



**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)	



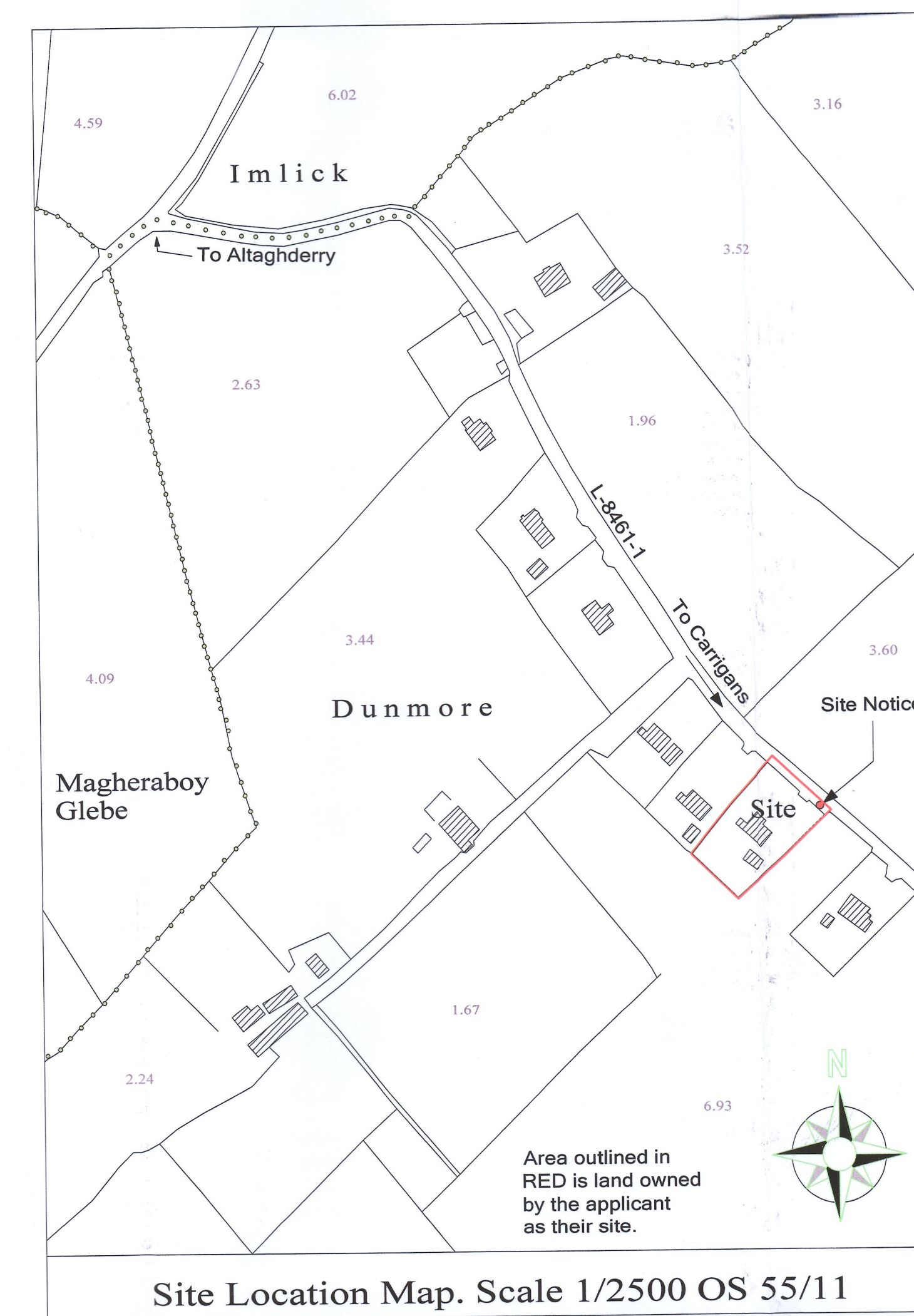
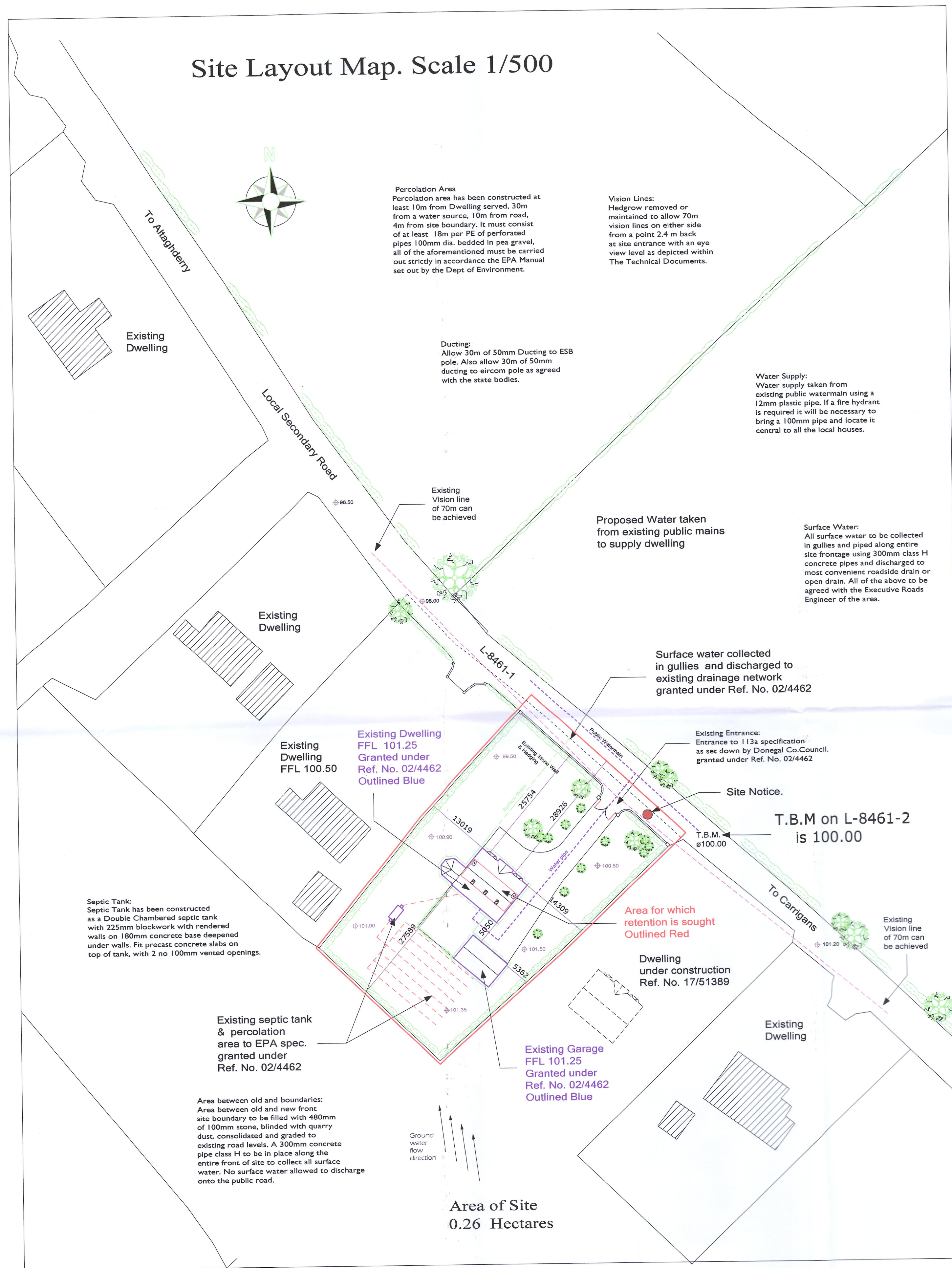
<b>Is the development a Protected Structure or within the curtilage of a Protected Structure?</b>	<b>Yes</b>	<b>No</b>
<b>Has a declaration under Section 57 of the Planning and Development Act 2000 (as amended) been requested or issued in respect of the property.</b>	<b>Yes</b>	<b>No</b>
<b>Applicant(s) 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 Applicant/Agent:</b>	
<b>Date:</b>	









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Donegal County Council

Planning Services

RECEIVED DATE: 17/11/2025

Traffic Survey Report Radar Speed Gun located at existing site Entrance

Method of Measurement	Bushnell 101911 Radar Speed Gun with +/- 2kph accuracy
Site Location	Dunmore, Carrigans, Co.Donegal
Road No.	L-8461-1
Survey Date & Time	28th April 2023
Planning Ref No:	

Time	Vehicle Type	Speed measured from / of Entrance		Vehicle Type	Time
		Left	Right		
8:43	Car	45kph	41kph	Jeep	11:48
8:52	Car	43kph	49kph	Car	12:40
8:56	Van	47kph			
9:07	Car		51kph		
9:12	Van		45kph		
9:33	Car	50kph			
10:54	Car		42kph		
11:22	Jeep		40kph		

Average speed from Left is 45.83kph Average speed from Right is 44.5 kph  
Overall average speed is 45.3 km/hr

As per Table 3 Appendix 3 of the Development Guidelines & Technical Standards of the Donegal County Development Plan 2018-2024  
The required vision line easement is 70m.

I can confirm that these vision lines are achievable and have permission to obtain them.

Taking Account of the 85th Percentile Speed Analysis and allowing the 4 second headway filter, the physical features (undesirable geometrics, poor sight distance, or surface conditions), the small amount of vehicles using this remote rural road, the average speed can be assumed to be below 50km/hr thus the required vision splays are 70m in either direction.

Schedule	Site Location Map	Client: Geraldine & Laurence Black
Trial Hole	Scale 1/2500	
Test Hole 1	Ordnance Survey No55/11	
Test Hole 2	Date 28th April 2023	
Test Hole 3	Location Dunmore, Carrigans, Lifford, Co.Donegal.	Project: Retention of 3rd Storey Bedrooms at Dunmore, Carrigans, Lifford, Co.Donegal.
Trees local to area	Client: G. & L. Black.	
Drawn By: Patrick Canning. Architects. Ballylawn, Manorcunningham, Co.Donegal.	Drawn By: Patrick Canning. Architects. Ballylawn, Manorcunningham, Co.Donegal.	Date: 28th April 2023
		Scale: 1/500 & 1/2500.
		Drawn By: Patrick Canning Architects. Ballylawn, Manorcunningham, Co.Donegal. Tel 086-3839004







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

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

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Lifford,  
County Donegal, F93 Y622

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E-mail: [sara@annschilddrenscare.ie](mailto:sara@annschilddrenscare.ie)

Our Ref: S525/105

19 November 2025 Patrick McQuade

**Re: Section 5 - Development consisting of a change of use as a house to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.**

A Chara,

I wish to acknowledge receipt of your application received on 17<sup>th</sup> November 2025 in relation to the above.

Yours sincerely,

Donegal County Council  
Planning Services





## 1.0 INTRODUCTION

- 1.1 A Section 5 Declaration is sought by Patrick McQuade. The question posed under the Section 5 referral is as follows:

Is to seek a Section 5 exemption for development consisting of a change of use as a house to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons. No change to the structure or design of the property.

## 2.0 SITE

- 2.1 The site is located in the rural area (F93 HH21) in the town land of Dunmore approx. 1.2km NE of Carrigans within an area of High Scenic Amenity. On site exists a 2-storey detached dwelling with attic accommodation and existing detached shed.

### 2.2 Planning History

<a href="#">02</a>	<a href="#">4462</a>	Application Finalised	Conditional		MARTIN MEEHAN	DUNMORE CARRIGANS	ERECTION OF TWO STOREY DWELLING HOUSE AND DETACHED GARAGE WITH SEPTIC TANK
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<a href="#">23</a>	<a href="#">50639</a>	Application Finalised	Conditional		LAURENCE & GERALDINE BLACK	DUNMORE CARRIGANS LIFFORD PO CO. DONEGAL	CONVERSION OF ATTIC SPACE TO TWO BEDROOMS WITHIN DWELLING
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## 3.0 EVALUATION

### 3.1 Planning and Development Act, 2000 (as amended)

#### 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(1) sets out development which shall be exempted development.

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.”

Definition of ‘house’ as set down in Part 1, Preliminary and General, 2; Interpretations; (1) is :-  
*“a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building”*

3.2 Planning and Development Regulations, 2001 (as amended)

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**

Restrictions on Exemption include inter alia:- .

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 such development would—

- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,
- (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users,
- (vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,



- (vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan, save any excavation, pursuant to and in accordance with a licence granted under section 26 of the National Monuments Act, 1930 (No. 2 of 1930),
- (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

*Schedule 2 Part 1 Exempted Development - General  
Change of Use Class 14*

Development consisting of a change of use:—

- (f) from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.

Relevant Conditions and Limitations:

The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

#### 4.0 ASSESSMENT

The applicant has submitted accompanying information with the section 5 application. The total number of young people housed at the centre will be 6no. and the number of full-time staff will be 2no. The individuals housed at the facility require ongoing care due to mental health diagnosis, intellectual disabilities and physical disabilities. As such the proposal would fall under Schedule 2 Part 1 Exempted Development General Change of Use Class 14 of the Planning & Development Regulations 2001 (as amended). The Planning authority had regard to Section 5 determinations made by An Bord Pleanála.

#### 5.0. 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:**

Operation as a Residential Centre for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.

**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(3), 9(1) and Schedule 2 Part 1 Exempted Development – General, Change of Use Class 14 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 EXEMPTED DEVELOPMENT** as it comes within the scope of Class 14 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

  
**Signed:**

**Position:** Executive Planner

**Date:** 01/12/2025



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Frank Sweeney  
Senior Executive Planner  
Community Development & Planning Services  
11/12/2025



**Chief Executive's Order No: 2025PH3648**

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

**SECTION 5:-**

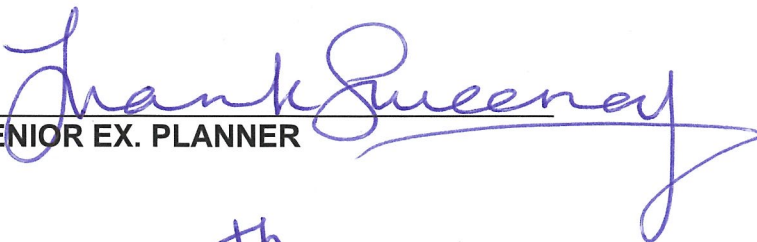
Request received 17<sup>th</sup> November 2025 from Patrick McQuade CEOL NA MARA, Newry Street, Carlingford, Co. Louth A91 HK07 in relation to the change of use from a house to use as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such at Dunmore, Carrigans, Co. Donegal F93 HH21.

**SUBMITTED:-**

Written request received 17<sup>th</sup> November 2025 as above and report dated 1<sup>st</sup> December 2025 from the Executive Planner (Ref. No: S5 25/105 refers).

**ORDER:-**

Having considered the said request, the report of the Executive Planner, and the record forwarded to the Council by An Coimisiún 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 12<sup>th</sup> DAY OF DECEMBER 2025

LMG



**Chief Executive's Order No: 2025PH3648**

**Ref.No: S5 25/105**

**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:**

- Section 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended) and Articles 6(3), 9(1) and Schedule 2 Part 1 Exempted Development – General, Change of Use Class 14 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 EXEMPTED DEVELOPMENT** as it comes within the scope of Class 14 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

JS 12/12





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**E:** planning@donegalcoco.ie

Ref. No: S525/105

12<sup>th</sup> December 2025

PATRICK MCQUADE  
CEOL NA MARA  
NEWRY STREET  
CARLINGFORD  
CO. LOUTH  
A91 HK07

**Re: Change of use from a house to use as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such at Dunmore, Carrigans, Co. Donegal F93 HH21.**

A Chara,

I refer to your request received on 17<sup>TH</sup> November 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 Coimisiún Pleanála. of such fee as may be prescribed, refer a Declaration for review by the Commission 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:** 2025PH3648

**Reference No:** S525/105

**Name of Requester:** PATRICK MCQUADE  
CEOL NA MARA  
NEWRY STREET  
CARLINGFORD  
CO. LOUTH  
A91 HK07

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

Change of use from a house to use as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such

**Location:** Dunmore, Carrigans, Co. Donegal F93 HH21.

**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:**

- Section 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended) and Articles 6(3), 9(1) and Schedule 2 Part 1 Exempted Development – General, Change of Use Class 14 of the Planning & Development Regulations 2001 (as amended).

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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 14 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).



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

**Dated this 12<sup>th</sup> day of December 2025**