From:
To:
Subject:
Date:
Attachments:

TERESA CONWAY MARTINA PARKE (PLANNING) FW: Section 5 Application 06 March 2025 14:34:24 image001.png Section 5 application form.pdf Site Layout Plan.pdf site location.pdf Proposed Extension plans.pdf

From: CARMEL KELLY <CKELLY@donegalcoco.ie> On Behalf Of planning mailbox
Sent: 05 March 2025 12:33
To: TERESA CONWAY <TCONWAY@Donegalcoco.ie>
Subject: FW: Section 5 Application

From: Oran (M Friel Architects) <<u>oran@mfrielarchitects.ie</u>>
Sent: 05 March 2025 12:29
To: planning mailbox <<u>Planning@Donegalcoco.ie</u>>
Subject: Section 5 Application

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

Hi,

I would like to make a section 5 application for my client Ronan Farrell. I have paid the €80.00, receipt number 664413. If there is anything else just let me know.

Kind Regards

Oran, **RIBA** Chartered Architect



On behalf of:

**Michael Friel** 

#### Architects & Surveyors Ltd

Creeslough Letterkenny Co Donegal T: 074 9541853 M: 087 286 9658 E: <u>oran@mfrielarchitects.ie</u>



**Planning Services** 

**RECEIVED DATE: 05/03/2025** 

#### 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

	Ronan Farrell	
Agent Name: (if applicable)	Michael Friel Architects and Surveyors	
Location of Proposed Development / Works: (Townland or postal address as appropriate and Eircode if available)	Leabrannagh, Arranmore Island, Donegal	
Description of Proposed Development i (Only works listed below will be assessed	including details of works (where applicable): under this section 5 application)	



Is the development a Protected	Yes	No	
Structure or within the curtilage of a Protected Structure?		х	
Has a declaration under Section 57 of	Yes	No	
the Planning and Development Act 2000 (as amended) been requested or issued in respect of the property.		Х	
Applicant(s) Interest in the site:	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:	General Arrangement Drawings, Site layout plan, site location map.		
Planning History - list any relevant planning application reference numbers:	2460868		
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:	man netherit		
Date:	05/03/2025		



### **Additional Contact Information**

#### NOT TO BE MADE AVAILABLE WITH APPLICATION

Please note:

1) The applicant's address **must** be submitted on this page.



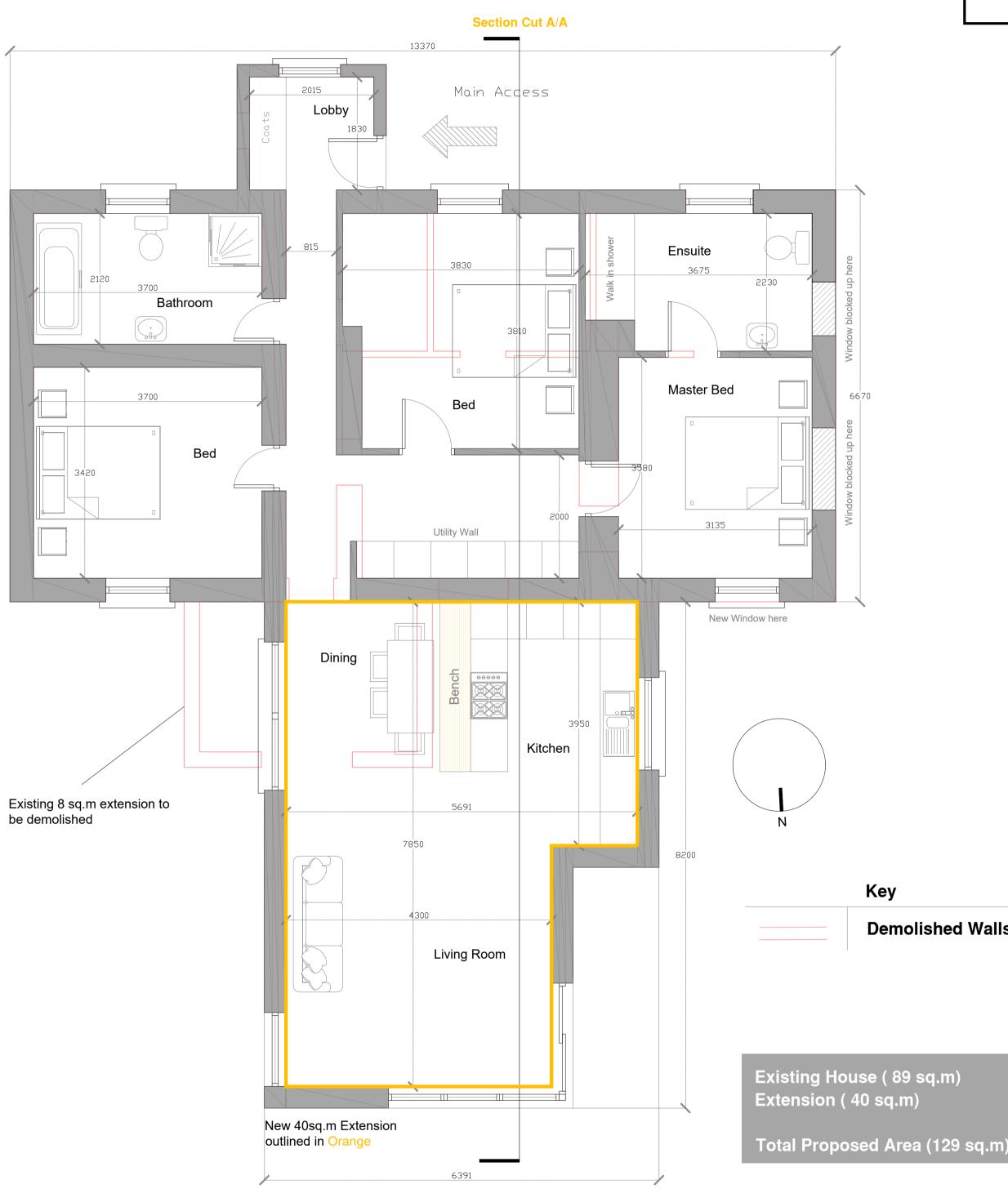


#### **Advice to Applicant**

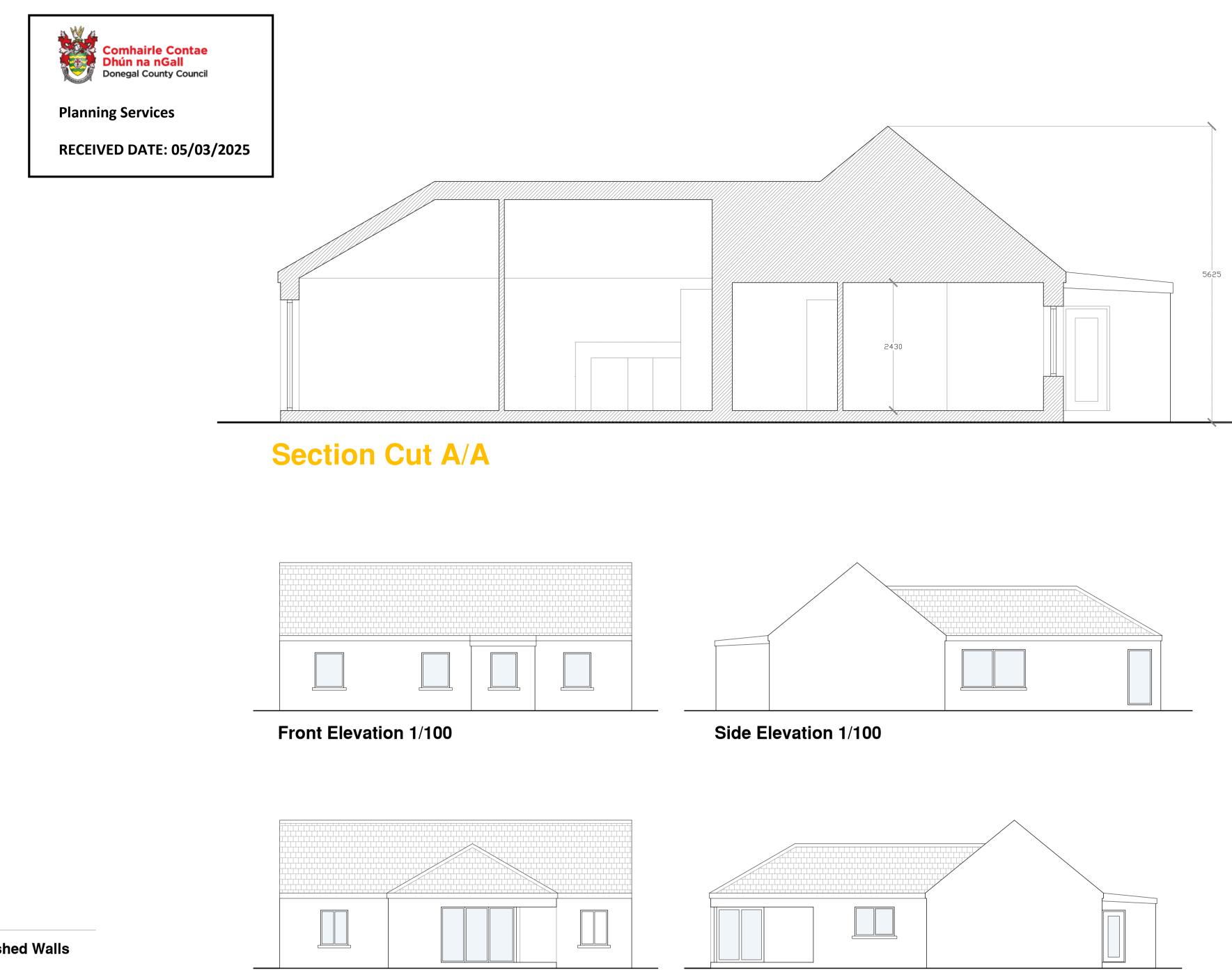
- (a) **Prescribed Fee** €80.00 You may wish to pay the fee by card by ringing the cash office on 074 9153900. Please note the receipt number in your cover email with the form.
- (b) Application must be accompanied by:
  - Site location map with site clearly outlined in red (to a scale of not less than 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 <u>by email</u> to <u>planning@donegalcoco.ie</u>
- (d) More information on exempted development can be found on the OPR planning leaflets available at <u>https://www.opr.ie/planning-leaflets/</u>

# **Proposed Extension Plans**

Draft Plan, Elevations and Section



**Ground Floor Plan 1/50** 



**Demolished Walls** 

Rear Elevation 1/100

### Side Elevation 1/100

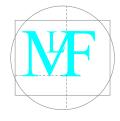
Job Title: Proposed Extension at Leabrannagh, Arranmore Island, Co. Donegal,

**Drawing Title:** General Arrangement Drawings

Client: Ronan Farrell

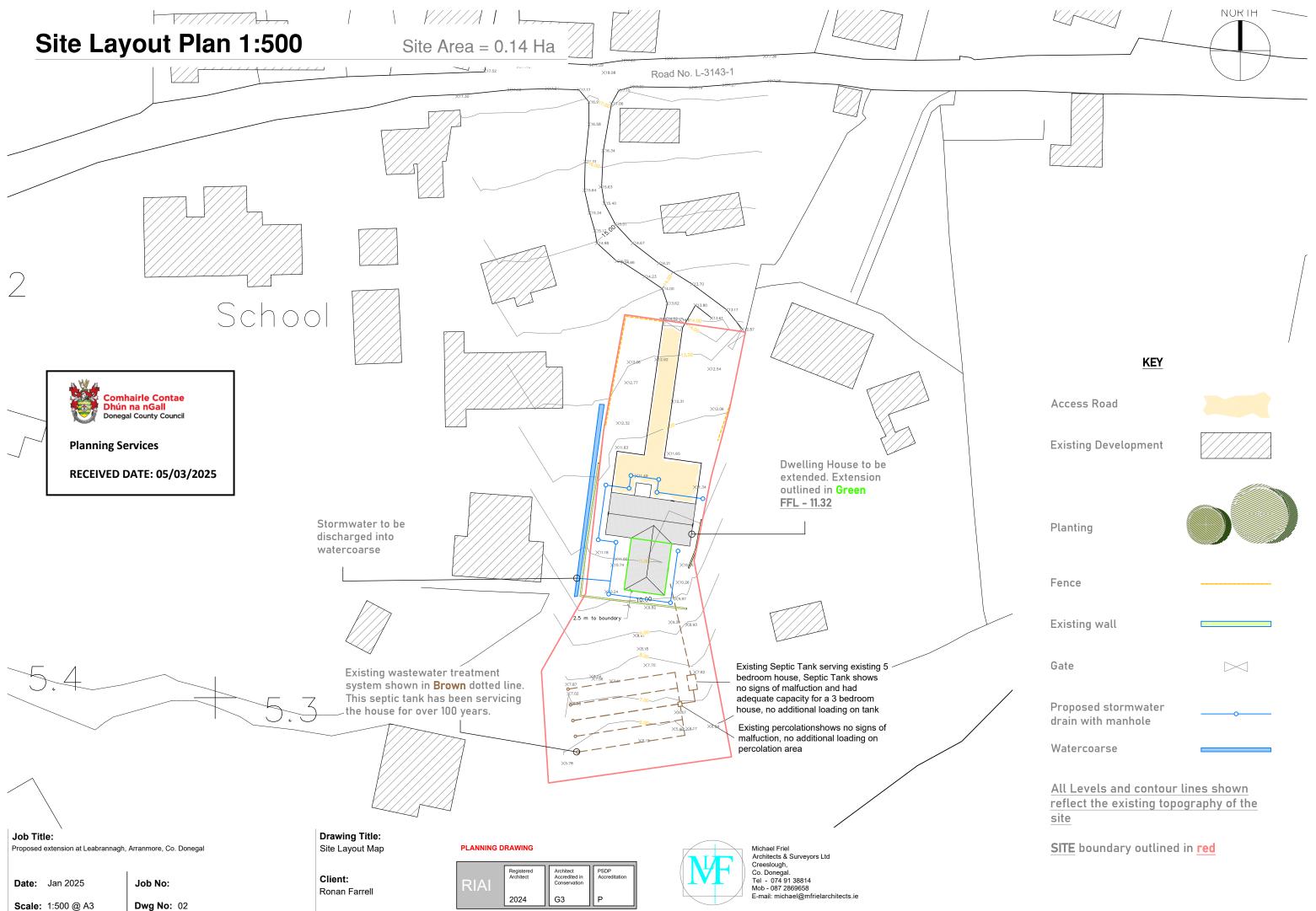
Scale: As Shown Job No.

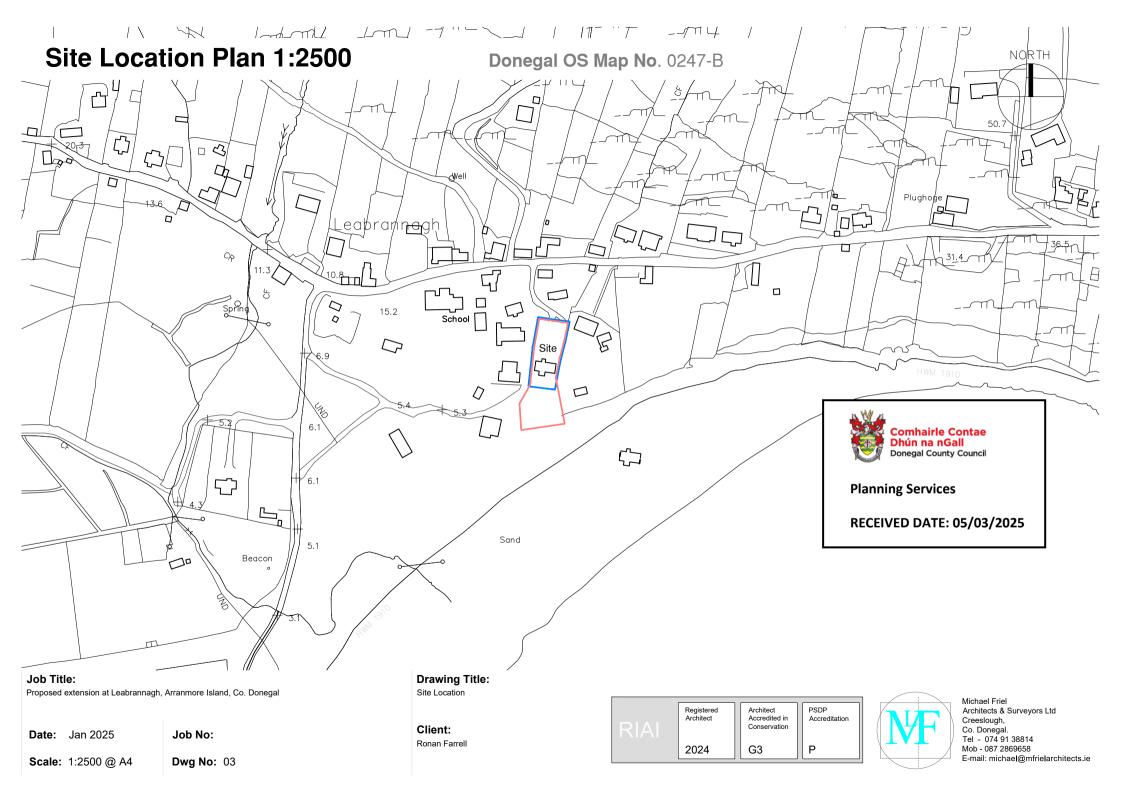
Date: Jan 2025 Drawing No. 01.



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

RIAI	Registered Architect	Architect Accredited in Conservation	PSDP Accreditation
	2024	G3	Р







#### Comhairle Contae Dhún na nGall

Dhún na nGall Donegal County Council Áras an Chontae, Leifear, Contae Dhún na nGall, F93 Y622

County House, Lifford, County Donegal, F93 Y622 T: 074 91 53900 E: info@donegalcoco.ie W: www.donegalcoco.ie W: www.ccdhunnangall.ie

Planning Services E: planning@donegalcoco.ie

#### E-mail: oran@mfrielarchitects.ie

#### Our Ref: S525/26

7<sup>th</sup> March, 2025

Ronan Farrell C/o Michael Friel Architects & Surveyors Ardara Main Street Co Donegal

### Re: Section 5 - Application for proposed development at Leabrannagh, Aranmore Island, Co Donegal.

A Chara,

I wish to acknowledge receipt of your application received on 5<sup>th</sup> March, 2025 in relation to the above.

Yours sincerely,

Martina Parke

Donegal County Council Planning Services



#### SECTION 5 REFERRAL REPORT - Ref. No: S24/59

#### 1.0 BACKGROUND

#### 1.1 Location:

Leabrannagh, Arranmore Island, Donegal

#### 1.2 Planning History:

 24/60868 – declared withdrawn - (1) DEMOLITION OF AN EXISTING DWELLING HOUSE, (2) ERECTION OF A REPLACEMENT DWELLING HOUSE WITH NEW CONNECTION TO EXISTING SEPTIC TANK AND ALL OTHER ASSOCIATED SITE DEVELOPMENT WORKS

#### **1.3** Site description

An existing dwelling house which is single storey in character is located on the subject site. The site is located within a cluster of dwellings and a school is located to the north-west.

The subject site is located within an area of High Scenic Amenity and within a Structurally Weak Rural Area.

The existing dwelling is not on the Council's Record of Protected Structures nor is it included on the National Inventory of Architectural Heritage.

The subject site is located approx. 50 metres to the north-west of Rutland Island and Sound SAC.

#### 1.4 **Proposed Development:**

The development the subject of this Section 5 referral relates to an extension.

The rear extension measures 40sqm.

#### 2.0. The question

The referrer seeks a declaration to confirm whether the above proposal is exempted development. The Question as set out in the Section 5 application states:

"Proposed extension to dwelling house under the 40 sqm threshold"

#### 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 4(1)

The following shall be exempted development 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 structure.

#### 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."

#### 3.2 Planning & Development Regulations 2001 (as amended)

#### Article 6(1)

Subject to Article 9, development of class specified in Column 1 of Part 1 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 1 opposite the mention of that class in the said column 1.

#### Class 1 of Part 1 of Schedule 2 (Exempted Development - General)

The extension of a house, by the construction or erection of an extension (including conservatory) to the rear of the house or by the conversion for use a part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

#### Conditions and Limitations:

- 1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.
  - (b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.
  - (c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.
- 2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.
  - (b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.
  - (c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.
  - 3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.
  - 4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.
    - (b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.
    - (c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.
    - 5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.
    - 6.(a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.
      - (b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

- (c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.
- 7. The roof of any extension shall not be used as a balcony or roof garden.

#### 4.0. Assessment

- 4.1 County Donegal Development Plan, 2024-2030 applies.
- 4.2 The subject site is located approx. 50m from Rutland Island and Sound SAC.

#### 4.3 Consideration of the Proposed Development:

- i. The proposed extension is located to the rear of the existing dwelling house and consists of a single storey extension with a floor area of 40 sq.m. (i.e. does not exceed 40sqm).
- ii. The windows at ground floor level on the proposed extension are located approx. 6m from the western site boundary and approx. 5.5m from the eastern site boundary. (i.e. no windows within 1m of the boundary it faces).
- iii. The height of the walls of the extension do not exceed the height of the existing rear walls and the roof does not exceed the highest point of the roof of the dwelling.
- iv. Having regard to Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended) the proposed development is in accordance with the criteria of that Class 1 and can be considered as Development and as Exempted Development under Class 1.
- *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 (see attached screening report).

#### 5.0 Conclusion:

It is considered that:

 Construction of an extension to the rear of the existing dwelling house constitutes "development" within the meaning of the Act, being works, and is exempted development under *Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended)*;

#### 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:

The development the subject of this Section 5 referral relates to a single storey rear extension to an existing dwelling which has a floor area of 40sqm (i.e. does not exceed 40sqm).

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

- a. Section 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended), and
- b. Class 1 of Part 1 of Schedule 2 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 falls with the scope of Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

ABradley

Assistant Planner 31/03/2025.

Frank Sweeney Senior Executive Planner Community Development & Planning Services 01/04/2025

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

Applicant Name: Ronan Farrell

Plan.Reg.No: S5 25/26

#### **1.0** Description of Project

The subject site is located in Leabrannagh, Arranmore Island. The applicant is seeking the construction of a single storey extension to the rear of the existing dwelling on site.

#### 2.0 Natura 2000 sites

Rutland Island and Sound Special Area of Conservation (Site Code 002283 refers) is located approx. 50m to the south-east of the site.

#### 2.1 Site Synopsis for Rutland Island and Sound SAC (Site code 002283)

Rutland Island and Sound lies between Aran Island and Burtonport in north-west Donegal, 5km north-west of Dunglow. Besides Rutland itself a number of other small rocky islets are also included in the site. The bedrock of Rutland Island is granite, but the dune systems on the island are highly calcareous.

The site is a candidate SAC selected for eight habitats listed on Annex I of the E.U. Habitats Directive: fixed dunes and lagoon, both priority habitats, Marram dunes, embryonic shifting dunes, dune slacks, drift lines, reefs and large shallow inlets and bays.

On the western side of the island, vigorous embryonic dunes with Sand Couch (*Elymus farctus*) are backed by dunes with Marram (*Ammophila arenaria*) and Common Milkwort (*Polygala vulgaris*) and by fixed grey dunes with Kidney Vetch (*Anthyllis vulneraria*), Common Bird's-foot-trefoil (*Lotus corniculatus*), Lady's Bedstraw (*Galium verum*), Biting Stonecrop (*Sedum acre*) and mosses (*Tortula* spp.). The fixed dunes grade into dune grassland. Good dune slacks, flushes and marshes also occur in places. Plants typically occurring in these damp areas include Cuckooflower (*Cardamine pratensis*), Bog Pimpernel (*Anagallis tenella*), Water Mint (*Mentha aquatica*) and Selfheal (*Prunella vulgaris*). Snipe have also been recorded in these wet areas. The south end of the island has good drift line vegetation characterised by Orache sp. (*Atriplex* sp.).

Sally's Lough, which is situated inn the eastern part of the site, is a good example of a saline lake lagoon. While the lagoon basin is entirely natural, the narrow tidal inlet is apparently artificial. Seawater enters the lake on most tides but is diluted by rainfall running off the surrounding hills. Depth is up to 4 m and salinity has varied from 28 ppt to 34.3 ppt. Two lagoonal specialists, Tasselweed (*Ruppia* spp.) and the green alga *Chaetomorpha linum*, were

recorded in a recent survey, as well as a rare alga, *Cladophora battersii,* which grows unattached on the lagoon bed. Extensive underwater

cliffs occur in the southwestern quarter. These support a moderately diverse macroalgal flora. Common Reed (*Phragmites australis*) occurs at the western end of the lake and the lagoon habitat is relatively rich, with 49 extra taxa recorded in a recent survey. Four species are regarded as lagoonal specialists: *Onoba aculeus, Cerastoderma glaucum, Idotea chelipes* and *Conopeum seurati.* Two further species, *Ampithoe ramondi* and *Lembos longipes* are rare in Ireland.

Rutland Channel and Sound is a complex of shallow reefs and sediment communities heltered from wave action with varying degrees of current. The intertidal reefs are ypical of these conditions with high species richness in the tide-swept sublittoral fringe. The shallow sublittoral reefs have excellent examples of tide-swept kelp communities with varying degrees of sand scour in which species richness is high and a number of species considered to be worthy of conservation occur, in particular, the sea squirt *Stolonica socialis*. The site displays a range of sediment types from coarse shelly sand to fine sand. The free-living red calcareous algae known as maerl (also called 'coral') occurs at several locations at the more open coastal sites on the south of Rutland Island. Beds of seagrass *Zostera marina*, which host the rare hydroid *Laomedea angulata* and the southern species of burrowing anemone *Anthopleura ballii*, are also present.

Rutland Island and Sound contains important examples of eight habitats listed on Annex I of the E.U. Habitats Directive. The presence of a number of rare marine species adds further to the conservation importance of the site. 24.03.2003

#### 2.2 Conservation Objectives for Rutland Island and Sound SAC (Site code 002283)

Objective: To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:

The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. These habitats and species are listed in the Habitats and Birds Directives and Special Areas of Conservation and Special Protection Areas are designated to afford protection to the most vulnerable of them. These two designations are collectively known as the Natura 2000 network. The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.

- Start 002283
- □ [1150] \* Coastal lagoons
- □ [1160] Large shallow inlets and bays
- [1170] Reefs
- [1210] Annual vegetation of drift lines
- [1365] Phoca vitulina
- □ [2110] Embryonic shifting dunes
- [2120] Shifting dunes along the shoreline with Ammophila arenaria ("white dunes")
- [2130] \* Fixed coastal dunes with herbaceous vegetation ("grey dunes")
- [2190] Humid dune slacks

#### 3.0 Assessment of Likely effects:

Further to an assessment of the proposed development and on the basis of the following principle reasons:

• The fact that the development would not result in any direct loss or fragmentation of any Natura 2000 site.

• The nature and scale of the proposed development on a brownfield site (an extension to an existing dwelling);

The Planning Authority is of the opinion that the proposed development will not have a significant effect on the Rutland Island and Sound Special Area of Conservation (Site Code 002283)

#### 4.0 Screening Determination:

That an appropriate assessment of the development is not required as it can be excluded on the basis of objective scientific information that the proposed development will have a significant effect on nearby Natura 2000 Sites - Rutland Island and Sound Special Area of Conservation (Site Code 002283).

ABradley

Assistant Planner 31/03/2025.

#### Chief Executive's Order No: 2025PH0832

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

<u>SECTION 5:-</u> Request received 5<sup>th</sup> March, 2025 from Ronan Farrell, C/o Michael Friel Architects & Surveyors, Main Street, Ardara, Co Donegal in relation to a single storey rear extension to an existing dwelling which has a floor area of 40sqm at Leabrannagh, Aranmore Island, Co Donegal

**SUBMITTED:-** Written request received 5<sup>th</sup> March 2025 as above and report dated 31<sup>st</sup> March, 2025 from the Assistant Planner (Ref. No: S525/26 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.

SENIC

DATED THIS

DAY OF APRIL 2025

#### Chief Executive's Order No: 2025PH0833

#### Ref.No: S525/26

#### <u>SCHEDULE</u>

#### 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
- Class 1 of Part 1 of Schedule 2 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 falls with the scope of Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

ys 01/04



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

County House, Lifford, County Donegal, F93 Y622 T: 074 91 53900 E: info@donegalcoco.ie W: www.donegalcoco.ie W: www.ccdhunnangall.ie

Planning Services E: planning@donegalcoco.ie

Ref. No: S525/26

1st April, 2025

Ronan Farrell C/o Michael Friel Architects & Surveyors Main Street Ardara Co Donegal

# Re: A single storey rear extension to an existing dwelling which has a floor area of 40sqm at Leabrannagh, Aranmore Island, Co Donegal

A Chara,

I refer to your request received on 5<sup>th</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 Pleanala 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 /mp

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

#### DECLARATION

Reference No: S525/26

Name of Requester: Ronan Farrell C/o Michael Friel Architects & Surveyors Main Street Ardara Co Donegal

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

A single storey rear extension to an existing dwelling which has a floor area of 40sqm

Location: Leabrannagh, Aranmore Island, 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:

- Section 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended), and
- Class 1 of Part 1 of Schedule 2 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 falls with the scope of Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

For Senior Ex. Planner Planning Services

Dated this 1<sup>st</sup> day of April, 2025