

Planning Section  
Donegal County Council  
County House  
Lifford  
Co. Donegal

5<sup>th</sup> February 2026

Our Ref: Catherine & James O'Donnell

**RE : DECLARATION UNDER SECTION 5 OF THE PLANNING & DEVELOPMENT ACT 2000  
(AS AMENDED) FOR A PROPOSED HORSE ARENA AT CARROWTRASNA,  
GREENCASTLE, CO. DONEGAL.**

Dear Sir/madam,

On behalf of our clients, Catherine and James O'Donnell, we wish to seek a declaration from Donegal County Council that development on the lands at Carrowtrasna, Greencastle, Co. Donegal, is development and is exempted development. The development consists of the development of an unroofed fenced area for the exercising or training of horses.

We have enclosed:

- (a) a completed application form,
- (b) a location map,
- (c) a layout plan,
- (d) a drawing of the exercise area
- (e) the appropriate fee of €80.00 paid by card at cash desk (receipt number: 667280)

## 1. Declaration request

- 1.1 Catherine and James o'Donnell seek a declaration under Section 5 of the Planning and Development Act, 2000 (as amended) as to whether the development of an unroofed fenced area for the exercising or training of horses is or is not development, or is or is not exempted development.
- 1.2 In this regard consideration is given to Sections 2(1), 3(1) and 177(U)(9) of the Planning and Development Act, 2000 (as amended) and Articles 6(1), 9(1) and Class 10 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001-2023.



## 2. Description of development

- 2.1 The attached map and layout plan, set out the location of the applicants' existing dwelling and stables, with the proposed exercise/training area located behind and to the southwest of the stables.
- 2.2 The exercise/training area is proposed to be located at least 50m from the nearer edge of the adjoining public road (L-1471-3) and there will be no direct access to the exercise/training area from that road. The exercise/training area will measure 40m X 25m and will be enclosed with white ranch-type fencing.

## 3. Statutory Provisions

- 3.1 **Section 2(1)** of the Planning and Development Act states  
*In this Act, except where the context otherwise requires – “development” has the meaning assigned to it by Section 3...*  
**Section 3 (1)** of the Planning and Development Act 2000 (as amended) states  
*In this Act “development” means except where the context otherwise requires, the carrying out of works on/in/over or under land or the making of any material change in the use of any structures or other land.*
- 3.2 **Section 177U(9)** of the Planning and Development Act 2000 (as amended) confirms that  
*In deciding upon a declaration or a referral under section 5 of this Act a Planning Authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.*
- 3.3 The following articles in the Planning and Development Regulations 2001 (as amended) are also considered relevant to the referral.
- 3.4 **Article 6(1)** :- Subject to article 9, 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.
- 3.6 **Article 9(1)** :- Development to which Article 6 relates shall not be exempted development for the purposes of the Act, if the carrying out of such development would result in a range of issues. These issues, outlined in article 9(1)(a), (b), (c) and (d), are set out and addressed in Appendix A of this declaration. while Appendix B presents an Appropriate Assessment Screening in relation the likelihood of a significant effect on the integrity of a European site [Issue-9(1)(a)(viiB)].
- 3.7 **Class 10 of Schedule 2, Part 3 of the P&D Regulations 2001-23** below confirms that development for described in column 1 is exempted development, subject to compliance with conditions and limitations in column 2. The emphasis in bold is inserted by the writer.

<i>Exempted Development – Rural</i>	
Column 1 Description of Development	Column 2 Conditions and Limitations
The erection of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface.	<ol style="list-style-type: none"> <li>1. No such structure shall be used for any purpose other than the exercising or training of horses or ponies.</li> <li>2. No such area shall be used for the staging of public events.</li> <li>3. No such structure shall be situated within 10 metres of any public road, and no entrance to such area shall be directly off any public road.</li> <li>4. The height of any such structure shall not exceed 2 metres.</li> </ol>

#### 4. Assessment

- 4.1 It is acknowledged by reference to Section 2(1) and 3(1) of the Act, that the unroofed fenced area is development. The question is whether or not the development constitutes exempted development.
- 4.2 It is respectfully considered that the relevant class of development in this declaration case, is Class 10 of Part 3 of Schedule 2 in the Planning and Development Regulations 2001-2023, as the proposal is the **development of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface**. It is concluded that the proposed development satisfies the description and limits within Class 10 of Part 3 of Schedule 2 in the Planning and Development Regulations 2001-23.
- 4.3 In relation to conditions and limits in column 2, the unroofed fenced area for the exercising or training of horses or ponies, shall only be used for the exercising or training of horses or ponies and shall not be used for the staging of public events.  
As confirmed above, the fenced area will be located at least 50 metres from the adjoining public road, and no entrance will be provided directly off the public road.  
Finally no part of the fenced area will exceed a height of 2 metres.
- 4.4 In relation to Article 9(1), which restricts the exempted development status afforded to development under Article 6(1), the assessment in Appendix A sets out how the plant complies with all the issues listed under Article 9(1), while Appendix B contains an Appropriate Assessment Screening report.

## 5. Conclusion

- 5.1 The development of an an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface is considered to be exempted development having regard to the statutory planning provisions set out above.
- 5.2 I would be grateful therefore if the planning authority could confirm that the development as described, is development and exempted development.

Yours sincerely



Breege Galbraith

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Breege Galbraith

Architect; BSc(Hons); March; Dip; MRIAI

## **APPENDIX A**

Issues in article 9(1)(a) to 9(1)d inclusive of the Planning & Development Regulations 2001-23 addressed.

## Planning & Development Regulations 2001-23.

Article 9(1) Development to which article 6 relates shall not be exempted development for the purposes of the Act

<b>(a) if the carrying out of such development would –</b>	
	<b>Comment</b>
(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,	The development does not contravene any condition to a permission 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,	The development of the exercise/training area for horses does not involve the 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,	The development of the exercise/training area for horses does not endanger public safety by reason of traffic hazard or obstruction of road users.
(iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,	Not applicable. Glare for operation of airports, aerodromes or aircraft does not arise.
(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which 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, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the	The development of the exercise/training area for horses does not bring forward the building line, as it is located to the rear of the existing stables.

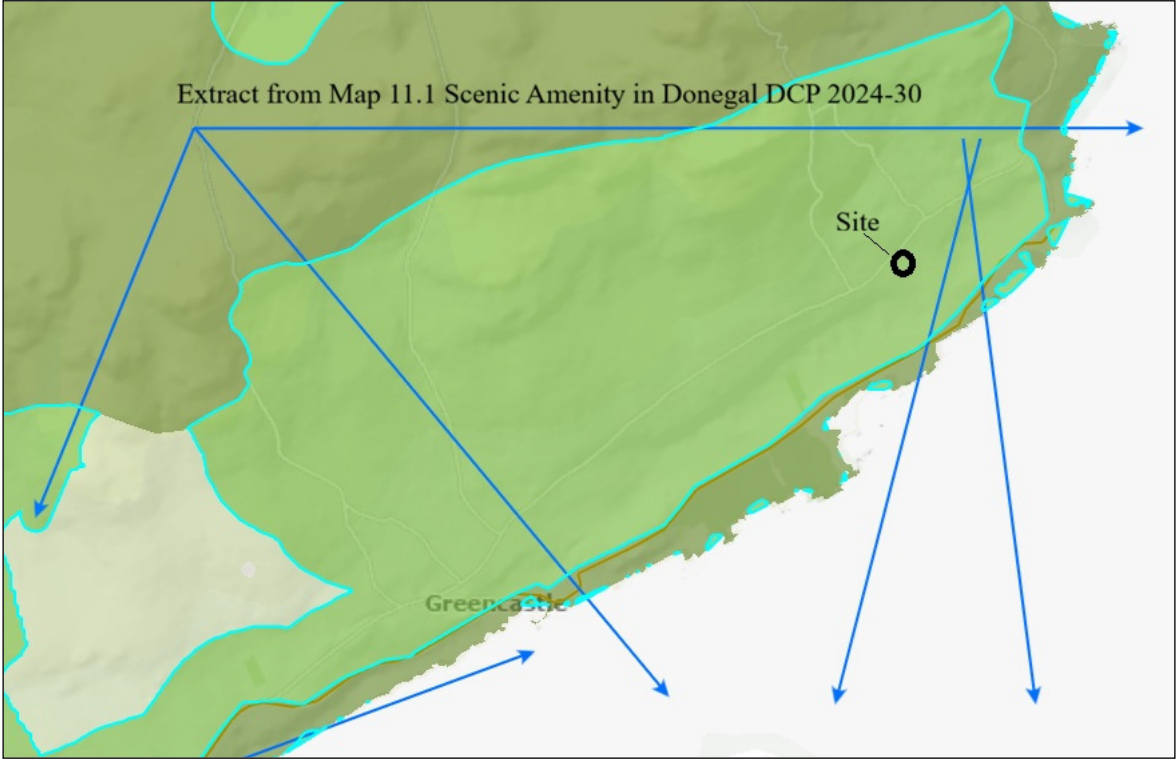
development plan or the draft development plan,	
(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,	The development of the exercise/training area for horses does not involve works under a public road.
(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,	<p>In the Donegal County Development Plan 2024-30, the site for development is designated as an 'Area of High Scenic Amenity' (HSA), which are <i>landscapes of significant aesthetic, cultural, heritage and environmental quality that are unique to their locality and form a fundamental element of the landscape and identity of County Donegal. These areas have the capacity to absorb sensitively located development of scale, design and use that will enable assimilation into the receiving landscape and which does not detract from the quality of the landscape.</i></p> <p>There are a number of designated long distance views identified in the area, as shown on the extract from Map 11.1 Scenic Amenity in the Donegal CDP 2024-30, attached below.</p> <p>It is considered that the modest scale of the development of the exercise/training area and the substantial distance from the identified viewing points results in the proposed development not interfering with the character of a landscape, or the designated views.</p>
(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,	Not applicable. No places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest exist

<p>historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,</p>	<p>within, or in the vicinity of the development site.</p>
<p>(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,</p>	<p>Not applicable. No archaeological monument exists within or in the vicinity of the site.</p>
<p>(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,</p>	<p>An Appropriate Assessment screening is attached (see Appendix C below). The screening concludes that the development of the exercise/training area will not have any significant negative impacts on the integrity of any Natura 2000 site and no further assessment is necessary.</p>
<p>(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.</p>	<p>Not applicable. The site is not located in an area designated as a natural heritage area.</p>
<p>(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,</p>	<p>The development of the exercise/training area does not comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.</p>



<p>(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area 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,</p>	<p>The development of the exercise/training area will not preclude or restrict the continuance of an existing use of a building or other structure, where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use.</p>
<p>(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,</p>	<p>No fencing or enclosure of habitually open land is involved in the installation of the exercise/training area</p>
<p>(xi) obstruct any public right of way,</p>	<p>The development of the exercise/training area does not obstruct any public right of way,</p>
<p>(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area 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 and the development would materially affect the character of the area,</p>	<p>The exercise/training area is not located within an architectural conservation area.</p>
<p><b>(b) in an area to which a special amenity area order relates, if such development would be development:—</b></p>	

<p>(i) of class 1, 3, 11, 16, 21, 22, 27, 28, 29, 31, (other than paragraph (a) thereof ), 33 (c) (including the laying out and use of land for golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), 39, 44 or 50(a) specified in column 1 of Part 1 of Schedule 2, or</p> <p>(ii) consisting of the use of a structure or other land for the exhibition of advertisements of class 1, 4, 6, 11, 16 or 17 specified in column 1 of Part 2 of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes, or</p> <p>(iii) of class 3, 5, 6, 7, 8, 9, 10, 11, 12 or 13 specified in column 1 of Part 3 of the said Schedule, or</p> <p>(iv) of any class of Parts 1, 2 or 3 of Schedule 2 not referred to in subparagraphs (i), (ii) and (iii) where it is stated in the order made under section 202 of the Act that such development shall be prevented or limited,</p>	<p>No special amenity area order exists at the location of the exercise/training area.</p>
<p><b>Comment:</b>The exercise/training area does not fall within the categories set out in Schedule 5 of the planning regulations and so is not subject to a requirement for environmental impact assessment.</p>	
<p><b>(d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.</b></p>	
<p><b>Comment:</b> The development of the exercise/training area does not consist of the provision of, or modifications to, an establishment, which could have significant repercussions on major accident hazards.</p>	



## **APPENDIX B**

Screening for Appropriate Assessment.

# APPROPRIATE ASSESSMENT SCREENING FOR THE PURPOSES OF ARTICLE 6 OF THE HABITATS DIRECTIVE

**Applicant Name:** Catherine and James O'Donnell

## *1.0 Description of Project*

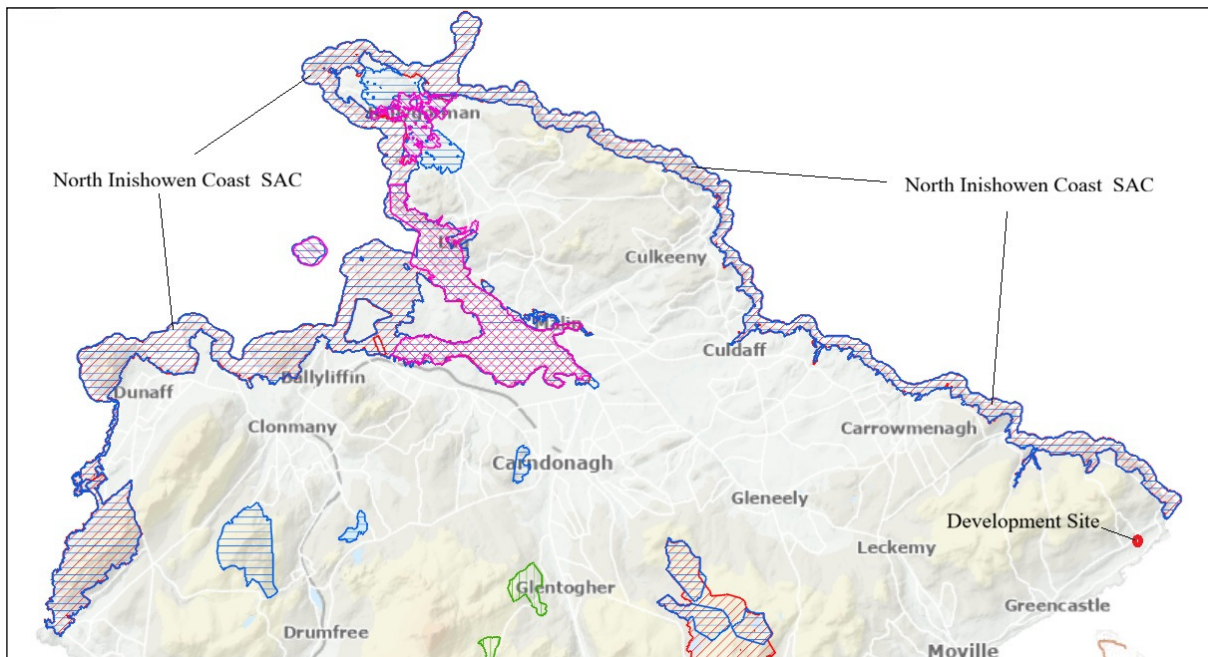
The subject site is located in the townland of Carrowtrasna, Greencastle, Co. Donegal. The applicant seeks a determination under Section 5 of the P&D Act 2000 (as amended) whether the development of an unroofed fenced area for the exercising or training of horses is exempted development.

## *2.0 Natura 2000 sites*

The site is located approximately 1.2kms west of closest Natura 2000 site, the North Inishowen Coast pNHA and SAC (site codes: 002012 ). It is also located over 15kms east of Lough Foyle SPA (site code: 004087) and the Magheradrumman Bog pNHA and SAC (site codes:000168). As the latter Natura 2000 sites are over 15kms from the development site, only the North Inishowen Coast SAC is given further consideration.

## *3.0 The North Inishowen Coast SAC*

The North Inishowen Coast SAC stretches from Crummies Bay in the west up to Malin Head and back down to Inishowen Head to the east and extends to over 7037ha., as shown on the map below. It encompasses an excellent variety of coastal habitats including high rocky cliffs, offshore islands, sand dunes, saltmarsh, a large intertidal bay, and rocky, shingle and sand beaches. There are excellent raised beaches along the east coast including the oldest and best preserved late-glacial fossil coast in Ireland (between Ineuran Bay and Esky Bay). It is the only well preserved such coast in Europe and so is of international importance. Also of geomorphological interest is the small area of stone polygons near Malin Tower.



The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive (\* = priority; numbers in brackets are Natura 2000 codes):

- |  |
|--|
| <p>[1140] Tidal Mudflats and Sandflats<br/> [1220] Perennial Vegetation of Stony Banks<br/> [1230] Vegetated Sea Cliffs<br/> [2130] Fixed Dunes (Grey Dunes)*<br/> [21A0] Machairs*<br/> [4030] Dry Heath</p> <p>[1014] Narrow-mouthed Whorl Snail (<i>Vertigo angustior</i>)<br/> [1355] Otter (<i>Lutra lutra</i>)</p> |
|--|

The qualifying interests in the SAC are

- Mudflats and sandflats not covered by seawater at low tide [1140]
- Perennial vegetation of stony banks [1220]
- Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]
- Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]
- Machairs (\* in Ireland) [21A0]
- European dry heaths [4030]
- *Vertigo angustior* (Narrow-mouthed Whorl Snail) [1014]
- *Lutra lutra* (Otter) [1355]

### 3.0 Assessment of Likely effects:

Potential Impact Types and Significance Impact type	Significance indicator	Comments
Loss of habitat area	Percentage of loss	<b>None – the site is not located within the SAC of SPA</b>
Fragmentation	Duration or permanence, level in relation to original extent	N/A
Disturbance	Duration or permanence, distance from site	<b>N/A - no significant disturbance effects are envisaged.</b>
Species population density	Timescale for replacement	<b>N/A – it is not considered that the development will have any impact on the population density of protected species.</b>
Water resource	Relative change	<b>It is not considered that the proposed development will have any significant impact on water resources</b>

Further to an assessment of the proposed development having regard to

- (i) the qualifying interests of the SAC,
- (ii) the modest scale of the development and
- (iii) its separation distance from the SAC,

it is considered that the proposed development would not have a significant effect on the North Inishowen Coast SAC (site code: 002012 ).

### 4.0 Screening Determination:

It has been determined that an appropriate assessment of the proposed development is not required as it can be excluded on the basis of objective scientific information that the proposed development individually or in combination with other plans/projects will have a significant effect on a European Sites – the North Inishowen Coast pNHA and SAC (site codes: 002012).

Signed



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## SECTION 5 APPLICATION

### DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

1.	Applicant's Name	Catherine & James O'Donnell	
	<i>Contact details must be supplied at the end of this form</i>		
2.	Name of Agent	MG Architects & Valuers	
	<i>Contact details must be supplied at the end of this form</i>		
3.	Location of Proposed Development:	Carrowtrasna, Greencastle, Co. Donegal	
4.	Description of Proposed Development:	Unroofed fenced area for the exercising of training of horses	
5.	Is development a Protected Structure or within the curtilage of a Protected Structure?	Yes	
	(Indicate as appropriate)	No	X
6.	If the answer to question no 5 is yes has a declaration under Section 57 of the Planning and Development Act 2000(as amended) been requested or issued in respect of the property by the Planning Authority		
7.	Applicants Interest in site:	Legal Owner	
	If applicant is not the owner of the site please provide the Name and Address of the owner		
8.	List of plans, drawings etc. submitted with this application:	Site Location Map Site Layout Drawing	
9.	Are you aware of any enforcement proceedings connected to the site? If so please supply details	No	



10.	Please provide details of works (where applicable) or proposed development (Only works listed and described under this section will be assessed under this section 5 application)
	Unroofed fenced area for the exercising of training of horses
11.	Signature of Applicant (or Agent): <u>Breege Galbraith</u>
12.	Dated: 5 <sup>th</sup> February 2026

**Completed application form & supporting documentation to be returned to the Planning Authority by email only to [planning@donegalcoco.ie](mailto:planning@donegalcoco.ie)**

NOTES: (a) Application 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:
- (i) site location map,
  - (ii) site layout plan,
  - (iii) elevations (if applicable).

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OFFICE USE ONLY	
Ref. No.	
Date Received	
Fee Paid	
Receipt Number	







**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  
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**W:** www.ccdhunnangall.ie

**Planning Services**  
**E:** planning@donegalcoco.ie

**E-mail:** [breege@mgarchitects.ie](mailto:breege@mgarchitects.ie)

**Our Ref: S526/14**

9<sup>th</sup> February 2026

Catherine & James O'Donnell  
C/o MG Architects & Valuers  
Millbrae House  
Millbrae Lower Main Street  
Buncrana

**Re: Application to determine if an unroofed fenced area for the exercising of training of horses at Carrowtrasna, Greencastle, Co donegal is "exempted development" or not.**

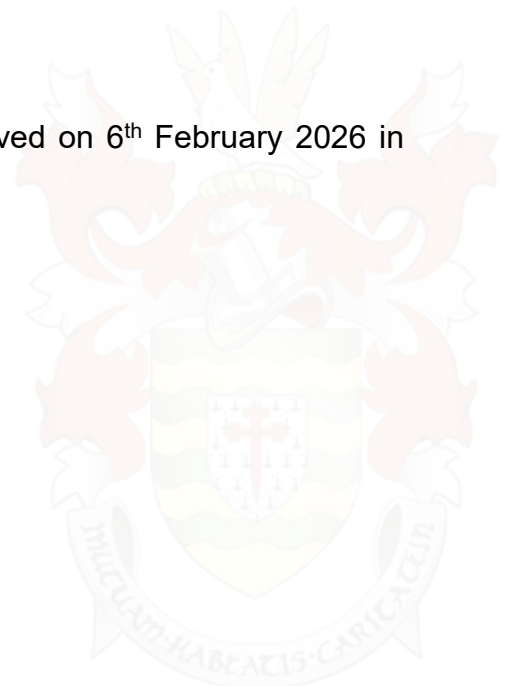
A Chara,

I wish to acknowledge receipt of your application received on 6<sup>th</sup> February 2026 in relation to the above.

Yours sincerely,

*Martina Parke*

Donegal County Council  
Planning Services



## **SECTION 5 REFERRAL REPORT – Ref.No: 26.12**

### **Donegal County Council**

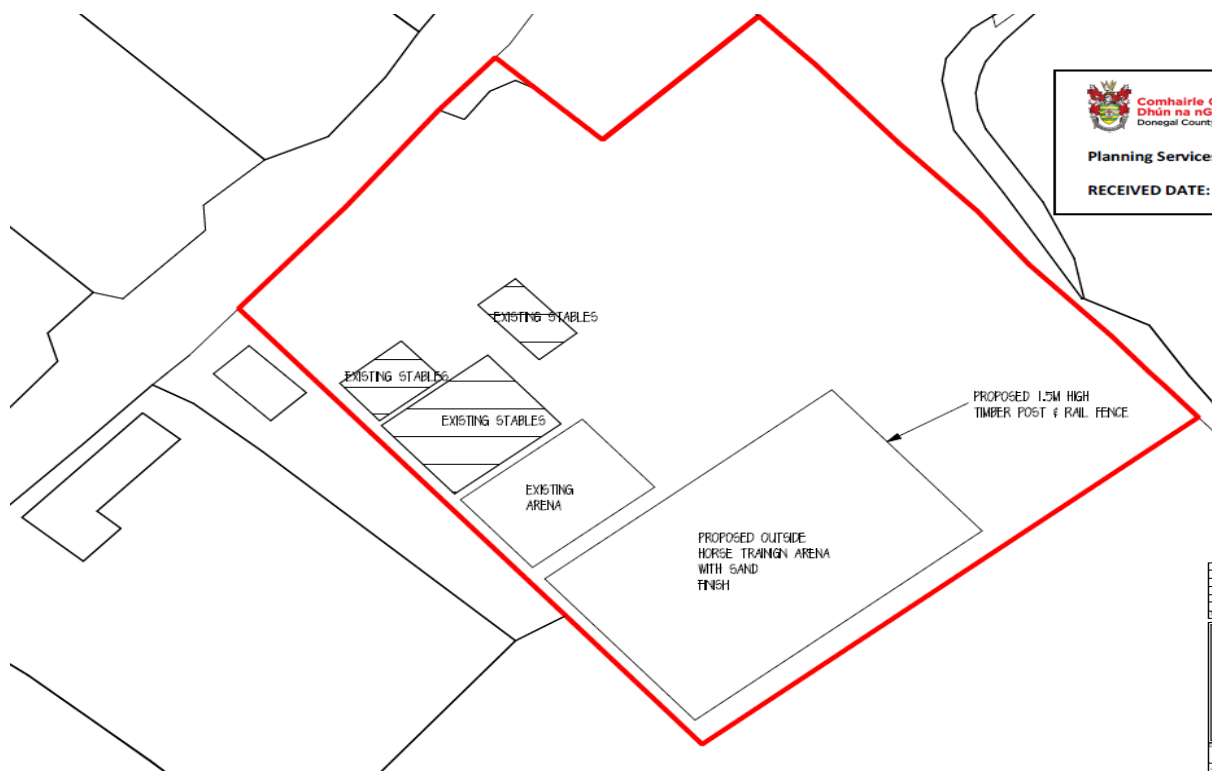
#### **1.0 COMMENTS**

The subject site is located in the townland of Carrowtrasna, Greencastle. The site is occupied by 3no. agricultural buildings, consisting of a mix of stone vernacular agricultural buildings and one modern barn. A 2-storey dwelling located parallel and close to the adjoining county road to the northwest and there is 1 no. stone vernacular outbuilding within the site to the northeast and located gable onto to the road.

Access to the site is off the adjoining local county road (L-1471-3). The site is located within an area of High Scenic Amenity and falls within a Stronger Urban Influence (discussed further below) as designated under the Current County Donegal Development Plan, 2024-30. The site is not located within any designated European Natura 2000 sites, however the site is located 1.2km from North Inishowen Coast SAC (002012).

The question raised is as follows :

**Whether the development of an unroofed fenced area for the exercising or training of horses is or is not development, or is or is not exempted development?**



### **Location of sand area.**

The existing buildings and associated attendant grounds are not listed on the Council's Record of Protected Structures nor is it included on the National Inventory of Architectural Heritage.

The submitted covering letter clarifies the following in terms of the nature and scale of the proposal:

*The exercise/training area is proposed to be located at least 50m from the nearer edge of the adjoining public road (L-1471-3) and there will be no direct access to the exercise/training area from that road. The exercise/training area will measure 40m X 25m and will be enclosed with white ranch-type fencing.*

## **2.0 PLANNING HISTORY**

**The site is overlapped by permissions to both sides namely:**

**PP 3891** pre planning enquiry for a dwelling house

04	5243	Application Finalised	Conditional	TO REFURBISH AND EXTEND AN EXISTING DWELLING HOUSE INCLUDING THE DEMOLITION OF EXISTING OUTBUILDINGS, ALONG WITH THE REPLACEMENT OF THE EXISTING SEPTIC TANK WITH A PACKAGED TREATMENT PLANT.
07	70461	Application Finalised	Conditional	ERECTION OF AN AMERICAN BARN STABLE WITH ASSOCIATED WORKS

**25/61324:** permission granted adjacent for (A) ENTRANCE, (B) 2 NO. EXTENSIONS TO SIDE ELEVATIONS OF EXISTING DWELLING AS PREVIOUSLY GRANTED UNDER PLANNING REF. NO. 04/5243 AND (C) MINOR ELEVATIONAL CHANGES, CONNECTION TO EXISTING SERVICES AND ALL ASSOCIATED WORKS.

**It is noted the stables barn was not specified as being private or commercial. Likewise, this S5 request does not specify if the use is private or commercial.**

## **3.0 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 4

‘(1) The following shall be exempted developments for the purposes of this Act –

(h) *development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.*’

#### 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”.

Notwithstanding paragraphs (a), (i), (ia) and (1) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

### **Planning and Development Regulations, 2001 (as amended)**

#### Article 6(1)

provides that Exempted Development. 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) Restrictions on exemption

Development to which article 6 relates shall not be exempted development for the purposes of the Regulations- (a) (i) to (xii).

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- (iii) endanger public safety by reason of traffic hazard or obstruction of road users (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. (viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

**Class 10, Schedule 2, Part 3** of the Planning and Development Regulations 2001, as amended sets out an exemption for:

The erection of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface.

This exemption is subject to the following conditions/limitations:

- 1. No such structure shall be used for any purpose other than the exercising or training of horses or ponies.**
- 2. No such area shall be used for the staging of public events.**
- 3. No such structure shall be situated within 10 metres of any public road, and no entrance to such area shall be directly off any public road.**
- 4. The height of any such structure shall not exceed 2 metres.**

#### **4.0 ASSESSMENT**

##### **4.1 Consideration of Proposed Development:**

###### **A) "Is or is not Development"**

I consider the above listed proposals constitute "works" as understood by the Planning and Development Act 2000, as amended. The above listed



proposals therefore constitute "development" within the meaning of the Planning and Development Act 2000, as amended.

## **B) "Is or is not Exempted Development"**

I consider that Class 10, Schedule 2, Part 3 of the Planning and Development Regulations 2001 (as amended) is relevant to this assessment.

**An assessment of the proposal relevant to the conditions/limitations are set out below:**

### **4.2 1) No such structure shall be used for any purpose other than the exercising or training of horses or ponies.**

- there is no evidence that the structure would be used for purposes other than the exercising or training of horses or ponies.

### **2). No such area shall be used for the staging of public events.**

- the accompanying written text confirms that *'In relation to conditions and limits in column 2, the unroofed fenced area for the exercising or training of horses or ponies, shall only be used for the exercising or training of horses or ponies and shall not be used for the staging of public events.'*

### **3). No such structure shall be situated within 10 metres of any public road, and no entrance to such area shall be directly off any public road.**

- The exercise/training area is proposed to be located at least 50m from the nearer edge of the adjoining public road (L-1471-3) and there will be no direct access to the exercise/training area from that road.

### **4). The height of any such structure shall not exceed 2 metres.**

- the accompanying written text confirms that *'no part of the fenced area will exceed a height of 2 metres.'*

## **C) Is the exemption restricted under Article 9?**

Restriction set out under Article 9(1)(a)(i-ViiiA inclusive) has been considered and will not be breached by the proposed development.

## **AA:**

Restriction set out under Article 9(1)(a) (viiB) comprises development in relation to which a planning authority or An Bord Pleanála is the competent

authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site. The proposal is accompanied by a screening report in respect of AA which has determined that an appropriate assessment of the proposed development is *not* required as it can be excluded on the basis of objective scientific information that the proposed development, individually or in combination with other plans/projects will have a significant effect on a European Sites – the North Inishowen Coast pNHA and SAC (site codes: 002012). The Planning Authority being the competent authority concurs with the findings, it is also noted that the planning authority recently determined that Screening for AA was not required on the adjacent site, planning ref : 25/61324 refers.

## **EIA**

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. EIA is not required in respect of the development.

## **Conclusion:**

It is considered that:

- (i) the development of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all weather surface having a stated area of 40m X 25m and will be enclosed with ranch fencing not exceeding 2m in height is considered to be “**development**” within the meaning of the Planning & Development Act, 2000, As Amended, being works and is **exempted development** as it satisfies the Conditions & Limitations under Schedule 2, Part 3, Class 10 of the Planning and Development Regulations, 2001, As Amended.
- (ii) In considering this referral, particular regard was given to –
  - (a) Sections 2,3 and 4 of the Planning and Development Act, 2000, as amended
  - (b) Class 10, Part 3 of Schedule 2 Planning & Development Regulations 2001, as amended.
  - (c) Article 9 of the Planning & Development Regulations 2001, as amended.

## **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 being:**

**(i) the development of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all weather surface having a stated area of 40m X 25m, enclosed with ranch fencing not exceeding 2m in height.**

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

(a) Sections 2,3 and 4 of the Planning and Development Act, 2000, As Amended

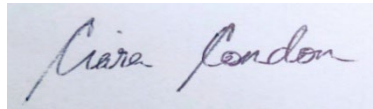
(b) Class 10, Part 3 of Schedule 2 Planning & Development Regulations 2001, As Amended.

(c) Article 9 of the Planning & Development Regulations 2001, as amended.

**And concluded that:**

The proposal constitutes "**development**" within the meaning of the Planning and Development Act 2000, As Amended and is "**exempted development**" pursuant to Class 10 Part 3 of Schedule 2 Planning & Development Regulations 2001, As Amended.

**Signed:**

A rectangular box containing a handwritten signature in cursive script that reads "Maria London".

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**Position: Executive Planner**  
**Community Development & Planning Services**

**Date: 24/02/2026**

A handwritten signature consisting of the initials "FS" in a stylized, cursive font.

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Frank Sweeney  
Senior Executive Planner  
Community Development & Planning Services  
25/02/2026

**DONEGAL COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT ACT, 2000 (AS AMENDED)**

**Chief Executive  
Order No:**

2026PH0549

**Ref Number:**

S526/14

**Section 5:**

Request received 6<sup>th</sup> February 2026 from Catherine & James O'Donnell C/o MG Architects & Valuers, Millbrae House, Millbrae, Lower Main Street, Buncrana, Co. Donegal F93 P27H in relation to an unroofed fence area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface at Carrowtrasna, Greencastle, Co. Donegal.

**Submitted:**

Written request received 6<sup>th</sup> February 2026 as above and report dated 24<sup>th</sup> February 2026 from the Planner (Ref. No: S5 26/14 refers).

**Order:**

Having considered the said request, the report of the 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 EXECUTIVE PLANNER**

DATED THIS 27<sup>th</sup> DAY OF FEBRUARY 2026

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Ref. No: S526/14 - Chief Executive Order No: 2026PH0549

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 and 4 of the Planning and Development Act, 2000, As Amended
- Class 10, Part 3 of Schedule 2 Planning & Development Regulations 2001, As Amended.
- Article 9 of the Planning & Development Regulations 2001, as amended.

And concluded that:

The proposal constitutes IS **DEVELOPMENT** within the meaning of the Planning and Development Act 2000, As Amended and IS **EXEMPTED DEVELOPMENT** pursuant to Class 10 Part 3 of Schedule 2 Planning & Development Regulations 2001, As Amended.

JS 27/02



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

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

County House,  
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**E:** planning@donegalcoco.ie

**Ref. No:** S526/14

27<sup>th</sup> February 2026

CATHERINE & JAMES O'DONNELL  
C/O MG ARCHITECTS & VALUERS  
MILLBRAE HOUSE  
MILLBRAE  
LOWER MAIN STREET  
BUNCRANA  
CO. DONEGAL  
F93 P27H

**Re: An unroofed fence area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface at Carrowtrasna, Greencastle, Co. Donegal.**

A Chara,

I refer to your request received on 6<sup>th</sup> February 2026 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 Executive Planner  
Planning Services**

/jmcc

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

**(Declaration and Referral on Development and Exempted Development)**

**DECLARATION**

**Chief Executive Order No:** 2026PH0549  
**Reference No:** S526/14  
**Name of Requester:** CATHERINE & JAMES O'DONNELL  
C/O MG ARCHITECTS & VALUERS  
MILLBRAE HOUSE  
MILLBRAE  
LOWER MAIN STREET  
BUNCRANA  
CO. DONEGAL  
F93 P27H

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

An unroofed fence area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface.

**Location:** Carrowtrasna, Greencastle, Co. Donegal.

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

**IS** Development

**IS** Exempted Development

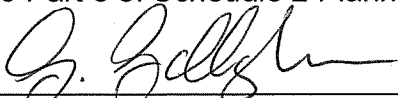
**WITHIN THE MEANING OF THE ABOVE ACT**

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

- Sections 2,3 and 4 of the Planning and Development Act, 2000, As Amended
- Class 10, Part 3 of Schedule 2 Planning & Development Regulations 2001, As Amended.
- Article 9 of the Planning & Development Regulations 2001, as amended.

**And concluded that:**

The proposal constitutes IS **DEVELOPMENT** within the meaning of the Planning and Development Act 2000, As Amended and IS **EXEMPTED DEVELOPMENT** pursuant to Class 10 Part 3 of Schedule 2 Planning & Development Regulations 2001, As Amended.



**For Senior Executive Planner  
Planning Services**

**Dated this 27<sup>th</sup> day of February 2026**