

ADDRESS: Drumlackagh, Carrigart, Co. Donegal

TEL: 085 787 3813

E-MAIL: kenneth.mccorkell@yahoo.com

23rd January 2026

Donegal County Council
Planning Authority
County House
Lifford
County Donegal



Planning Services

RECEIVED DATE: 29/01/2026

Re: Section 5 Application for declaration on development and exempt development for the construction of an Agricultural Slurry Storage Tank at Drumbrick, Termon, Co. Donegal.

Schedule of documents: -

1. Section five application form
2. Floor plans, elevations and section 1/50 & 1/100 Scale
3. Site layout plan 1/500 Scale
4. Site location map 1/2500 Scale
5. Consent from neighbouring homeowners
 - Kevin Mc Cafferty 97.7m to South West
6. Receipt No. for payment is 667173

I trust the above is in order but if you require anything further please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink that reads 'K. Mc Corkell'.

Kenneth Mc Corkell



SECTION 5 APPLICATION


FOR DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

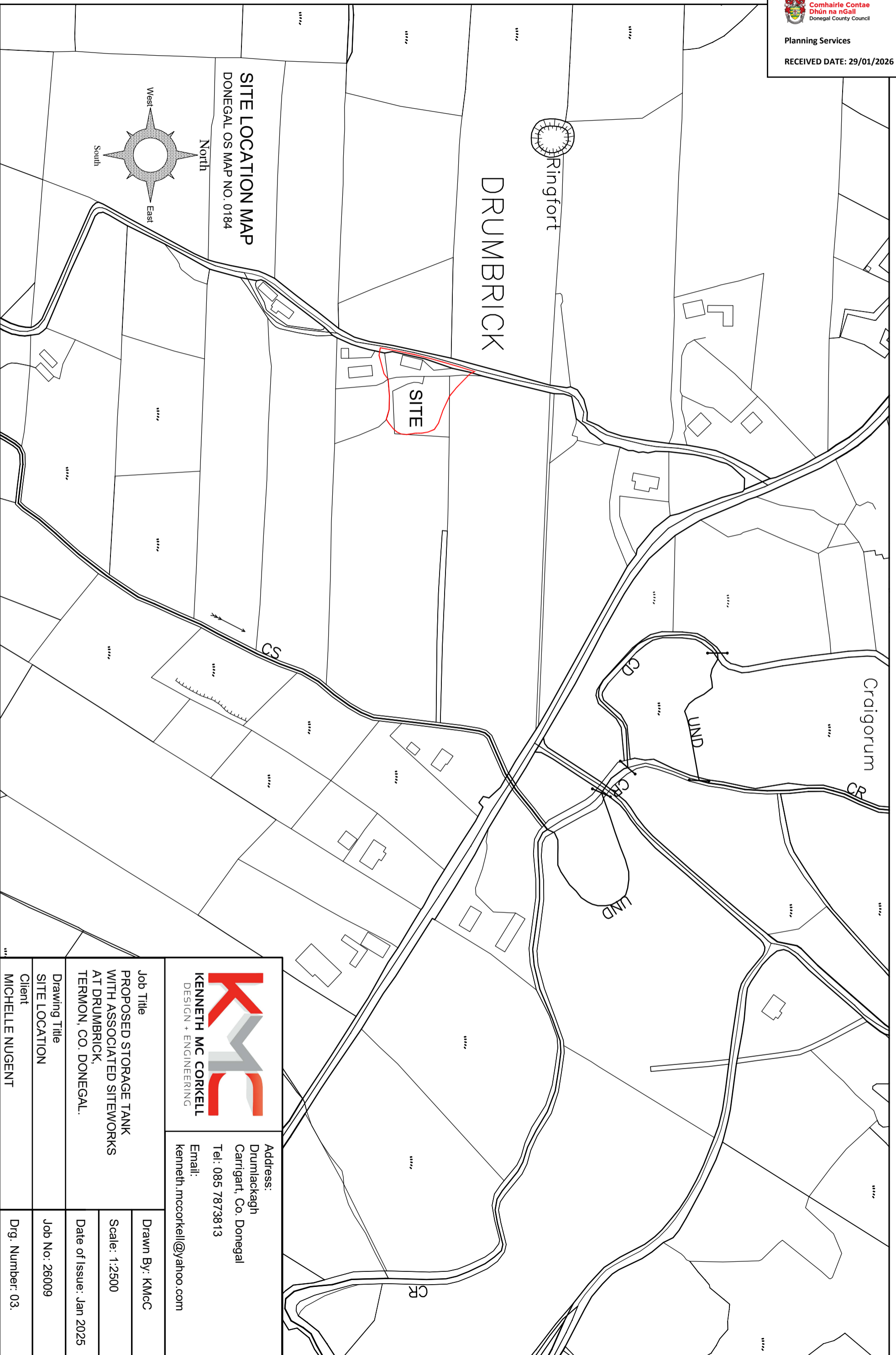
Completed application form & supporting documentation to be returned to the Planning Authority **by email to planning@donegalcoco.ie**

Name of Applicant(s):	Michelle Nugent
Agent Name: (if applicable)	Kenneth Mc Corkell
Location of Proposed Development / Works: (Townland or postal address as appropriate and Eircode if available)	Drumbrick, Termon, Letterkenny
Description of Proposed Development including details of works (where applicable): (Only works listed below will be assessed under this section 5 application)	
<p>Proposal consists of the construction of a slurry storage tank.</p> <p>Proposed tank will have a volume of 465.6m³.</p> <p>Existing storage on site consists of 388.8m³</p> <p>In total the proposed storage on site will have a total volume of 854.4m³.</p>	

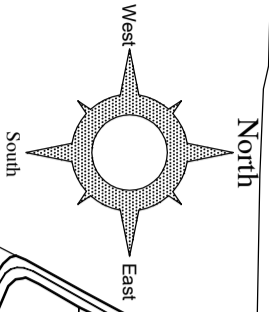


Is the development a Protected Structure or within the curtilage of a Protected Structure?	Yes	No
		x
Has a declaration under Section 57 of the Planning and Development Act 2000 (as amended) been requested or issued in respect of the property.	Yes	No
		x
Applicant(s) Interest in the site:	Owner/ Transfer is in progress	
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 Site Layout & Location	
Planning History - list any relevant planning application reference numbers:		
Are you aware of any enforcement proceedings connected to the site? If so, please supply details:	No	

I hereby certify that the information provided is true and accurate	
Signature of Applicant/Agent:	
Date:	23/01/2026



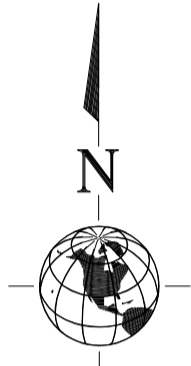
SITE LOCATION MAP
DONEGAL OS MAP NO. 0184



<p>KMC KENNETH MC CORKELL DESIGN + ENGINEERING</p>	<p>Address: Drumlackagh Carrigart, Co. Donegal Tel: 085 7873813 Email: kenneth.mccorkell@yahoo.com</p>	
	<p>Job Title PROPOSED STORAGE TANK WITH ASSOCIATED SITEWORKS AT DRUMBRICK, TERMON, CO. DONEGAL.</p>	<p>Drawn By: KMcC Scale: 1:2500 Date of Issue: Jan 2025</p>
<p>Drawing Title SITE LOCATION</p>	<p>Job No: 26009</p>	<p>Client MICHELLE NUGENT</p>
	<p>Drg. Number: 03.</p>	

BRICK

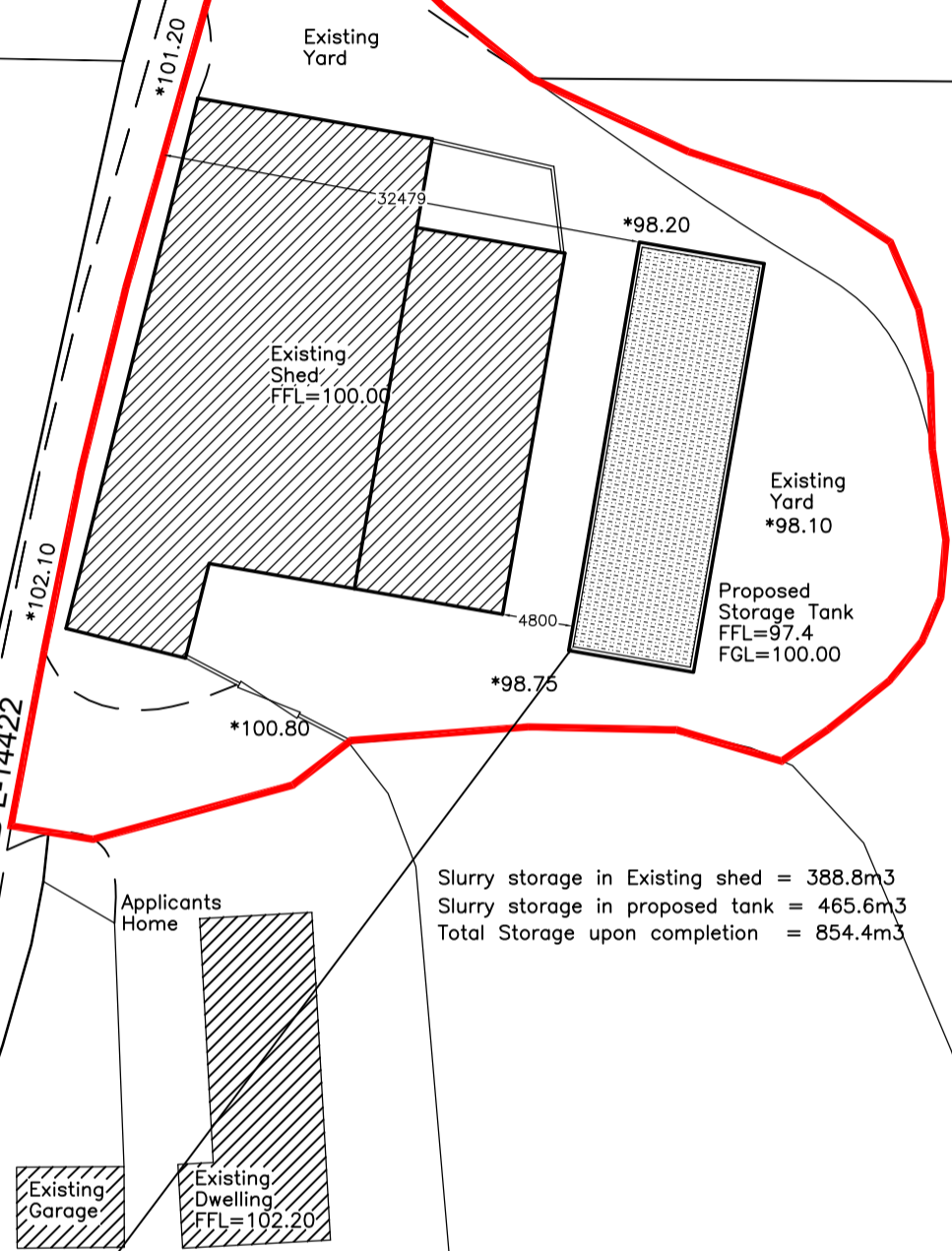
TO
N-56



SITE LAYOUT PLAN

SITE AREA = 0.25 Ha.

COUNTY ROAD L-14422



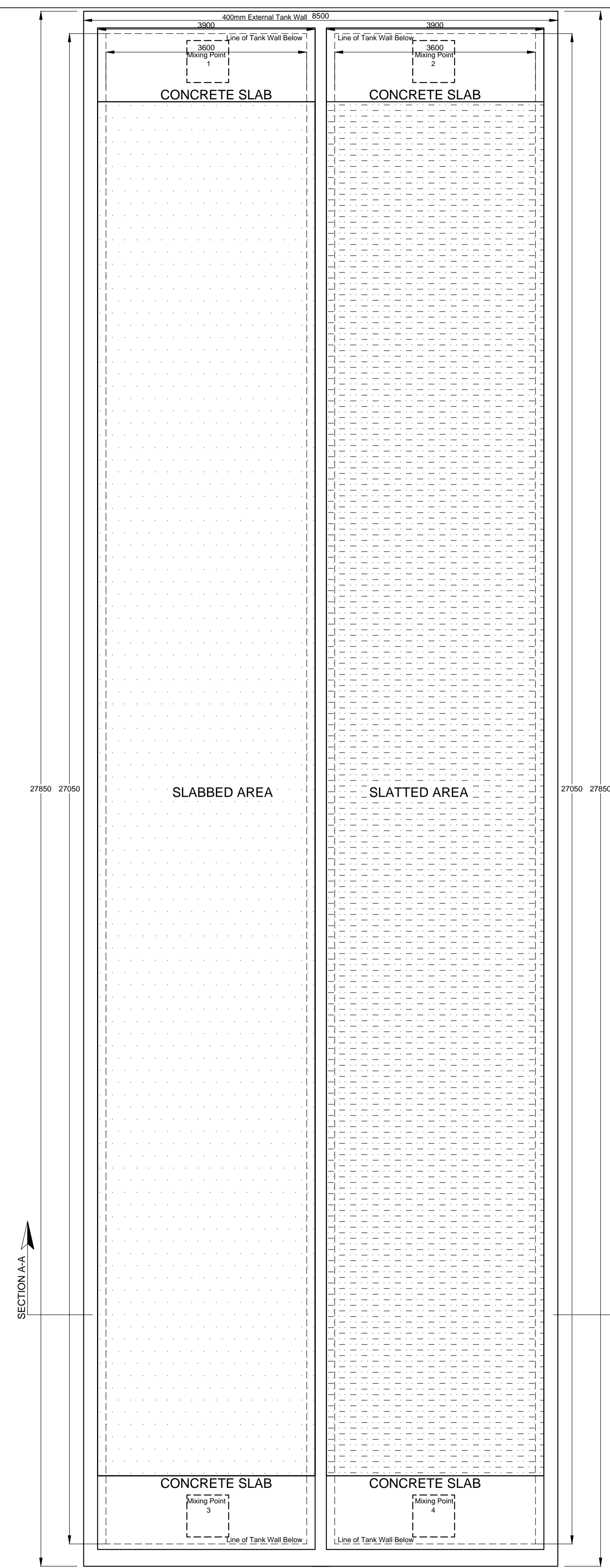
Slurry storage in Existing shed = 388.8m³
Slurry storage in proposed tank = 465.6m³
Total Storage upon completion = 854.4m³

Neighbours Dwelling
Consent given
to construct tank

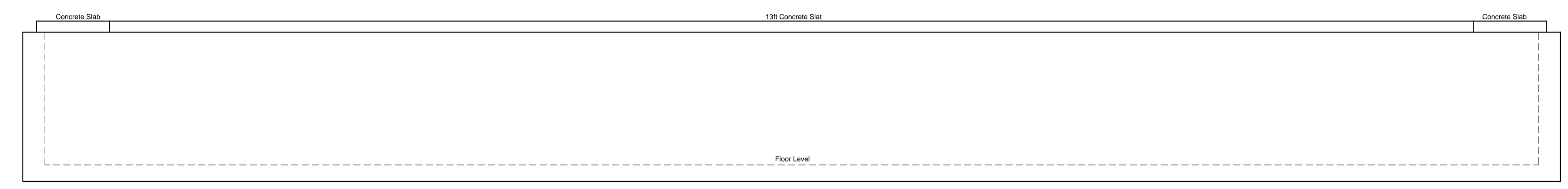


Address:
Drumlackagh
Carrigart, Co. Donegal
Tel: 085 7873813
Email:
kenneth.mccorkell@yahoo.com

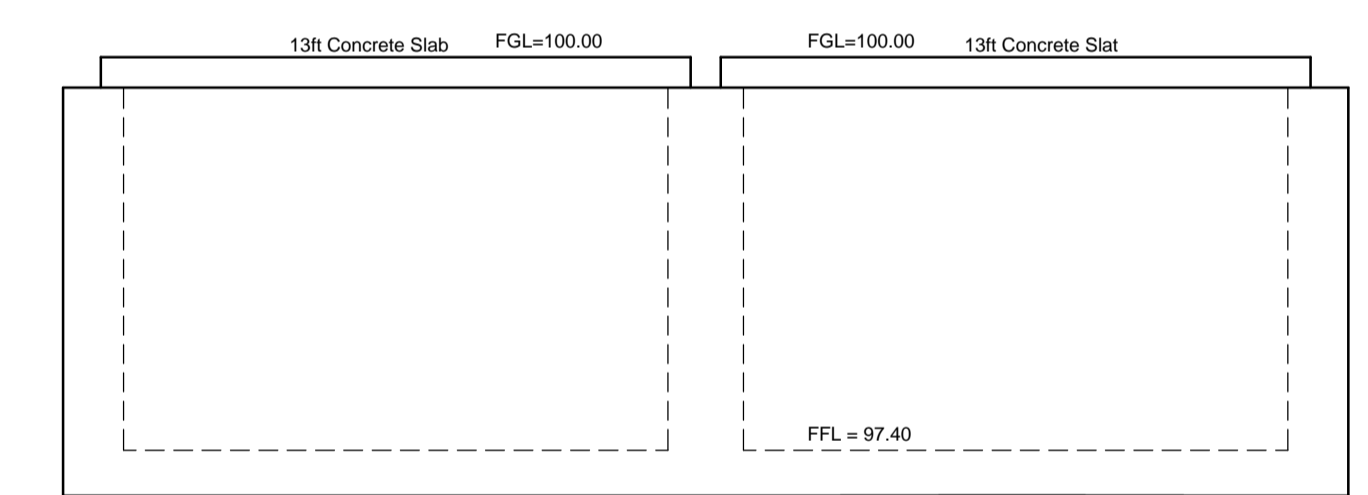
Job Title PROPOSED STORAGE TANK WITH ASSOCIATED SITEWORKS AT DRUMBRICK, TERMON, CO. DONEGAL.	Drawn By: KMcC
	Scale: 1:500
	Date of Issue: Jan 2025
Drawing Title SITE LAYOUT	Job No: 26009
Client MICHELLE MUGENT	Drq. Number: 02.



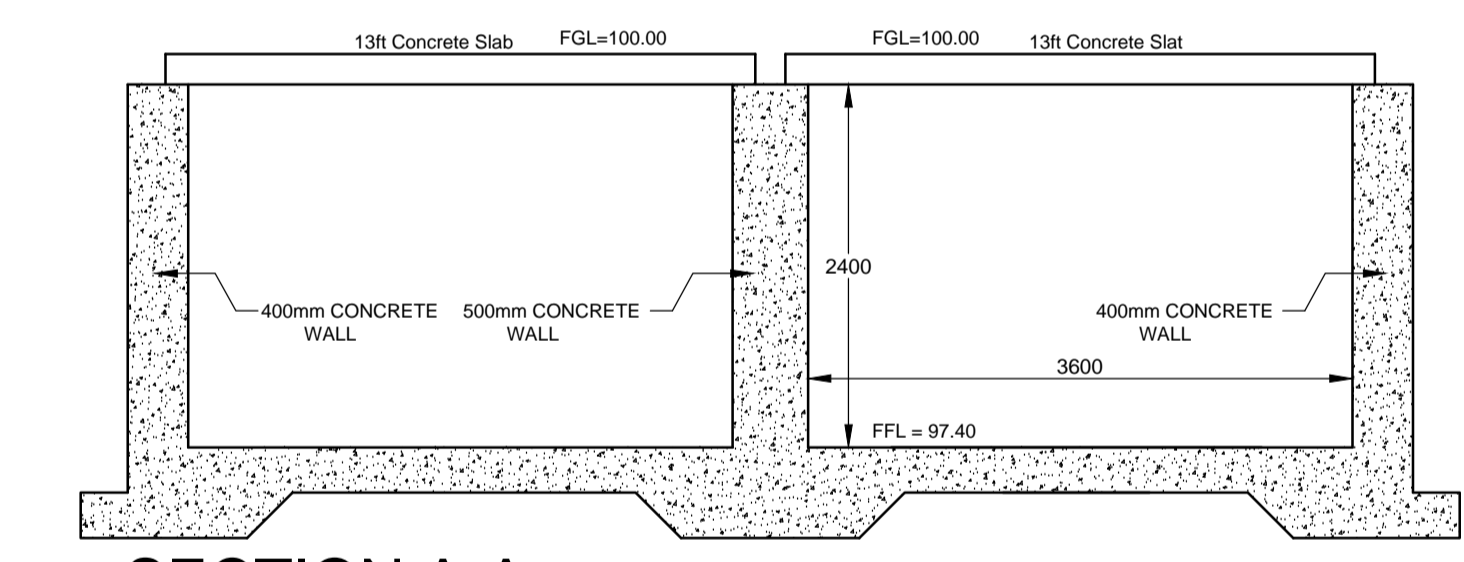
SIDE ELEVATION
Scale 1:50



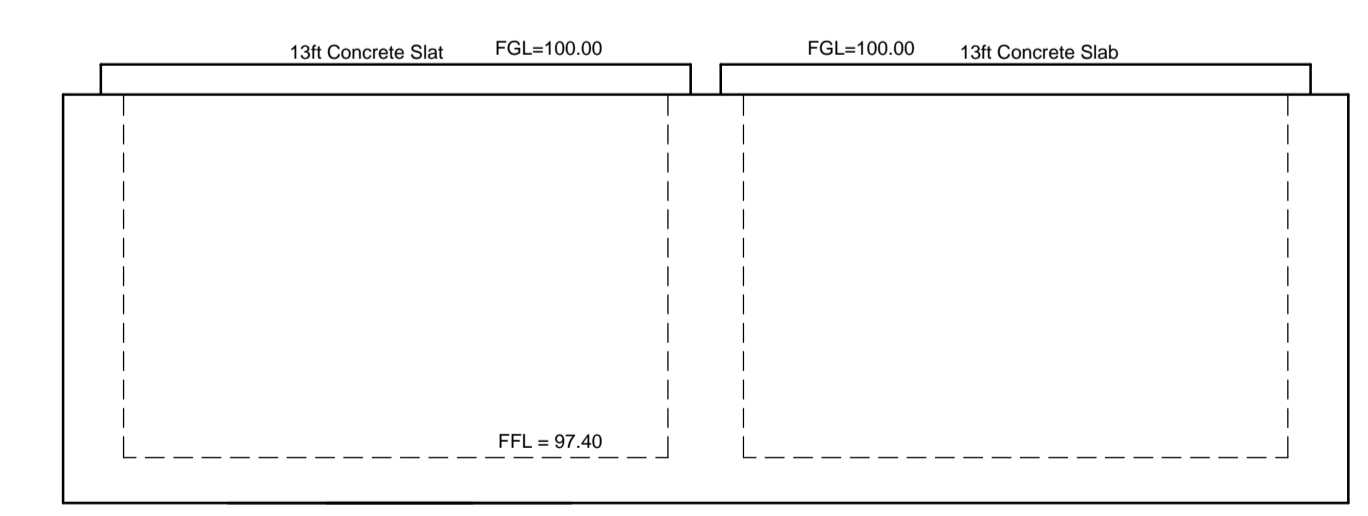
SIDE ELEVATION
Scale 1:50



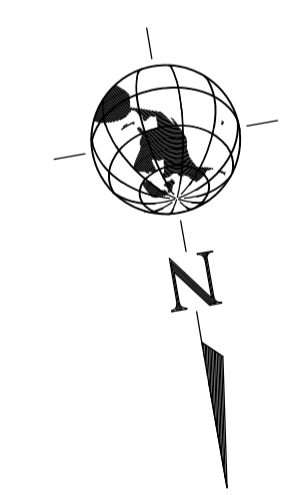
FRONT ELEVATION
Scale 1:50




SECTION A-A
Scale 1:50



REAR ELEVATION
Scale 1:50



TANK LAYOUT PLAN
 Scale 1:50
 TANK FLOOR AREA = 194sqm/ 2088sqft

 KENNETH MC CORKELL DESIGN + ENGINEERING	Address: Drumlackagh Carrigart, Co. Donegal Tel: 085 7873813 Email: kenneth.mccorkell@yahoo.com	
	Job Title PROPOSED SLURRY STORAGE TANK WITH ASSOCIATED SITEWORKS AT DRUMBRICK, TERMON, CO. DONEGAL.	Drawn By: KMcC Scale: 1:50 & 1:100 Date of Issue: Jan 2026
Drawing Title GENERAL ARRANGMENT Client MICHELLE NUGENT	Job No: 26009 Drg. Number: 01.	



Comhairle Contae
Dhún na nGall
Donegal County Council

Planning Services

RECEIVED DATE: 29/01/2026

To Whom It May Concern.

This is to confirm that I have no objection to Michelle Nugents application for a Section 5 Exemption to erect an underground agricultural storage tank and associated site works within 100m of my dwelling as outlined on the attached plans at Drumbrick, Termon, County Donegal.

Signed:

Ron M Coffey

Neighbouring Landowner.

Dated:

21/1/26



**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

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W: www.donegalcoco.ie
W: www.ccdhunnangall.ie

Planning Services
E: planning@donegalcoco.ie

E-mail: kenneth.mccorkell@yahoo.com

Our Ref: S526/10

29th January 2026

Michelle Nugent,
C/o Kenneth McCorkell,
Drumlackagh,
Carrigart,
Co. Donegal

Re: Application to determine if the construction of a slurry storage tank at Drumbrick, Termon, Letterkenny, Co. Donegal is “exempted development” or not.

A Chara,

I wish to acknowledge receipt of your application received on 29th January 2026 in relation to the above.

Yours sincerely,

Jade Pearson

Donegal County Council
Planning Services



SECTION 5 REFERRAL REPORT – Ref. No: S5 26/10

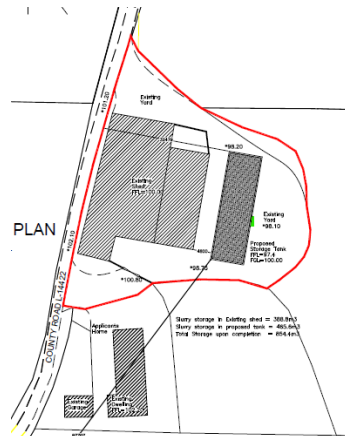
1.0 BACKGROUND

1.1 Location:

Drumbrick, Termon, Letterkenny, Co Donegal.

1.2 Site Description:

This is a plot of land within an existing farmyard situated along the county road L-14422-0. Access to the site is provided to the south of the existing sheds (residential access) and also to the north of the sheds.



1.3 Planning History

Year	Number	Decision	Description
93	263	Conditional	ERECTION OF DWELLING
18	51876	Conditional	CONSTRUCTION OF AN EXTENSION TO THE SIDE AND REAR OF EXISTING DWELLING HOUSE

1.4 Proposed Development:

Construction of a part-slatted underground slurry storage tank (465.6m³).

2.0. THE QUESTION

The applicant, Michelle Nugent, has made a submission to Donegal County Council seeking a Declaration of Exemption in relation to the construction of a slurry storage tank.

3.0 EVALUATION

3.1 Planning and Development Act, 2000

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

"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 and Development Regulations, 2001

Article 3: Interpretation

"gross floor space" means the area ascertained by the internal measurement of the floor space on each floor of a building (including internal walls and partitions), disregarding any floor space provided for the parking of vehicles by persons occupying or using the building or buildings where such floor space is incidental to the primary purpose of the building;

"unauthorised development" means, in relation to land, the carrying out of any unauthorised works (including the construction, erection or making of any unauthorised structure) or the making of any unauthorised use;

"unauthorised structure" means a structure other than—

- (a) a structure which was in existence on 1 October 1964, or
- (b) a structure, the construction, erection or making of which was the subject of a permission for development granted under Part IV of the Act of 1963 or deemed to be such under section 92 of that Act (or under section 34 , 37G or 37N of this Act), being a permission which has not been revoked, or which exists as a result of the carrying out of exempted development (within

the meaning of section 4 of the Act of 1963 or section 4 of this Act);

“unauthorised works” means any works on, in, over or under land commenced on or after 1 October 1964, being development other than—

- (a) exempted development (within the meaning of section 4 of the Act of 1963 or section 4 of this Act), or
- (b) development which is the subject of a permission granted under Part IV of the Act of 1963 F21 (or under section 34, 37G or 37N of this Act), being a permission which has not been revoked, and which is carried out in compliance with that permission or any condition to which that permission is subject;

Article 5(2): Interpretation for Exempted Development

In Schedule 2, unless the context otherwise required, an reference to the height of a structure, plant or machinery shall be construed as a reference to its height when measured from ground level, and for that purpose “ground level” means the level of the ground immediately adjacent to the structure, plant or machinery or, where the level of the ground where it is situated or is to be situated is not uniform, the level of the lowest part of the ground adjacent to it.

Article 6(1)

Subject to article 9, development of a 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.

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 3 Exempted Development - General Class 6A

Works consisting of a roofed structure for the storage of slurry, effluent or soiled water collected from agricultural buildings, agricultural farmyards and any ancillary provision to aid in the handling of the slurry, effluent or soiled water.

Conditions and Limitations (Column 2)

1. No such structure shall be used for any purpose other than the purpose of agriculture.
2. The maximum storage capacity of any such storage facility shall not exceed 1000 cubic metres.
3. The aggregate capacity of tanks, situated within the same farmyard complex, shall not exceed 1,500 cubic metres.
4. The structure having regard to its size, use and location shall be constructed in accordance with Department of Agriculture, Food and the Marine and Department of Housing, Local Government and Heritage requirements and shall have regard to the need to avoid water pollution. The structure shall not be an earth lined Slurry/Effluent Store.
5. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.
6. No such structure within 100 metres of any public road shall exceed 8 metres in height.
7. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building

or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

8. No such structure shall be constructed within a flood zone identified in statutory land use plans as Flood Zone A or Flood Zone B or where the probability of flooding is moderate to high or erosion control zone.

9. No such structure shall be within 60 metres of a public or private water source.

10. No such structure shall be situated, at the closest point, less than 50 metres from a water course or water body in the case of new farmyards, and not less than 10m in the case of extensions/modifications to an existing facility.

11. All such tanks shall be constructed in accordance with the relevant specification published by the Department of Agriculture, Food and the Marine in force at the time of construction of the tank.

12. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

13. The use of this Class of exemption requires a declaration from the relevant Planning authority under section 5 of the Principal Act, declaring the exemption is applicable prior to commencement of construction.

14. Ancillary provision shall include as appropriate the installation of any signage, fencing or other safety infrastructure as recommended by the Health and Safety Authority regarding Slurry Safety.

4.0 ASSESSMENT

4.1 Is or is not development

Having regard to sections 2 and 3 of the Planning and Development Act 2000, as amended the construction of a slurry storage tank constitutes development.

4.2 Is or is not exempted development

Class 6A of Part 3 of Schedule 2 to Article 6 of the Planning and Development Regulations (as amended) relates to roofed structures for the storage of slurry. It is considered that the proposed slurry tank is not a roofed structure and therefore does not come within this Class of development. It is therefore concluded that the proposed slurry storage tank is not exempted development.

On that basis, it is not considered necessary to consider the development any further against the conditions and limitations in Column 2 or Article 9 restrictions.

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:

Construct a slurry storage tank at Drumbrick, Termon, Letterkenny, Co Donegal.

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), and Articles 6(3), 9(1) and Class 6A of Part 3 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

and concluded that:

The proposal **IS DEVELOPMENT** within the meaning of Planning and Development Act, 2000 (as amended) and **IS NOT EXEMPTED DEVELOPMENT** as it does not fall within the scope of Class 6A of Part 3 of Schedule 2 of the Planning & Development Regulations 2001 (as amended) or any of the other developments listed in Column 1 which relate to agricultural structures.

Signed:

Position:

Date:

Assistant Planner

17th February 2026



Frank Sweeney
Senior Executive Planner
Community Development & Planning Services
17/02/2026

Chief Executive's Order No: 2026PH0502

Planning and Development Acts 2000 (as amended)

SECTION 5:-

Request received 29th January 2026 from Michelle Nugent, C/o Kenneth McCorkell, Drumlackagh, Carrigart, Co. Donegal in relation to the construction of a slurry storage tank at Drumbrick, Termon, Letterkenny, Co. Donegal.

SUBMITTED:-

Written request received 29th January 2026 as above and report dated 17th February 2026 from the Assistant Planner (Ref. No: S5 26/10 refers).

ORDER:-

Having considered the said request, the report of the Assistant 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 20th DAY OF FEBRUARY 2026



Chief Executive's Order No: 2026PH0502

Ref.No: S5 26/10

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), and
- Articles 6(3), 9(1) and Class 6A of Part 3 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

And concluded that:

The proposal **IS DEVELOPMENT** within the meaning of Planning and Development Act, 2000 (as amended) and **IS NOT EXEMPTED DEVELOPMENT** as it does not fall within the scope of Class 6A of Part 3 of Schedule 2 of the Planning & Development Regulations 2001 (as amended) or any of the other developments listed in Column 1 which relate to agricultural structures.

JS 20/02



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

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

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Lifford,
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W: www.ccdhunngall.ie

Planning Services
E: planning@donegalcoco.ie

Ref. No: S526/10

20th February 2026

Michelle Nugent,
C/o Kenneth McCorkell,
Drumlackagh,
Carrigart,
Co. Donegal

Re: Construction of a slurry storage tank at Drumbrick, Termon, Letterkenny, Co. Donegal

A Chara,

I refer to your request received on 29th January 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 Coimisiún within 4 weeks of the date of issuing of the Declaration.

Mise, le meas,

**For Senior Ex. Planner
Planning Services**

/jp

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

DECLARATION

Chief Executive's Order No: 2026PH0502

Reference No: S526/10

Name of Requester: Michelle Nugent,
C/o Kenneth McCorkell,
Drumlackagh,
Carrigart,
Co. Donegal

Summarised Description of development the subject matter of request:

Construction of a slurry storage tank

Location: Drumbrick, Termon, Letterkenny, Co. Donegal

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), and
- Articles 6(3), 9(1) and Class 6A of Part 3 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

And concluded that:

The proposal **IS DEVELOPMENT** within the meaning of Planning and Development Act, 2000 (as amended) and **IS NOT EXEMPTED DEVELOPMENT** as it does not fall within the scope of Class 6A of Part 3 of Schedule 2 of the Planning & Development Regulations 2001 (as amended) or any of the other developments listed in Column 1 which relate to agricultural structures



For Senior Ex. Planner
Planning Services

Dated this 20th day of February 2026