

**From:** [CARMEL KELLY](#) on behalf of [planning mailbox](#)  
**To:** [MARTINA PARKE \(PLANNING\)](#)  
**Subject:** Fw: Section 5 Application - James Moloney  
**Date:** 11 August 2025 8:05:15  
**Attachments:** [Meentygrannagh donegal DAFM EI1440800001.png](#)  
[Meentygrannagh donegal DAFM EI1440800002.png](#)  
[Section 5 application Donegal Co Co Aug 25.pdf](#)  
[DL26742F Enlarged Map Meentygrannagh.png](#)  
[Meentygrannagh Donegal Map DL26742F.png](#)  
[DL26742F Folio Donegal Meentygrannagh.pdf](#)

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Sent from [Outlook for Android](#)

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**From:** James Moloney [REDACTED]  
**Sent:** Sunday, August 10, 2025 12:55:58 PM  
**To:** planning mailbox <Planning@Donegalcoco.ie>  
**Subject:** Section 5 Application - James Moloney

You don't often get email from [REDACTED]. [Learn why this is important](#)

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.

Dear Sir/Madam

Please find attached section 5 application form along with two Department of Agriculture maps , the red lining on both maps define the location of the proposed fencing.

Also attached are two land direct maps and land direct folio file plan denoting the current owner Martina McDaid. We are in the process of purchasing the lands from Ms McDaid, we currently hold a lease on the lands until the sale closes in late September 25, signed contracts have been exchanged by both parties and the deposit has been paid on the lands.

Should you need any confirmation of the purchase of the lands, please contact the selling agent Ken Campbell of Ken Campbell Auctioneers, Dungloe, Co Donegal. His number is 074 9521020 or mobile 086 1726333.

I will phone the cash office on Monday morning to pay the €80 application fee, by card. The number I have for the cash office is 074 9153900, you might let me know if this is incorrect.

If you need any further information, please let me know.

Kind regards

James Moloney  
[REDACTED]



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

## SECTION 5 APPLICATION

FOR DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

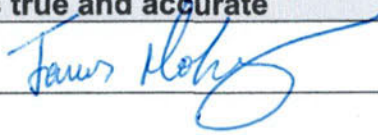
Completed application form & supporting documentation to be returned to the  
Planning Authority by email to [planning@donegalcoco.ie](mailto:planning@donegalcoco.ie)

<b>Name of Applicant(s):</b>	James Moloney
<b>Agent Name:</b> (if applicable)	N/A
<b>Location of Proposed Development / Works:</b> (Townland or postal address as appropriate and Eircode if available)	Location of lands: Meentygrannagh, Co Donegal. Lands contained in folio DL26742F. Site Code:000173
<b>Description of Proposed Development including details of works (where applicable):</b> (Only works listed below will be assessed under this section 5 application)	
<p>Regarding the fencing of the lands, we propose to erect new fences on the lands, on the folio boundary and a divide fence. Please see 2 DAFM maps attached, red line on both maps indicate where the new fence is proposed to be erected. We have contacted the NPWS and they have advised that we should submit this application to Donegal County Council. The NPWS are not in favour of a fence being erected on these SAC lands due to damage to a habitat and blanket bog.</p>	



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

<b>Is the development a Protected Structure or within the curtilage of a Protected Structure?</b>	<b>Yes</b>	<b>No</b>
		no
<b>Has a declaration under Section 57 of the Planning and Development Act 2000 (as amended) been requested or issued in respect of the property.</b>	<b>Yes</b>	<b>No</b>
		no
<b>Applicant(s) Interest in the site:</b>	Currently lease in place until the purchase of the lands complete in late September 25. Signed purchase contracts exchanged by both parties.	
<b>If not the Owner of the site, please provide the name of the Landowner:</b>	Martina McDaid, 8 Oran Hill, Letterkenny, Co DL	
<b>Please list types of plans, drawings etc. submitted with this application:</b>	Folio Map and Folio Document. Two Department of Agriculture satellite maps outlining the proposed fencing coloured red.	
<b>Planning History - list any relevant planning application reference numbers:</b>	None	
<b>Are you aware of any enforcement proceedings connected to the site? If so, please supply details:</b>	No	

<b>I hereby certify that the information provided is true and accurate</b>	
<b>Signature of Applicant/Agent:</b>	James Moloney 
<b>Date:</b>	1/08/2025

# Land Registry

County Donegal

Folio 26742F

## Register of Ownership of Freehold Land

### Part 1(A) - The Property

Note: Unless a note to the contrary appears, neither the description of land in the register nor its identification by reference to the Registry Map is conclusive as to boundaries or extent.

For parts transferred see Part 1(B)

No.	Description	Official Notes
1	<p>The property shown coloured RED as Plan(s) 1 on the Registry Map, containing 337.996 Hectares, situate in the Townland of MEENTYGRANNAGH, in the Barony of KILMACRENAN, in the Electoral Division of MEENCARGAGH.</p> <p>The registration does not extend to the mines and minerals.</p>	<p>From Instrument No. W910/91</p>

# Land Registry

County Donegal

Folio 26742F

## Part 1(B) - Property Parts Transferred

No.	Prop No.	Instrument	Date	Area(Hectares)	Plan	Folio No.

# Land Registry

County Donegal

Folio 26742F

## Part 2 - Ownership

Title ABSOLUTE

No.	The devolution of the property is subject to the provisions of Part II of the Succession Act, 1965	
1	<del>18-FEB-1992</del> <del>W910/91</del>	<del>PATRICK MCDAID of MEENTYGRANNAGH, BREENAGH, CO. DONEGAL is full owner.</del>  Cancelled D2024LR069736M 25-APR-2024
2	25-APR-2024 D2024LR069736M	MARTINA MCDAID of 8 Oran Hill, Letterkenny, County Donegal is full owner.

# Land Registry

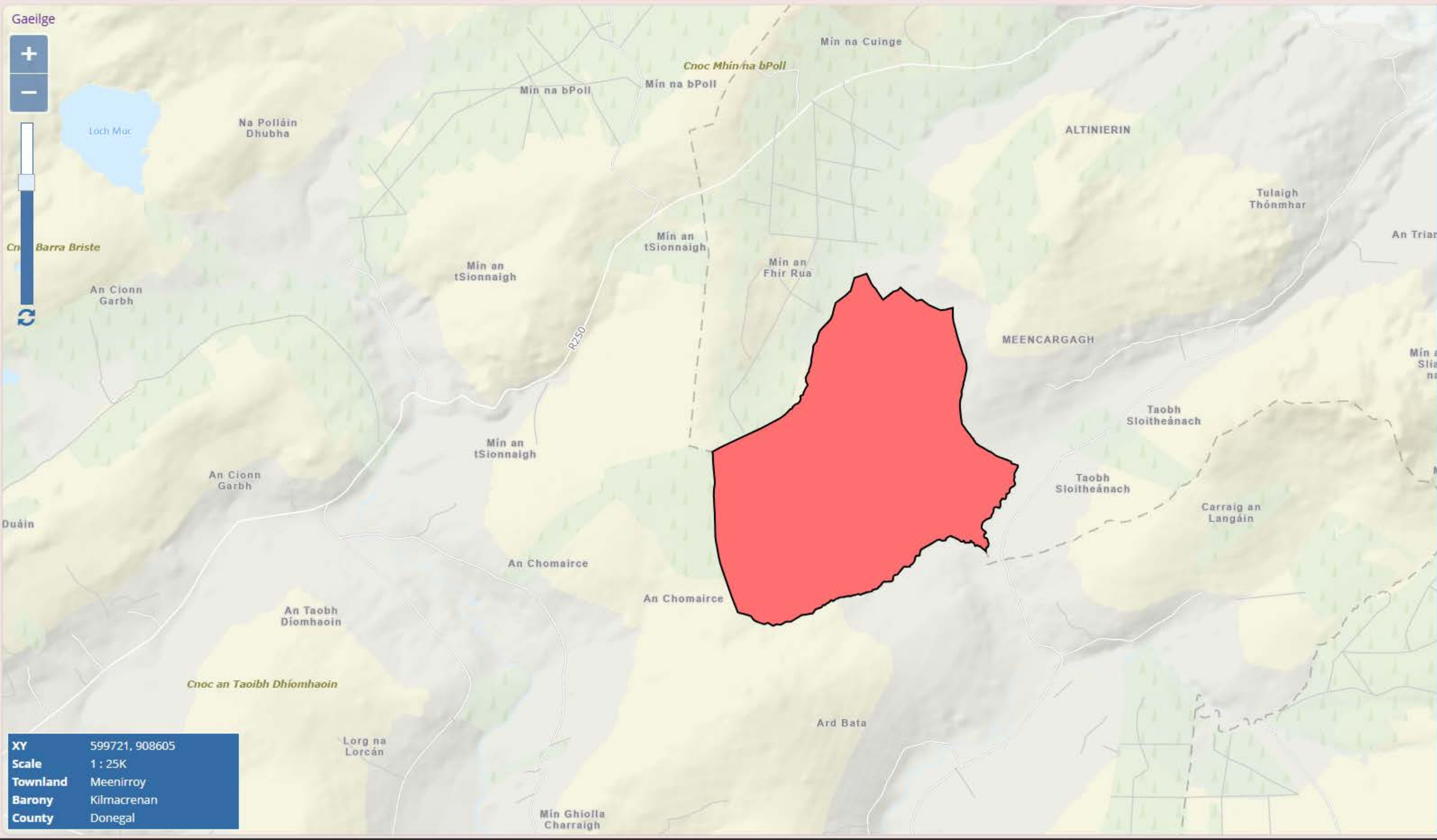
County Donegal

Folio 26742F

## Part 3 - Burdens and Notices of Burdens

No.	Particulars
1	<p>The property is subject to the provisions prohibiting letting, subletting or subdivision specified in Section 12 of the Land Act, 1965, and to the provisions restricting the vesting of interests specified in Section 45 of the said Act in so far as the said provisions affect same.</p>





Property Details

> Back

Folio Number	DL26742F
Title Level	Freehold
Plan Number	1
Property Number	1
Area of selected plans	339.34 hectares.
Number of Plans on this folio:	1
Address	Not Available

View Folio PDF

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\*Tailte Éireann Registration Boundaries and Plan Area **are not conclusive**. See [Section 62\(2\) of Registration of Title Act 2006](#) and [Rule 8\(3\) of the Land Registration Rules 2012](#).

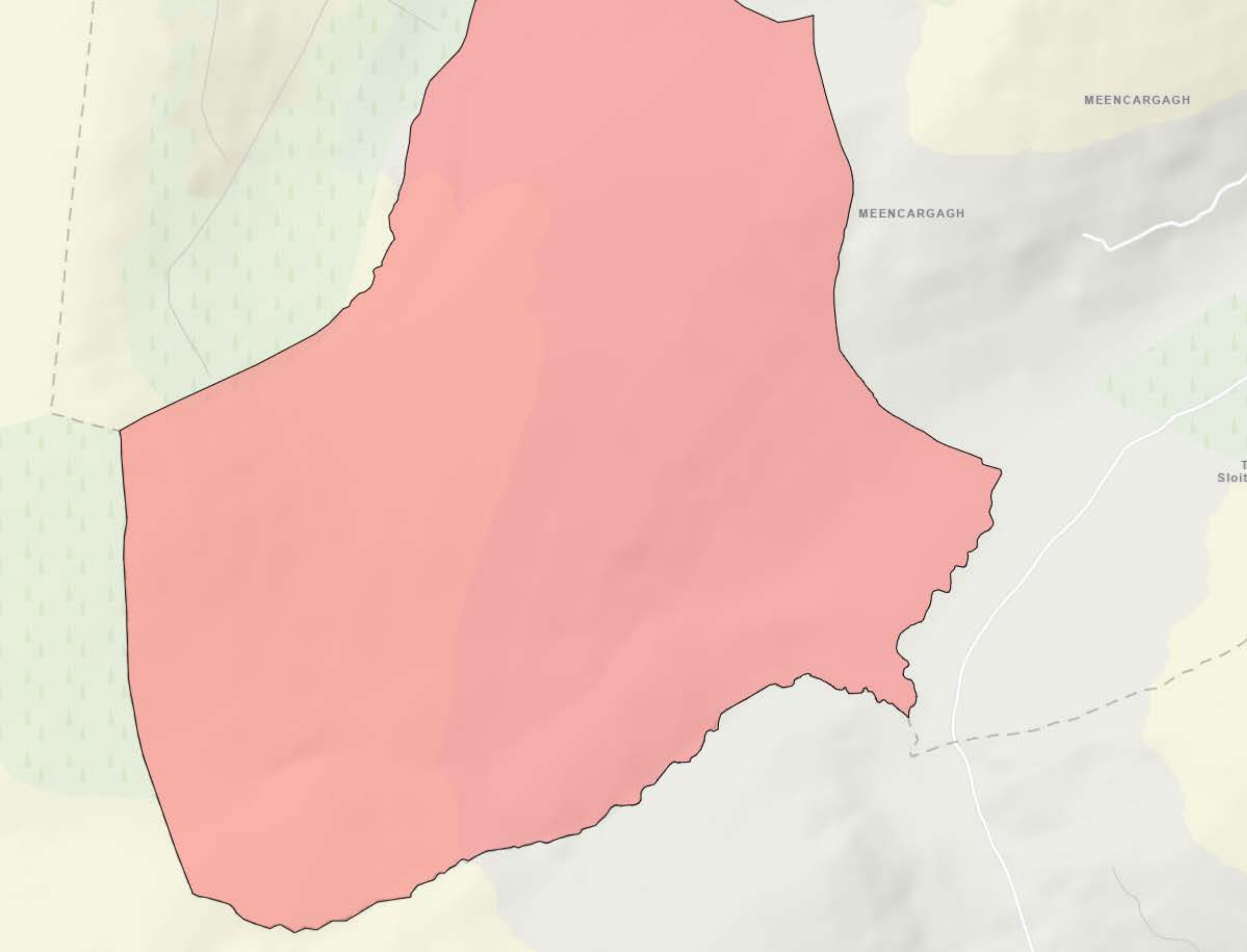
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Property Details

> Back

Folio Number

DL26742F

Title Level

Freehold

Plan Number

1

Property Number

1

Area of selected plans

339.34 hectares.

Number of Plans on this folio:

1

Address

Not Available

View Folio PDF

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\*Tailte Éireann Registration Boundaries and Plan Area **are not conclusive**. See [Section 62\(2\) of Registration of Title Act 2006](#) and [Rule 8\(3\) of the Land Registration Rules 2012](#).

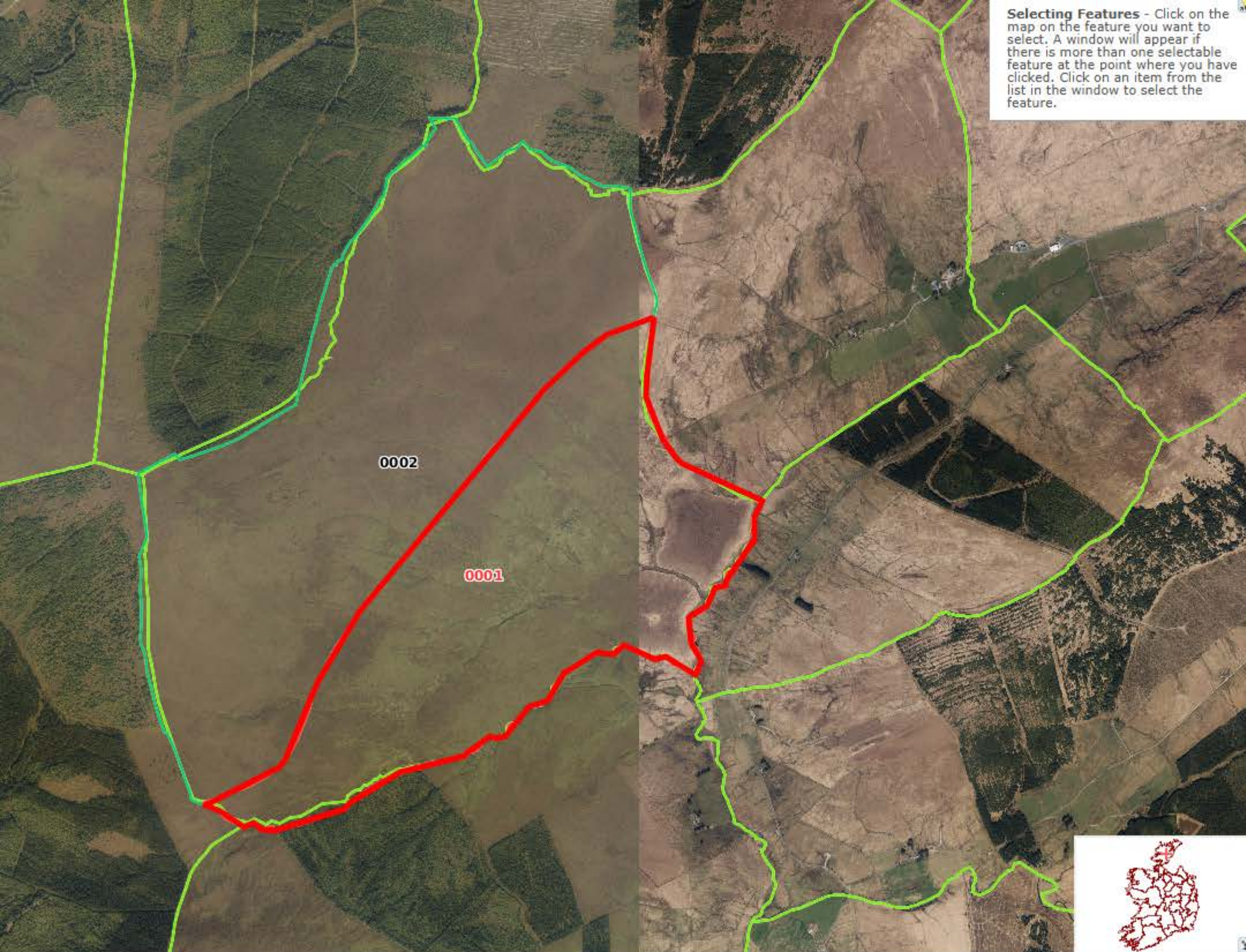
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Your current balance is €63.00





Selecting Features - Click on the map on the feature you want to select. A window will appear if there is more than one selectable feature at the point where you have clicked. Click on an item from the list in the window to select the feature.

Info

Layers

Claim

Click a link to view feature info

Published Parcels

0001

Attributes

Parcel Type:

Active

Area [ha]:

142.93

Length [m]:

6399.24

Parcel Label:

E1440800001

Eligible Hectare

Parcel Label

E1440800001

Parcel ID

902608051

Digitised Area [HA]

142.93

Fixed Area Deduction

0

Fixed Area Deduction Reason

NA

Type Description

Active

Eligible For Payment

Y

Reduction Coefficient

1

Reduction Coefficient Type

Co-Efficient %

Reduction Area

0

Manual Deduction %

0

Manual Deduction Area

0

Manual Deduction Reason

NA

Adjusted Eligible Area

141.05

Eligible Hectare

141.05

Full Exclusions

Label	Type	Category	Area	Effective %	Effective Area
E144090009	Stream	WATER	0.2	100	0.2
E144070006	Stream	WATER	0.04	100	0.04
E144080002	Stream	WATER	0.54	100	0.54
E144080003	Stream	WATER	0.22	100	0.22
E144080004	Stream	WATER	0.3	100	0.3
E144080005	Stream	WATER	0.29	100	0.29
E144080006	Stream	WATER	0.18	100	0.18
E144080017	Stream	WATER	0.11	100	0.11

Sum Full Exclusion: 1.88

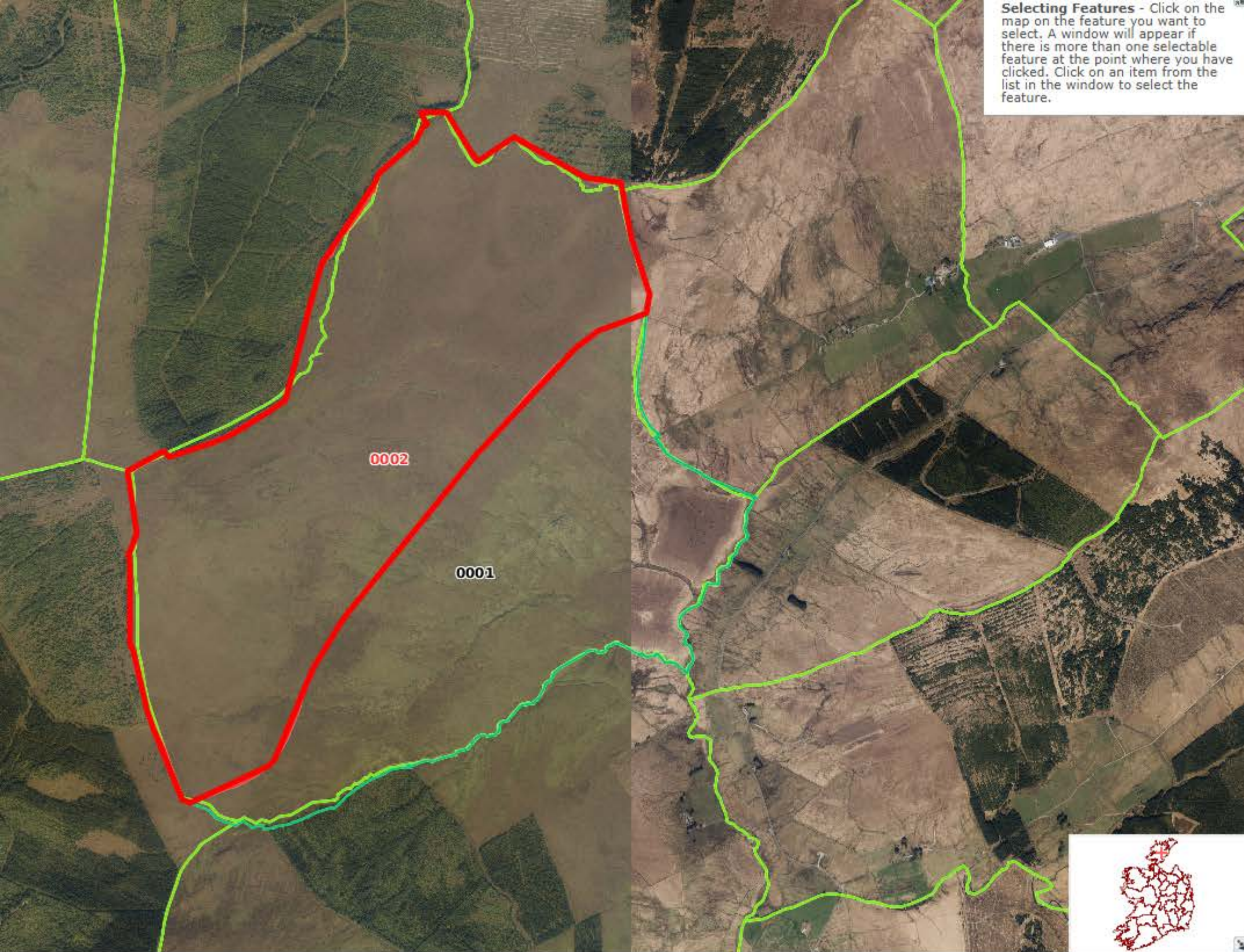
Partial Exclusions

Label	Type	Category	Area	Effective %	Effective Area
No Data					

Beneficial

Label	Type	Category	Area	Effective %	Effective Area
E144080001	Scrub	BENEFICIAL	0.06	100	0.06
E144080007	Scrub	BENEFICIAL	3.47	5	0.17





Selecting Features - Click on the map on the feature you want to select. A window will appear if there is more than one selectable feature at the point where you have clicked. Click on an item from the list in the window to select the feature.

Info

Layers

Claim

Click a link to view feature info

Published Parcels

0002

Attributes

Parcel Type:

Active

Area [ha]:

202.75

Length [m]:

6995.06

Parcel Label:

E1440800002

Eligible Hectare

Parcel Label

E1440800002

Parcel ID

902608052

Digitised Area [HA]

202.75

Fixed Area Deduction

0

Fixed Area Deduction Reason

NA

Type Description

Active

Eligible For Payment

Y

Reduction Coefficient

1

Category

Reduction Coefficient Type

Co-Efficient %

Reduction Area

0

Manual Deduction %

0

Manual Deduction Area

0

Manual Deduction Reason

NA

Adjusted Eligible Area

202.34

Eligible Hectare

202.34

Full Exclusions

Label	Type	Category	Area	Effective %	Effective Area
E144080014	Stream	WATER	0.02	100	0.02
E144080015	Stream	WATER	0.06	100	0.06
E144080016	Stream	WATER	0.08	100	0.08
E144070017	Stream	WATER	0.01	100	0.01
E144010010	Stream	WATER	0.24	100	0.24

Sum Full Exclusion: 0.41

Partial Exclusions

Label	Type	Category	Area	Effective %	Effective Area
No Data					

Beneficial

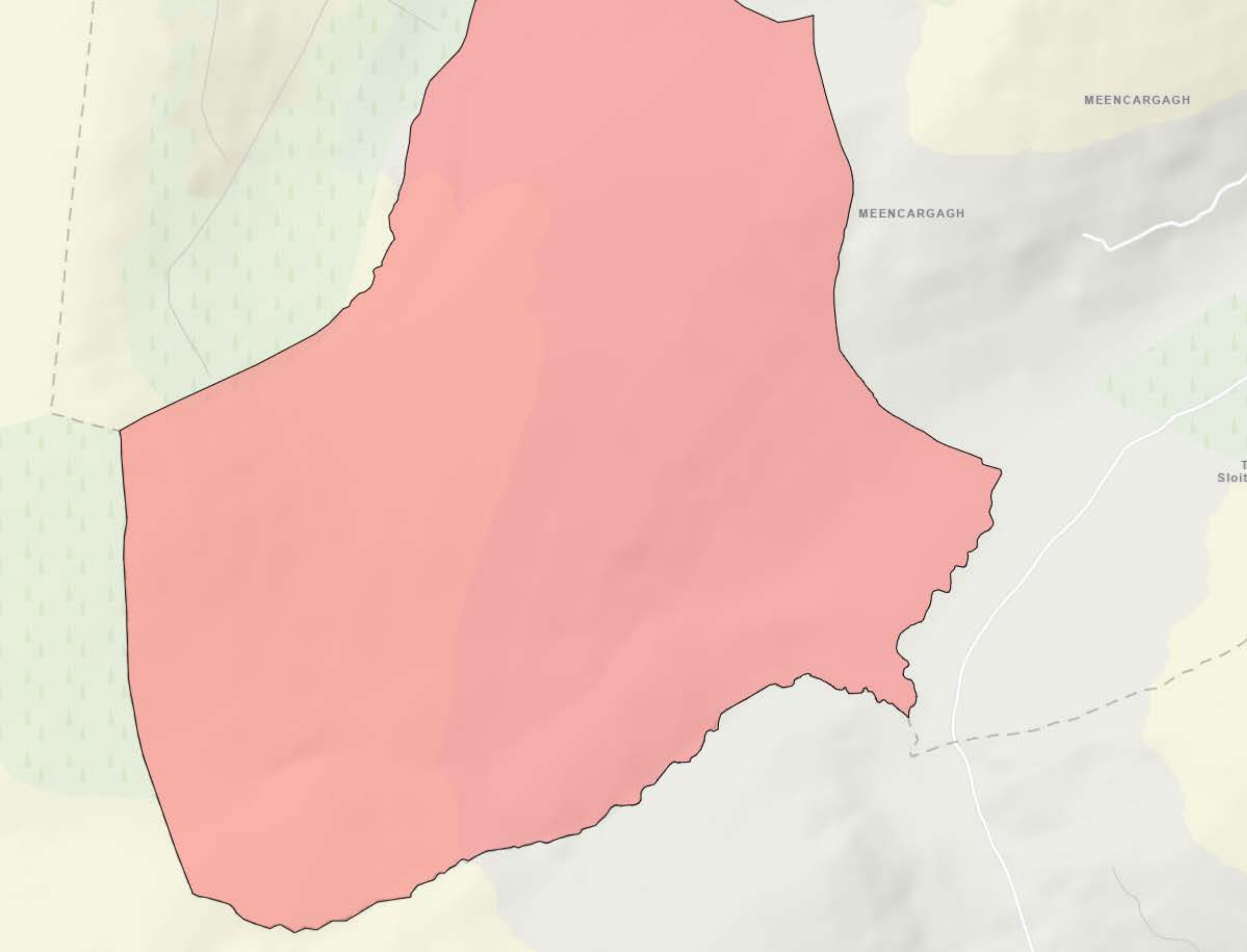
Label	Type	Category	Area	Effective %	Effective Area
E144080012	Trees	BENEFICIAL	0.33	100	0.33
E144080013	Scrub	BENEFICIAL	0.11	100	0.11

Sum Beneficial Total Area: 0.44

SAC







Property Details

> Back

Folio Number

DL26742F

Title Level

Freehold

Plan Number

1

Property Number

1

Area of selected plans

339.34 hectares.

Number of Plans on this folio:

1

Address

Not Available

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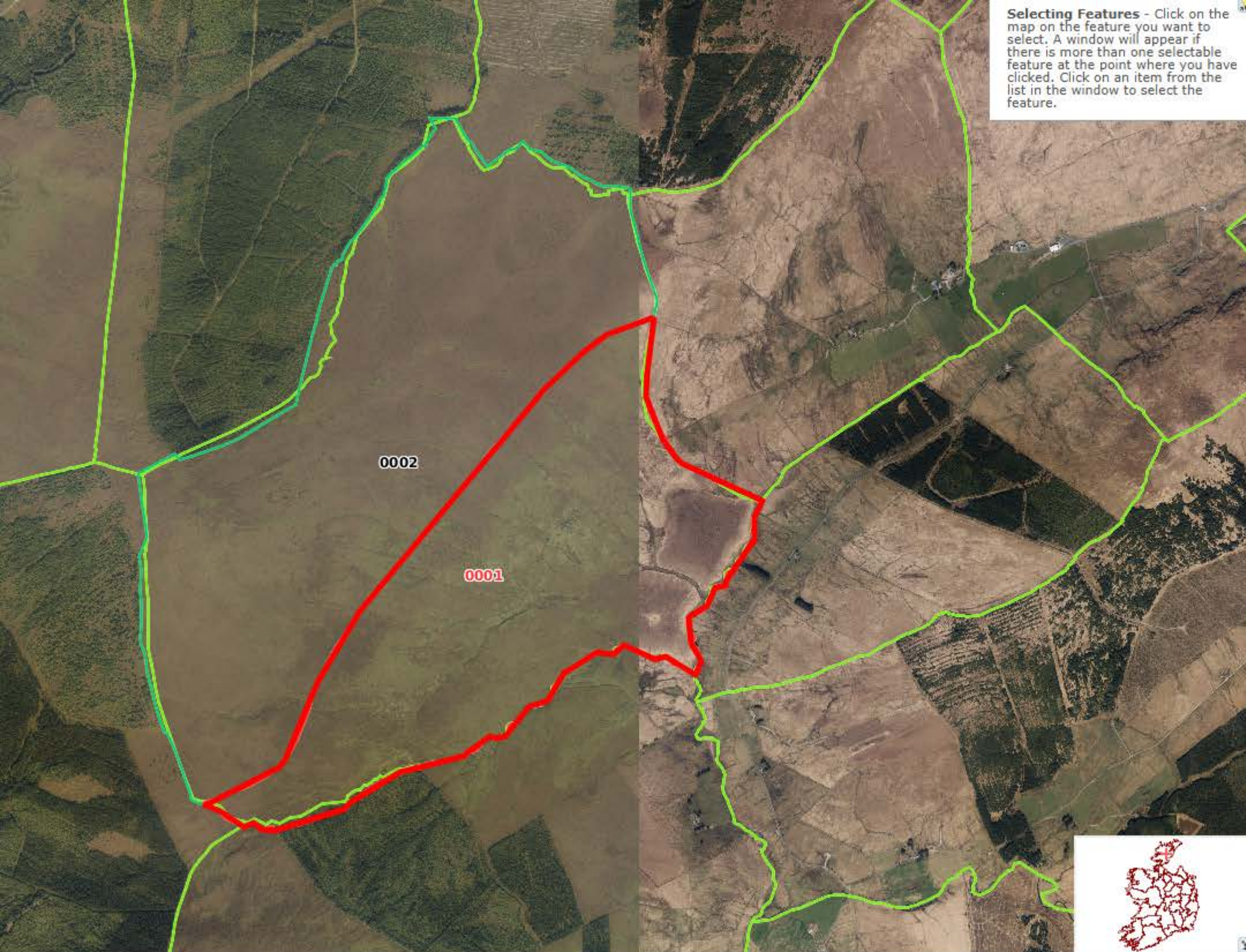
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Eligible Hectare

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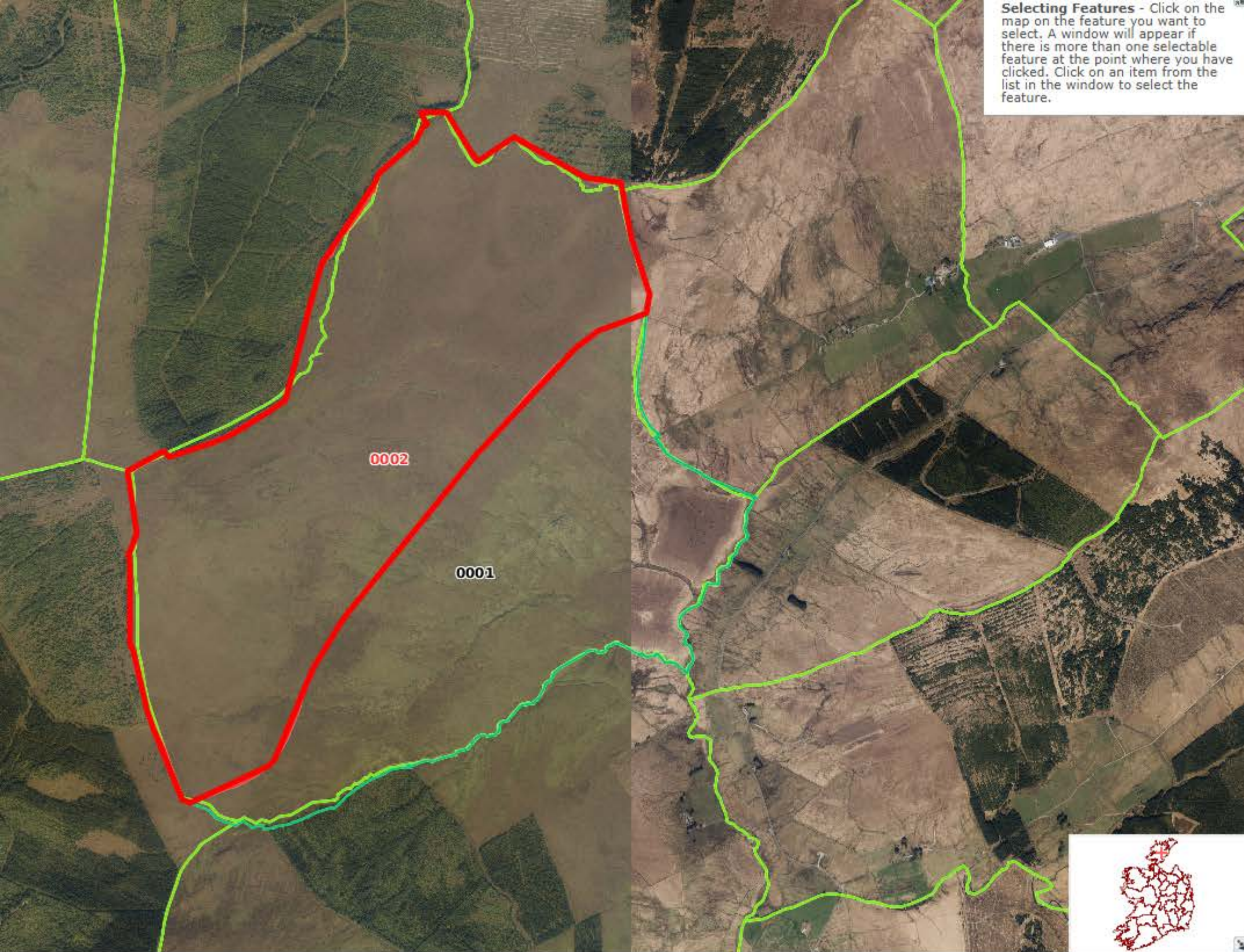
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Fixed Area Deduction

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Active

Eligible For Payment

Y

Reduction Coefficient Category

1

Reduction Coefficient Type

Co-Efficient %

Reduction Area

0

Manual Deduction %

0

Manual Deduction Area

0

Manual Deduction Reason

NA

Adjusted Eligible Area

202.34

Eligible Hectare

202.34

Full Exclusions

Label	Type	Category	Area	Effective %	Effective Area
E144080014	Stream	WATER	0.02	100	0.02
E144080015	Stream	WATER	0.06	100	0.06
E144080016	Stream	WATER	0.08	100	0.08
E144070017	Stream	WATER	0.01	100	0.01
E144010010	Stream	WATER	0.24	100	0.24

Sum Full Exclusion: 0.41

Partial Exclusions

Label	Type	Category	Area	Effective %	Effective Area
No Data					

Beneficial

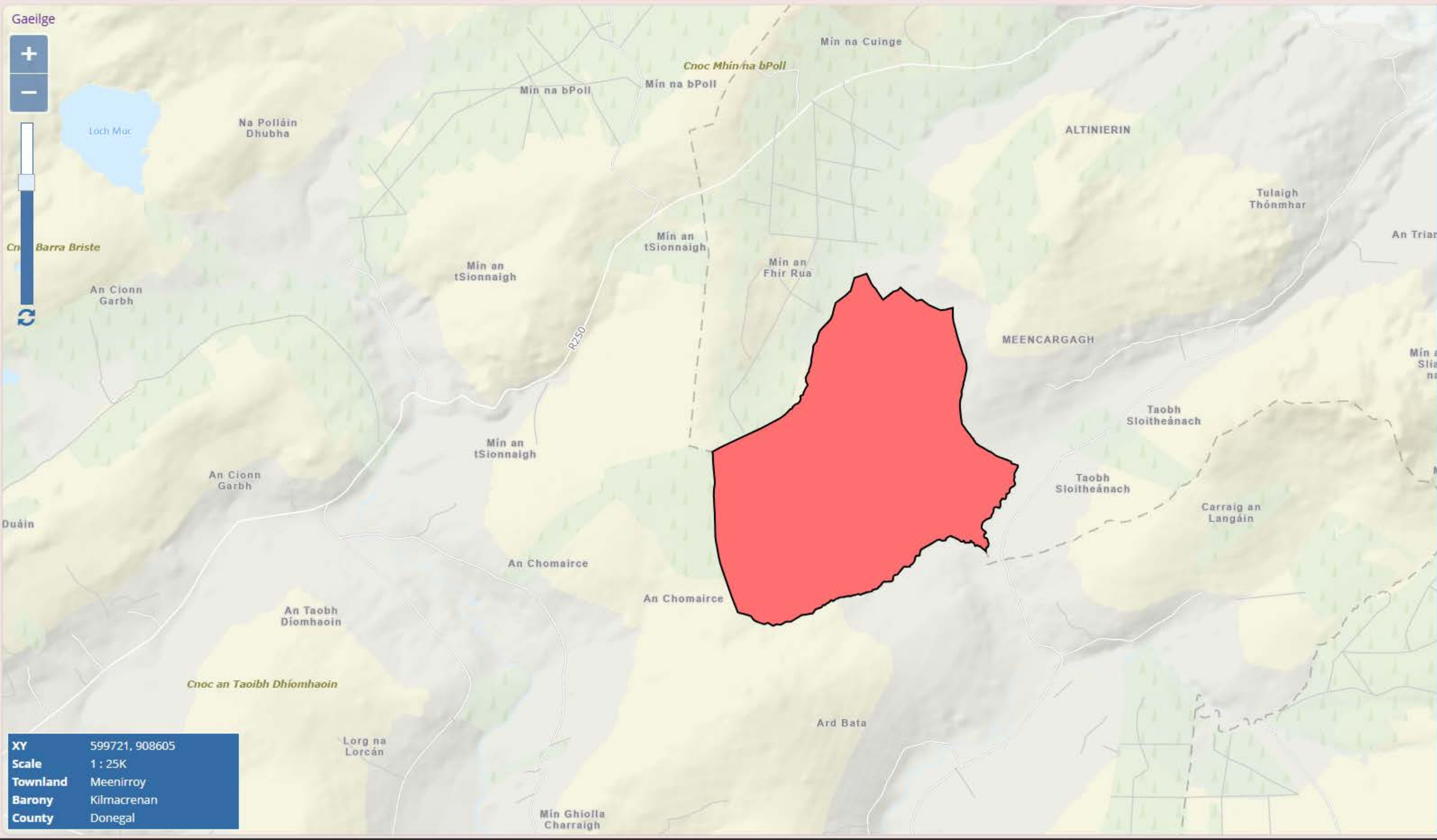
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Plan Number	1
Property Number	1
Area of selected plans	339.34 hectares.
Number of Plans on this folio:	1
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**Comhairle Contae  
Dhún na nGall**  
Donegal County Council

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](mailto:info@donegalcoco.ie)  
**W:** [www.donegalcoco.ie](http://www.donegalcoco.ie)  
**W:** [www.ccdhunnangall.ie](http://www.ccdhunnangall.ie)

**Planning Services**  
**E:** [planning@donegalcoco.ie](mailto:planning@donegalcoco.ie)

**E-mail:** [jamesmoloney00@gmail.com](mailto:jamesmoloney00@gmail.com)

**Our Ref: S525/69**

12<sup>th</sup> August, 2025

James Moloney

**Re: Section 5 - Application for development at Meentygrannagh, Co Donegal.**

A Chara,

I wish to acknowledge receipt of your application received on 10<sup>th</sup> August, 2025 in relation to the above.

Yours sincerely,

*Martina Parke*

Donegal County Council  
Planning Services

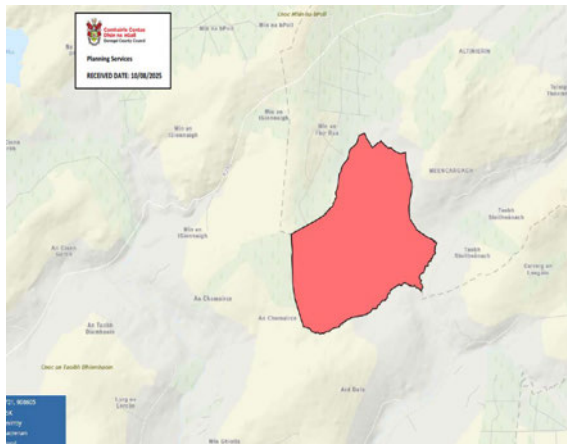


## **SECTION 5 REFERRAL REPORT – Ref. No: S5 25-69**

### **1.0 BACKGROUND**

#### **1.1 Location:**

Meentygrannagh, Co.Donegal, folio map provided, copied below:



Property Detail	
<a href="#">Back</a>	
Folio Number	DL26742F
Title Level	Freehold
Plan Number	1
Property Number	1
Area of selected plans	339.34 hectares.
Number of Plans on this folio:	1
Address	Not Available
<a href="#">View Folio PDF</a>	<a href="#">Request Certified Copy</a>

#### **1.2 Site Description:**

Predominately undulating and upland bogland.

#### **1.3 Planning History (subject site):**

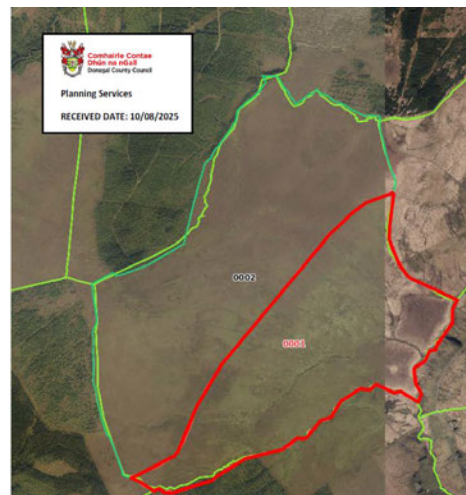
92/1177: permission REFUSED for AFFERESTATION OF 337 LE

01/7052: permission REFUSED for the ERECTION OF 32 METRE HIGH TELECOMMUNICATIONS SUPPORT STRUCTURE INCLUDING 3 NO. PANEL ANTENNAE, 1 NO. 1.2 METRE DIAMETER DISH ANTENNA AND 1 NO. 0.6 METRE DIAMETER ANTENNA, ASSOCIATED CONTAINERISED EQUIPMENT SHELTER, ACCESS ROAD, SECURITY FENCE

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

Development of agricultural fencing on the folio divide of the lands and a divide fence- no details of type of fencing in terms of materials heights etc accompanies the application. Application form states red lines denote proposed fencing:





**Red line denoting proposed fencing and divide fencing:**

## **2.0. THE QUESTION**

The applicant James Moloney has made a submission to Donegal County Council requesting that a Declaration be made under Section 5 of the Planning and Development Act, 2000 (as amended) as to whether or not the following is or is not development and is or is not exempted development:

- Development of new fencing along the folio boundary (delineated in red on submitted arial photographic images) and a divide fence is exempted development?

No detail has been provided regarding the nature of the fencing in terms of building material proposed or heights or what type of animals graze the lands.

## **3.0 EVALUATION**

In preparing the assessment for this reference, regard has been had, inter alia to the following statutory provisions.

### **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 define, 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(2)(a)**

The Minister may by **regulations** provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that –

- (i) “by reason of the size, nature, or limited effect on its surroundings.....”
- (ii) “the development is authorised, or is required to be authorised, by or under any enactment....”

### **Section 4(2)(b)**

**“Regulations** under paragraph (a) maybe subject to conditions and be of general application or apply to such area or place as may be specified in the regulations.”

### **Section 4(2)(c)**

**“Regulations** under this subsection may, in particular and without prejudice to the generality of paragraph (a) provide, in the case of structures or other land used for a purpose of any specified class, for the use thereof for any other purposes being exempted development for the purposes of this Act”.

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

### **Part 1**

### **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.

### **Article 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;
- (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,
- (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,
- (xi) obstruct any public right of way,

## **Schedule 2**

### **Part 3 Exempted Development - Rural**

#### **Class 4**

#### **Description of Development**

The construction, erection or maintenance of any wall or fence, other than a fence of sheet metal, or a wall or fence within or bounding the curtilage of a house.

#### **Conditions and Limitations**

1. The height of the wall or fence, other than a fence referred to in paragraph 2, shall not exceed 2 metres.
2. The height of any fence for the purposes of deer farming or conservation shall not exceed 3 metres.

## **4.0 ASSESSMENT**

- 4.1 The Donegal County Development Plan 2024-30 applies. The lands are located within a designated Area of High Scenic Amenity adjoining lands designated as being of an Especially High Scenic Amenity value under this Plan.

The entire lands fall within the **Meentygrannagh Bog SAC, site code 000173** refers. This SAC is 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): [7130] Blanket Bogs (Active)\* [7140] Transition Mires [7230] Alkaline Fens [1393] Slender Green Feather-moss (*Drepanocladus vernicosus*). This site synpois from the DoAHG notes *‘the site is interesting because it contains a diversity of bog habitats within a small area. The juxtaposition of domed valley bogs with fen is unusual in Donegal and indeed in blanket bog regions generally, while the western half of the site contains one of the best examples of highland saddle bogs in the county.’*

The development could potentially destabilize the ground and erode the qualifying interests of mosses and bog as a result of overgrazing of stock and associated inappropriate use of building materials in the enclosed area which may have implications on the integrity of the Natura 2000 site.

- 4.3 On the basis that the proposal involves works on land (i.e. the erection of a fence) it is considered that the proposal constitutes development as defined under Section 3(1) of the above Act. The planning authority is not satisfied that the fence does not exceed 2m in height. However, Article 9 sets out certain restrictions on exemptions the most pertinent are:

- (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,
- (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,

On the basis of the nature and extent of the same (i.e. a fencing) and location entirely within a Natura 2000 site it is considered that Appropriate Assessment is required in respect of the proposed development. Consequently it is considered that the restrictions on exemption set out A.9(1)(a) (viiB), (x), of the abovementioned regulations would apply, Therefore, the development would be deemed to be de-exempted by Art 9.

## **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 for:**

Development of new fencing along folio boundaries and a divide fence on lands at Meentygrannagh, Co. Donegal, folio number DL26742F refers.

The Planning Authority in considering this referral, had regard particularly to the following sections of Planning Legislation:

(a) Sections 2(1), 3(1), 4(2)(a)(i), 4(2)(b) and 177(U) (1) of the Planning and Development Act 2000 (as amended) and

(b) Article 6(1), 9(1)(a) (9(1)(a) (viiB), & (x), and Class 4 of Part 3 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 **NOT EXEMPTED DEVELOPMENT** as it is considered that the development is de-exempted under Article 9(1)(a) (vi), (viiB), (x), (xi) of the abovementioned regulations.

**Applicant is advised the entire site is within the Meentygrannagh Bog SAC, (Site Code: 000173 refers). The development could potentially destabilize the ground and erode the peat as a result of overgrazing of livestock in the enclosed area and impact on the qualifying inters of the lands which may have implications on the integrity of the Natura 2000 site.**



**Executive Planner  
Development Applications Unit  
08/09/2025**



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Frank Sweeney  
Senior Executive Planner, Community Development & Planning Services, 09/09/2025

<p><b>APPROPRIATE ASSESSMENT SCREENING FOR THE PURPOSES OF ARTICLE 6 OF THE HABITATS DIRECTIVE</b></p>
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<b>Section 5 application</b>	S5 25-69
<b>Development:</b>	The applicant James Moloney has made a submission to Donegal County Council requesting that a Declaration be made under Section 5 of the Planning and Development Act, 2000 (as amended) as to whether or not the following is or is not development and is or is not exempted development
<b>Location:</b>	Meentygrannagh, Co.Donegal

## 2.0 Natura 2000 sites

The site is within the Meentygrannagh Bog SAC Site Code: 000173 .

### 2.1 Site Synopsis for the Meentygrannagh Bog SAC Site Code: 000173

Meentygrannagh Bog is situated approximately 15 km south-west of Letterkenny in Co. Donegal. The site is located on a gently sloping hillside, stretching from the summits of Arbatt, Meenirroy and Altinierin Hills, eastwards to a small tributary of the Elatagh River. The site is underlain by quartzite and pelite bedrock. 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): [7130] Blanket Bogs (Active)\* [7140] Transition Mires [7230] Alkaline Fens [1393] Slender Green Feather-moss (*Drepanocladus vernicosus*) The areas of blanket bog are dominated by Deergrass (*Scirpus cespitosus*), Common Cottongrass (*Eriophorum angustifolium*), Hare's-tail Cottongrass (*E. vaginatum*) and Heather (*Calluna vulgaris*), with excellent hummocks and pool areas rich in bog mosses (*Sphagnum* spp.). The blanket bog grades into an area of transition mire and fen communities. The transition mire is characterised by wet quaking areas dominated by sedge species, including *Carex limosa*, *C. lasiocarpa* and *C. rostrata*, as well as Bogbean (*Menyanthes trifoliata*) and a rich bryophyte cover (both bog mosses and other mosses such as *Scorpidium scorpioides*). Calcicole species, indicative of alkaline fen, present on the site include the sedge *Carex lepidocarpa*. The transition mire is notable for the occurrence of the moss *Drepanocladus vernicosus*, a species protected under the Flora (Protection) Order 1999 and listed on Annex II of the E.U. Habitats Directive. The extremely rare moss, *Homalothecium nitens*, has also been recorded from this site, along with several other lower plant species of note, i.e. *Sphagnum imbricatum*, *S.*



fuscum, *S. warnstorffii*, *S. teres* and *S. recurvum*, and the lichens *Peltigera membranacea* and *Cladonia glauca*. A characteristic peatland fauna occurs, with Red Grouse, Irish Hare and Common Frog all breeding within the site. The main land use within the site is sheep grazing, but the main threat is afforestation, with extensive areas adjacent to the site already planted. Part of the fen was drained in 1998 but reinstated by the owner in 1999 at the request of Version date: 25.07.2013 2 of 2 000173\_Rev13.Doc Dúchas/NPWS. This site is interesting because it contains a diversity of bog habitats within a small area. The juxtaposition of domed valley bogs with fen is unusual in Donegal and indeed in blanket bog regions generally, while the western half of the site contains one of the best examples of highland saddle bogs in the county

## **2.1 Conservation objectives for the Meentygrannagh Bog SAC Site Code: 000173 And the River Finn SAC [002301]**

**Please note that this SAC is adjacent to River Finn SAC (002301). See map 2. The conservation objectives for this site should be used in conjunction with those for the adjacent site as appropriate.**

**Objective ( Meentygrannagh Bog SAC):** To restore the favourable conservation condition of Transition mires and quaking bogs in Meentygrannagh Bog SAC, which is defined by the following list of attributes and targets: Attribute Measure Target Notes Habitat area Hectares Area stable or increasing, subject to natural processes Transition mires and quaking bogs have not been mapped in detail for Meentygrannagh Bog SAC and thus the total area of the qualifying habitat is unknown. Further details on this and the following attributes can be found in the Meentygrannagh Bog SAC conservation objectives supporting document for blanket bogs and associated habitats Habitat distribution Occurrence No decline, subject to natural processes The habitat occurs in a mosaic with alkaline fens (7230) in the north-east of the SAC (NPWS internal files). Further information can be found within Douglas et al. (1990), NPWS internal files and the blanket bogs and associated habitats supporting document Ecosystem function: soil nutrients Soil pH and appropriate nutrient levels at a representative number of monitoring stops Maintain soil nutrient status within natural range See the blanket bogs and associated habitats supporting document for further details Community diversity Abundance of variety of vegetation communities Maintain variety of vegetation communities, subject to natural processes A variety of transition mire vegetation communities have been recorded in this SAC (Douglas et al., 1990; NPWS internal files), one of which corresponds to a community recorded in the National Survey of Upland Habitats and listed in the provisional list of vegetation communities described in Perrin et al. (2014). Further information on vegetation

communities associated with this habitat is presented in Perrin et al. (2014)

**Vegetation composition: number of positive indicator species** Number of species at a representative number of 2m x 2m monitoring stops

**Number of positive indicator species at each monitoring stop** is at least three for infilling pools and flushes and at least six for fens

**Attribute and target** based on Perrin et al. (2014), where the list of positive indicator species for this habitat is also presented

**Vegetation composition: number of core positive indicator species** Number of species at a representative number of 2m x 2m monitoring stops

**At least one core positive indicator species present**

**Attribute and target** based on Perrin et al. (2014), where the list of positive indicator species for this habitat is also presented

**Vegetation composition: cover of positive indicator species** Percentage cover at a representative number of 2m x 2m monitoring stops

**Total cover of positive indicator species** is at least 25%

**Attribute and target** based on Perrin et al. (2014), where the list of positive indicator species for this habitat is also presented

**Vegetation composition: negative indicator species** Percentage cover at a representative number of 2m x 2m monitoring stops

**Total cover of negative indicator species** less than 1%

**Attribute and target** based on Perrin et al. (2014), where the list of negative indicator species for this habitat is also presented

**Vegetation composition: nonnative species** Percentage cover at, and in local vicinity of, a representative number of 2m x 2m monitoring stops

**Cover of non-native species** less than 1%

**Attribute and target** based on Perrin et al. (2014)

**Vegetation structure: height** Percentage of leaves/shoots at a representative number of 2m x 2m monitoring stops

**Proportion of live leaves and/or flowering shoots of vascular plants** that are more than 15cm above the ground surface should be at least 50%

**Attribute and target** based on Perrin et al. (2014). This attribute is only applicable to fen and flush examples of the habitat, not to infilling pool examples

**Physical structure: disturbed bare ground** Percentage cover at, and in local vicinity of, a representative number of 2m x 2m monitoring stops

**Cover of disturbed bare ground** less than 10%

**Attribute and target** based on Perrin et al. (2014)

15 May 2017 Version 1 Page 9 of 14

**Physical structure: drainage** Percentage area in local vicinity of a representative number of monitoring stops

**Area showing signs of drainage** from heavy trampling, tracking or ditches less than 10%

**Attribute and target** based on Perrin et al. (2014)

**Indicators of local distinctiveness** Occurrence and population size

**No decline in distribution or population sizes** of rare, threatened or scarce species associated with the habitat

This includes species listed in the Flora (Protection) Order, 2015 (FPO) and/or the red data lists (Lockhart et al., 2012; Wyse Jackson et al., 2016). The Annex II listed, FPO and Near Threatened slender green feather-moss (*Hamatocaulis* (*Drepanocladus*) *vernicosus*) (Lockhart et al., 2012) can be assigned to transition mire within Meentygrannagh Bog SAC (Campbell et al., 2015). See also the conservation objective for slender green feather-moss (1393) for Meentygrannagh Bog SAC

**Objective** (River FINN SAC) : 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:

- Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*).
- Northern Atlantic wet heaths.
- Blanket bogs.
- Transition mires and quaking bogs.
- *Salmo Salar* (Only in fresh water).
- *Lutra lutra*.

### 3.0 Assessment of Likely effects: Potential Impact Types and Significance

Impact type	Significance indicator	Comments
Loss of habitat area	Percentage of loss	<b>Given the location of the subject site within the within the Meentygrannagh Bog SAC with multiple hydrological links flowing into the River Finn SAC, harm in terms of loss of habitat cannot be ruled out.</b>
Fragmentation	Duration or permanence, level in relation to original extent	<b>Given the location of the subject site within the within the Meentygrannagh Bog SAC with multiple hydrological links flowing into the River Finn SAC, harm in terms of fragmentation cannot be ruled out.</b>
Disturbance	Duration or permanence, distance from site	<b>Given the location of the subject site within the within the Meentygrannagh Bog SAC with multiple hydrological links flowing into the River Finn SAC, harm in terms of disturbance cannot be ruled out.</b>
Species population density	Timescale for replacement	<b>Given the location of the subject site within the within the Meentygrannagh Bog SAC with multiple hydrological</b>

		<b>links flowing into the River Finn SAC, harm cannot be ruled out in terms of population density of protected species.</b>
Water resource	Relative change	<b>Given the location of the subject within the Meentygrannagh Bog SAC with multiple hydrological links flowing into the River Finn SAC, harm cannot be ruled out in terms of change to water resource.</b>
Water quality	Relative change in key indicative chemicals and other elements	<b>Given the location of the subject within the the Meentygrannagh Bog SAC with multiple hydrological links flowing into the River Finn SAC and no details of proposed construction materials etc harm cannot be ruled out in terms of change to water quality.</b>

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

- The fact that the development may result in direct loss or fragmentation of a Natura 2000 site(s);
- Possibility of pollutants migrating towards the River Finn SAC Given the proximity of the subject site within the adjoining SAC which is hydrologically linked to the same.
- The fact that the development may result in damage/destruction to the existing habitat.
- The development could potentially destabilize the ground and erode the peat as a result of overgrazing of livestock in the enclosed area which may have implications on the integrity of the Natura 2000 site.

#### **4.0 Screening Determination:**

The Planning Authority has determined that full Appropriate Assessment of the proposed development is required in this instance, as it cannot 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 Site



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**Executive Planner**  
**Development Applications Unit**  
**08/09/2025**



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Frank Sweeney  
Senior Executive Planner  
Community Development & Planning Services  
09/09/2025



**Chief Executive's Order No: 2025PH2654**

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

**SECTION 5:-**

Request received 10<sup>th</sup> August 2025 from James Moloney, Kilbarry, Fermoy, Co. Cork P61 KV99 in relation to the development of new fencing along the folio boundary and a divide fence at Meentygrannagh, Co. Donegal.

**SUBMITTED:-**

Written request received 10<sup>th</sup> August 2025 as above and report dated 8<sup>th</sup> September 2025 from the Executive Planner (Ref. No: S5 25/69 refers).

**ORDER:-**

Having considered the said request, the report of the Executive 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.

  
SENIOR EX. PLANNER

DATED THIS 10<sup>th</sup> DAY OF SEPTEMBER 2025

**Chief Executive's Order No: 2025PH2654**

**Ref.No: S5 25/69**

**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(1), 3(1), 4(2)(a)(i), 4(2)(b) and 177(U) (1) of the Planning and Development Act 2000 ( as amended) and
- Article 6(1), 9(1)(a)( 9(1)(a) (viiB), & (x), and Class 4 of Part 3 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 NOT EXEMPTED DEVELOPMENT** as it is considered that the development is de-exempted under Article 9(1)(a) (vi), (viiB), (x), (xi) of the abovementioned regulations.

**ADVICE**

**Applicant is advised the entire site is within the Meentygrannagh Bog SAC, (Site Code: 000173 refers). The development could potentially destabilize the ground and erode the peat as a result of overgrazing of livestock in the enclosed area and impact on the qualifying inters of the lands which may have implications on the integrity of the Natura 2000 site.**

*js 10/09*



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

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Leifear,  
Contae Dhún na nGall, F93 Y622

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Ref. No: S525/69

10<sup>th</sup> September 2025

JAMES MOLONEY  
KILBARRY  
FERMOY  
CO. CORK  
P61 KV99

**Re: Development of new fencing along the folio boundary and a divide fence at  
Meentygrannagh, Co. Donegal.**

A Chara,

I refer to your request received on 10<sup>th</sup> August 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 Board within 4 weeks of the date of issuing of the Declaration.

Mise, le meas,

**For Senior Ex. Planner  
Planning Services**

/jmcc

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

**DECLARATION**

**Chief Executive's Order No:** 2025PH2654

**Reference No:** S525/69

**Name of Requester:** JAMES MOLONEY  
KILBARRY  
FERMOY  
CO. CORK  
P61 KV99

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

The development of new fencing along the folio boundary and a divide fence

**Location:** Meentygrannagh, 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(1), 3(1), 4(2)(a)(i), 4(2)(b) and 177(U) (1) of the Planning and Development Act 2000 (as amended) and
- Article 6(1), 9(1)(a), 9(1)(a) (viiB), & (x), and Class 4 of Part 3 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 NOT EXEMPTED DEVELOPMENT** as it is considered that the development is de-exempted under Article 9(1)(a) (vi), (viiB), (x), (xi) of the abovementioned regulations.

**ADVICE**

**Applicant is advised the entire site is within the Meentygrannagh Bog SAC, (Site Code: 000173 refers). The development could potentially destabilize the ground and erode the peat as a result of overgrazing of livestock in the enclosed area and impact on the qualifying inters of the lands which may have implications on the integrity of the Natura 2000 site.**



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**For Senior Ex. Planner  
Planning Services**

**Dated this 11<sup>th</sup> day of August 2025**