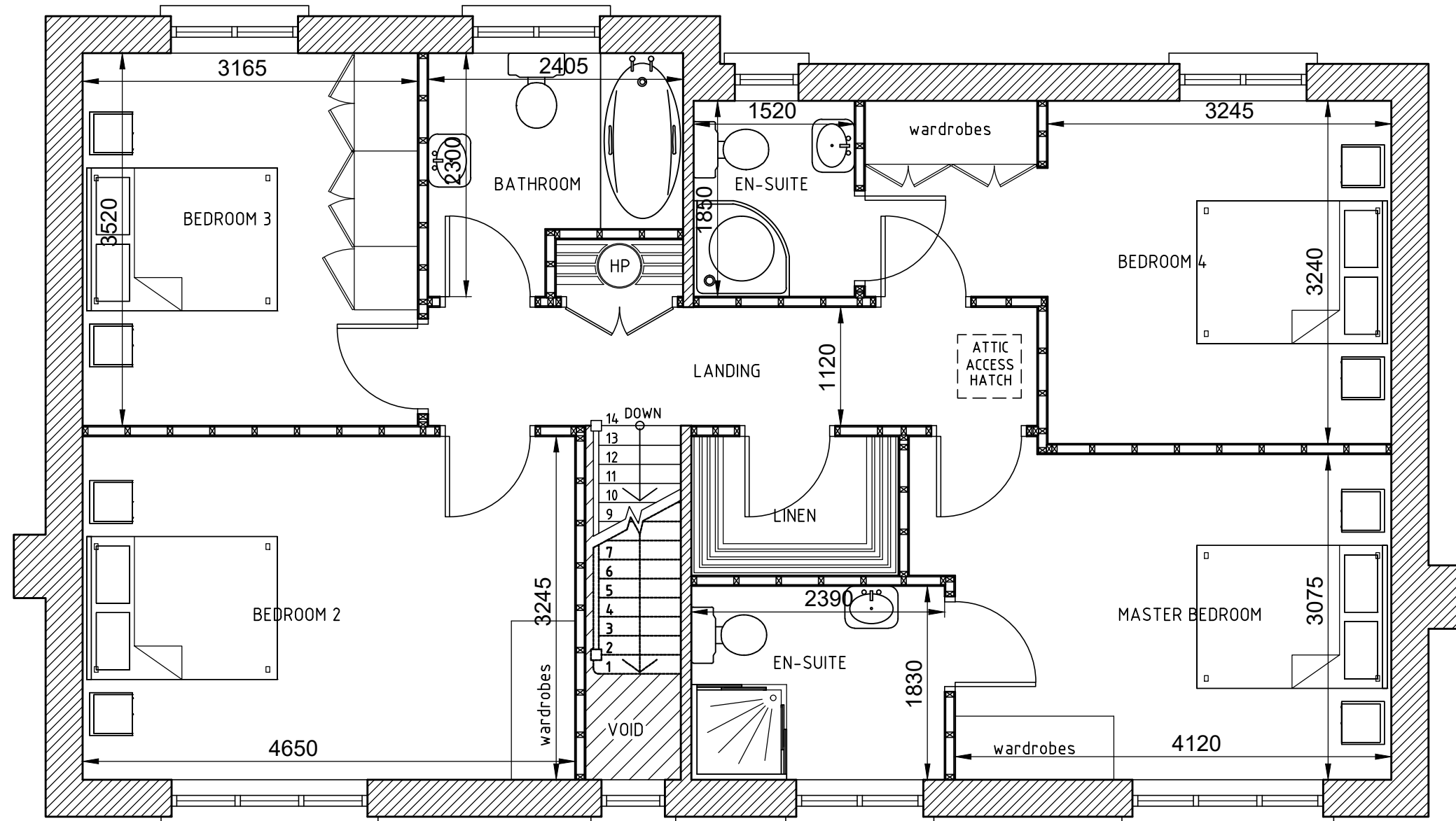
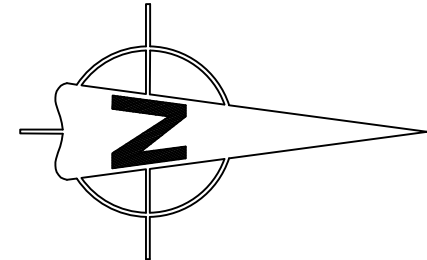
Planning Services

RECEIVED DATE: 03/03/2025

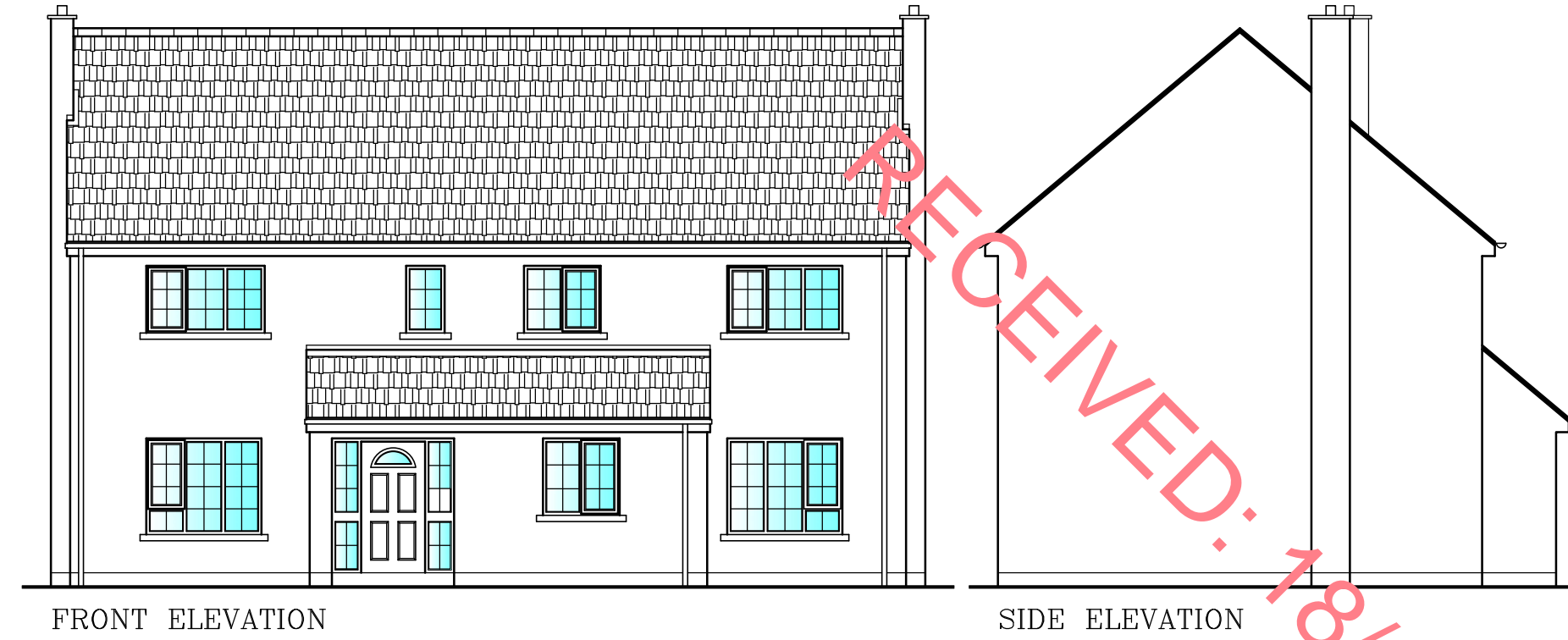


## GROUND FLOOR LAYOUT PLAN

GROUND FLOOR AREA = 85.5 sq. m. (920 sq. ft.)  
FIRST FLOOR AREA = 78.5 sq. m. (845 sq. ft.)  
TOTAL FLOOR AREA = 164 sq. m. (1765 sq. ft.)

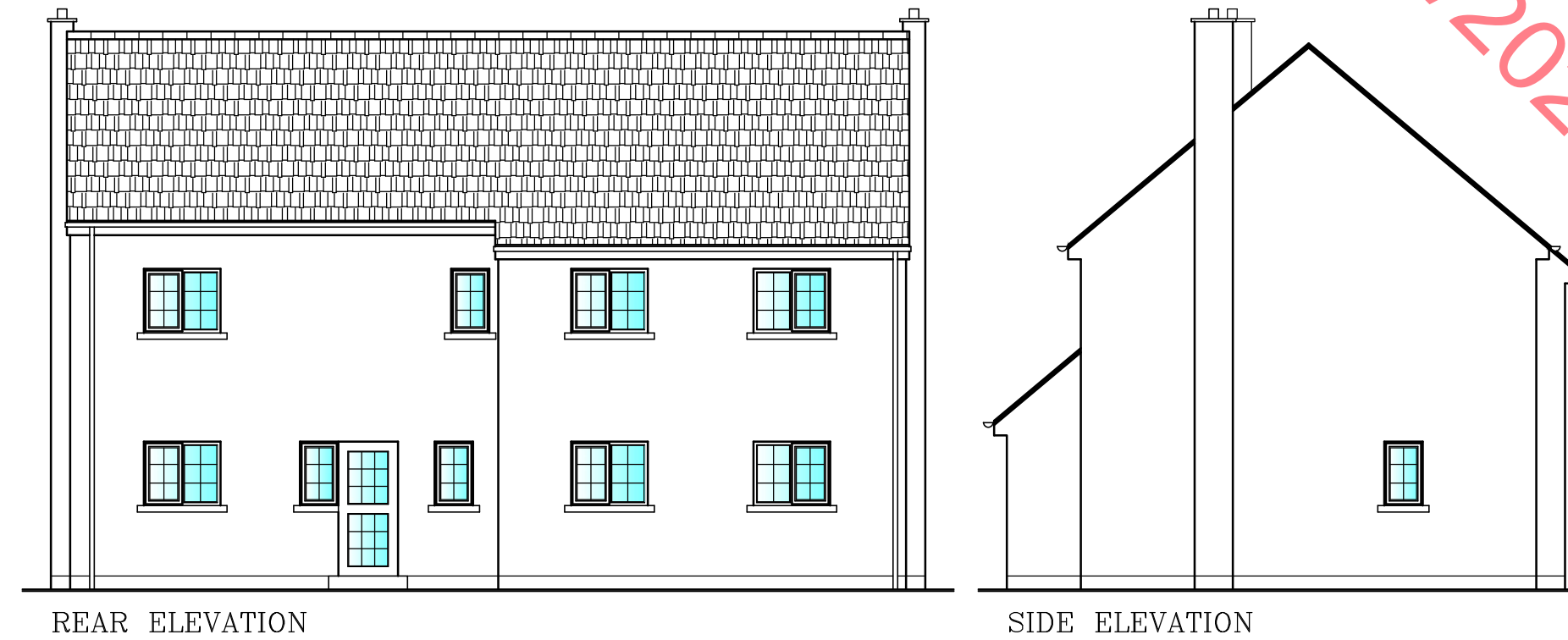


## FIRST FLOOR LAYOUT PLAN



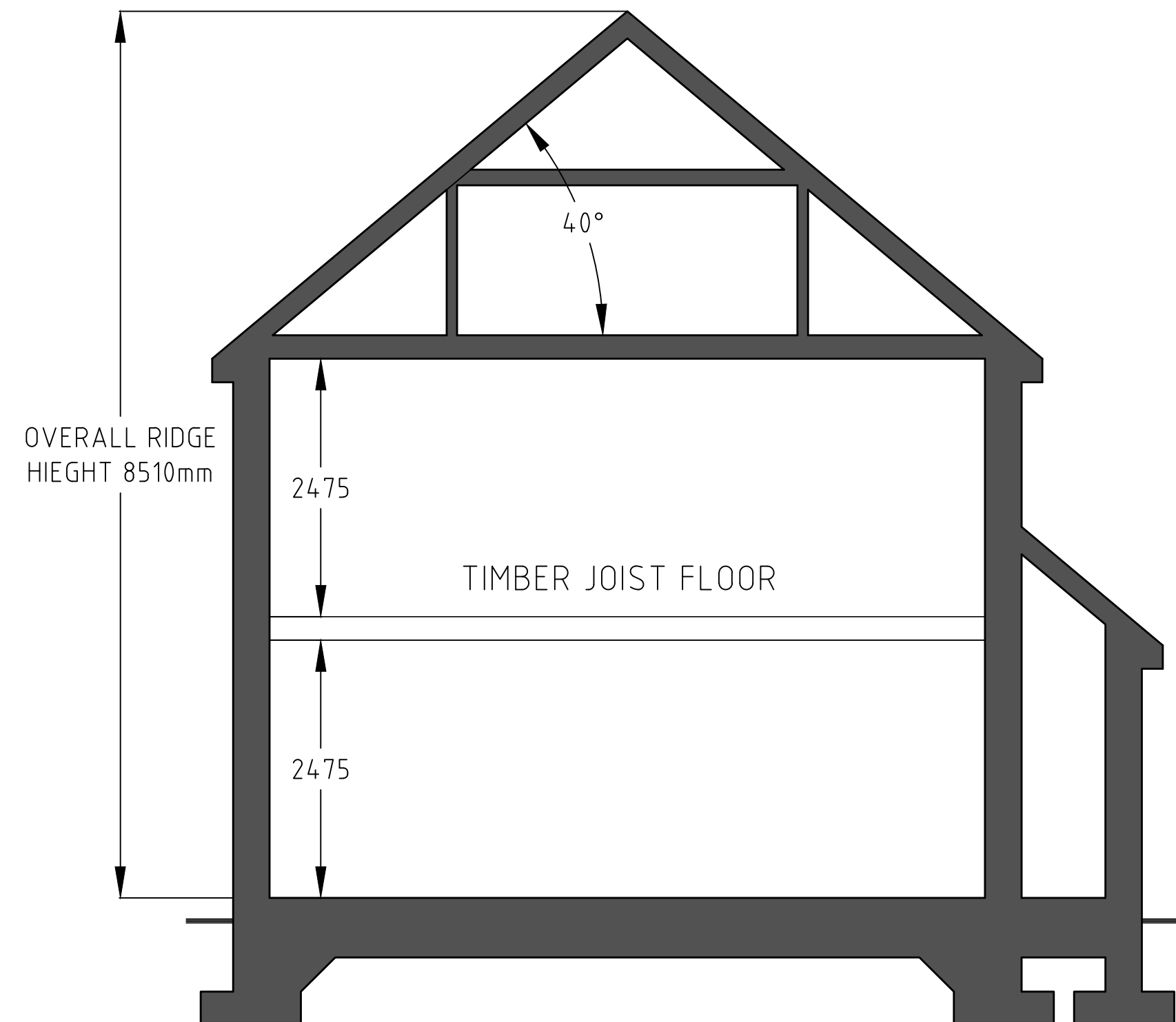
FRONT ELEVATION

SIDE ELEVATION



REAR ELEVATION

SIDE ELEVATION



## SECTION THRU HOUSE

1/50

**From:** [planning mailbox](#)  
**To:** [REDACTED]  
**Date:** 03 March 2025 15:56:00  
**Attachments:** [5 Application - Transboil Ltd](#)  
[Clachan Mor Donegal Map.pdf](#)  
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[Clachan Mor Plans Sections Elevations.pdf](#)  
[Clachan Mor Site layout plan.pdf](#)  
[Clachan Mor Site location map.pdf](#)

---

Lynn

I wish to acknowledge receipt of your application for a Section 5 Declaration which was received on 3<sup>rd</sup> March 2025 Ref.No: S525/24 refers.

Regards  
Teresa

---

**From:** Lynn Holland [REDACTED]  
**Sent:** 03 March 2025 13:23  
**To:** planning mailbox <[Planning@Donegalcoco.ie](mailto:Planning@Donegalcoco.ie)>  
**Cc:** Bernard Reilly <[b\[REDACTED\]](#)>  
**Subject:** Clachan Mor Section 5 Application - Transboil Ltd

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Kind Regards

Lynn Holland

Group Operations Manager

Transboil Ltd

Office 4/ Old Rossmore Factory/ Dublin Rd/ Monaghan / H18VX08



## **Donegal County Council**

### **SECTION 5 REFERRAL REPORT – Ref. No: S5 25/24**

#### **1.0 BACKGROUND**

##### **1.1 Location:**

The subject site is located 1 Clachan Mór Windyhall Letterkenny, Co. Donegal.

##### **1.2 Site Description:**

The site is located within the settlement framework of Letterkenny on land zoned as 'established development'. An existing 2 storey dwelling is located on the subject site.

##### **1.3 Planning History**

25/60200 (Live application, decision due 14/04/2025) - change of use of a dwelling house to hostel residential accommodation

07/80046 – refused - Development which will consist of planning permission for change of use of existing dwelling house to: 1) opticians premises including all ancillary accommodation to ground floor area, 2) advertising signage to Kilmacrennan road boundary for same, 3) conversion of first floor area to self-contained 2 no. Bedroom apartment with minor elevational alterations and all associated siteworks in connection with the above

95/2039 – Conditional – Two storey extension to dwelling

93/1249 – refused – extension to dwelling to provide retail shop

#### **2.0. THE QUESTION**

The agent, Joe Beggan, on behalf of the applicant, Transboil Ltd, have made a submission to Donegal County Council seeking a Declaration of Exemption under Schedule 2, Part 1 Class 14(h) of the Planning and Development Regulations 2001 (as amended) as to whether or not the following is exempt from planning permission:

Whether the change of use of an existing dwelling house to an emergency provision centre for IPAS accommodation as provided for S.I. No. 582/2015 Planning and Development Regulations 2015 - Class 14(H) constitutes exempted development or does not constitute exempt development.

#### **3.0 EVALUATION**

##### **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 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 14(H) of Schedule 2, Part 1:**

- Permits a change of use "from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof... to use as accommodation for protected persons."
- Protected persons are defined under the International Protection Act 2015.
- Conditions of exemption include:
  - Compliance with the definition and purpose of "protected persons."
  - No contravention of planning conditions or zoning regulations.

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## **3.0 ASSESSMENT**

### **3.1 Consideration of Proposed Development**

#### **1. Existing Use:**

- The property currently consists of an existing 2 storey dwelling within the settlement of Letterkenny. A live application relates to the site which seeks retention permission for a change of use from a dwelling house to hostel residential accommodation (planning reference 25/60200 refers). A decision has not yet issued on this application.

## **2. Proposed Use:**

- A change of use is proposed to accommodate protected persons under Class 14(h).
- Protected persons are defined in Section 2(1) of the International Protection Act 2015.

## **3. Analysis of Development:**

- The current permitted use of the building on site is residential and while an application has been submitted to retain the change of use on the site from a dwelling to a hostel, no decision has been issued on this live application.
- The proposed change constitutes a material change of use, as it involves altering the nature of occupancy from a dwelling to accommodation for protected persons, fulfilling the statutory definition of "development" under Section 3(1) of the Act.
- However, such a change is explicitly not exempted under Class 14(h).

## **4. Compliance with Class 14(h) Conditions:**

- The proposal does not align with Class 14(h), as the current permitted use of the dwelling on site is for residential purposes.

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### **3.2 Appropriate Assessment**

- As the development constitutes a change of use without physical works, there is no requirement for an Appropriate Assessment under Section 177U(9) of the Planning and Development Act 2000 (as amended).

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### **3.3 Environmental Impact Assessment (EIA)**

- No significant environmental impacts arise from this proposed change of use, and the development is not within a class of projects requiring EIA under Schedule 5, Parts 1 and 2 of the Planning and Development Regulations 2001 (as amended).

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## **4.0 CONCLUSION**



It is considered that:

1. The proposed use of the dwelling for accommodation for protected persons constitutes development under Section 3(1) of the Planning and Development Act 2000 (as amended).
2. The proposed development is not exempted development under Class 14(h) of the Planning and Development Regulations 2001 (as amended), as it does not satisfy the prescribed conditions for exemption.

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## 5.0 RECOMMENDATION

It is hereby recommended 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 proposal to:

Change the use of the building on site to an emergency provision centre for IPAS accommodation at Clachan Mor Letterkenny, County Donegal, constitutes development and is not exempted development within the meaning of the above act.

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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(H) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).
- The planning history, current use of the subject site, and Section 5 declarations by An Bord Pleanála.

And concluded that:

The proposal IS DEVELOPMENT and IS NOT EXEMPTED DEVELOPMENT, as the development does not fall within the scope of Class 14(h) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).



**Assistant Planner**

18/03/2025



---

Frank Sweeney  
Senior Executive Planner  
Community Development & Planning Services  
19/03/2025

**Chief Executive's Order No: 2025PH0745**

**Planning and Development Acts 2000 (as amended)**

**SECTION 5:-**

Request received 3<sup>rd</sup> March 2025 from Transboil Ltd., C/O Joe Beggan, Modeese, Castleblayney, Co. Monaghan, A75 W895 in relation to the change of use of building on site to an emergency provision centre for IPAS accommodation at Clachan Mór, Kilmacrennan Road, Letterkenny, Co. Donegal, F92 X08D.

**SUBMITTED:-**

Written request received 3<sup>rd</sup> March 2025 as above and report dated 18<sup>th</sup> March 2025 from the Assistant Planner (Ref. No: S5 25/24 refers).

**ORDER:-**

Having considered the said request, the report of the Assistant 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 21<sup>st</sup> DAY OF MARCH 2025

**Chief Executive's Order No: 2025PH0745**

**Ref.No: S5 25/24**

**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:**

- Sections 2, 3, 4, and 177U of the Planning and Development Act, 2000 (as amended).
- Articles 6(3), 9(1), and Class 14(h) 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 the development does not fall within the scope of Class 14(h) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

js 21/03



**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](mailto:info@donegalcoco.ie)  
**W:** [www.donegalcoco.ie](http://www.donegalcoco.ie)  
**W:** [www.ccdhunnangall.ie](http://www.ccdhunnangall.ie)

**Planning Services**  
**E:** [planning@donegalcoco.ie](mailto:planning@donegalcoco.ie)

Ref. No: S525/24

21<sup>st</sup> March 2025

TRANSBOIL LTD.,  
C/O JOE BEGGAN,  
MODEESE,  
CASTLEBLAYNEY,  
CO. MONAGHAN,  
A75 W895

**Re: Change of use of building on site to an emergency provision centre for IPAS accommodation at Clachan Mór, Kilmacrennan Road, Letterkenny, Co. Donegal, F92 X08D.**

A Chara,

I refer to your request received on 3<sup>rd</sup> March 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:** 2025PH0745

**Reference No:** S525/24

**Name of Requester:** Transboil Ltd.,  
C/O Joe Beggan,  
Modeese,  
Castleblayney,  
Co. Monaghan,  
A75 W895

**Summarised Description of development the subject matter of request:**

Change of use of building on site to an emergency provision centre for IPAS accommodation.

**Location:** Clachan Mór, Kilmacrennan Road, Letterkenny, Co. Donegal, F92 X08D.

**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(h) of Part 1 of Schedule 2 of the Planning & 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 the development does not fall within the scope of Class 14(h) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

---

**For Senior Ex. Planner**  
**Planning Services**

**Dated this 21<sup>st</sup> day of March 2025**