



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



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

Planning Services

RECEIVED DATE: 03/07/2025

SECTION 5 APPLICATION

FOR DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

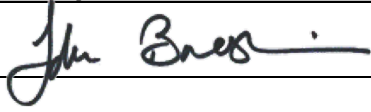
**Completed application form & supporting documentation to be returned to the
Planning Authority by email to planning@donegalcoco.ie**

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



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

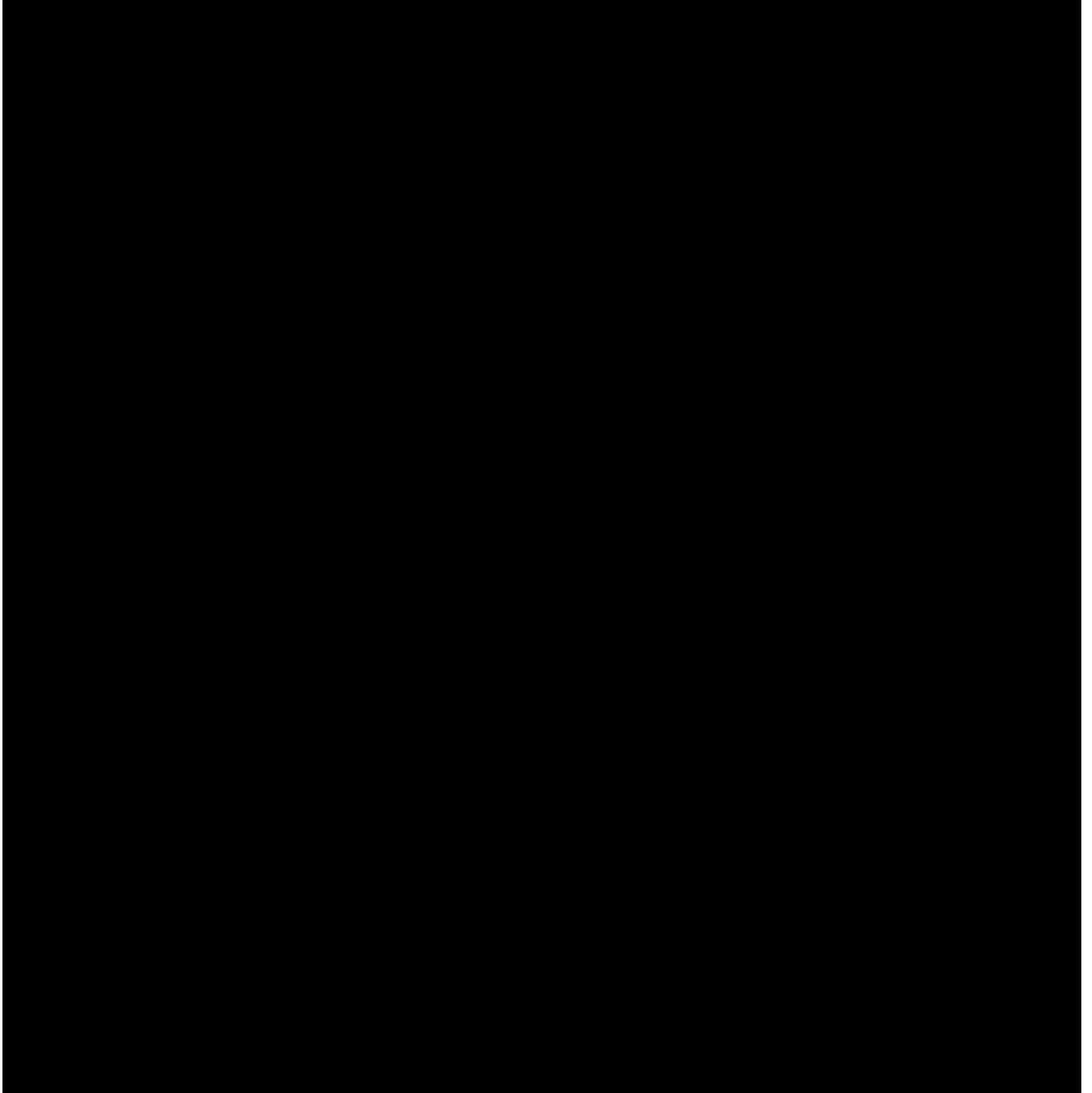
Is the development a Protected Structure or within the curtilage of a Protected Structure?	Yes	No
Has a declaration under Section 57 of the Planning and Development Act 2000 (as amended) been requested or issued in respect of the property.	Yes	No
Applicant(s) Interest in the site:		
If not the Owner of the site, please provide the name of the Landowner:		
Please list types of plans, drawings etc. submitted with this application:		
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:		

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



Comhairle Contae
Dhún na nGall
Donegal County Council

Additional Contact Information





Comhairle Contae
Dhún na nGall
Donegal County Council

Planning Services

RECEIVED DATE: 03/07/2025

Local Road, R-230-9

Approx. Position of site notice.

Center line of the road.

Existing Entrance.

Existing Entrance.

Existing Access Lanes.

Proposed Access road.

Proposed Bridge.

Existing Bridge.

CROW River

CROW River

FFL 182.50
RDG 186.72
Sheep Shed

FFL 183.36
EAV 187.98
RDG 190.19
Existing House.

Shed
FFL 185.25
EAV 187.73
RDG 188.20

FFL 185.84
EAV 188.34
RDG 190.16
Cottage.

Shed

Shed

Proposed Site Layout

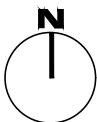
Site Area = 0.286 Hectares (c. 0.707 Acres)

Proposed Site Outlined in **RED**

Scale - 1:500

DRAWING LEGEND

- Site Boundary
- Land Ownership



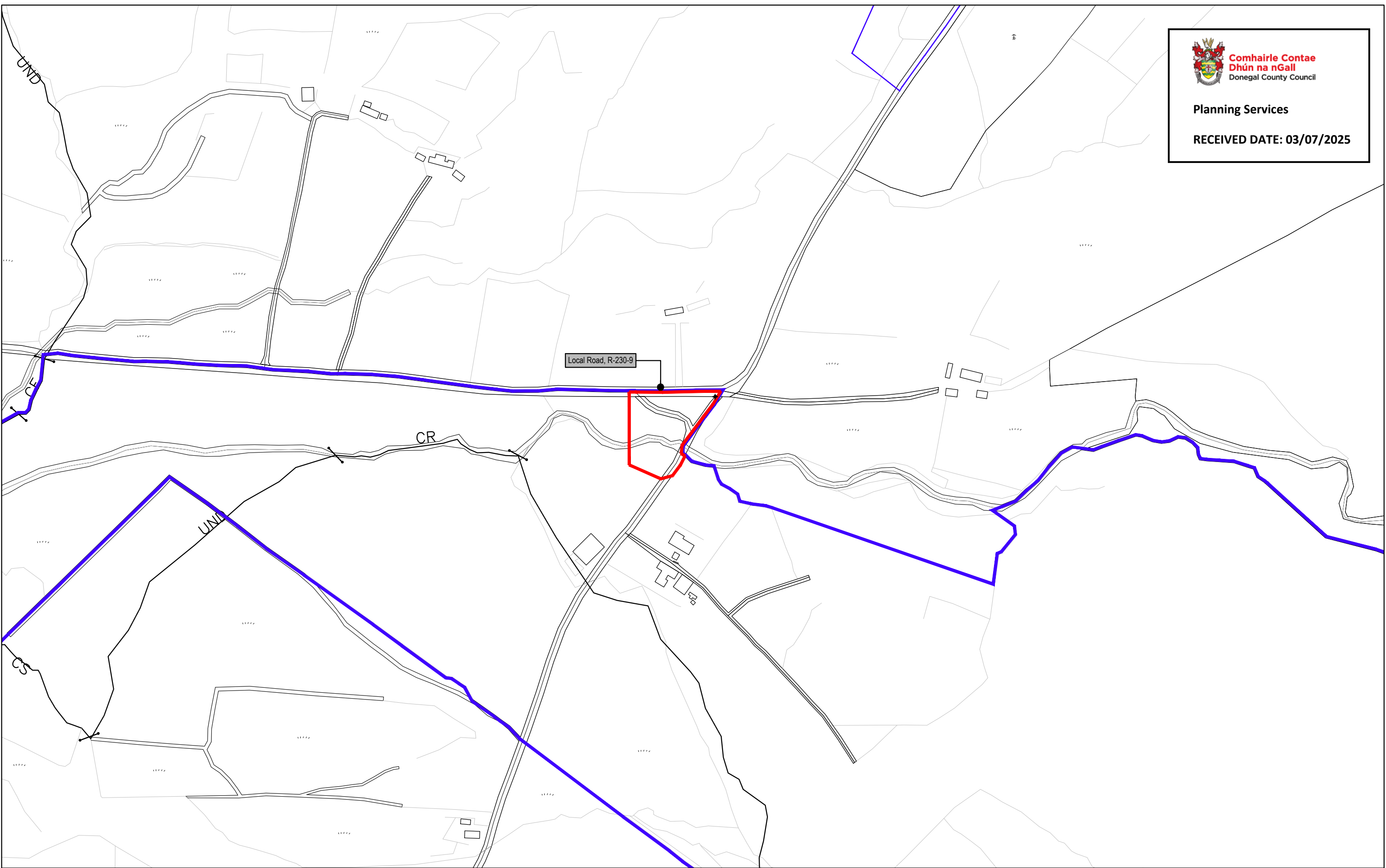
PROJECT	Development at Crowbane, Crove Upper, Carrick, Co. Donegal, F94 VWA46
CLIENT	Declan Boyle
DRAWING TITLE	Proposed Site Layout

PROJECT No.	2502	DRAWN	JB	CHECKED	
DATE	24.05.2025	DWG. No.	PL100	REV.	
SCALE	1:500	STATUS	DRAFT ISSUE - Section 5		

Drawing File Reference no.:



John Breslin - B.Sc. - RIAI (Arch Tech)
main street - ardara - co. donegal - F94 W6QH
t - (074) 95 41130 | m - (087) 826 5334 | e - jrbreslin@live.ie



Planning Services

RECEIVED DATE: 03/07/2025

SITE LOCATION MAP

OSi Sheet no. 0498

Grid Ref: **N: 884,453** **E: 566,858**

Scale - 1:2500

Proposed Site Outlined in **RED**

Overall Lands Outlined in **Blue**

DRAWING LEGEND

- Site Boundary
- Land Ownership



PROJECT	Development at Crowbane, Grove Upper, Carrick, Co. Donegal, F94 WA46
CLIENT	Declan Boyle
DRAWING TITLE	Site Location Map

PROJECT No	2502	DRAWN	JB	CHECKED	
DATE	24.05.2025	DWG. NO.	D001	REV.	
SCALE	1:2500	STATUS	DRAFT ISSUE - Section 5		

Drawing File Reference no. :



John Breslin - B.Sc. - RIAI (Arch Tech)
main street - andara - co. donegal - F94 W6OH
t - (074) 95 41130 | m - (087) 826 5334 | e - jbreslin@live.ie

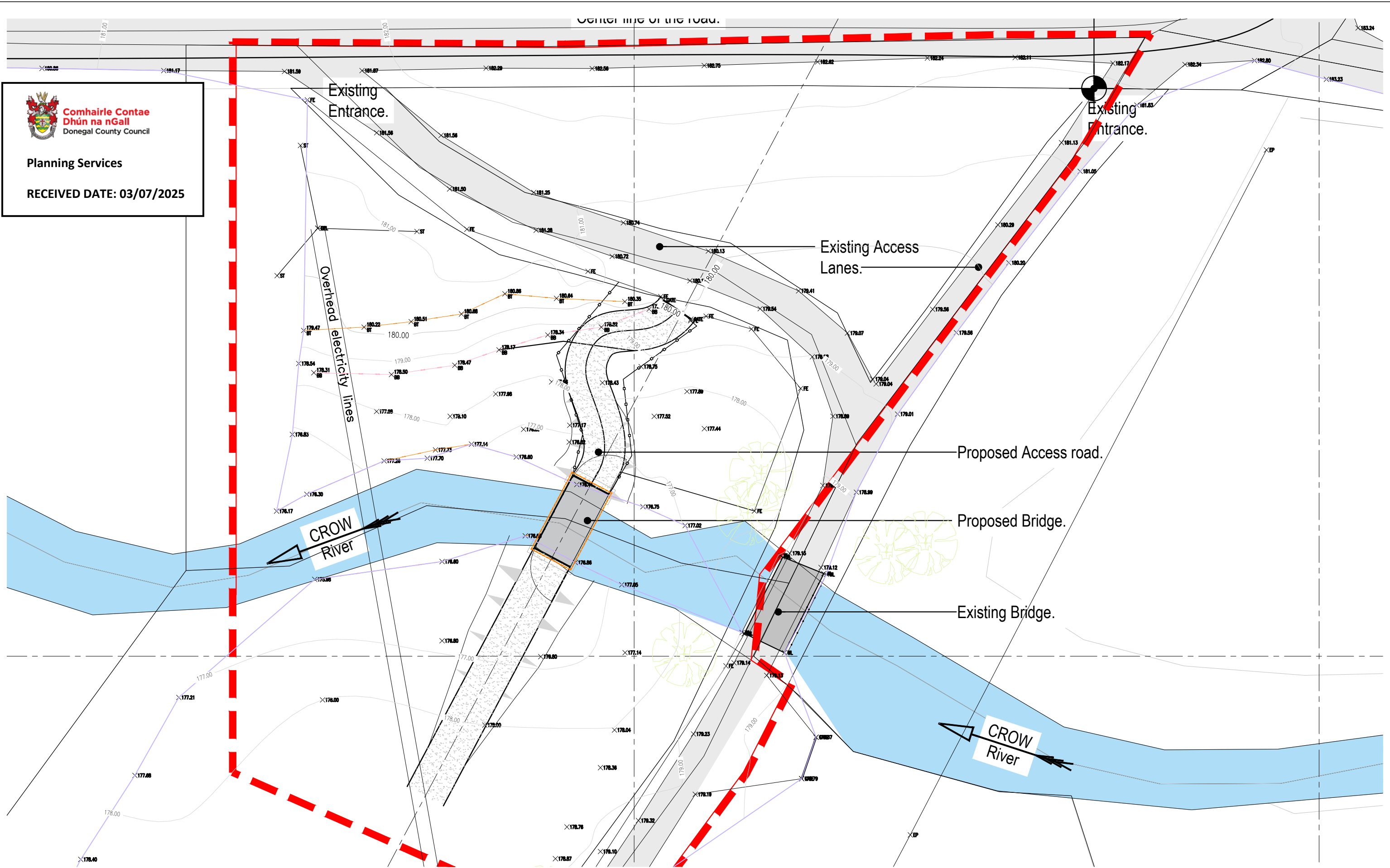


Comhairle Contae
Dhún na nGall

Donegal County Council

Planning Services

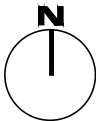
RECEIVED DATE: 03/07/2025



Proposed Site Layout
Site Area = 0.286 Hectares (c. 0.707 Acres)
Proposed Site Outlined in **RED**

Scale - 1:250

DRAWING LEGEND	
■	Site Boundary
■	Land Ownership

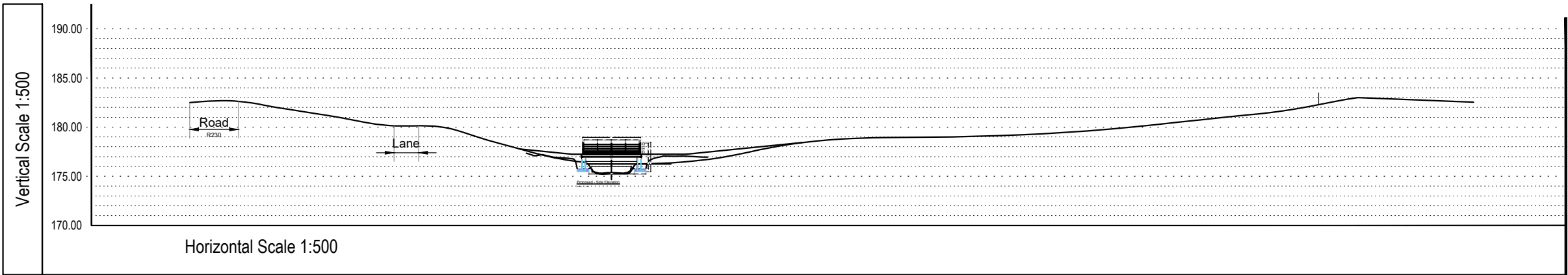


PROJECT	Development at Crowbane, Crove Upper, Carrick, Co. Donegal, F94 WA46
CLIENT	Declan Boyle
DRAWING TITLE	Proposed Site Layout

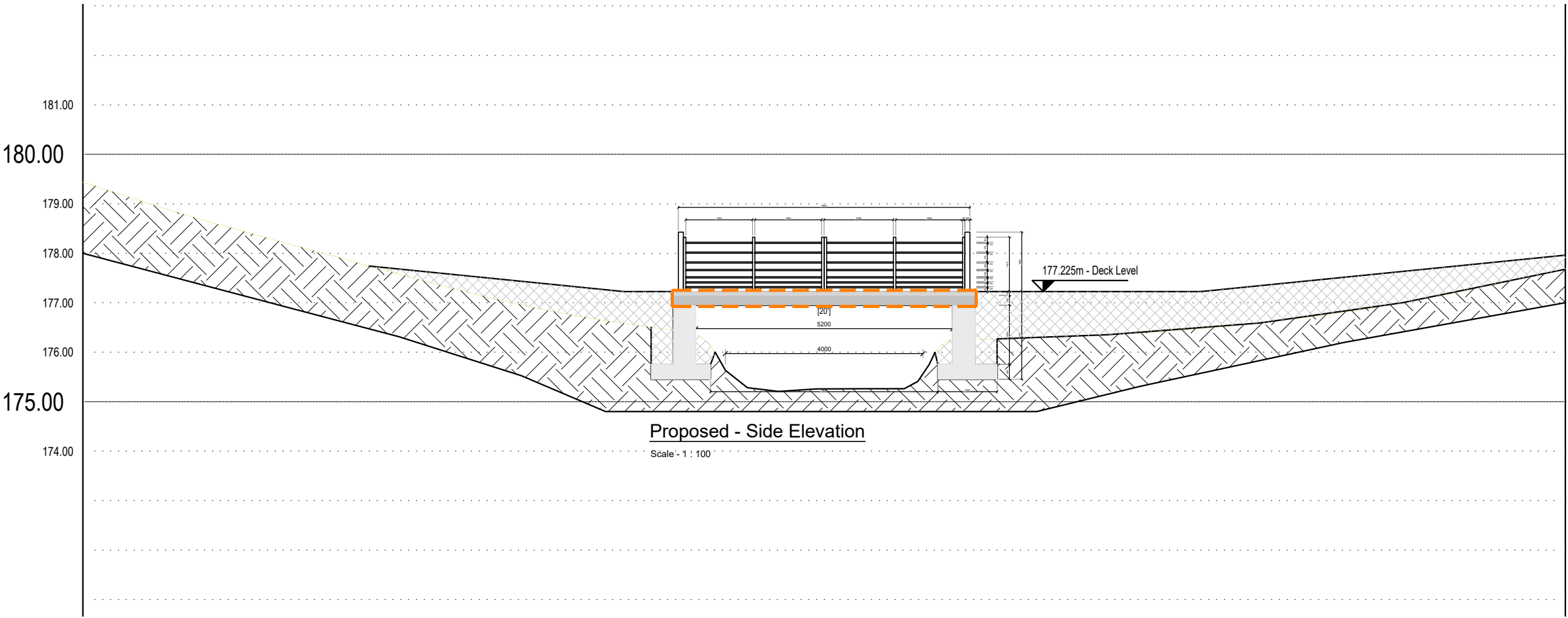
PROJECT No	2502	DRAWN	JB	CHECKED	
DATE	24.05.2025	DWG. NO.	PL102	REV.	
SCALE	1:250	STATUS	DRAFT ISSUE - Section 5		



John Breslin - B.Sc. - RIAI (Arch Tech)
main street - andara - co. donegal - F94 W60H
t - (074) 95 41130 | m - (087) 826 5334 | e - j.breslin@live.ie



SECTION X - X Scale 1: 500



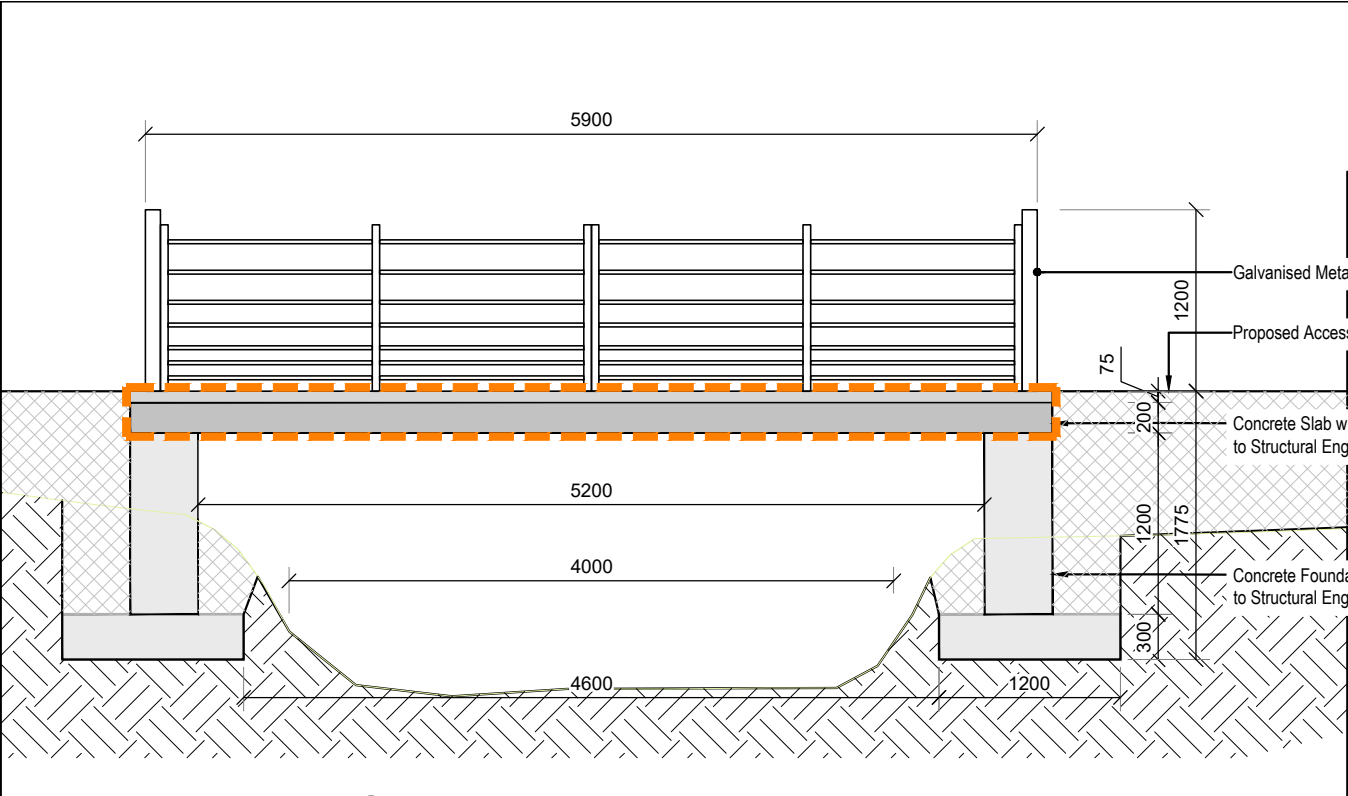
Proposed - Side Elevation

Scale - 1 : 100

Proposed Site Section

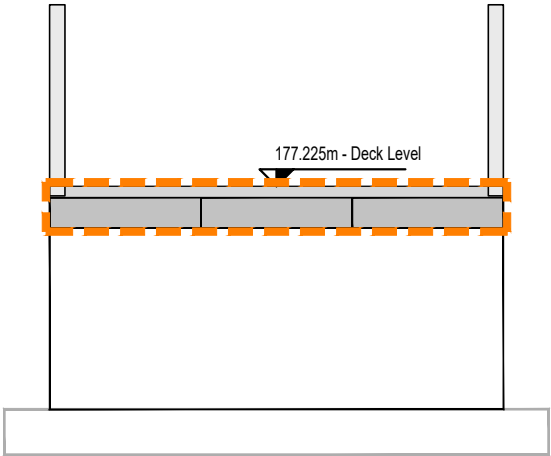
Scale - 1:100

PROJECT	Development at Crowbane, Crove Upper, Carrick, Co. Donegal, F94 WA46	PROJECT No	2502	DRAWN	JB	CHECKED	
CLIENT	Declan Boyle	DATE	24.05.2025	DWG. NO.	PL103	REV.	
DRAWING TITLE	Proposed Site Section	SCALE	1:500 1:100	STATUS	DRAFT ISSUE - Section 5		
Drawing File Reference no. :							



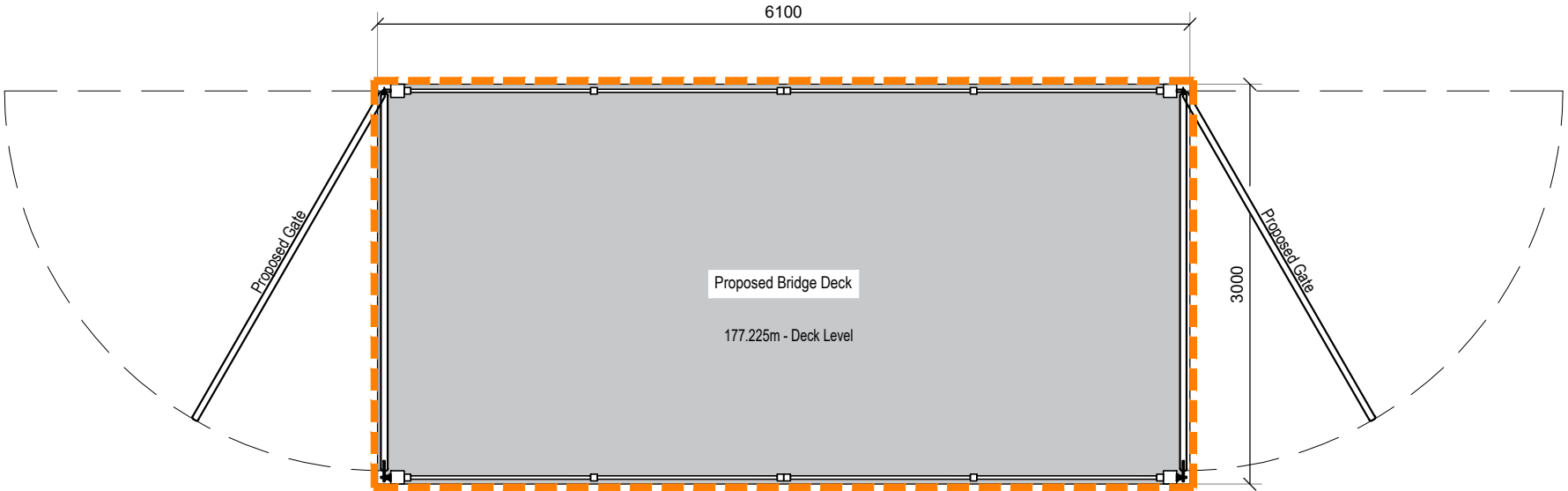
Proposed - Side - West Elevation

Scale - 1 : 100



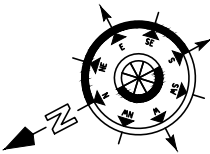
Proposed - Section
North Elevation

Scale - 1 : 100



Proposed - PLAN

Scale - 1 : 100





Comhairle Contae


Dhún na nGall

Donegal County Council

Planning Services

RECEIVED DATE: 03/07/2025

PROJECT	Development at Crowbane, Crove Upper, Carrick, Co. Donegal, F94 WA46	PROJECT No	2502	DRAWN	JB	CHECKED	
CLIENT	Declan Boyle	DATE	24.05.2025	DWG. NO.	PL200	REV.	
DRAWING TITLE	Proposed Plan, Section & Elevations	SCALE	1:100	STATUS	DRAFT ISSUE - Section 5		
Drawing File Reference no. :							



John Breslin - B.Sc. - RIAI (Arch Tech)

main street - andara - co. donegal - F94 W6OH

t - (074) 95 41130 | m - (087) 826 5334 | e - jbreslin@live.ie



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

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

County House,
Lifford,
County Donegal, F93 Y622

T: 074 91 53900
E: info@donegalcoco.ie
W: www.donegalcoco.ie
W: www.ccdhunnangall.ie

Planning Services
E: planning@donegalcoco.ie

E-mail: jbreslin@live.ie

Our Ref: S525/60

8th July, 2025

Declan Boyle
C/o John Breslin

Re: Section 5 - Application for proposed construction of a bridge across the 'Crow River' at Crove Upper, Carrick, Co Donegal, F94 WA46

A Chara,

I wish to acknowledge receipt of your application received on 3rd July, 2025 in relation to the above.

Yours sincerely,

Martina Parke

Donegal County Council
Planning Services



SECTION 5 REFERRAL REPORT – Ref.No: 25/60

Donegal County Council

1.0 COMMENTS

The subject site comprises agricultural lands at Crove Upper, Carrick. The lands fall between the local road and the applicant's dwelling and farm buildings.

The proposed works constitute one element as follows:

1. Construction of a bridge across the Crow River to facilitate movement of sheep across the river

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 entire site is located in an area designed as a 'structurally weak rural area' and of high scenic amenity in the County Donegal Development Plan 2024-2030.

2.0 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 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".

Section 4 Planning and Development Act 2000 (as amended)

'4 – (1) the following shall be exempted development for the purposes of this Act –

- (a) Development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used.'

4.0 ASSESSMENT

4.1 Consideration of Proposed Development:

- (i) The proposed development is to facilitate the movement of sheep within the land holding across an existing river.
- (ii) The proposed bridge is 5.9m long, 3m wide with guard rails on either side and is gated on both ends.
- (iii) Under Section 4(1)(a) the proposed development is to facilitate continued agricultural use of the overall lands and to increase safety for animals on the farm. For these reasons, the development constitutes development but is exempted development.

- (iv) It is considered that the proposed works noted above constitute “development” within the meaning of the Act, being works, but is exempted development coming within the scope of *Section 4 (1) (a) of Part 1 of the Planning & Development Act 2000 (as amended)*.
- (v) Appropriate assessment is not a consideration in the assessment of this referral.

4.2 Conclusion:

It is considered that:

- (vi) Construction of a bridge across the Crow River to facilitate movement of sheep within the land holding constitutes “development” within the meaning of the Act, being works, but is exempted development under the scope of Section 4 (1) (a) of the Planning & Development Act 2000 (as amended).

It should also be noted that in determining the subject section 5 referral regard was had to recent Section 5 referrals to An Bord Pleanála for determination.

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 to:

- (i) Construct a bridge to move sheep across a river within the land holding

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

- Section 2 (i), 3 (i), 4, 177U (9) of the Planning & Development Act 2000 (as amended)
- Section 4 (1) (a) of Part 1 of the Planning & Development Act 2000 (as amended).

And concluded that:

The proposal is development and is exempted development coming within the scope of Section 4 (1) (a) of Part 1 of the Planning & Development Act 2000 (as amended).

Advice.

The requester of this Section 5 referral is advised that, notwithstanding the construction of the bridge being exempted development under the Planning & Development Act 2000 (as amended), it is a legal requirement under Section 50 of the Arterial Drainage Act to obtain consent from the Office of Public Works for the constructing or altering bridges and culverts in the Republic of Ireland to ensure that flood risks are managed effectively.

Section 50 of the arterial drainage act 1945 mandates that no local authority, railway company, canal company, or similar body may construct or alter any bridge over a water course without obtaining consent from the commissioners. This is crucial to prevent any increase in flood risks upstream or downstream of the construction site

In summary, OPW Section 50 is a critical regulatory framework aimed at managing flood risks associated with the construction and alteration of watercourse infrastructure in the Republic of Ireland. Compliance with these regulations is essential for ensuring the safety and effectiveness of such projects.

Signed: *A. Quinn*

Position: Exec Planner

Date: 21/07/2025



Frank Sweeney

Senior Executive Planner

Community Development & Planning Services, 24/07/2025

Chief Executive's Order No: 2025PH2189

Planning and Development Acts 2000 (as amended)

SECTION 5:-

Request received 3rd July 2025 from Declan Boyle, c/o John Breslin, Main Street, Ardara, Co. Donegal, F94 W60H in relation to the construction of a bridge across the Crow River to facilitate the movement of sheep across the river within the landholding at Crove Upper, Carrick, Co. Donegal, F94 WA46.

SUBMITTED:-

Written request received 3rd July 2025 as above and report dated 21st July 2025 from the Executive Planner (Ref. No: S5 25/60 refers).

ORDER:-

Having considered the said request, the report of the Executive Planner, and the record forwarded to the Council by An Coimisiún Pleanála. in compliance with Sub-Section 6(c) of the said Section I have concluded that a declaration on the questions in the said request should be made in the terms of that in the Schedule to this Order, the main reasons and considerations therefore being detailed therein. I therefore Order that the declaration issue to the said requester and the owners/occupiers of the land concerned and, further, that it be entered in the Council's Planning Register in compliance with Sub-Section (5) of the said Section.


SENIOR EX. PLANNER

DATED THIS 25th DAY OF JULY 2025

LMG.

Chief Executive's Order No: 2025PH2189

Ref.No: S5 25/60

SCHEDULE

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

IS Development

IS Exempted Development

WITHIN THE MEANING OF THE ABOVE ACT

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

- Section 2 (i), 3 (i), 4, 177U (9) of the Planning & Development Act 2000 (as amended)
- Section 4 (1) (a) of Part 1 of the Planning & Development Act 2000 (as amended).

And concluded that:

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act 2000 (as amended) and **IS EXEMPTED DEVELOPMENT** as it comes within the scope of Section 4 (1) (a) of Part 1 of the Planning & Development Act 2000 (as amended)

Advice

The requester of this Section 5 referral is advised that, notwithstanding the construction of the bridge being exempted development under the Planning & Development Act 2000 (as amended), it is a legal requirement under Section 50 of the Arterial Drainage Act to obtain consent from the Office of Public Works for the constructing or altering bridges and culverts in the Republic of Ireland to ensure that flood risks are managed effectively.

Section 50 of the arterial drainage act 1945 mandates that no Local Authority, railway company, canal company, or similar body may construct or alter any bridge over a water course without obtaining consent from the commissioners. This is crucial to prevent any increase in flood risks upstream or downstream of the construction site

In summary, OPW Section 50 is a critical regulatory framework aimed at managing flood risks associated with the construction and alteration of watercourse infrastructure in the Republic of Ireland. Compliance with these regulations is essential for ensuring the safety and effectiveness of such projects.

JS 25/07



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

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

County House,
Lifford,
County Donegal, F93 Y622

T: 074 91 53900
E: info@donegalcoco.ie
W: www.donegalcoco.ie
W: www.ccdhunangall.ie

Planning Services
E: planning@donegalcoco.ie

Ref. No: S525/60

25th July 2025

Declan Boyle
c/o John Breslin
Main Street
Ardara
Co. Donegal
F94 W60H

Re: Construction of a bridge across the Crow River to facilitate the movement of sheep across the river within the landholding at Grove Upper, Carrick, Co. Donegal, F94 WA46.

A Chara,

I refer to your request received on 3rd July 2025 under Section 5 of the Planning and Development Act, 2000 (as amended). Same has now been decided and I now issue to you herewith the Council's Declaration thereon. You are now advised that, in accordance with Section 5 (3) (a) of the Planning & Development Act, 2000 (as amended) where a Declaration is issued, any person issued with such a Declaration may, on payment to An Coimisiún Pleanála. of such fee as may be prescribed, refer a Declaration for review by the Commission within 4 weeks of the date of issuing of the Declaration.

Mise, le meas,

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

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

DECLARATION

Chief Executive's Order No: 2025PH2189

Reference No: S5 25/60

Name of Requester: Declan Boyle
c/o John Breslin
Main Street
Ardara
Co. Donegal
F94 W60H

Summarised Description of development the subject matter of request:

Construction of a bridge across the Crow River to facilitate the movement of sheep across the river within the landholding

Location: Crove Upper, Carrick, Co. Donegal, F94 WA46.

.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 (i), 3 (i), 4, 177U (9) of the Planning & Development Act 2000 (as amended)
- Section 4 (1) (a) of Part 1 of the Planning & Development Act 2000 (as amended).

And concluded that:

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act 2000 (as amended) and **IS EXEMPTED DEVELOPMENT** as it comes within the scope of Section 4 (1) (a) of Part 1 of the Planning & Development Act 2000 (as amended)


Advice

The requester of this Section 5 referral is advised that, notwithstanding the construction of the bridge being exempted development under the Planning & Development Act 2000 (as amended), it is a legal requirement under Section 50 of the Arterial Drainage Act to obtain consent from the Office of Public Works for the constructing or altering bridges and culverts in the Republic of Ireland to ensure that flood risks are managed effectively.

Section 50 of the arterial drainage act 1945 mandates that no Local Authority, railway company, canal company, or similar body may construct or alter any bridge over a water course without

obtaining consent from the commissioners. This is crucial to prevent any increase in flood risks upstream or downstream of the construction site.

In summary, OPW Section 50 is a critical regulatory framework aimed at managing flood risks associated with the construction and alteration of watercourse infrastructure in the Republic of Ireland. Compliance with these regulations is essential for ensuring the safety and effectiveness of such projects.

A handwritten signature in black ink, appearing to read 'L. McG', is positioned above a horizontal line.

**For Senior Ex. Planner
Planning Services**

Dated this 25th day of July 2025