

From: [CARMEL KELLY](#) on behalf of [planning mailbox](#)
To: [MARTINA PARKE \(PLANNING\)](#)
Subject: FW: Section 5 Declaration Request - Cill Ulta, Falcarragh, Co. Donegal
Date: 10 July 2025 12:17:42
Attachments: [Outlook-xfxhs4wr.png](#)
[Section 5 Application Form.pdf](#)
[Section 5 Cover Letter.pdf](#)
[22075 Section 05 Application Drawings-OS Map 2500 Packing Shed.pdf](#)
[22075 Section 05 Application Drawings-Existing Site Plan 500 Packing Shed.pdf](#)
[22075 Section 05 Application Drawings-Packing Shed.pdf](#)

Fee payment arrangements have been sent to Tomas/mark and they have been asked to revert with receipt number.

From: Tomás Skinner <tomas@theplanningpartnership.ie>
Sent: 10 July 2025 12:10
To: planning mailbox <Planning@Donegalcoco.ie>
Cc: Mark Brindley <mark@theplanningpartnership.ie>
Subject: Section 5 Declaration Request - Cill Ulta, Falcarragh, Co. Donegal

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,

I hope that you are well. The Planning Partnership has been appointed by Údarás na Gaeltachta (the 'Declaration Applicant') to prepare the attached request for a declaration under Section 5 of the Planning and Development Act 2000, as amended, in relation to an agricultural structure at Cill Ulta, Falcarragh, Co. Donegal.

I kindly ask that the request for the payment of fees be directed to Mark Brindley (cc'd), who can be contacted at 083 430 5052 to pay by card.

We trust that the attached documents and drawings provide all necessary information to enable a swift and positive declaration. However, please do not hesitate to contact us if you require any additional information.

I would be very grateful if you could confirm receipt of this response at your convenience.

Yours, with kind regards,

Tomás Skinner

Senior Planning Consultant

The Planning Partnership (Mullingar)

Mobile: +353 (0) 87 1160181

E-mail: tomas@theplanningpartnership.ie

Follow us on Twitter: '@tppartnership' and Website: www.theplanningpartnership.ie

Landline: +353 (0)44 9310 210

Fax: +353 (0)99 32100



MULLINGAR - CORK - CASTLEBAR

The Planning Partnership - Registered Trading Name of B.E.F. Planning International Ltd.

Registered Office: 2 Auburn Terrace, Sunday's Well Road, Mullingar, Co. Westmeath

Directors: Mark Brindley (UK), Wessel Vosloo, Fintan Morrin

Company No.: 501130

 Please don't print this e-mail unless you really need to.

This email message and attachments may contain information that is CONFIDENTIAL to The Planning Partnership. If you are not the intended recipient you cannot, use, distribute, or copy the message. In such a case, please notify the sender by return email immediately and erase all copies of the message and attachments. The opinions expressed in this email are these of the sender and not necessarily those of The Planning Partnership. The contents of any attachments to this email may contain software viruses, which could damage your own computer system. Whilst every reasonable precaution has been taken to minimise this risk, we cannot accept liability for any damage which you sustain as a result of software viruses or the use of this email or attachments. You should therefore carry out your own virus checks before opening attachments. E-mail may be susceptible to data corruption, interception and unauthorised amendment, and we do not accept liability for any such corruption, interception or amendment or for the consequences thereof.

From: [CARMEL KELLY](#) on behalf of [planning mailbox](#)
To: [MARTINA PARKE \(PLANNING\)](#)
Subject: FW: Section 5 Declaration Request - Cill Ulta, Falcarragh, Co. Donegal
Date: 10 July 2025 12:33:00
Attachments: [image003.png](#)

From: Mark Brindley <mark@theplanningpartnership.ie>
Sent: 10 July 2025 12:29
To: [planning mailbox](#) <Planning@Donegalcoco.ie>; Tomás Skinner <tomas@theplanningpartnership.ie>
Subject: RE: Section 5 Declaration Request - Cill Ulta, Falcarragh, Co. Donegal

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 Carmel,

Just spoke to Rosemary in the cash office, payment was made and she gave me a reference / receipt number of: 98080

Regards

Mark Brindley

The Planning Partnership (Mullingar)

Mobile: +353 (0) 83 4305052

E-mail: mark@theplanningpartnership.ie

Follow us on Twitter: '@tppartnership' and Website: www.theplanningpartnership.ie

Landline: +353 (0)44 9310 210

Fax: +353 (0)99 32100



MULLINGAR - CORK - CASTLEBAR

The Planning Partnership - Registered Trading Name of B.E.F. Planning International Ltd.
Registered Office: 2 Auburn Terrace, Sunday's Well Road, Mullingar, Co. Westmeath
Directors: Mark Brindley (UK), Wessel Vosloo, Fintan Morrin
Company No.: 501130

 Please don't print this e-mail unless you really need to.

This email message and attachments may contain information that is CONFIDENTIAL to The Planning Partnership. If you are not the intended recipient you cannot, use, distribute, or copy the message. In such a case, please notify the sender by return email immediately and erase all copies of the message and attachments. The opinions expressed in this email are those of the sender and not necessarily those of The Planning Partnership. The contents of any attachments to this email may contain software viruses, which could damage your own computer system. Whilst every reasonable precaution has been taken to minimise this risk, we cannot accept liability for any damage which you sustain as a result of software viruses or the use of this email or attachments. You should therefore carry out your own virus checks before opening attachments. E-mail may be susceptible to data corruption, interception and unauthorised amendment, and we do not accept liability for any such corruption, interception or amendment or for the consequences thereof.

From: CARMEL KELLY <CKELLY@donegalcoco.ie> **On Behalf Of** [planning mailbox](#)
Sent: Thursday 10 July 2025 12:17
To: Tomás Skinner <tomas@theplanningpartnership.ie>
Cc: Mark Brindley <mark@theplanningpartnership.ie>
Subject: RE: Section 5 Declaration Request - Cill Ulta, Falcarragh, Co. Donegal

Hi Tomas,

The planning section do not have the facility to accept payments.

Please make arrangements to contact the cash office on 074 9153900 and pay the fee of €80.00. Then revert with the receipt number and the application shall be considered further.

Thank you

Carmel

From: Tomás Skinner <tomas@theplanningpartnership.ie>
Sent: 10 July 2025 12:10
To: planning mailbox <Planning@Donegalcoco.ie>
Cc: Mark Brindley <mark@theplanningpartnership.ie>
Subject: Section 5 Declaration Request - Cill Ulta, Falcarragh, Co. Donegal

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,

I hope that you are well. The Planning Partnership has been appointed by Údarás na Gaeltachta (the 'Declaration Applicant') to prepare the attached request for a declaration under Section 5 of the Planning and Development Act 2000, as amended, in relation to an agricultural structure at Cill Ulta, Falcarragh, Co. Donegal.

I kindly ask that the request for the payment of fees be directed to Mark Brindley (cc'd), who can be contacted at 083 430 5052 to pay by card.

We trust that the attached documents and drawings provide all necessary information to enable a swift and positive declaration. However, please do not hesitate to contact us if you require any additional information.

I would be very grateful if you could confirm receipt of this response at your convenience.

Yours, with kind regards,

Tomás Skinner

Senior Planning Consultant

The Planning Partnership (Mullingar)

Mobile: +353 (0) 87 1160181

E-mail: tomas@theplanningpartnership.ie

Follow us on Twitter: '@tppartnership' and Website: www.theplanningpartnership.ie

Landline: +353 (0)44 9310 210

Fax: +353 (0)99 32100



MULLINGAR - CORK - CASTLEBAR

The Planning Partnership - Registered Trading Name of B.E.F. Planning International Ltd.

Registered Office: 2 Auburn Terrace, Sunday's Well Road, Mullingar, Co. Westmeath

Directors: Mark Brindley (UK), Wessel Vosloo, Fintan Morrin

Company No.: 501130

 Please don't print this e-mail unless you really need to.

This email message and attachments may contain information that is CONFIDENTIAL to The Planning Partnership. If you are not the intended recipient you cannot, use, distribute, or copy the message. In such a case, please notify the sender by return email immediately and erase all copies of the message and attachments. The opinions expressed in this email are those of the sender and not necessarily those of The Planning Partnership. The contents of any attachments to this email may contain software viruses, which could damage your own computer system. Whilst every reasonable precaution has been taken to minimise this risk, we cannot accept liability for any damage which you sustain as a result of software viruses or the use of this email or attachments. You should therefore carry out your own virus checks before opening attachments. E-mail may be susceptible to data corruption, interception and unauthorised amendment, and we do not accept liability for any such corruption, interception or amendment or for the consequences thereof.

[Email Disclaimer](#)

[Clásal Séanta Ríomhphoist](#)



[Member of Cyber Ireland | Ireland's Cyber Security Cluster](#)



Comhairle Contae
Dhún na nGall
Donegal County Council

Planning Services

RECEIVED DATE: 10/07/2025



Comhairle Contae
Dhún na nGall
Donegal County Council

SECTION 5 APPLICATION

FOR DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

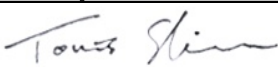
Completed application form & supporting documentation to be returned to the Planning Authority by email to planning@donegalcoco.ie

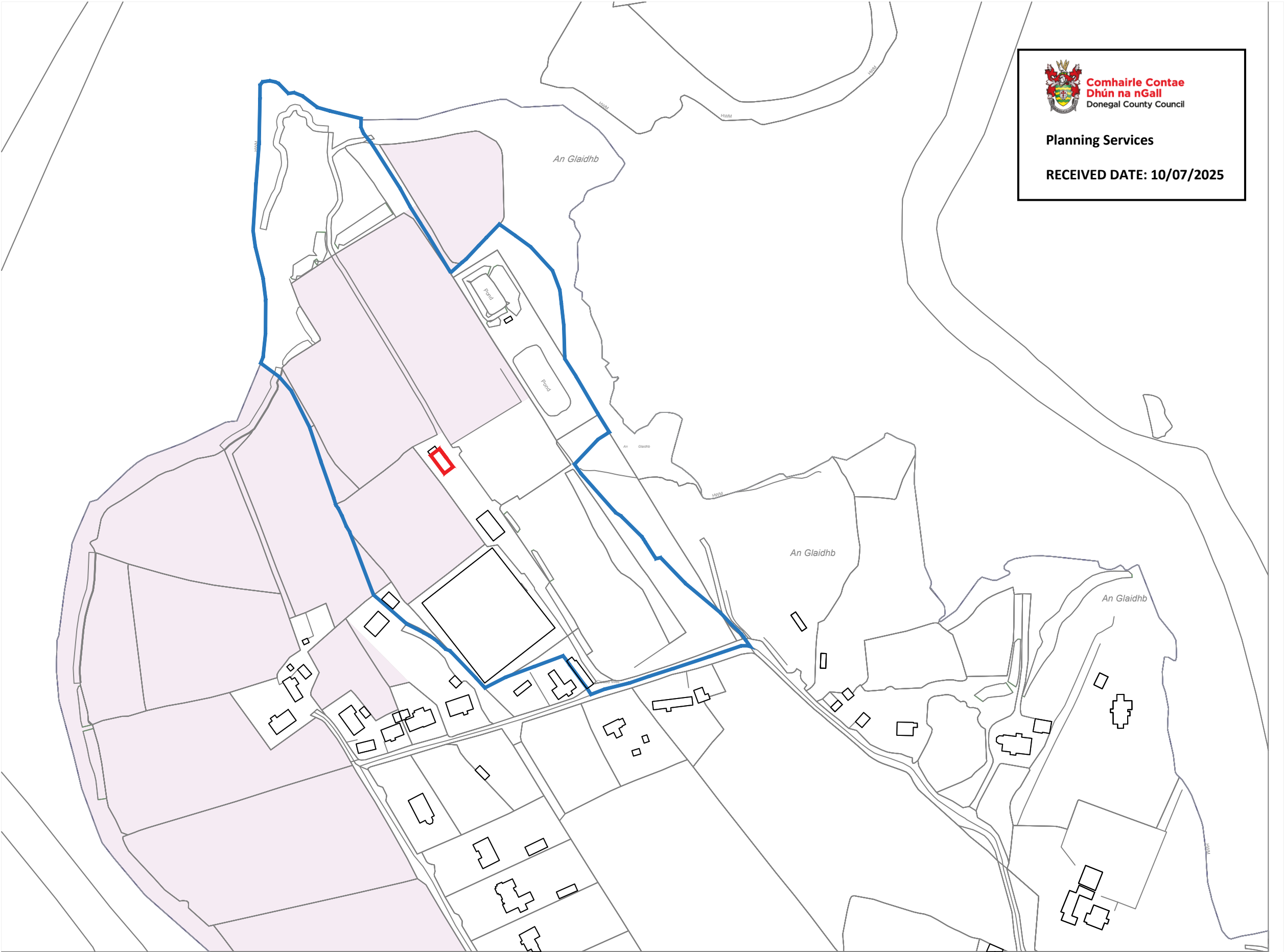
Name of Applicant(s):	Údarás na Gaeltachta
Agent Name: (if applicable)	Tomás Skinner (The Planning Partnership)
Location of Proposed Development / Works: (Townland or postal address as appropriate and Eircode if available)	Cill Ulta Falcarragh Co. Donegal F92 WF60
Description of Proposed Development including details of works (where applicable): (Only works listed below will be assessed under <u>this</u> section 5 application)	
<p>1. Whether the use of the structure for the purposes of agriculture together with land so used constitutes development that is or is not exempted development?</p> <p>2. Whether the maintenance, improvement or other alteration of the structure – being works undertaken to repair and refurbish the structure which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures – constitutes development that is or is not exempted development?</p>	



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

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	
If not the Owner of the site, please provide the name of the Landowner:	N/A	
Please list types of plans, drawings etc. submitted with this application:	OS Site Location Map Site Layout Plan Packing Shed Plans, Elevations and Section	
Planning History - list any relevant planning application reference numbers:	DCC 92/331, DCC 24/62059	
Are you aware of any enforcement proceedings connected to the site? If so, please supply details:	N/A	

I hereby certify that the information provided is true and accurate	
Signature of Applicant/Agent:	
Date:	10th July 2025





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

Planning Services

RECEIVED DATE: 10/07/2025

OS SITE LOCATION PLAN

SCALE 1:2500@A3
ITM centre pt. coords.: X,Y= 591556.153,932545.6769
Map Series: 1:2,500 | 0115-B 1:2,500 | 0116-A

© ORDNANCE SURVEY IRELAND
GOVERNMENT OF IRELAND
LICENCE No AR 0013119

KEY


OUTLINE OF APPLICATION SITE

OTHER LANDS WITHIN THE OWNERSHIP OF THE APPLICANT

SPECIAL PROTECTED AREA

LOCATION OF SITE NOTICE



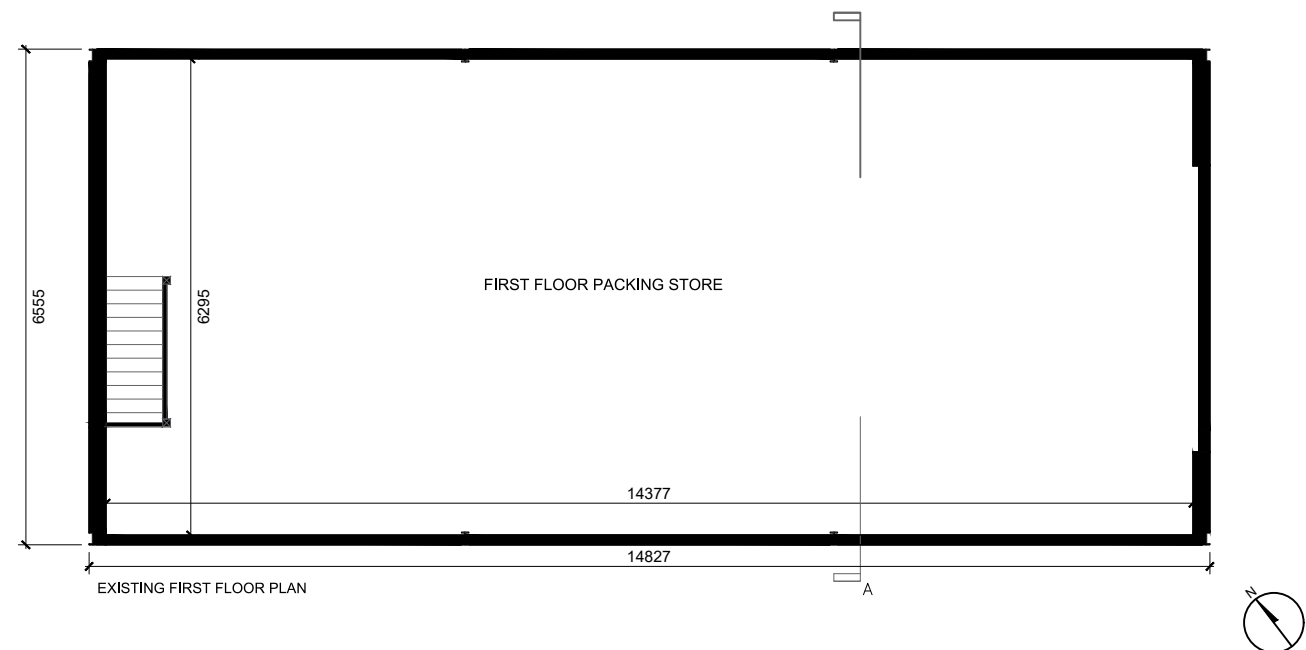
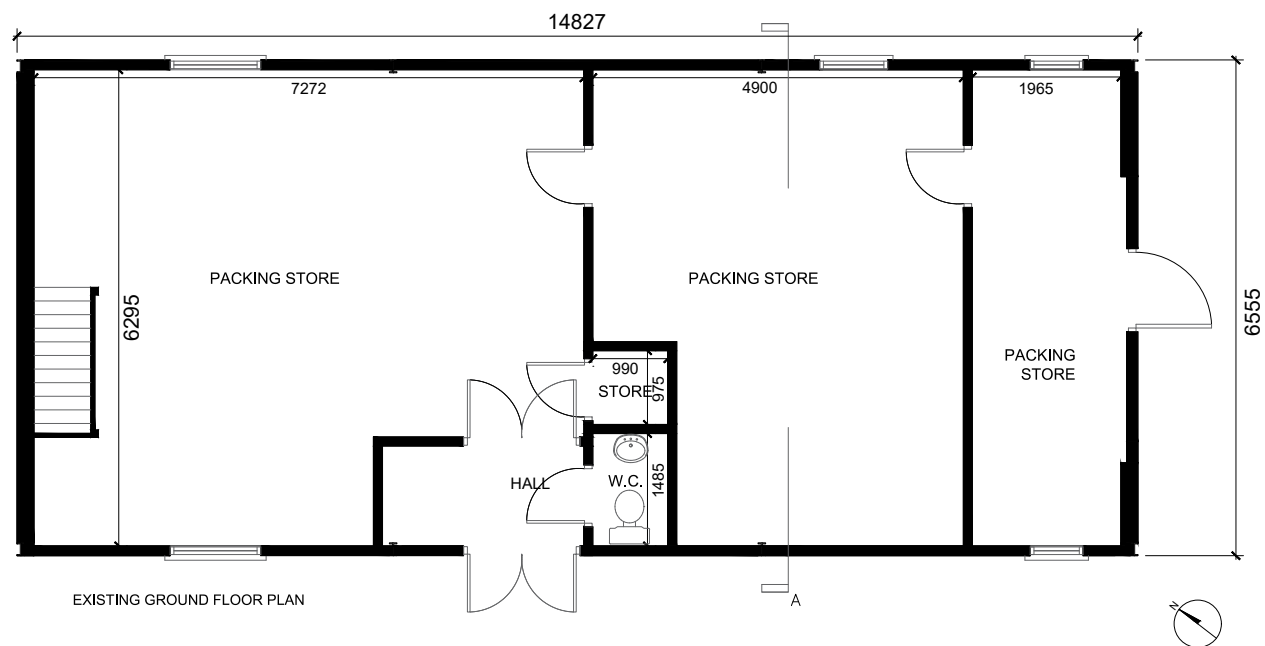
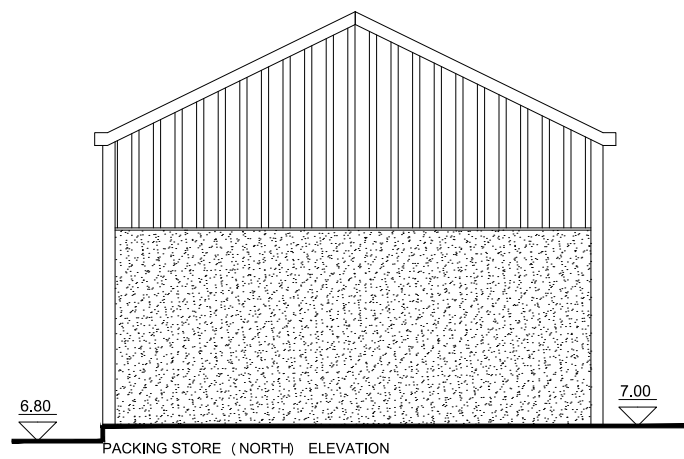
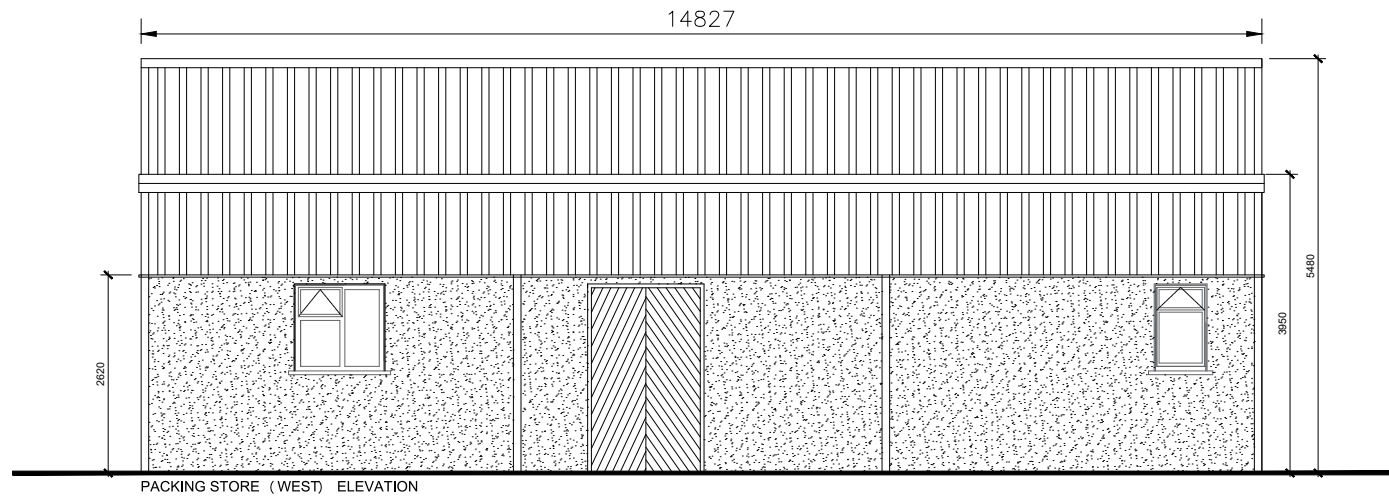
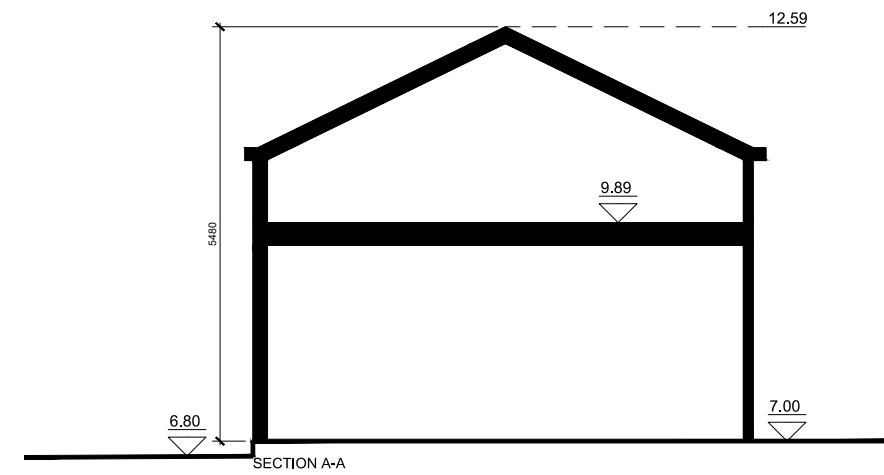
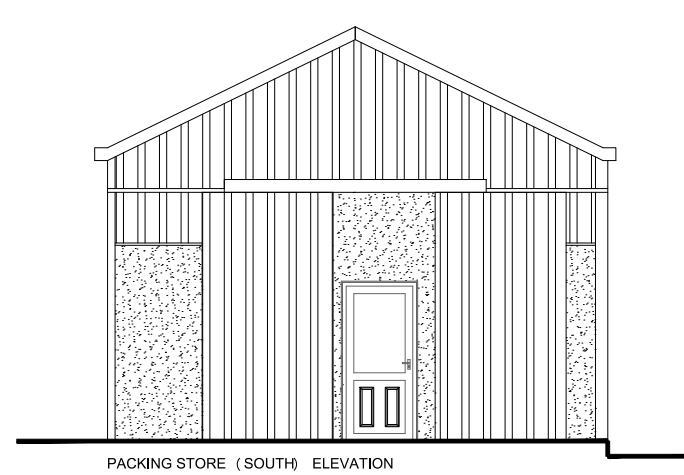
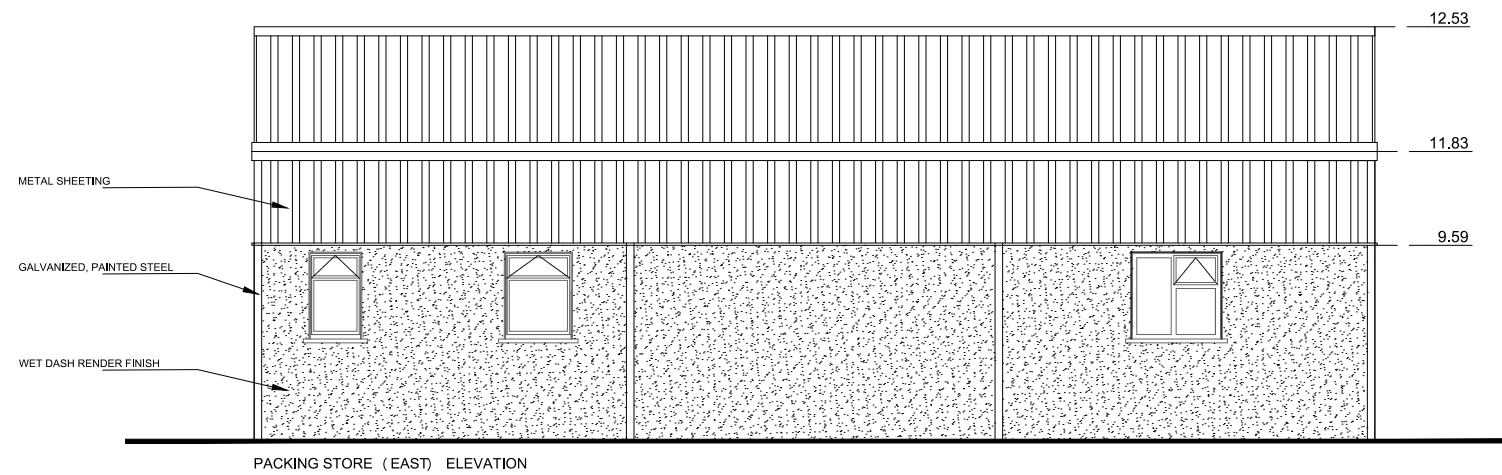



**RHATIGAN
ARCHITECTS**

City Gate, Sligo, F91TX2D
Tel: +353 (0)71 9142213
Email: info@rhatigan.ie
Web: www.rhatigan.ie

rev.	date	description		by		
CLIENT Údarás na Gaeltachta						
PROJECT Cill Ulta: Section 5 Application_Packing Shed						
DRAWING Site Location Map						
DRG. No. 22075-DR-RHA-AR-0001						
STAGE	01	STATUS	-	REV	DATE	07/07/25
DRAWN BY IOC		APPROVED TJ		Job No.	22075	SCALE 1:500 @ A3

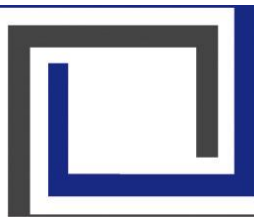
© COPYRIGHT This drawing or design may not be reproduced without permission



rev.	date	description	by		
<div><div>RHATIGAN ARCHITECTS</div></div> <div>City Gate, Sligo, F91TX2D Tel: +353 (0)71 9142213 Email: info@rhatigan.ie Web: www.rhatigan.ie</div>					
CLIENT	Udaras na Gaeltacht				
PROJECT	Cill Ulta: Northwest Bioeconomy Hub				
DRAWING	PACKING SHED_ PLANS, ELEVATIONS AND SECTION				
DRG. No.	22075-DR-RHA-AR-0020				
STAGE	01	STATUS	REV	DATE	23/06/23
DRAWN BY	IOC	APPROVED	Job No. 22075	SCALE	1:100 @ A3

© COPYRIGHT This drawing or design may not be reproduced without permission.

© COPYRIGHT This drawing or design may not be reproduced without permission



Planning Department
Donegal County Council
County House
The Diamond
Lifford
Co. Donegal
F93 Y622



Comhairle Contae
Dhún na nGall
Donegal County Council

Planning Services

RECEIVED DATE: 10/07/2025

10th July 2025

[By email: planning@donegalcoco.ie]

-: SECTION 5 DECLARATION REQUEST :-

Dear Sir/Madam,

RE: SECTION 5 DECLARATION REQUEST IN RELATION TO AN AGRICULTURAL STRUCTURE AT CILL ULTA, NR. FALCARRAGH, CO. DONEGAL

1.0 INTRODUCTION

1.1. Section 5 Declaration Request

The Planning Partnership, The Bank Building, 52 Oliver Plunkett Street, Mullingar, Co. Westmeath, acting on behalf of **Údarás Na Gaeltachta** (the 'Declaration Applicant'), Na Forbacha, Co. na Gaillimhe, hereby seeks a declaration from Donegal County Council under Section 5 of the Planning and Development Act 2000, as amended. The associated fee of €80.00 will be supplied.

1.2. Summary of our Planning Opinion

The purpose of this request for a Section 5 Declaration is to confirm our understanding of the following matters:

That the use of the structure to which the subject request for a Section 5 Declaration refers continues to be an agricultural use, ancillary to the overall agricultural use of lands. Its current role as a packing shed is to facilitate the sorting, packing, and short-term storage of agricultural produce (principally vegetables), and that this use benefits from the exemption provided under Section 4(1)(a) of the Planning and Development Act 2000, as amended (notwithstanding any original exemption provided by the Local Government (Planning and Development) Act, 1963, as reflected by the long development history of the site).

That works carried out to that structure in ca. 2010 were done so in good faith to respond to the dangerous and derelict condition of the former building, whereby it was the reasonable belief of those involved at the time that such works qualified as exempted development under Section 4(1)(h) of the Planning and Development Act 2000, as amended. It is our opinion that this development represents '*maintenance, improvement or other alteration*' works, and that the effect of those works did not render the structure inconsistent with its original character or that of neighbouring buildings.

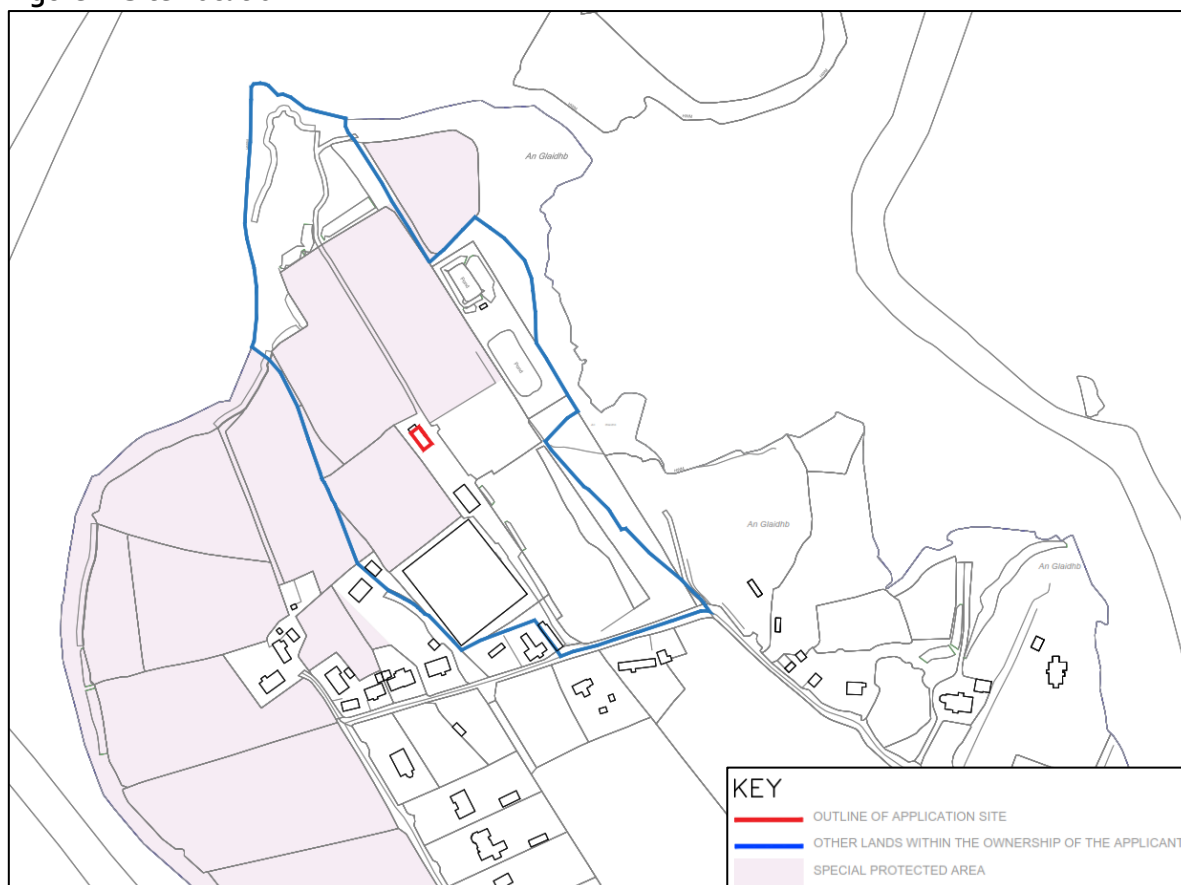
1.3. Site Location and Description

This request for a declaration under Section 5 relates to a structure at Cill Ulta, the location of a longstanding horticultural enterprise that has developed through the work of state authorities and community groups. The enterprise is currently under the ownership of Údarás na Gaeltachta and is operated by Lárionad Acmhainní Nádurtha Ctr. (LAN), a non-profit organisation with charitable status.

Cill Ulta is located on a peninsula extending into Ballyness Bay to the west of Falcarragh (An Fál Carrach), Co. Donegal. It consists of a ca. 0.8 ha. area which forms part of a wider total landholding under the ownership of Údarás na Gaeltachta that extends over the Killult (Cill Ulta) and Glebe (An Glaighb) townlands (Figure 1). The predominant land use in the vicinity of the site is agricultural, with a number of one-off rural dwellings across the peninsula (Figure 2). The site is bounded by – and accessed via – the L5093 to the south, which connects to the N56 ca. 450m to the southeast.

The site is surrounded to the North, East and West by the Ballyness Bay Special Area of Conservation. The northern portion of the overall landholding is situated within the Falcarragh to Meenlaragh SPA, designated due to its importance as a habitat for the Corncrake (*Crex crex*).

Figure 1: Site Location



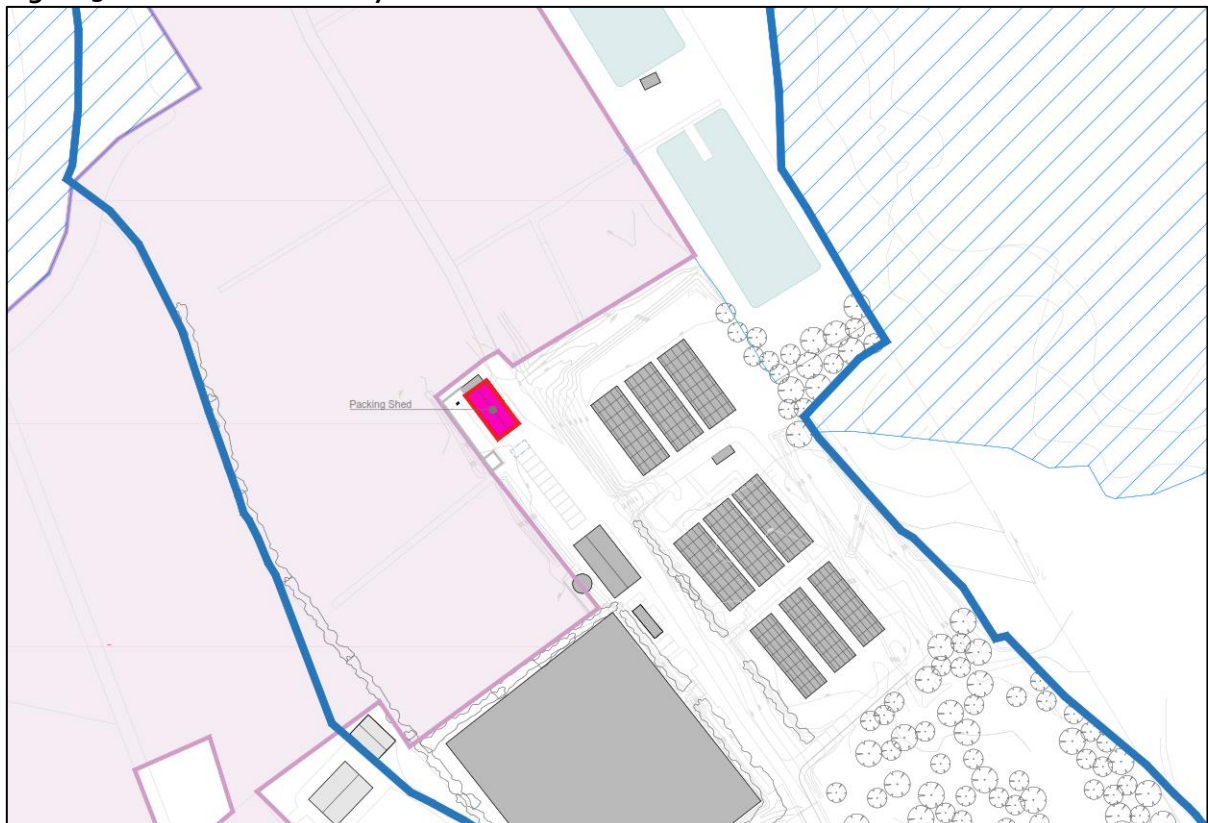
Source: Rhatigan Architects (2025)

Figure 2: Site context

Source: Geohive (2025)

1.4. Scope and questions of subject request for a declaration under Section 5

The subject request for a declaration under Section 5 relates to the structure currently used as a packing shed as indicated in Figure 3 and the *Packing Shed Plans, Elevations and Section* drawing prepared by Rhatigan Architects as accompanies this declaration request.

Figure 3: Extract from Site Layout Plan

Source: Rhatigan Architects (2025)

The Declaration Applicant acknowledges that the planning status of other structures in proximity to the packing shed is to be addressed separately by the application currently before An Coimisiún Pleanála (ACP Reference: ABP-322521-25, Donegal County Council Register Reference: 24/62059). While the referred shed lies outside the scope of that application and appeal, this request for a declaration under Section 5 of the Planning and Development Act 2000, as amended, is made partly in response to concerns raised by the Third-Party Appellant, who has asserted that works were carried out on the structure without the benefit of planning permission.

It is noted that the Third Party Appellant raised this matter in their submission at application stage (DCC Ref: 24/62059), and in this regard we refer to Donegal County Council's response to the matter: *"The shed identified is not considered to be material in the assessment of the current planning application and can be addressed through a separate planning application."*

The purpose of this request is to seek clarification from the Planning Authority regarding the planning status of this structure, and to determine the necessity – if any – of a subsequent planning application for retention of the same.

In these circumstances, we request that the scope of this determination is structured around the following questions:

1. Whether the use of the structure for the purposes of agriculture together with land so used constitutes development that is or is not exempted development?
2. Whether the maintenance, improvement or other alteration of the structure – being works undertaken to repair and refurbish the structure which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures – constitutes development that is or is not exempted development?

2.0 PLANNING OPINION

2.1. Development history

This Section 5 Declaration request refers to a structure historically associated with the long-established horticultural enterprise and agricultural use of lands at Cill Ulta. While we acknowledge that much of the development history has previously been presented to the Planning Authority under DCC Reg. Ref. 24/62059, we consider it relevant to contextualise the development history and agricultural use of the site under the ownership of Gaeltarra Éireann and, subsequently, Údarás na Gaeltachta.

The Gaeltacht Glasshouse Scheme was established under the Department of Agriculture between 1947 and 1948. This was an experimental scheme to assist farmers in the Gaeltacht to engage in the commercial scale production of glasshouse crops – primarily tomatoes. Two districts in the Gaeltacht were selected for the experiment: the Spiddal-Knock-Carraroe district of Connemara and the Gortahork-Falcarragh area of Co. Donegal.¹

Arrangements were made for the erection of 100 glasshouses in the Gortahork-Falcarragh area, together with a central plant-propagation house and packing station. Seedlings were grown at this central facility before being distributed to the growers' glasshouses, and then the produce was later collected at the central packing station to be graded and packed for marketing.² The Department of Agriculture was responsible for the design, erection and equipment of the growers' glasshouses and central facility.³

In 1956, responsibility for development in and of the Gaeltacht was transferred to the Department of the Gaeltacht, and the Glasshouse Scheme was subsequently taken over by Gaeltarra Éireann, established under the Gaeltacht Industries Act, 1957.⁴ Significant powers were afforded to Gaeltarra Éireann under this act, as discussed below.

In 1971, Gaeltarra Éireann expanded their operations in the Gortahork-Falcarragh area with the construction of a 4-acre glasshouse unit on a 13-acre site at Cill Ulta, in partnership with N. Smyth and Co. Ltd. of Dublin. This development included extensive glasshouse blocks and an associated sorting / packing building and office / storage structure.⁵ This development is understood to have been a continuation and intensification of the well-established Gaeltacht Glasshouse Scheme which had its origins in the Gortahork-Falcarragh area from as far back as 1947/1948.

With regard to Gaeltarra Éireann's activities in the Gortahork-Falcarragh area, it is our understanding that these were enabled by the significant powers conferred upon the state authority under the Gaeltacht Industries Act, 1957. We note and highlight the following extracts in this regard:

Gaeltacht Industries Act, 1957

4.—(1) It shall be the duty of the Board to carry on, control and manage the rural industries, to exercise the functions in relation thereto which immediately before the establishment day were vested in the Minister and, with the consent of the Minister given after consultation with the Minister for Industry and Commerce, to provide, carry on, control and manage in the Gaeltacht such other industries and productive schemes of employment as it may think fit.

¹ <https://www.oireachtas.ie/en/debates/debate/dail/1947-05-07/16/>

² Seventeenth annual report of the Minister for Agriculture: 1947-48. Available at: <https://opac.oireachtas.ie/AWDData/Library3/Library2/DLo51918.pdf>

³ Seventeenth annual report of the Minister for Agriculture: 1947-48. Available at: <https://opac.oireachtas.ie/AWDData/Library3/Library2/DLo51918.pdf>

⁴ Commission on the Restoration of the Irish Language Summary, in English, of Final Report 13th July 1963. Available at: <https://opac.oireachtas.ie/AWDData/Library3/Library2/DLo13458.pdf>

⁵ Irish Farmer's Journal, Saturday 2nd October 1971, p. 4; Donegal News, Saturday 2nd October, 1971, p. 3.

(3) **The Board shall have all such powers as are necessary** for the purposes specified in subsections (1) and (2) of this section.

(4) Without prejudice to the generality of the foregoing subsections and in addition to the powers conferred on the Board by any other provision of this Act, the Board shall have power—

(a) **to expand and develop in the Gaeltacht the rural industries and any industry or productive scheme of employment provided by it under this section,**

(d) to acquire, receive on transfer, hold, sell, mortgage, lease let, or otherwise dispose of land, buildings, markets, premises or plant and **to erect, alter or maintain buildings, markets, premises or plant necessary for the discharge or exercise of its duties or powers under this Act.**

Údarás na Gaeltachta was established by the Údarás na Gaeltachta Act, 1979. Under Section 7 of this Act, as part of the dissolution of Gaeltarra Éireann all properties – and any rights, powers and privileges relating to or connected with any such property – which formerly belonged to Gaeltarra Éireann were transferred to and became the property of an tÚdarás. This included the glasshouse site at Cill Ulta.

Much like Gaeltarra Éireann under the Gaeltacht Industries Act, 1957, significant powers were afforded to Údarás na Gaeltachta under the Údarás na Gaeltachta Act, 1979 and later by the Gaeltacht Act, 2012. We note and highlight the following:

Údarás na Gaeltachta Act, 1979

8.— (2) An tÚdarás shall, subject to section 10, carry on, control and manage (either directly or, in any particular case, through a body corporate controlled by an tÚdarás) the industries and productive schemes of employment carried on, controlled or managed, directly or indirectly, by Gaeltarra Éireann immediately before the appointed day.

(4) **An tÚdarás may, subject to section 10, expand and develop any industry or productive scheme of employment referred to in subsection (2) or (3).**

(7) For the purposes of this section an tÚdarás shall have power to acquire, receive on transfer, hold, sell, mortgage, lease, let, or otherwise dispose of land, buildings, markets, premises or plant and **to erect, alter or maintain buildings, markets, premises or plant.**

(8) **An tÚdarás shall have all such further powers as are necessary for the purposes of this section.**

By the mid-1970s the rising price of oil made the operation of glasshouses increasingly expensive, and glasshouse growers could not compete with the volume of cheaper imports. The Gaeltacht Glasshouse Scheme continued until it was terminated in November 1975, and operations at the Cill Ulta site ceased in 1976. In the years following the closure of the site at Cill Ulta in 1976, the site became overgrown, many of the glasshouses were damaged by storms or dismantled, with some being salvaged by locals for their own gardens.

Nevertheless, various structures remained on site, including *inter alia* the pre-existing glasshouses, 2 no. water reservoirs, and a “boiler house” at the location of the structure to which this request for a Section 5 Declaration refers. These are all visible on an Údarás na Gaeltachta lease map dated 1st August 1985, indicating that the “boiler house” was a pre-existing structure developed by Gaeltarra Éireann (Figure 4).

Figure 4: Extract from Údarás na Gaeltachta lease map, dated 1st August 1985, showing “boiler house” (no. 5) at the location of the structure to which this request for a Section 5 Declaration refers



Source: Údarás na Gaeltachta

By 1987, Údarás na Gaeltachta were considering a 10-acre site at Cill Ulta as being suitable for a factory⁶, at a time when an tÚdarás was giving priority to “sourcing new industrial projects for those areas that have experienced closures or employment set-backs in the last year or so” – of which Falcarragh/Gortahork was identified as an area of particular importance.⁷

In 1992, Donegal County Council granted planning permission for 5 no. mushroom growing houses with a service building and boiler house at the subject site (Donegal Reg. Ref. 92/331). The plans supplied with the application show, *inter alia*, 2 no. water reservoirs, a pumphouse, and several glasshouse blocks extant in the area.

Historic satellite imagery confirms the continued presence of the structure previously referred as a “boiler house” at this location in ca. 1995 (Figure 5). We also note the presence of what appears to be the remains of more extensive glasshouses or similar structures extending northwest adjacent to the “boiler house”, in alignment with the 1985 lease map referred above. Historic aerial imagery continues to show the presence of the pre-existing structure at that location as of 2008 (Figure 6), with evidence of reduced glasshouse coverage.

⁶ Údarás na Gaeltachta: building activity: Airleachain. Papers from S29-10-86. National Archives Ref: 2017/7/506.

⁷ Údarás na Gaeltachta Turascáil agus Cuntais (1988), p. 31. In Údarás na Gaeltachta: report and accounts. National Archives Ref: 2020/3/213.

Figure 5: Historic aerial imagery, 1995, showing pre-existing structure at indicated location



Source: Historic Environment Viewer

Figure 6: Historic aerial imagery, 2008, showing pre-existing structure at indicated location



Source: Google Earth Pro

We understand through communication with local staff at Cill Ulta that the pre-existing structure at this location was of broadly similar design to the structure that is present today, e.g. that it originally featured a pitched roof and was appropriately serviced by electricity, pipework, etc. From ca. 1998 the location was used both as a training area and for storage – both uses directly connected to and ancillary to the primary agricultural use of the land – with WC services provided.

Based on communication with local staff at Cill Ulta, it is understood that works were undertaken around 2010, comprising the reconstruction and raising of the previous pitched-roof structure to form the shed as it appears today. The upgraded building consists of a galvanised steel-frame superstructure, with green metal cladding to the upper walls and front elevation, and white wet-dash render to the lower sections, consistent with typical agricultural buildings. The form of the structure – including its pitched roof and green metal sliding doors – was designed to reflect the character of the existing office building directly opposite.

Internally, the space was refurbished to accommodate its use for the sorting, packing, and short-term storage of agricultural produce and materials, principally vegetables, generated from the surrounding agricultural landholding.

These modifications are clearly ancillary to the site's established agricultural function. For clarity, it is our understanding that the location, orientation, and overall dimensions of the current shed are consistent with those of the structure previously referred to as the "boiler house" at this site.

2.2. Exempted development provisions

We understand through communication with local staff at Cill Ulta that the works were carried out to the referred structure in good faith, on the basis that such development was exempted development carried out under the relevant provisions of the Planning and Development Act 2000, as amended ('the 2000 Act').

To this end, we refer to Section 2 (1) of the 2000 Act, which states as follows:

2.— (1) In this Act, except where the context otherwise requires —

"agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the training of horses and the rearing of bloodstock, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and "agricultural" shall be construed accordingly;

"development" has the meaning assigned to it by Section 3, and "develop" shall be construed accordingly;

"exempted development" has the meaning specified in Section 4;

"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, and

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal [...].

Section 4 of the 2000 Act, sets out various circumstances in which development is exempted development for the purposes of the 2000 Act. We note the following extracts as being of particular relevance:

4.— (1) The following shall be exempted developments 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;

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

2.3. Discussion

2.3.1. On the agricultural use of the structure

We refer to Question 1 of this request as follows:

1. *Whether the use of the structure for the purposes of agriculture together with land so used constitutes development that is or is not exempted development?*

We consider it highly relevant that the development history of site, as presented in Section 2.1 above, clearly demonstrates the longstanding presence of the pre-existing structure at the same location – and of approximately the same dimensions, orientation and design – as the structure to which the subject request for a Section 5 Declaration refers.

To this end we also reiterate our understanding that the existing use of the land in 1971 was agricultural⁸, and that the Gaeltarra Éireann glasshouse development represented a continuation of this primarily agricultural land use. This well-established agricultural function remains the principal use of the land today, with all other activities on site being ancillary to that use. In this context, it is our view that the original structure, identified as a “boiler house”, was similarly ancillary to the land’s agricultural function.

We refer to the Local Government (Planning and Development) Act, 1963, which states under Section 4 (1) (a) that “*development consisting of the use of any land for the purposes of agriculture ... and development consisting of the use for any of those purposes of any building occupied together with land so used*” was exempted development at the time of the 1971 Gaeltarra Éireann glasshouse development.

As such, it is our view that the original structure as shown can be understood to have comprised exempted development under Section 4 (1) (a) of the Local Government (Planning and Development) Act, 1963, in addition to the broad powers afforded to Gaeltarra Éireann under the Gaeltacht Industries Act, 1957, and Údarás na Gaeltachta under the Údarás na Gaeltachta Act, 1979 to “*erect, alter or maintain buildings markets, premises or plant*” for the purpose of fulfilling their statutory functions under their respective primary legislation.

In support of this matter, we note that to our knowledge no issues were raised by the Planning Authority regarding the planning status of existing structures or land uses within the overall landholding at the time that permission was granted for the 1992 application (Donegal Co. Co. Register Reference: 92/331). Based on the 1985 lease map (Figure 4), the “boiler house” structure is inferred to have been present on the lands at that time. It would therefore be reasonable to consider that in their decision to grant permission Donegal County Council did not have any reservations on the planning status of the landholding, including that former structure.

The use of the structure to which the subject request for a Section 5 Declaration refers continues to be an agricultural use, ancillary to the overall agricultural use of lands. Its current role as a packing shed is to facilitate the sorting, packing, and short-term storage of agricultural produce (principally vegetables). This use varies in frequency across the year, as shown in Table 1.

⁸ Irish Farmer’s Journal, Saturday 2nd October 1971, p. 4; Donegal News, Saturday 2nd October, 1971, p. 3.

Table 1: Seasonal frequency of use of packing shed

Months	Frequency of use
February to March	1 day / week
April to May	2 days / week
June to September	3 days / week
October	2 days / week
November to December	1 day / week
December to January	No use

Source: Cill Ulta staff

This seasonal use remains wholly ancillary to the broader agricultural operations on the site. Accordingly, and notwithstanding the original exemption provided by the Local Government (Planning and Development) Act, 1963, we respectfully submit that the structure continues to benefit from the exemption provided under Section 4(1)(a) of the Planning and Development Act 2000, as amended, which states:

*4. (1) The following shall be exempted developments 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;*

In summary, we respectfully present that Donegal County Council are able to declare that the use of the structure for the purposes of agriculture together with land so used constitutes development that is exempted development.

2.3.2. On maintenance, improvement or other alterations carried out

We refer to Question 2 of this request as follows:

- 2. Whether the maintenance, improvement or other alteration of the structure – being works undertaken to repair and refurbish the structure which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures – constitutes development that is or is not exempted development?*

We acknowledge the concerns raised by the Third-Party Appellant for An Coimisiún Pleanála reference ABP-322521-25 (DCC Reg. Ref. 24/62059), who asserts that works appear to have been undertaken ca. 2010 – as suggested by Google Street View imagery from that time – and that such works are development that requires planning permission.

We understand through communication with local staff at Cill Ulta that the works undertaken in ca. 2010 were done under the reasonable belief of those involved at the time that such works qualified as exempted development under Section 4(1)(h) of the Planning and Development Act 2000, as amended:

*4. (1) The following shall be exempted developments for the purposes of this Act
(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;*

The works undertaken are considered to represent the “*maintenance, improvement or other alteration*” of the structure, being works to repair and refurbish the structure which “*do not materially*

affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures”.

We understand through communication with local staff at Cill Ulta that the pre-existing structure at this location was of broadly similar design to the structure that is present today – that it originally featured a pitched roof and was appropriately serviced by electricity, pipework, etc. – but that the former “boiler house” building was in a dangerous and derelict condition as required “*maintenance, improvement or other alteration*” to make it safe.

We highlight that Section 4(1)(h) permits works that *do* materially affect a structure’s external appearance, provided that the works do not render it inconsistent with its character or that of neighbouring structures. In other words, whether the works materially affect the external appearance of the structure is not relevant – works that affect the external appearance can still be exempt provided they do not render the appearance inconsistent with the character of the structure or neighbouring structures.

Based on communication with local staff at Cill Ulta, it is understood that works were undertaken around 2010, comprising the reconstruction and raising of the previous pitched-roof structure to form the shed as it appears today. The upgraded building consists of a galvanised steel-frame superstructure, with green metal cladding to the upper walls and front elevation, and white wet-dash render to the lower sections, consistent with typical agricultural buildings. The form of the structure – including its pitched roof and green metal sliding doors – was designed to reflect the character of the existing office building directly opposite. Internally, the space was refurbished to accommodate its use for the sorting, packing, and short-term storage of agricultural produce and materials, principally vegetables, generated from the surrounding agricultural landholding. These modifications are clearly ancillary to the site’s established agricultural function. For clarity, it is our understanding that the location, orientation, and overall dimensions of the current shed are consistent with those of the structure previously referred to as the “boiler house” at this site.

In this regard, we respectfully present that the current building is of a standard agricultural design and remains consistent with the character of the original structure and of adjacent buildings on the site. The scale, orientation and design clearly mirror the nearby office. We consider the appearance to be consistent with the agricultural character of the structure, the functional use of which – as a space for the sorting, packing, and short-term storage of agricultural produce – remains ancillary to the agricultural use of the landholding.

While we acknowledge that judgments regarding consistency of character can involve a degree of subjectivity, we understand through communication with local staff at Cill Ulta that the purpose of the works undertaken in ca. 2010 was for the ‘*maintenance, improvement or other alteration*’ of the former building, and that the effect of those works did not render the structure inconsistent with its original character or that of neighbouring buildings. Both the function and appearance of the building remain aligned with the longstanding agricultural role of the pre-existing structure at that location and provide visual coherence with other structures in the site.

As such, we respectfully present that such works that such works may be considered as development that is exempted development under Section 4 (1) (h) of the Planning and Development Act 2000, as amended.

3.0 CONCLUDING COMMENTARY

We, on behalf of the Declaration Applicant, hereby seek a declaration from Donegal County Council under Section 5 of the Planning and Development Act 2000, as amended.

It is presented that the scope of this determination can be structured around the following questions:

1. Whether the use of the structure for the purposes of agriculture together with land so used constitutes development that is or is not exempted development?
2. Whether the maintenance, improvement or other alteration of the structure – being works undertaken to repair and refurbish the structure which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures – constitutes development that is or is not exempted development?

For the reasons presented in this document, we respectfully present that the use of the structure to which the subject request for a Section 5 Declaration refers continues to be an agricultural use, ancillary to the overall agricultural use of lands. Its current role as a packing shed is to facilitate the sorting, packing, and short-term storage of agricultural produce (principally vegetables), and that this use benefits from the exemption provided under Section 4(1)(a) of the Planning and Development Act 2000, as amended (notwithstanding any original exemption provided by the Local Government (Planning and Development) Act, 1963, as reflected by the long development history of the site).

That works carried out to that structure in ca. 2010 were done so in good faith to respond to the dangerous and derelict condition of the former building, whereby it was the reasonable belief of those involved at the time that such works qualified as exempted development under Section 4(1)(h) of the Planning and Development Act 2000, as amended. It is our opinion that this development represents '*maintenance, improvement or other alteration*' works, and that the effect of those works did not render the structure inconsistent with its original character or that of neighbouring buildings.

We trust that the information provided herein will enable a swift and positive declaration. However, please do not hesitate to contact us if you require any additional information.

Yours faithfully



Tomás Skinner
Senior Planning Consultant
The Planning Partnership



**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: tomas@theplanningpartnership.ie

Our Ref: S525/64

10th July, 2025

Údarás na Gaeltachta
C/o The Planning Partnership.

**Re: Section 5 - Application for development at Cill Ulta, Falcarragh, Co Donegal, F92
WF60**

A Chara,

I wish to acknowledge receipt of your application received on 10th July, 2025 in relation to the above.

Yours sincerely,

Martina Parke

Donegal County Council
Planning Services



SECTION 5 REFERRAL REPORT – Ref.No: S5 25/64

1.0 BACKGROUND

1.1 Location:

Cill Ulta, Falcarragh, Co. Donegal.

1.2 Site Description:

Access to the site is via an existing private lane. There are 9 no. polytunnels and other associated buildings used for agricultural/horticultural purposes including a Glasshouse located within the site. The site and wider landholding are owned by Údurás na Gaeltachta. The wider area is characterised by one-off residential development and agricultural lands.

The structure is located within an area designated as Moderate Scenic Amenity, however the immediately surrounding area is located within areas of High Scenic Amenity and Especially High Scenic Amenity. The site also falls within an Area Under Strong Holiday Home Influence.

The site is partially located within Falcarragh to Meenlaragh SPA. The structure, subject of this Declaration, is located outside of the Natura 2000 site. The site is also located approx. 100m from Ballyness Bay SAC.

1.3 Development:

The use of a structure for the purposes of agriculture and refurbishment and repair works carried out to the structure.

1.4 Planning History:

Subject Site:

24/62059 Appealed – DEVELOPMENT TO FACILITATE AND SUPPORT THE EXISTING AGRICULTURAL / HORTICULTURAL USE OF THE LANDS COMPRISING OF: (1) 9 NO. POLYTUNNELS (COMBINED FLOOR AREA OF 1,818 SQM), (2) 1 NO. RAINWATER STORAGE TANK (21 SQM), (3) 1 NO. PORTACABIN (26 SQM), (4) 2 NO. CONTAINERS (28 SQM), (5) BLOCKWORK WALL AND SEMI-ENCLOSED AREA (CA. 36 SQM) ADJACENT TO PACKING SHED AND (6) MINOR ELEVATIONAL CHANGES TO EXISTING OFFICE BUILDING COMPRISING 2 NO. ADDITIONAL WINDOWS TO SECOND STOREY

2.0 The Question

1. Whether the use of the structure for the purposes of agriculture together with land so used constitutes development that is or is not exempted development?
2. Whether the maintenance, improvement or other alteration of the structure – being works undertaken to repair and refurbish the structure which do not

materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures – constitutes development that is or is not exempted development?

3.0 EVALUATION

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

4.0 Planning and Development Act, 2000 (as amended)

Section 2(1)

In this Act, except where the context otherwise requires –

"structure" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and

(a) where the context so admits, includes the land on, in or under which the structure is situate ...

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal ...

Section 3(1)

"Development" in this Act means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4(1)

"The following shall be exempted developments for the purposes of this Act—

(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;

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

Section 177U(9)

"In deciding upon a declaration for the purposes of Section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct screening for appropriate assessment in accordance with the provisions of this section".

5.0 Planning and Development Regulations, 2001 (as amended)

Article 6(3)

Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the

Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

Article 9(1)

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) – (xii) (inclusive)

Class 9 of Part 3 of Schedule 2 (*Exempted Development – Rural*)

Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

Conditions and Limitations (Column 2)

1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.
2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.
3. No such structure shall be situated within 10 metres of any public road.
4. No such structure within 100 metres of any public road shall exceed 8 metres in height.
5. No such structure shall be situated 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.
6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

6.0 ASSESSMENT

- 6.1 The Planning Authority is satisfied that the use of a structure for the purposes of agriculture and refurbishment and repair works carried out to the structure would constitute 'works' and would constitute 'development', as defined in Sections 2 & 3 of the Act respectively.

Following consideration of this proposal it is considered that the development does come within the scope of the said Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended) for the following reasons:

- The gross floor space of the structure is 194.38sqm.
- The structure was not considered material to the assessment of the previous planning application ref. no. 24/2059 and therefore condition no. 2 is not relevant.
- The structure is located approx. 165m from the public road to the south.
- The structure has a ridge height of 5.480m.
- The structure does not use unpainted metal sheeting.

However, the existing structure is located less than 100m from 1 no. dwelling to the south-west i.e. approx. 85 metres. Written consent from the respective owner & occupier shall be requested through Further Information.

Refurbishment and alteration works include the reconstruction and raising of the pitched-roof, galvanised steel-frame structure with green metal cladding to upper walls and white wet dash render to lower walls. The alterations and refurbishment works have not altered the external appearance of the building so as to be out of character of the existing and surrounding buildings.

- 6.2 The nearest Natura 2000 site is Falcarragh to Meenlaragh SPA which adjoins the subject site. Given the brownfield nature of the site and existing works, Appropriate Assessment is not a consideration in the assessment of this referral (see attached screening report).

7.0 RECOMMENDATION

In accordance with section 5(2)(b) of the Planning & Development Act 2000 (as amended) Further Information is required to enable the Planning Authority to issue a response to the submitted Section 5 application.

1. Applicant to submit written documentation i.e. a signed statement, confirming consent from owner and occupier of the existing dwellinghouse located approx. 85 metres south-west of the structure, the subject of this application.

A. Bradley

Assistant Planner
05/08/2025.

JS

Frank Sweeney
Senior Executive Planner
Community Development & Planning Services
06/08/2025

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

Applicant Name: Údurás na Gaeltachta

Plan.Reg.No: S525/64

1.0 Description of Project

The subject site is located in the townland of Killult. The applicant seeks a declaration for the use of a structure for the purposes of agriculture and refurbishment and repair works carried out to the structure.

2.0 Natura 2000 sites

The site is partially located within and adjoins Falcarragh to Meenlaragh SPA (004149).

2.1 Site Synopsis for Falcarragh to Meenlaragh Special Protection Area (site code 004149).

Falcarragh to Meenlaragh SPA is located on the eastern and western sides of Ballyness Bay on the north-west coast of Co. Donegal. This large site follows the coastline from Falcarragh to Meenlaragh and encompasses three areas of mixed agricultural grassland.

The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Corncrake.

Falcarragh to Meenlaragh SPA supports a breeding population of Corncrake (7 pairs - five year mean peak between 2003 and 2007, based on records of calling males).

Falcarragh to Meenlaragh SPA is one of a suite of sites along the western seaboard that is regularly utilised by nationally important numbers of breeding Corncrake.

Corncrake winter in southern and eastern Africa, migrating northwards to arrive on their breeding grounds from early April onwards, departing again in August and September. They require the cover of tall vegetation throughout their breeding cycle and are strongly associated with meadows which are harvested annually, where they nest and feed. Annual cutting of these meadows creates a sward which is easy for the birds to move through. Other habitats, which can provide cover for Corncrake in the early and late stages of the breeding season, are also important for this species.

Corncrake is listed on the 2010 International Union for Conservation of Nature (IUCN) Red List of Threatened Species. This is due to population and range declines of more than 50% in the last 25 years across significant parts of its range.

Falcarragh to Meenlaragh SPA is of high ornithological importance as it supports a nationally important population of Corncrake, a globally threatened species. Corncrake is also listed in Annex I of the E.U. Birds Directive.

2.2 Conservation Objectives for Falcarragh to Meenlaragh Special Protection Area (site code 004149).

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.

European and national legislation places a collective obligation on Ireland and its citizens to maintain habitats and species in the Natura 2000 network at favourable conservation condition. The Government and its agencies are responsible for the implementation and enforcement of regulations that will ensure the ecological integrity of these sites.

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.

Favourable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, are stable or increasing, and
- the specific structure and functions which are necessary for its long-term maintenance exist

and are likely to continue to exist for the foreseeable future, and

- the conservation status of its typical species is favourable.

The favourable conservation status of a species is achieved when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a

long-term basis as a viable component of its natural habitats, and

- the natural range of the species is neither being reduced nor is likely to be reduced for the

foreseeable future, and

- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Objective: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:

☐ *Crex crex* [breeding].

3.0 Assessment of Likely effects:

The Planning Authority considers that the proposed development could:

Impact type	Significance indicator	Comments
Loss of habitat area	Percentage of loss	None expected.
Fragmentation	Duration or permanence, level in relation to original extent	No fragmentation expected.
Disturbance	Duration or permanence, distance from site	Given the relatively limited scale of the proposed development, no significant

		disturbance effects are envisaged.
Species population density	Timescale for replacement	It is not considered that the development will have any impact on the population density of protected species.
Water resource	Relative change	It is not considered that the proposed development will have any significant impact on water resources.
Water quality	Relative change in key indicative chemicals and other elements	No significant impacts on water quality are envisaged.

Further to an assessment of the 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 brownfield nature of the site and existing works (refurbishment and alterations to an existing agricultural structure)

The Planning Authority is of the opinion that the development will not have a significant effect on the Falcarragh to Meenlaragh Special Protection Area (Site Code: 004149 refers) therefore that an Appropriate Assessment is not required.

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 development will have a significant effect on the Falcarragh to Meenlaragh Special Protection Area (Site Code: 004149 refers).

A. Bradley

Assistant Planner
05/08/2025.

JS

Frank Sweeney
Senior Executive Planner
Community Development & Planning Services
06/08/2025

Chief Executive's Order No: 2025PH2325

Planning and Development Acts 2000 (as amended)

SECTION 5:-

Request received 10th July 2025 from Údarás na Gaeltachta.c/o Tomás Skinner, The Planning Partnership, The Bank Building, 52 Oliver Plunkett Street, Mullingar, Co Westmeath, N91 FAA6 in relation to whether the use of the structure for the purposes of agriculture together with land so used, and the maintenance, improvement or other alteration of the structure-being works undertaken to repair and refurbish the structure which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures-constitutes development that is or is not exempted development at Cill Ulta, Falcarragh, Co Donegal, F92 WF60.

SUBMITTED:-

Written request received 10th July 2025 as above and report dated 5th August 2025 from the Assistant Planner (Ref. No: S525/64 refers) recommending that further information be sought in accordance with Section 5 (2) (b) of the Planning & Development Act 2000 (as amended).

ORDER:-

Recommendation approved. Having considered the said request and the report of the Assistant Planner dated 5th August 2025, I hereby order, pursuant to Section 5 (2) (b) of the Planning & Development Act 2000 (as amended) that a request for further information be sought from the requester and the developer to submit the information/documents stipulated in the Schedule to this Order.


SENIOR EXECUTIVE PLANNER

DATED THIS 6th DAY OF AUGUST 2025

KMG

Ref. No: S525/64 – Chief Executive's Order No: 2025PH2325

SCHEDULE

1. Applicant to submit written documentation i.e. a signed statement, confirming consent from owner and occupier of the existing dwellinghouse located approx. 85 metres south-west of the structure, the subject of this application.



**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

Ref.No: S525/64

6th August 2025

ÚDARÁS NA GAELTACHTA
C/O TOMÁS SKINNER
THE PLANNING PARTNERSHIP
THE BANK BUILDING
52 OLIVER PLUNKETT STREET
MULLINGAR
CO WESTMEATH
N91 FAA6

Re: Whether the use of the structure for the purposes of agriculture together with land so used, and the maintenance, improvement or other alteration of the structure-being works undertaken to repair and refurbish the structure which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures-constitutes development that is or is not exempted development at Cill Ulta, Falcarragh, Co Donegal, F92 WF60.

A Chara

I refer to your request received 10th July 2025 under Section 5 of the Planning and Development Act, 2000 (as amended). Pursuant to Section 5 (2) (b) of the Planning & Development Act 2000 (as amended) you are hereby requested to submit the information/documents stipulated on the attached Schedule.

Mise le meas

**for Senior Ex. Planner
Planning Services**

/RMcC

Ref. No: S525/64 – Chief Executive's Order No: 2025PH2325

SCHEDULE

1. Applicant to submit written documentation i.e. a signed statement, confirming consent from owner and occupier of the existing dwellinghouse located approx. 85 metres south-west of the structure, the subject of this application.



**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

Ref.No: S525/64

6th August 2025

RECEIVED - 8 AUG 2025

ÚDARÁS NA GAELTACHTA
C/O TOMÁS SKINNER
THE PLANNING PARTNERSHIP
THE BANK BUILDING
52 OLIVER PLUNKETT STREET
MULLINGAR
CO WESTMEATH
N91 FAA6



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

Planning Services

RECEIVED DATE: 31/10/2025

Re: Whether the use of the structure for the purposes of agriculture together with land so used, and the maintenance, improvement or other alteration of the structure-being works undertaken to repair and refurbish the structure which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures-constitutes development that is or is not exempted development at Cill Uilta, Falcarragh, Co Donegal, F92 WF60.

A Chara

I refer to your request received 10th July 2025 under Section 5 of the Planning and Development Act, 2000 (as amended). Pursuant to Section 5 (2) (b) of the Planning & Development Act 2000 (as amended) you are hereby requested to submit the information/documents stipulated on the attached Schedule.

Mise le meas

**for Senior Ex. Planner
Planning Services**

/RMcC

Ref. No: S525/64 – Chief Executive's Order No: 2025PH2325


SCHEDULE

1. Applicant to submit written documentation i.e. a signed statement, confirming consent from owner and occupier of the existing dwellinghouse located approx. 85 metres south-west of the structure, the subject of this application.

FW: Section 5 Request S525/64 - Update to Further Information Response - Cill Ulta, Falcarragh, Co. Donegal

From CARMEL KELLY <CKELLY@donegalcoco.ie>
on behalf of
planning mailbox <Planning@Donegalcoco.ie>
Date Fri 2025-10-31 11:16
To LYNSEY MCGLYNN <LMCGLYNN@Donegalcoco.ie>



 2 attachments (905 KB)

DCC FI Request Section 5 25-08-08.pdf; Update to Further Information Response.pdf;

From: Tomás Skinner <tomas@theplanningpartnership.ie>
Sent: 31 October 2025 10:19
To: planning mailbox <Planning@Donegalcoco.ie>
Cc: Mark Brindley <mark@theplanningpartnership.ie>
Subject: Section 5 Request S525/64 - Update to Further Information Response - Cill Ulta, Falcarragh, Co. Donegal

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,

I hope that you are well. I am writing in relation to the above-referred request for a declaration under Section 5 of the Planning and Development Act 2000, as amended, in relation to an agricultural structure at Cill Ulta, Falcarragh, Co. Donegal (Reference: S525/64), and to the subsequent request for additional information from Donegal County Council dated 6th August 2025 (attached).

Please find attached an update in relation to the Further Information Response.

As stated therein, we regret that written consent from the owner of the referenced dwellinghouse has not yet been obtained – due, as we understand, to their absence from the property – the Applicant will continue to make all reasonable efforts to secure such consent and notify the Planning Authority accordingly. However, we respectfully submit that, in the event that written consent is obtained, it will be presented to the Planning Authority without prejudice to the exemptions being sought under Sections 4(1)(a) and 4(1)(h) of the Planning and Development Act 2000, as amended. We trust that our position regarding the relevance of written consent to the exemptions under these provisions will be accepted, and that it will assist the Planning Authority in issuing a positive declaration.

Please do not hesitate to contact us if you require any additional information.

Yours, with kind regards,

Tomás Skinner
Senior Planning Consultant
The Planning Partnership (Mullingar)
Mobile: +353 (0) 87 1160181
E-mail: tomas@theplanningpartnership.ie

Follow us on Twitter: '@tppartnership' and Website: www.theplanningpartnership.ie

Landline: +353 (0)44 9310 210
Fax: +353 (0)99 32100



MULLINGAR - CORK - CASTLEBAR

The Planning Partnership - Registered Trading Name of B.E.F. Planning International Ltd.

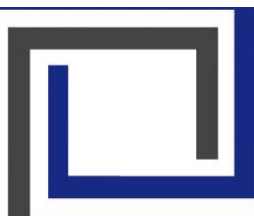
Registered Office: 2 Auburn Terrace, Sunday's Well Road, Mullingar, Co. Westmeath

Directors: Mark Brindley (UK), Wessel Vosloo, Fintan Morrin

Company No.: 501130

 Please don't print this e-mail unless you really need to.

This email message and attachments may contain information that is CONFIDENTIAL to The Planning Partnership. If you are not the intended recipient you cannot, use, distribute, or copy the message. In such a case, please notify the sender by return email immediately and erase all copies of the message and attachments. The opinions expressed in this email are these of the sender and not necessarily those of The Planning Partnership. The contents of any attachments to this email may contain software viruses, which could damage your own computer system. Whilst every reasonable precaution has been taken to minimise this risk, we cannot accept liability for any damage which you sustain as a result of software viruses or the use of this email or attachments. You should therefore carry out your own virus checks before opening attachments. E-mail may be susceptible to data corruption, interception and unauthorised amendment, and we do not accept liability for any such corruption, interception or amendment or for the consequences thereof.



Planning Department
Donegal County Council
County House
The Diamond
Lifford
Co. Donegal
F93 Y622



31st October 2025

[By email: planning@donegalcoco.ie]

-: UPDATE TO FURTHER INFORMATION RESPONSE -:

Dear Sir / Madam

RE: SECTION 5 DECLARATION REQUEST IN RELATION TO AN AGRICULTURAL STRUCTURE AT CILL ULTA, NR. FALCARRAGH, CO. DONEGAL

Donegal County Council Register Reference: S525/64

1.0 INTRODUCTION

1.1. Preamble

The Planning Partnership, The Bank Building, 52 Oliver Plunkett Street, Mullingar, Co. Westmeath, have on behalf of **Údarás Na Gaeltachta** ('the Applicant'), Na Forbacha, Co. na Gaillimhe, prepared this update in relation to the *Request for Further Information* issued by Donegal County Council by letter dated 6th August 2025 as relates to the above referred request for a declaration from Donegal County Council under Section 5 of the Planning and Development Act 2000, as amended.

2.0 UPDATE IN RELATION TO REQUEST FOR FURTHER INFORMATION

2.1. On the matter of written consent from the near dwellinghouse

Donegal County Council have requested the following Further Information in relation to the current Section 5 Declaration Request:

Applicant to submit written documentation i.e. a signed statement, confirming consent from owner and occupier of the existing dwellinghouse located approx. 85 metres southwest of the structure, the subject of this application.

We wish to provide the following update in relation to this request.

Following receipt of the Council's letter, the Applicant has made several attempts to contact the owner of the dwellinghouse referred to above. It has since been established, through communication with persons in the locality, that the owner resides abroad and uses the dwelling as a holiday home. Consequently, efforts to secure written documentation confirming the owner's consent regarding the structure that is the subject of the Section 5 request have, to date, been unsuccessful. The Applicant will, however, continue to make every reasonable effort to establish contact with the owner and to obtain the requested confirmation.

2.2. On the relevance of consent for the subject Section 5 Request

We also wish to take this opportunity to clarify the matter of “consent” in the context of our original request for a declaration under Section 5 of the Planning and Development Act 2000, as amended.

It remains our view that the use of the structure to which the subject request for a Section 5 Declaration refers continues to be an agricultural use, ancillary to the overall agricultural use of lands. Its current role as a packing shed is to facilitate the sorting, packing, and short-term storage of agricultural produce (principally vegetables), and that this use benefits from the exemption provided under Section 4(1)(a) of the Planning and Development Act 2000, as amended (notwithstanding any original exemption provided by the Local Government (Planning and Development) Act, 1963, as reflected by the long development history of the site).

Similarly, it remains our position that works carried out to that structure in ca. 2010 were done so in good faith to respond to the dangerous and derelict condition of the former building, whereby it was the reasonable belief of those involved at the time that such works qualified as exempted development under Section 4(1)(h) of the Planning and Development Act 2000, as amended. In our opinion, this development represents ‘*maintenance, improvement or other alteration*’ works, and that the effect of those works did not render the structure inconsistent with its original character or that of neighbouring buildings.

We respectfully submit that the matter of written consent is neither relevant to, nor required under, Sections 4(1)(a) or 4(1)(h) of the Planning and Development Act 2000, as amended. Whether or not neighbour consent is obtained, it is our view that such consent has no bearing on the applicability of the exemptions being sought under these provisions.

We consider it important to make this distinction in case the Planning Authority is exploring whether any alternative exemption might apply, and in doing so, inadvertently conflates the separate conditions or limitations associated with Sections 4(1)(a) and 4(1)(h) with those of other exemptions provided under the Planning and Development Act 2000, as amended, or the Planning and Development Regulations, 2001 – 2025, that do carry a consent requirement.

3.0 CONCLUSION

While we regret that written consent from the owner of the referenced dwellinghouse has not yet been obtained – due, as we understand, to their absence from the property – the Applicant will continue to make all reasonable efforts to secure such consent and notify the Planning Authority accordingly.

However, we respectfully submit that, in the event that written consent is obtained, it will be presented to the Planning Authority without prejudice to the exemptions being sought under Sections 4(1)(a) and 4(1)(h) of the Planning and Development Act 2000, as amended.

We trust that our position regarding the relevance of written consent to the exemptions under these provisions will be accepted, and that it will assist the Planning Authority in issuing a positive declaration.

Yours, faithfully,



Tomás Skinner
Senior Planning Consultant
The Planning Partnership

SECTION 5 REFERRAL REPORT – Ref. No: S25/64
Further information response

1.0 THE QUESTION

- 1.1 The applicant, Údarás na Gaeltachta, 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:
1. Whether the use of the structure for the purposes of agriculture together with land so used constitutes development that is or is not exempted development?
 2. Whether the maintenance, improvement or other alteration of the structure – being works undertaken to repair and refurbish the structure which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures – constitutes development that is or is not exempted development?

2.0 Assessment To Date

- 2.1 For initial preamble see Planner's FI report on file dated 05/08/2025.

3.0 Further Information Request

- 3.1 Further information was requested for the following:
1. Applicant to submit written documentation i.e. a signed statement, confirming consent from owner and occupier of the existing dwellinghouse located approx. 85 metres south-west of the structure, the subject of this application.

4.0 Further Assessment

- 4.1 Further information response was received on 31/10/2025:
1. Consent from the adjoining landowner has not been successfully obtained due to the use of the subject dwelling as a holiday home.
 2. The combined floor area of all structures within the farmyard complex exceeds 900sqm in aggregate.

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

1. Whether the use of the structure for the purposes of agriculture together with land so used constitutes development that is or is not exempted development?
2. Whether the maintenance, improvement or other alteration of the structure – being works undertaken to repair and refurbish the structure which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures – constitutes development that is or is not exempted development?

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

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

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

and concluded that:

The proposed development IS DEVELOPMENT and IS NOT EXEMPTED DEVELOPMENT as it does not fall within the scope of Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

A. Bradley

Assistant Planner
20/11/2025.



Frank Sweeney
Senior Executive Planner
Community Development & Planning Services
20/11/2025

Chief Executive's Order No: 2025PH3426

Planning and Development Acts 2000 (as amended)

SECTION 5:-

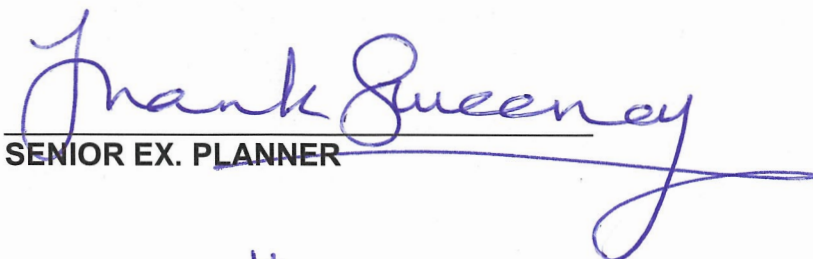
Request received 10th July 2025 from Údarás na Gaeltachta c/o Tomás Skinner, The Planning Partnership, The Bank Building, 52 Oliver Plunkett Street, Mullingar, Co. Westmeath. N91 FAA6 (FIC 31/10/2025) in relation to whether the use of an existing structure for the purposes of agriculture together with land so used and maintenance, improvement or other alteration of the structure-being works undertaken to repair and refurbish the structure which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures-constitutes development that is or is not exempted development at Cill Ulta, Falcarragh, Co Donegal, F92 WF60.

SUBMITTED:-

Written request received 10th July 2025 (FIC 31/10/2025) as above and report dated 20th November 2025 from the Assistant Planner (Ref. No: S5 25/64 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 NOVEMBER 2025

Chief Executive's Order No: 2025PH3426

Ref.No: S5 25/64

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:

- Section 2 (i), 3 (i), 4 (i) & 177U (9) of the Planning and Development Act 2000 (as amended)
- Articles 6(3), 9(1) and Class 9 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 the Planning and Development Act, 2000 (as amended) and **IS NOT EXEMPTED DEVELOPMENT** as it does not fall within the scope of Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

ys 20/11



**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

Ref. No: S525/64

20th November 2025

ÚDARÁS NA GAELTACHTA
C/O THOMÁS SKINNER
THE PLANNING PARTNERSHIP
THE BANK BUILDING
52 OLIVER PLUNKETT STREET
MULLINGAR
CO. WESTMEATH
N91 FAA6

Re: Whether the use of an existing structure for the purposes of agriculture together with land so used and maintenance, improvement or other alteration of the structure-being works undertaken to repair and refurbish the structure which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures-constitutes development that is or is not exempted development at Cill Ulta, Falcarragh, Co Donegal, F92 WF60

A Chara,

I refer to your request received on 10th 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 Coimisiún 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: 2025PH3426

Reference No: S525/64

Name of Requester: ÚDARÁS NA GAELTACHTA
C/O THOMÁS SKINNER
THE PLANNING PARTNERSHIP
THE BANK BUILDING
52 OLIVER PLUNKETT STREET
MULLINGAR
CO. WESTMEATH
N91 FAA6

Summarised Description of development the subject matter of request:

Whether the use of an existing structure for the purposes of agriculture together with land so used and maintenance, improvement or other alteration of the structure-being works undertaken to repair and refurbish the structure which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures-constitutes development that is or is not exempted development.

Location: Cill Ulta, Falcarragh, Co Donegal, F92 WF60.

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:

- Section 2 (i), 3 (i), 4 (i) & 177U (9) of the Planning and Development Act 2000 (as amended)
- Articles 6(3), 9(1) and Class 9 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 the Planning and Development Act, 2000 (as amended) and **IS NOT EXEMPTED DEVELOPMENT** as it does not fall within the scope of Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).



For Senior Ex. Planner
Planning Services

Dated this 20th day of November 2025