



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



Comhairle Contae  
Dhún na nGall  
Donegal County Council

Planning Services

RECEIVED DATE: 11/04/2025

## SECTION 5 APPLICATION

FOR DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

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

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



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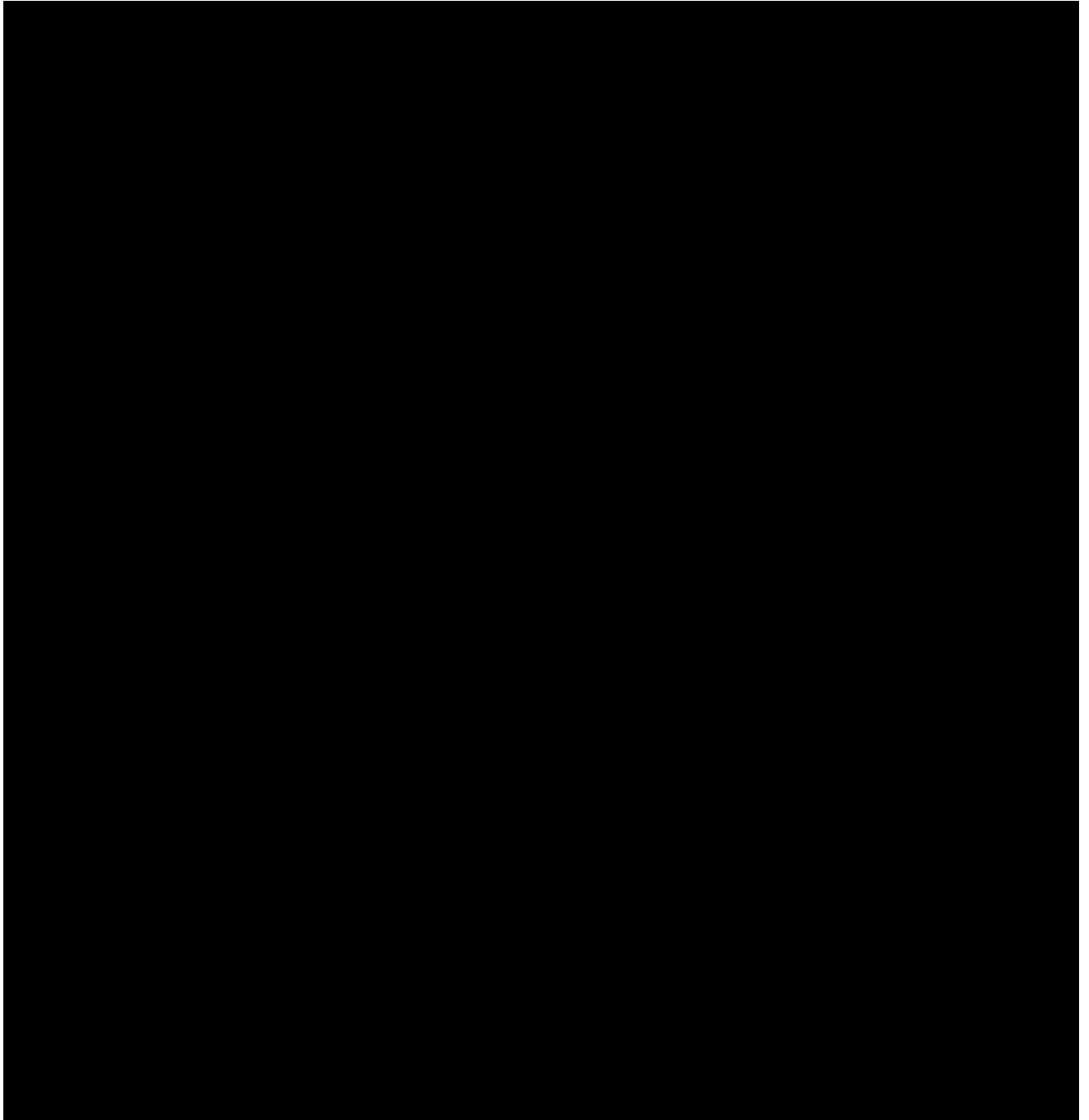
<b>Is the development a Protected Structure or within the curtilage of a Protected Structure?</b>	<b>Yes</b>	<b>No</b>
<b>Has a declaration under Section 57 of the Planning and Development Act 2000 (as amended) been requested or issued in respect of the property.</b>	<b>Yes</b>	<b>No</b>
<b>Applicant(s) Interest in the site:</b>		
<b>If not the Owner of the site, please provide the name of the Landowner:</b>		
<b>Please list types of plans, drawings etc. submitted with this application:</b>		
<b>Planning History</b> - list any relevant planning application reference numbers:		
<b>Are you aware of any enforcement proceedings connected to the site? If so, please supply details:</b>		

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



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## **Additional Contact Information**





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### **Advice to Applicant**

- (a) **Prescribed Fee** - €80.00 - You may wish to pay the fee by card by ringing the cash office on 074 9153900. Please note the receipt number in your cover email with the form.
- (b) Application must be accompanied by:
  - **Site location map** with site clearly outlined in red (to a scale of not less than 1:1000 in built up areas and 1:2500 in all other areas).
  - **Site layout plan** (Site or layout plans shall be drawn to a scale (which shall be indicated thereon) of not less than 1:500 or such other scale as may be agreed with the planning authority prior to the submission of the application, the site boundary shall be clearly delineated in red).
  - **Elevations** (if applicable) – (plans, elevations and sections drawn to a scale of not less than **1:200**).
  - **Other details** (e.g. landowner consent (if applicable), photographs as appropriate).
- (c) Completed application form & supporting documentation to be returned to the Planning Authority **by email** to [planning@donegalcoco.ie](mailto:planning@donegalcoco.ie)
- (d) More information on exempted development can be found on the OPR planning leaflets available at <https://www.opr.ie/planning-leaflets/>



**From:** [CARMEL KELLY](#) on behalf of [planning mailbox](#)  
**To:** [TERESA CONWAY](#)  
**Subject:** FW: Section 5 Application  
**Date:** 11 April 2025 13:44:41  
**Attachments:** [Form.pdf](#)  
[Section 5 Dune Removal.pdf](#)

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**From:** ronán O Murchú [REDACTED] >  
**Sent:** 11 April 2025 13:40  
**To:** planning mailbox <Planning@Donegalcoco.ie>  
**Subject:** Section 5 Application

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

A Chara

I would like to submit the attached Section 5 application form and attached additional information for your attention.

My fee of E80 has been paid. Receipt number 97447.

If you have any questions or concerns I will be glad to help.

Regards

Rónán Ó Murchú



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Planning Services

RECEIVED DATE: 11/04/2025

Rónán Ó Murchú

[REDACTED]

[REDACTED]

9th April, 2025

Planning Enforcement Section,  
Donegal County Council,  
County House,  
Lifford  
F93Y622

## **SECTION 5 APPLICATION**

A Chara,

I would like to submit an application for a Section 5 determination on the matter and question outlined below.

### **The Question:**

Whether the removal of a section of the sand dunes, within the Clooney dune system, is development under the definition of development in the planning and development act and whether or not these works are exempted from planning permission.

Whether the storage of a substantial body of material, consisting of local sand and imported clay, opposite the new maintenance sheds is development under the definition of development in the planning and development act and whether or not these works are exempted from planning permission.

### **Background**

During the winter of 2019 and into early 2020 a significant portion of sand dune was excavated from behind and around the old maintenance sheds of the Narin and Portnoo Golf Course. This sand dune was a naturally occurring and previously undisturbed dune formed by blowing sand. This sand dune was not created by the golf course in any way and was not subjected to any form of depositing of materials of any sort by the golf course or any previous owners. The sand was taken away and used to landscape other parts of the course. Some of the sand was taken to the "sand pit" nearby and mixed with clay to form a surface material that I understand was to be used to decorate the public beach at Cashelgolan that had already been stripped and levelled in preparation for this new finishing and expansion of the course. It is my understanding that the reason this particular dune was selected for removal was because an accommodation lodge is to be built in the future for golfers in the location of the old maintenance sheds and that this dune location corresponds to the proposed location of the planned lodge. By removing the sand dune in 2019 and early 2020 potential

planning and environmental issues may be avoided in the future when planning is sought for a lodge on the dunes. The photos that follow outline the extent of the works that have been carried out and the result.

### **Planning issues.**

The early works around the old maintenance sheds were first brought to the attention of DCC in a letter I sent dated 12<sup>th</sup> February 2019. Other points of note include:

1. As a result of the removal of the dunes the skyline has changed and the old sheds are no longer tucked in the dunes. The sheds are now exposed and breaking the horizon.
2. The excavation height is greater than the height of the sheds. An average depth (estimate) of about 6 meters of sand has been removed.
3. The works to remove the sand dune contributed to the destruction of the surface of the L-7543-2 that remains in a very poor state today.
4. The excavation, removal and storage of this “raw” material in the pit along with the mixing with clay and sieving for roots that took place does not have a licence. The new constituted material is not natural to this area of coastal sand dunes. This material continues to be stored in front of the New Maintenance Sheds. The volume of material is sufficient to landscape a few acres of land.
5. The works **did not** take place on part of the golfing area of the course. It took place in an area that contained undisturbed sand dunes that were not on any fairway or any part of the playing area of the course. I do not believe that these works can be exempted for planning purposes as they are not related to the maintenance of the course. No maintenance has resulted from this extraction to date. Rather this is an expansion, not to the playing area of the course, as no golfing occurs here, but to a future development that may require planning permission.
6. These works change the character of the landscape. Removing part of one of the highest dunes in this part of Donegal results in a different skyline. Article 9(1)(a)(vi) suggests that development that interferes with the character of a landscape etc. “will not be exempted”.
7. The dunes of Clooney are located along the boundary of the West Ardara Maas Road SAC. No assessment of this development activity and its possible impact on the objectives of this SAC and the adjoining Proposed Natural Heritage Area has been conducted or offered.
8. The Skylark breeds and nests in these dunes. This bird is on the amber-list (medium conservation concern). The removal of substantial undisturbed sand dunes and converting this area into a flat parking or storage area in the short or long term results in a loss of habitat and encroachment by human development on a habitat.
9. This quantity of sand extraction, removal and repurposing is quarrying. Quarrying requires a licence.
10. The **National Marine Planning Framework**, on page 96, states, with regard to seascapes and landscapes and in particular Planning Policies that:

### **Seascape and Landscape Policy 1**

Proposals should demonstrate how the likely significant impacts of a development on the seascape and landscape of an area have been considered. Proposals will only be supported if they demonstrate that they, in order of preference:

- a) avoid,
- b) minimise, or
- c) mitigate....significant adverse impacts on the seascape and landscape of the area.
- d) If it is not possible to mitigate significant adverse impacts, proposals must set out the reasons for proceeding.

This policy should be included as part of statutory environmental assessments.

#### **11. The Donegal County Development Plan (2018-2024) NH-P-17 and (2024-2030)**

##### **2018-2024**

TOU-P-1: It is a policy of the Council to ensure that tourism related development proposals do not negatively impact on the natural landscape, environmental habitats and built heritage of the county.

MRCM-P-9: It is a policy of the Council to ensure that development proposals in coastal areas do not significantly impact on, and incorporate appropriate measures to protect, sensitive coastal environments (e.g. beaches, sand dunes and other soft shorelines).

NH-P-17: The policy of DCC to seek to preserve views.... development proposals....."shall be considered on the basis of the following criteria.....Whether the development would materially alter the view".

##### **2024-2030**

MRCM-P-2: To safeguard and enhance the health of Donegal's marine and coastal ecosystems and sustainably manage our coastal environment.

MRCM-P-1: To ensure that development proposals are consistent with the National Marine Planning Framework including the environmental, economic, social and sectoral objectives and policies detailed therein.

MRCM-P-10: To ensure that new marine and coastal developments do not give rise to significant coastal change, nor have a significant adverse impact on:

- The visual and scenic amenities of the coastline/seascape and the marine environment in accordance with the natural heritage policies of this plan.
- Sensitive physical coastal environments (e.g. beaches, sand dunes and other soft shorelines) and take appropriate measures to protect same where necessary.
- Coastal Geomorphological processes and systems (e.g. longshore drift, tidal currents, sediment budgets)..

12. Clooney was known as Machaire na Manaigh hundreds of years ago when the land was church property. Archaeological remains are known to exist on the dunes and close to the location of the works. No survey or supervision was evident during these works. Given the proximity of these dunes to Inishkeel Island it is reasonable to assume that these dunes may contain remains of archaeological importance and deserve protection.

## SITE LOCATION MAP



Historic and Modern View from Public road.



**GOOGLE MAPS July 2010**

Most of the shed is obscured from view.



**Photograph March 2025**

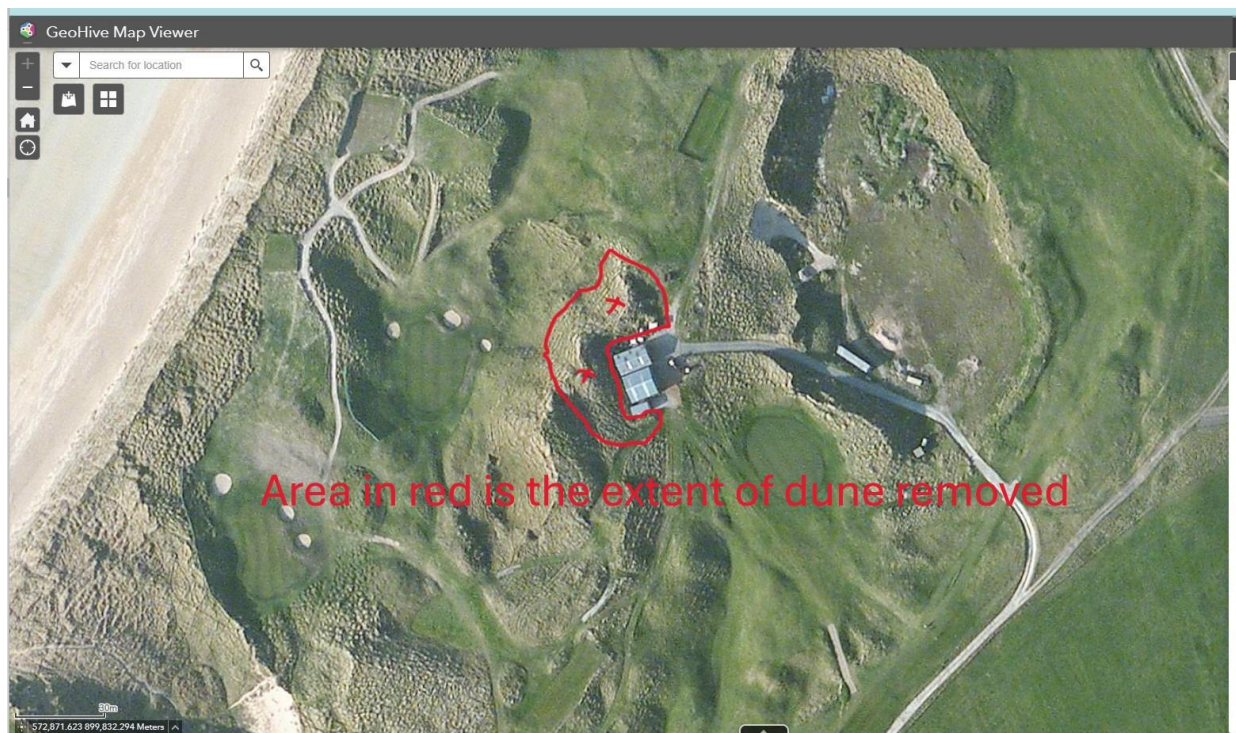
This personal photo from approximately the same location on the L-7543-2. The Skyline has changed and all the sheds are now visible.



Condition of dunes before development (pre 2019).



The sheds were surrounded on 3 sides by high dunes. These dunes were not previously worked or disturbed.



A plan of the area of dune removal indicates the horizontal area affected that extends up to and abuts the back of the sheds.



Sand dune before and after works.



When the foreground was excavated in early 2019 a white cabin was placed beside the shed to accommodate workers. This cabin is still in this position today.



**Photos during works..**



Most of the dune removal has been completed.



Early in the excavation process.





The upper part of the dunes is being recovered with marram grass. The dune at the back of the shed no longer ends at the back wall of the shed but about 15 meters away.

November 24th 2019



Photo of upper area of the dune. This is pure sand dune previously undisturbed. The volume of sand is difficult to calculate. It took about 6 weeks to remove all the sand and grass and then recover the upper dune.

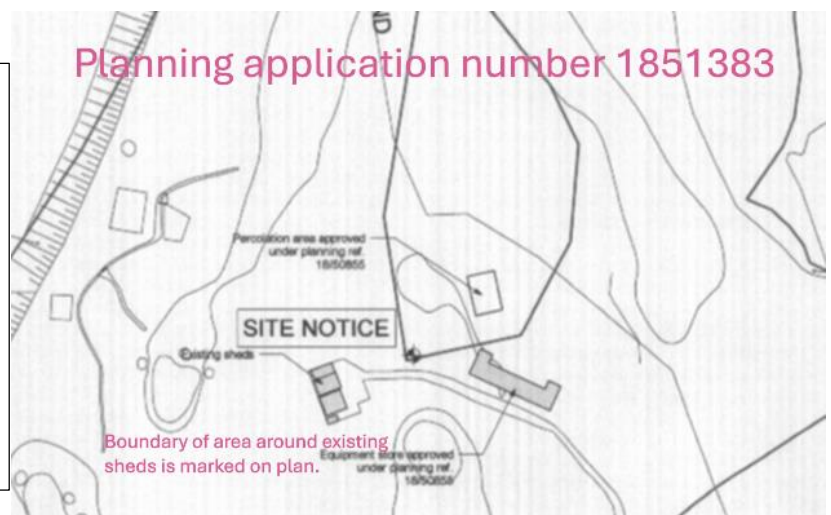


The back (West side) of the dune before works became too obvious 20/10/2019.



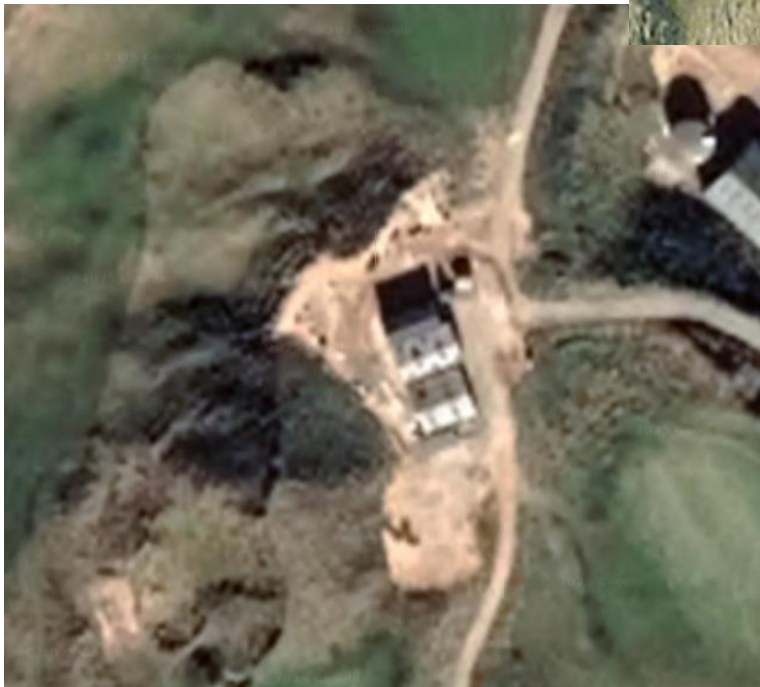
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The plans submitted with planning application number 1851383 show the parking area around the old sheds as they were in 2018. The sides and back of the sheds were not in use then.





Before all works and 2019.  
Dunes end close to shed walls.



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section of dune. Flat section  
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Today the back of the shed is used to store material. The base of the dune has not been re-covered with grass and the extent of the excavation is easy to follow.



During works a dumper removes sand to take it to the sandpit. The works are at an early stage.





The above photos show the extent of the stored sand clay mix. The height is above 2 meters at its highest. The area of material takes up most of this photo.





This stone pattern (part of a more extensive pattern) (perhaps an old road) was discovered about 150 meters from the site of the removed dune. It was located about 1 meter below the modern ground level. The full pattern was quickly removed in June 2020 before any significance could be determined.



Stone in sand dunes is a clear indicator of activities and development by people in the past. This stone has been gathered for removal. Activities that took place on these dunes in the distant past deserve protection and investigation.



**From:** [planning mailbox](#)  
**To:** [REDACTED]  
**Subject:** FW: Section 5 Application  
**Date:** 14 April 2025 12:01:00  
**Attachments:** [Form.pdf](#)  
[Section 5 Dune Removal.pdf](#)

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A Chara

I wish to acknowledge receipt of your application for a Section 5 Declaration which was received on 11<sup>th</sup> April 2025 - Ref.No: S525/39 refers.

Regards  
Teresa

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**From:** ronán O Murchú [REDACTED] >  
**Sent:** 11 April 2025 13:40  
**To:** planning mailbox <[Planning@Donegalcoco.ie](mailto:Planning@Donegalcoco.ie)>  
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Planning Services

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[REDACTED]

[REDACTED]

[REDACTED]

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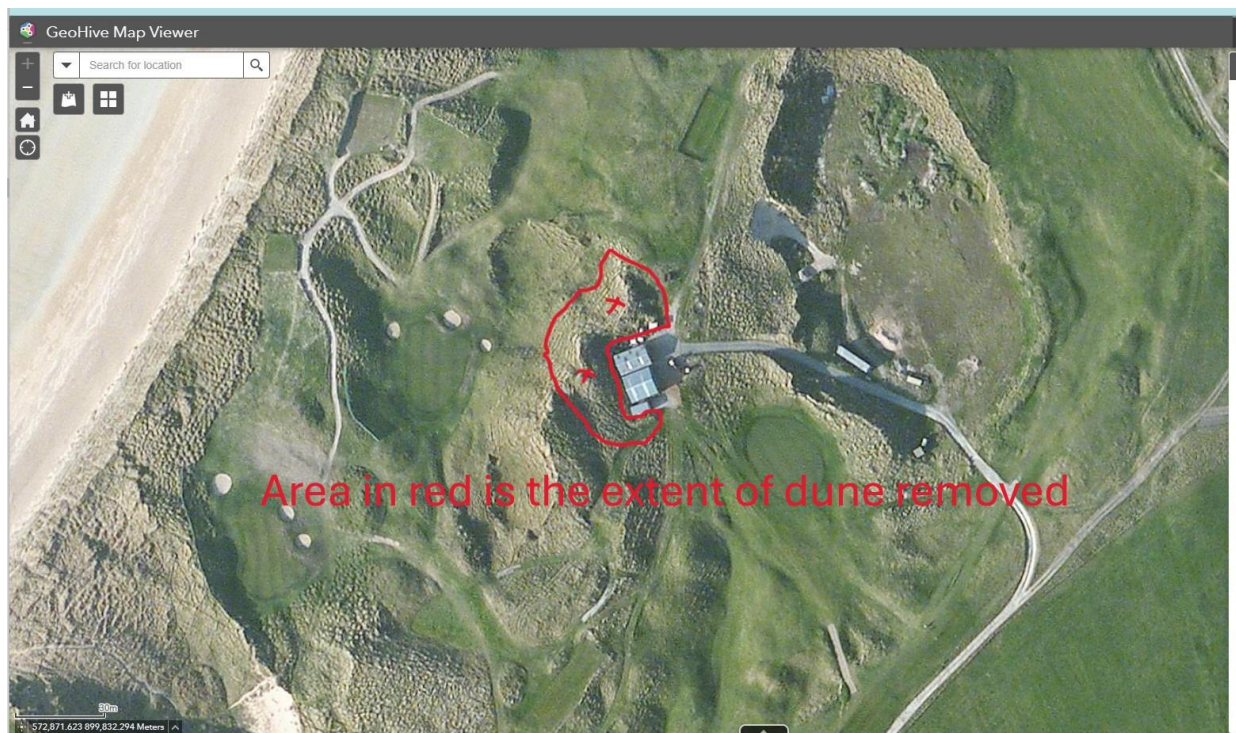
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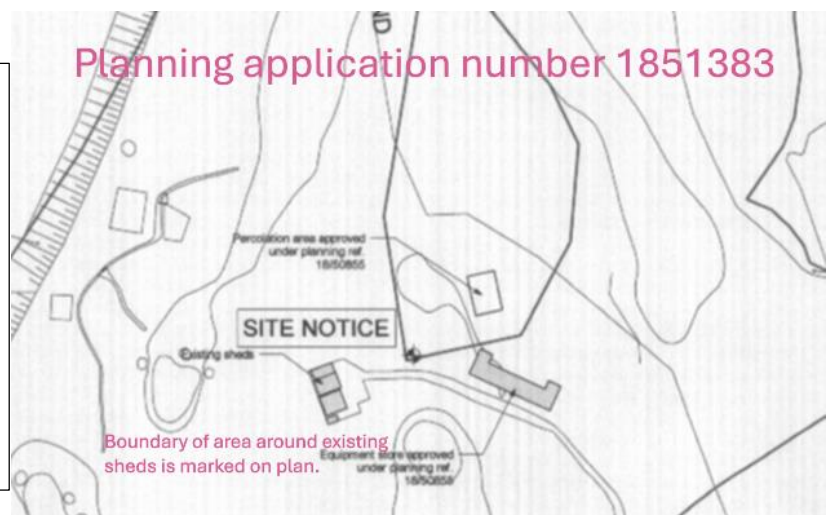


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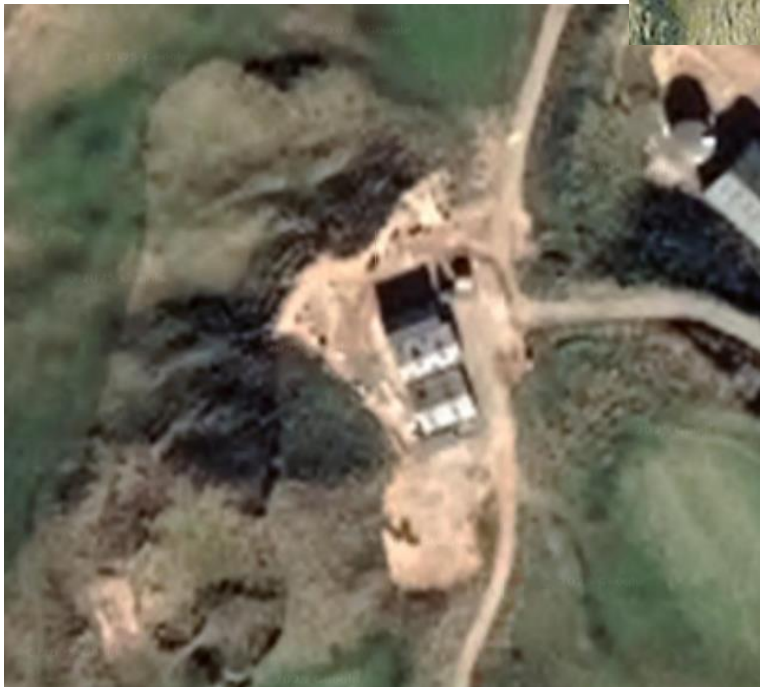


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## **SECTION 5 REFERRAL REPORT – Ref. No: S5 25/39**

### **1.0 BACKGROUND**

#### **1.1 Location:**

Land at Narin and Portnoo Golf Club, Clooney, Portnoo

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

The subject site forms part of the golf club grounds at Portnoo and lies adjacent to a beach. There are a number of storage sheds on the site, which are associated with the golf club. It is noted that the site is located approximately 120m from the West of Ardara/Maas Road SAC and the proposed West of Ardara/Maas Road Natural Heritage Area. The site is designated as High Scenic Amenity within the CDDP 2024-2030, however, some of the site may also lie within lands designated as Especially High Scenic Amenity (precise boundary of site is unclear).

#### **1.3 Planning History**

There is extensive planning history associated with the Golf Club, summarised in the table below:

052004	Application Finalised	RM	Conditional	06/03/2005 Sunday	NARIN & PORTNOO GOLF CLUB	CLOONEY PORTNOO CO DONEGAL	RETENTION PERMISSION OF WATER STORAGE TANK, PUMP HOUSE AND ALL ASSOCIATED SITE WORKS
<u>06</u>	<u>31234</u>	Incompleted Application		THE COUNCIL OF NARIN + PORTNOO GOLF CLUB	CLOONEY GLENTIES CO. DONEGAL	2 NO. FAIRWAYS, 2 NO. GREENS, 3 NO. TEES AND 2 NO. INTERCONNECTING ACCESS BETWEEN HOLES NO. 14 & 15 ONE FOR PEDESTRIAN USE AND SECOND FOR MAINTENANCE ACCESS, AND ALL ASSOCIATED SITE WORKS	
<u>06</u>	<u>31361</u>	Application Finalised	Conditional	THE COUNCIL OF NARIN & PORTNOO GOLF CLUB	CLOONEY GLENTIES CO DONEGAL	2 NO. FAIRWAYS, 2NO. GREENS, 3NO. TEES AND 2NO. INTERCONNECTING ACCESS BETWEEN HOLES NO 14&15 ONE FOR PEDESTRIAN USE AND SECOND FOR MAINTENANCE ACCESS, AND ALL ASSOCIATED SITE WORKS	
<u>18</u>	<u>51383</u>	Withdrawn	Conditio nal	LIAM MCDEVIT T	NARIN & PORTNOO GOLF CLUB  CLOONEY & CASHELGOLAN MAAS CO. DONEGAL	CONSTRUCTION OF A 'HALFWAY HOUSE' BUILDING OFFERING A 'MID ROUND' TOILET AND REFRESHMENT FACILITY WITH ASSOCIATED SITE WORKS INCLUDING CONNECTION TO A PROPRIETARY PACKAGED SEWERAGE TREATMENT UNIT AND PERCOLATION AREA APPROVED UNDER PLANNING PERMISSION REF 18/50855	



<u>18</u>	<u>50855</u>	Application Finalised	Conditional	LIAM MCDEVITT	CLOONEY MAAS DONEGAL P.O. CO. DONEGAL	CONSTRUCTION OF A NEW GOLF COURSE MAINTENANCE EQUIPMENT STORAGE BUILDING WITH ASSOCIATED SITE WORKS INCLUDING A PROPRIETARY PACKAGED SEWERAGE TREATMENT UNIT AND PERCOLATION AREA
<u>22</u>	<u>51732</u>	Incompleted Application		LIAM MCDEVITT	NARIN AND PORTNOO GOLF COURSE CLOONEY PORTNOO CO. DONEGAL	(1) PLANTED SCREENING BERMS, OVER 2 METRES IN HEIGHT, IN AN AREA FORMERLY USED FOR CAR PARKING IN PROXIMITY TO THE PRACTICE PUTTING GREEN AND CLUB HOUSE (2) AN ACCESSWAY THROUGH THE BERMS ON LAND FORMERLY PART OF THE CAR PARK (3) A WATER STORAGE TANK AND ASSOCIATED SITE WORKS WITHIN THE MAINTENANCE STORAGE YARD IN THE CENTRE OF THE COURSE (4) AMENDMENTS TO THE GOLF COURSE EQUIPMENT SHED APPROVED UNDER PLANNING REFERENCE 18/50855 INCLUDING THE PROVISION OF ADDITIONAL FLOOR AREA OF 159 SQ.M AND FENESTRATION MODIFICATIONS (5) BOUNDARY FENCING ALONG DUNES TO THE NORTH-WESTERN TIP OF THE COURSE, IN AN AREA DESIGNATED IN THE COUNTY DONEGAL DEVELOPMENT PLAN 2018-2024 AS ESPECIALLY HIGH SCENIC AMENITY
<u>22</u>	<u>51602</u>	Incompleted Application		NARIN & PORTNOO GOLF COURSE	NARIN & PORTNOO GOLF COURSE CLOONEY PORTNOO CO. DONEGAL	(1) PLANTED SCREENING BERMS, OVER 2 METRES IN HEIGHT, IN AN AREA FORMERLY USED FOR CAR PARKING IN PROXIMITY TO THE PRACTICE PUTTING GREEN AND CLUB HOUSE (2) AN ACCESSWAY THROUGH THE BERMS ON LAND FORMERLY PART OF THE CAR PARK (3) A WATER STORAGE TANK AND ASSOCIATED SITE WORKS WITHIN THE MAINTENANCE STORAGE YARD IN THE CENTRE OF THE COURSE (4) AMENDMENTS TO THE GOLF COURSE EQUIPMENT SHED APPROVED UNDER PLANNING REFERENCE 18/50855 INCLUDING THE PROVISION OF ADDITIONAL FLOOR AREA OF 159 SQ.M AND FENESTRATION MODIFICATIONS (5) BOUNDARY FENCING ALONG DUNES TO THE NORTH-WESTERN TIP OF THE COURSE, IN AN AREA DESIGNATED IN THE COUNTY DONEGAL DEVELOPMENT PLAN 2018-2024 AS ESPECIALLY HIGH SCENIC AMENITY

23	<a href="#">50097</a>	Application Finalised	Conditional	LIAM MCDEVITT	NARIN AND PORTNOO GOLF COURSE CLOONEY PORTNOO CO. DONEGAL	(1) PLANTED SCREENING BERMS, OVER 2 METRES IN HEIGHT, IN AN AREA FORMERLY USED FOR CAR PARKING IN PROXIMITY TO THE PRACTICE PUTTING GREEN AND CLUB HOUSE (2) AN ACCESSWAY THROUGH THE BERMS ON LAND FORMERLY PART OF THE CAR PARK (3) A WATER STORAGE TANK AND ASSOCIATED SITE WORKS WITHIN THE MAINTENANCE STORAGE YARD IN THE CENTRE OF THE COURSE (4) AMENDMENTS TO THE GOLF COURSE EQUIPMENT SHED APPROVED UNDER PLANNING REFERENCE 18/50855 INCLUDING THE PROVISION OF ADDITIONAL FLOOR AREA OF 159 SQ.M AND FENESTRATION MODIFICATIONS (5) BOUNDARY FENCING ALONG DUNES TO THE NORTH-WESTERN TIP OF THE COURSE, IN AN AREA DESIGNATED IN THE COUNTY DONEGAL DEVELOPMENT PLAN 2018-2024 AS ESPECIALLY HIGH SCENIC AMENITY
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### 23/50097-Determination

**Part Grant-** Amendments to the golf course equipment shed approved under planning reference 18/50855

8. No Conditons imposed

**Part Refuse-**Retention permission refused for the following: (1) Planted screening berms, over 2 metres in height, in an area formerly used for car parking in proximity to the practice putting green and club house, (2) an accessway through the berms on land formerly part of the car park (3) a water storage tank and associated site works.

3	<a href="#">51559</a>	Application Finalised	Refused	16/10/2023	LIAM MCDEVITT	CLOONEY PORTNOO DONEGAL PO CO. DONEGAL	(1) PLANTED SCREENING BERMS, OVER 2 METRES IN HEIGHT, IN AN AREA FORMERLY USED FOR CAR PARKING IN PROXIMITY TO THE PRACTICE PUTTING GREEN AND CLUB HOUSE, (2) AN ACCESSWAY THROUGH THE BERMS, ON LAND FORMERLY PART OF THE CAR PARK, (3) A WATER STORAGE TANK AND ASSOCIATED SITE WORKS WITHIN THE MAINTENANCE STORAGE YARD IN THE CENTRE OF THE COURSE. THE WATER TANK WILL BE SUPPLIED PRIMARILY FROM THE EXISTING WATER MAIN WITHIN THE COURSE AND FROM A FUTURE RAINWATER HARVESTING SYSTEM SUPPLIED FROM THE GUTTERS ON THE ROOF OF THE ADJOINING MAINTENANCE SHED. THIS SUPPLY WILL BE IN SUBSTITUTION TO THE PRESENT SUPPLY FROM THE EXTRACTION SOURCE APPROVED IN 2004, AND (4) BOUNDARY FENCING ALONG DUNE TO THE NORTH-WESTERN TIP OF THE COURSE, IN AN AREA DESIGNATED IN THE COUNTY DONEGAL DEVELOPMENT PLAN 2018-2024 AS ESPECIALLY HIGH SCENIC AMENITY
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### 23/51559- Determination

Retention permission refused due to concerns relating to adverse impact on scenic amenity, adverse impact on the West of Ardara/Maas Road SAC and adverse impact on archaeological sites. It is noted that this decision was the subject of an appeal to ABP and was subsequently refused by ABP.

Enforcement: Ongoing enforcement case regarding works and use carried out to date.

A number of Section 5 enquires relating to works carried out on site to date for determination whether the same was 'Exempted Development'. Including the following S5 19/23, S5 19/25, S5 22/40, S5 22/16 and S5 24/107.

## **2.0. THE QUESTION**

The applicant 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:

- Excavation and removal of a substantial sand dune and marram grass thereby increasing the level area around the old maintenance sheds of the golf course.
- Mixing of sand from the extracted dune mentioned above with clay imported to the site to form a new landscaping material stored on site.

## **3.0 EVALUATION**

### **3.1 Planning and Development Act, 2000**

#### Section 2(1)

In this Act, except where the context otherwise requires -

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

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

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

#### Section 3(1)

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

Section 4(1) sets out development which shall be exempted development.

#### Section 177U

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

### **3.2 Planning and Development Regulations, 2001**

#### **Article 6(1)**

Subject to Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

#### **Article 9**

Restrictions on Exemption include inter alia:- .

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—
  - (a) if the carrying out of such development would—
    - (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,
    - (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,
    - (iii) endanger public safety by reason of traffic hazard or obstruction of road users,
    - (vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,
    - (vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan, save any excavation, pursuant to and in accordance with a licence granted under section 26 of the National Monuments Act, 1930 (No. 2 of 1930),
    - (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,
    - (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

- (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

*Class 34 of Part 1 of Schedule 2 (Exempted Development - General)*

Works incidental to the maintenance and management of any golf course or pitch and putt course, including alterations to the layout thereof, excluding any extension to the area of a golf course or pitch and putt course.

#### **4.0 ASSESSMENT**

The applicant (a third party) has stated that during the winter of 2019 and into early 2020 a significant portion of the sand dune was excavated from behind and around the old maintenance sheds belonging to the golf course. The applicant has provided photographs as evidence of this work, shown below:



It would appear from the submitted photographs that part of the sand dunes has been removed.

The applicant also claims that the sand removed from the dunes was then mixed with clay and used to form a raised area (2 metres high at highest point)

in front of a storage shed. Applicant has submitted the photograph below with area formed outlined in red.



As the Section 5 Declaration application has been made by a third party it is considered that, in the interests of transparency and to enable the Planning Authority to make a full assessment of the application, further information from the owner(s) of the site will be required.

#### **4.0. RECOMMENDATION**

It is hereby recommended that in accordance with Section 5(2)(c) Planning & Development Act 2000 (as amended) that the planning authority requests the owners of the Narin & Portnoo Golf Club to submit information to enable the authority to issue the declaration on the question as the works in question have been carried out by the golf club.

See attached correspondence.

Narin & Portnoo Golf Club to be advised that any information shall be submitted within 4 weeks following which time the planning authority will proceed to make the declaration within the subsequent 3 weeks.

A handwritten signature in cursive script, appearing to read "Lian Fung".

Signed: \_\_\_\_\_  
Position: Executive Planner  
Date: 07/05/2025

Handwritten initials "FS" in a stylized, bold font.

---

Frank Sweeney  
Senior Executive Planner  
Community Development & Planning Services  
07/05/2025



Larry Foley  
C/o. Narin & Portnoo Golf Club



7 May 2025

Re: A Declaration under Section 5 of the Planning & Development Act 2000 (as amended) sought on the carrying out of development on lands at Narin & Portnoo Golf Club, adjacent to Castlegoland beach, Narin, Portnoo, Co. Donegal. The development works are described as: excavation of sand dunes and landscaping with excavated material.

Dear Sir,

I am writing to you in relation to a Section 5 Declaration which has been sought on works carried out by the golf club referenced above and whether these works constitute development or exempted development under the Planning codes. Under Section 5(2)(c) Planning & Development Act 2000 (as amended) the planning authority may request persons in addition to those who requested the declaration to submit information to enable the authority to issue the declaration on the question. As it is understood that the works in question have been carried out by the golf club, you are being afforded the opportunity to set out the nature and extent of the aforementioned works providing a rationale on why the works are considered either exempted development or provided for by a previous planning permission.

You are further advised that all information considered relevant to assist the planning authority in making a declaration on the matter shall be submitted within 4 weeks from the date of this letter, following which time the planning authority will proceed to make the declaration within the subsequent 3 weeks. Furthermore, all documentation the subject of the Section 5 declaration is available for public inspection at the Planning Office, County House, Lifford during the opening hours of 09.00 – 16.30.

If you have any queries on the above you are advised to contact Lorna Ramsey on 074 91 53900 and to submit the relevant information by email to [planningmailbox@donegalcoco.ie](mailto:planningmailbox@donegalcoco.ie)

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Lorna Ramsey'.

---

Lorna Ramsey  
Executive Planner

Liam McDevitt  
C/o. Narin & Portnoo Golf Club



7 May 2025

Re: A Declaration under Section 5 of the Planning & Development Act 2000 (as amended) sought on the carrying out of development on lands at Narin & Portnoo Golf Club, adjacent to Castlegoland beach, Narin, Portnoo, Co. Donegal. The development works are described as: excavation of sand dunes and landscaping with excavated material.

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Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Lorna Ramsey', enclosed in a light blue rectangular box.

---

Lorna Ramsey  
Executive Planner

Rónán Ó Murchú



7 May 2025

Re: A Declaration under Section 5 of the Planning & Development Act 2000 (as amended) sought on the carrying out of development on lands at Narin & Portnoo Golf Club, adjacent to Castlegoland beach, Narin, Portnoo, Co. Donegal. The development works are described as: excavation of sand dunes and landscaping with excavated material.

Dear Sir,

I am writing to you in relation to the above Section 5 Declaration referenced above and wish to advise that under Section 5(2)(c) Planning & Development Act 2000 (as amended) the planning authority may request persons in addition to those who requested the declaration to submit information to enable the authority to issue the declaration on the question. As the works in question have been carried out by the golf club, the planning authority has written to the club affording it the opportunity to submit information which may enable or assist the authority in issuing the declaration. Narin & Portnoo Golf Club has been advised that any information shall be submitted within 4 weeks following which time the planning authority will proceed to make the declaration within the subsequent 3 weeks.

If you have any queries on the above you are advised to contact Lorna Ramsey on 074 91 53900.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Lorna Ramsey'.

---

Lorna Ramsey  
Executive Planner



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

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

County House,  
Lifford,  
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**W:** www.ccdhunangall.ie  
  
**Planning Services**  
**E:** planning@donegalcoco.ie

Our Reference S525/39

8<sup>th</sup> May 2025

Rónán Ó Murchú



**Declaration under Section 5 of the Planning & Development Act 2000 (as amended), sought on the carrying out of development on lands at Narin & Portnoo Golf Club, adjacent to Castlegoland beach, Narin, Portnoo, Co. Donegal. The development works are described as: excavation of sand dunes and landscaping with excavated material.**

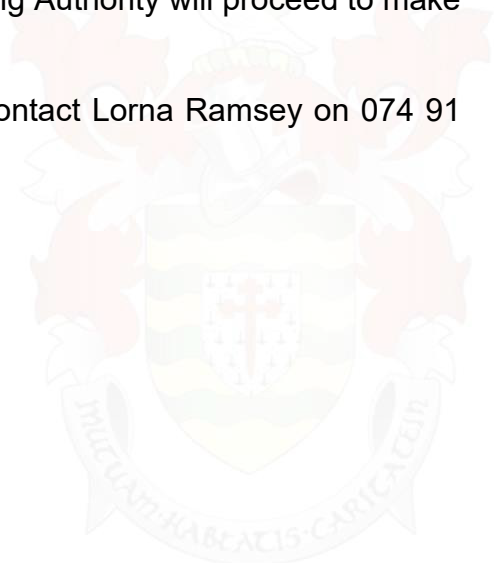
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Yours sincerely,

For Senior Ex. Planner  
Planning Services





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8<sup>th</sup> May 2025

Our Reference S525/39



**Re: A Declaration under Section 5 of the Planning & Development Act 2000 (as amended) sought on the carrying out of development on lands at Narin & Portnoo Golf Club, adjacent to Castlegoland beach, Narin, Portnoo, Co. Donegal. The development works are described as: excavation of sand dunes and landscaping with excavated material.**

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Yours sincerely,

For Senior Ex. Planner  
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8<sup>th</sup> May 2025

Our Reference S525/39



**Re: A Declaration under Section 5 of the Planning & Development Act 2000 (as amended) sought on the carrying out of development on lands at Narin & Portnoo Golf Club, adjacent to Castlegoland beach, Narin, Portnoo, Co. Donegal. The development works are described as: excavation of sand dunes and landscaping with excavated material.**

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Yours sincerely,

For Senior Ex. Planner  
Planning Services





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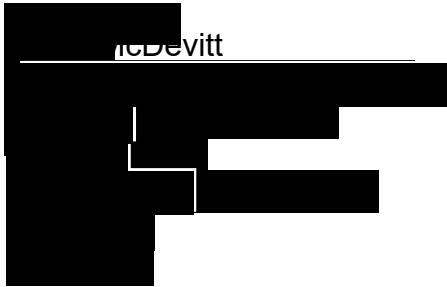
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**Planning Services**  
**E:** [planning@donegalcoco.ie](mailto:planning@donegalcoco.ie)

8<sup>th</sup> May 2025

By Email to: [Imcdevitt@imcsqft.com](mailto:Imcdevitt@imcsqft.com)

Our Reference S525/39



**Re: A Declaration under Section 5 of the Planning & Development Act 2000 (as amended) sought on the carrying out of development on lands at Narin & Portnoo Golf Club, adjacent to Castlegoland beach, Narin, Portnoo, Co. Donegal. The development works are described as: excavation of sand dunes and landscaping with excavated material.**

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Yours sincerely,

For Senior Ex. Planner  
Planning Services

**From:** [tony.manahanplanners.com](mailto:tony.manahanplanners.com)  
**To:** [planning\\_mailbox](mailto:planning_mailbox)  
**Subject:** Comment on Section 5 - S525/39  
**Date:** 04 June 2025 14:45:48  
**Attachments:** [Section 5 Letter to DCC 4.6.2025.pdf](#)

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Do not click links or open attachments unless you recognise the sender and  
are sure that the content is safe.

Dear Sir/Madam,

Further to your letter of 8<sup>th</sup> May last, inviting my client to comment on the above section 5 application, I am attaching a reply to this email for your consideration.

Regards,

Tony Manahan

**Tony Manahan**

Principal

**Manahan Planners**

38 Dawson Street,

Dublin D02 AW24,

TEL: 01-6799094

MOB: [REDACTED]

WEBSITE: [www.manahanplanners.com](http://www.manahanplanners.com)

EMAIL: [tony@manahanplanners.com](mailto:tony@manahanplanners.com)

# MANAHAN PLANNERS

## Town Planning Consultants

38 Dawson Street, Dublin 2. Email: [info@manahanplanners.com](mailto:info@manahanplanners.com). Web: [www.manahanplanners.com](http://www.manahanplanners.com).  
Tel: 01-6799094. Vat No: 2850391E. Tony Manahan B.A.(Hons), M.Phil (Edin.), M.I.P.I.

4 June 2025

The Planning Department,  
Donegal County Council,  
County House,  
Lifford,  
Co. Donegal.



Planning Services

RECEIVED DATE: 04/06/2025

By Email: [planning@donegalcoco.ie](mailto:planning@donegalcoco.ie)

**Re: Section 5 application to ascertain whether development has been carried out in a section of the Narin and Portnoo golf course. Ref: S525/39**

Dear Sir/Madam,

I refer to your letter of 8<sup>th</sup> May 2025 addressed to various parties, including the Narin and Portnoo Golf Club. In the letter you inform us of the lodgement of a Section 5 application relating to the golf course, ref S525/39, and offer the opportunity of a reply.

The question asked is whether the *Excavation and removal of a substantial sand dune and marram grass thereby increasing the level area around the old maintenance sheds of the golf course [(the “**Relevant Works**”)]. This dune was naturally [occurring] and not man made. The dune was not, at any stage, part of the playing area of the golf course.*

*Mixing of sand from the extracted dune mentioned above with clay imported to the site **to form a new landscaping material**. The storage of this material that is not consistent (sic) with the normal blown sand found in this dune system and nearby beaches. (sic), is development requiring planning permission.*

In examining the lodgment file, we note that the reference relates to land adjoining the older maintenance sheds. See google image below, which shows the older sheds to the left of the image and the newer larger maintenance shed to the right of the image.





We further note that this area is within the curtilage and boundary of the golf course. We also note that the person lodging the section 5 application claims that the works in question occurred in or around 2019/2020.

In this regard, the Planning Authority may be aware that when the current owners became involved with the course in or around 2017, they engaged a golf architect, Gil Hanse, to produce a design approach to alter the course to have a more “natural” layout of tees, fairways, bunkers and greens in harmony with the existing landscape.

We understand that the works to the golf course to achieve this vision, which include the Relevant Works, were carried out in 2018, 2019 and early 2020. The Planning Authority will be aware that works within a golf course are exempted development as per Class 34 of the Planning and Development Regulations 2001 as amended.

#### *CLASS 34*

*Works incidental to the maintenance and management of any golf course or pitch and putt course including alterations to the layout thereof, excluding any extension to the area of a golf course or pitch and putt course.*

The Relevant Works involved the maintenance and management of the golf course. They were carried out within the ownership, curtilage and boundaries of the golf course and did not lead to an extension to the area of the golf course.

We are aware that there are “restrictions on exemptions” listed in the Planning and Development Regulations and that certain works may not be exempt unless it can be shown conclusively that they will not have an adverse impact on the adjoining Special Area of Conservation SAC 000197 West of Ardara/Maas Road. However, in the present case we do not believe any such restriction applies in respect of the Relevant Works for the reasons set out below:

- The location of the maintenance sheds which is one and the same as the area where the Relevant Works were carried out is not in the Area of Especially High Amenity.
- In deciding to grant permission for the larger maintenance shed (planning register reference 18/50855), the planning authority designated this area as “brownfield” in their planning consideration and screening for Appropriate Assessment.
- The location is sufficiently far away from the SAC and in any case the screening for appropriate assessment carried out by the planning authority in relation to the application on the maintenance shed determined that works here either on their own or in association with other works would not have an adverse impact on the SAC.
- It is our view that the Relevant Works do not interfere with the character of a landscape, or a view or prospect of special amenity value or special interest owing to their minor nature in a small area of the overall landscape.
- The party seeking the Declaration concedes the works in question were to provide a landscape feature.
- The works can therefore be considered maintenance works within the boundaries of a golf course constituting exempted development. It is submitted there is insufficient evidence to support an opposing viewpoint.

Accordingly, in view of the information we are now submitting, we invite the Planning Authority to respond to the question posed in the following manner, namely, that the works were carried out as maintenance within the boundaries of the golf course and accordingly under the provisions of Class 34 were exempted development.

We look forward to a Decision. We would be happy to supply any additional information or clarification required.

Yours faithfully

A handwritten signature in blue ink, appearing to read "T Manahan", with a stylized flourish at the end.

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**Tony Manahan**  
**Manahan Planners**

Postscript: we note that an email address to reply to is given in your letter. This email address does not work. We informed you of that in our previous replies and your staff said this would be corrected in future communications, but it has not. This reply is addressed therefore the main planning email address.

## **SECTION 5 REFERRAL REPORT – Ref. No: S5 25/39**

### **1.0 ASSESSMENT TO DATE**

- 1.1 Please refer to initial report by Lorna Ramsey dated 7 May 2025.
- 1.2 As the section 5 declaration has been submitted by a third party, a letter (dated 8 May 2025) was sent to the owners/operators of the golf club to provide them with the opportunity to set out their response with regard to the nature and extent of the works and providing a rationale on why the works are considered either exempted development or provided for by a previous planning permission.

### **2.0 FURTHER ASSESSMENT FOLLOWING RECEIPT OF FURTHER INFORMATION**

- 2.1 A response was received from the owner/operators of the golf club on 24 February 2025. The following additional information was provided:
- The area referred to is within the curtilage and boundary of the golf course.
  - When the current owners became involved with the course in or around 2017, they engaged a golf architect, Gil Hanse, to produce a design approach to alter the course to have a more “natural” layout of tees, fairways, bunkers and greens in harmony with the existing landscape. Works to the golf course to achieve this vision, which include the Relevant Works, were carried out in 2018, 2019 and early 2020.
  - Works within a golf course are exempted development as per Class 34 of the Planning and Development Regulations 2001 as amended.
  - The Relevant Works involved the maintenance and management of the golf course. They were carried out within the ownership, curtilage and boundaries of the golf course and did not lead to an extension to the area of the golf course.
  - Owners/operators are aware that there are “restrictions on exemptions” listed in the Planning and Development Regulations and that certain works may not be exempt unless it can be shown conclusively that they will not have an adverse impact on the adjoining Special Area of Conservation SAC 000197 West of Ardara/Maas Road. However, in the present case the owners/operators do not believe any such restriction applies in respect of the Relevant Works for the reasons set out below:
    - The location of the maintenance sheds which is one and the same as the area where the Relevant Works were carried out is not in the Area of Especially High Scenic Amenity.
    - In deciding to grant permission for the larger maintenance shed (planning register reference 18/50855), the planning authority designated this area as “brownfield” in their planning consideration and screening for Appropriate Assessment.
    - The location is sufficiently far away from the SAC and in any case the screening for appropriate assessment carried out by the planning authority in relation to the application on the maintenance shed



determined that works here either on their own or in association with other works would not have an adverse impact on the SAC.

- It is our view that the Relevant Works do not interfere with the character of a landscape, or a view or prospect of special amenity value or special interest owing to their minor nature in a small area of the overall landscape.
- The party seeking the Declaration concedes the works in question were to provide a landscape feature.
- The works can therefore be considered maintenance works within the boundaries of a golf course constituting exempted development. It is submitted there is insufficient evidence to support an opposing viewpoint.

### **3.0 ASSESSMENT**

3.1 It is considered that excavation works involving the removal of sand and vegetation constitute 'development' as defined in Sections 2 & 3 of the Act.

#### **3.2 Class 34 of Part 1 of Schedule 2 (Exempted Development - General)**

*Works incidental to the maintenance and management of any golf course or pitch and putt course, including alterations to the layout thereof, excluding any extension to the area of a golf course or pitch and putt course.*

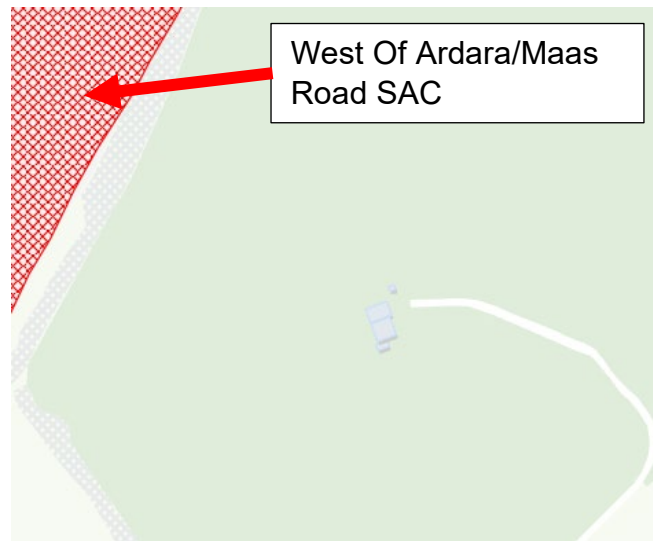
3.3 The subject site is located within the boundary of the golf course as shown on location maps submitted with previous planning applications relating to the golf course. The owner/operators of the golf course have confirmed that the works to the sand dunes were part of the redesign works carried out on the golf course between 2018 and 2020, forming part of the maintenance and management of the golf course. The works did not extend the golf course. As such, it is considered that the works can be regarded as falling within the scope of Class 34 of the Planning & Development Regulations 2001 (As amended).

#### **Article 9 (Restrictions on Development)**

3.4 The site lies within an Area of High Scenic Amenity (HSA) within the County Donegal Development Plan 2024-2030. While it is noted that the excavation works have increased the visibility of existing sheds on the site, it is not considered that the works have had a significant adverse impact on the character of the HSA designated lands.

3.5 The site of the excavation works is located approximately 130m from the West Of Ardara/Maas Road Special Area of Conservation. It is an objective of the County Donegal Development Plan 2024-2030 to 'preserve and enhance the biodiversity of the County in accordance with the relevant EU policies and national legislation'. Without further detailed information it is not possible to establish whether the excavation works have had a significant adverse impact on the nearby SAC. Considering the relatively small area affected by the works it is unlikely that a significant impact has occurred, however, given there is some doubt about the impact of the works and in the absence of any ecological report,

it is necessary to adopt the precautionary approach in the screening of the works for Appropriate Assessment.



Aerial photograph of site with location of excavation works noted (submitted by the Section 5 Declaration applicant)

- 3.6 The attached AA Screening Report concludes that the Planning Authority has determined that full Appropriate Assessment of the development is required, as it cannot be excluded on the basis of objective scientific information that the development individually or in combination with other plans/projects will have a significant effect on the West of Ardara/Maas Road SAC. It is therefore considered that the development is not exempt under Article 9 (1)(a)(viiB).

#### 4.0 **Recommendation:**

- 4.1 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:**

- Excavation and removal of a substantial sand dune and marram grass thereby increasing the level area around the old maintenance sheds of the golf course.
- Mixing of sand from the extracted dune mentioned above with clay imported to the site to form a new landscaping material stored on site.

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

- Sections 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended), and
- Articles 6 and 9, and Class 34 of the Planning and Development Regulations, 2001 (as amended);
- It should also be noted that in determining the subject Section 5 referral regard was had to recent Section 5 referrals determined by An Bord Pleanála.

#### **And concluded that:**

#### **The development consisting of:**

- Excavation and removal of a substantial sand dune and marram grass thereby increasing the level area around the old maintenance sheds of the golf course.
- Mixing of sand from the extracted dune mentioned above with clay imported to the site to form a new landscaping material stored on site.

is development within the meaning of the Planning and Development Act, 2000 (as amended) and is not exempted development having regard to Article 9(1)(a)(viiB) of the Planning and Development Act, 2000 (as amended).



**Signed:**

**Position:** Executive Planner

**Date:** 20/06/2025





<b>APPROPRIATE ASSESSMENT SCREENING FOR THE PURPOSES OF ARTICLE 6 OF THE HABITATS DIRECTIVE</b>
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**Applicant Name:** Rónán Ó Murchú

**Plan.Reg.No:** S5 25/39

## **1.0 Description of Project**

The subject site is an area of land within the grounds of Narin and Portnoo Golf Club, Clooney, Portnoo. The applicant 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 Excavation and removal of sand dunes to form landscaping material is or is not development and is or is not exempted development:

## **2.0 Natura 2000 sites**

The subject site is located approximately 130m from the West of Ardara/Maas Road SAC(Site code 000197)

### **2.1 Site Synopsis for West of Ardara/Maas Road SAC (Site Code 00197)**

This extensive site occupies the area of coast immediately north of Ardara in southwest Co. Donegal. From Ardara, it continues northwards around the coast, and then up the Gweebarra River to Doocharry. From the centre of the site an expanse of blanket bog extends south-east almost to Glenties. Lough Beg Bay and Slieve Tooey Mountain are adjacent, and to the south-west of the site. The Owenea system and some of its tributaries, including the Stracashel and Owengarve Rivers, are included. Most of the coastal parts of the site are underlain by metamorphic rocks, in particular Loughros Group and Upper Falcarragh Pelites, and Falcarragh limestone. More recent blown sand occurs over much of these coastal rocks, however. The majority of the inland part of the site is underlain by intrusive igneous Granodiorites.

The site is of great ecological interest, containing a large number of habitats and species which are listed in the E.U. Habitats Directive (specifically, six priority habitats, 20 non-priority habitats and eight species). The site exhibits a highly diverse range of both coastal and terrestrial habitats, this feature itself being of high scientific value.

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):

- [1130] Estuaries
- [1140] Tidal Mudflats and Sandflats
- [1160] Large Shallow Inlets and Bays
- [1210] Annual Vegetation of Drift Lines
- [1330] Atlantic Salt Meadows
- [1410] Mediterranean Salt Meadows
- [2110] Embryonic Shifting Dunes
- [2120] Marram Dunes (White Dunes)
- [2130] Fixed Dunes (Grey Dunes)\*

- [2140] Decalcified Empetrum Dunes\*
- [2150] Decalcified Dune Heath\*
- [2170] Dunes with Creeping Willow
- [2190] Humid Dune Slacks
- [21A0] Machairs\*
- [3110] Oligotrophic Waters containing very few minerals
- [3130] Oligotrophic to Mesotrophic Standing Water
- [4010] Wet Heath
- [4030] Dry Heath
- [4060] Alpine and Subalpine Heaths
- [5130] Juniper Scrub
- [6210] Orchid-rich Calcareous Grassland\*
- [6410] Molinia Meadows
- [6510] Lowland Hay Meadows
- [7130] Blanket Bogs (Active)\*
- [7150] Rhynchosporion Vegetation
- [7230] Alkaline Fens
- [1013] Geyer's Whorl Snail (*Vertigo geyeri*)
- [1029] Freshwater Pearl Mussel (*Margaritifera margaritifera*)
- [1065] Marsh Fritillary (*Euphydryas aurinia*)
- [1106] Atlantic Salmon (*Salmo salar*)
- [1355] Otter (*Lutra lutra*)
- [1365] Common (Harbour) Seal (*Phoca vitulina*)
- [1395] Petalwort (*Petalophyllum ralfsii*)
- [1833] Slender Naiad (*Najas flexilis*)

The estuaries of the Gweebarra, Owentocker and Owenea Rivers form the most extensive habitats in the site. These have large expanses of intertidal sandflats which support a typical diversity of macro-invertebrate and algae species. The sandflats are fringed in places by saltmarsh vegetation. Taken as a whole the saltmarsh at the site is structurally diverse, occurring as a narrow fringe or in isolated pockets or as extensive flat salt meadows. It also varies in relation to the substrate on which it is formed (sand, silt, peat, cut-over bog, gravel and shingle are all found). Wintering waterfowl frequent the estuaries, though in relatively small numbers, and there is a resident population of Common Seal. The estuarine habitat merges with shallow marine waters.

Onshore, sand dunes and machair have formed in a number of locations. Driftline vegetation is quite extensively developed in the more sheltered bays. Embryonic shifting dunes are found in two areas of Sheskinmore: Ballireavy Strand and Trawmore Strand. The greatest expanse of this habitat occurs at Trawmore Strand, a wide and naturally flat beach. Further inland there are previously eroded dunes. It is likely that this area of freshly accreting sands has been transported from the eroding dunes at Ballinreavy Strand. The typical species Sand Couch (*Elymus farctus*) dominates the embryonic dunes, with hummocks of Marram (*Ammophila arenaria*). Embryonic dunes are also found along the three beaches at Clooney.

There are approximately 40 ha of Marram, or white, dunes, and some areas are badly damaged through overuse (though the majority is in good condition). Here, by far the most abundant plant species is Marram, although a range of herbs occurs, including Yarrow (*Achillea millefolium*) and Violets (*Viola* spp.). Fixed, or grey, dunes make up approximately 260 ha at the site, and particularly fine examples are found at Sheskinmore, where old, high, fixed dunes support a high diversity of plant species and vegetation communities. Quarrying, overuse for recreation and overgrazing are common issues on fixed dunes in the area. Juniper (*Juniperus communis*) and Crowberry (*Empetrum nigrum*) are found in decalcified and heathy areas of the dunes, constituting important examples of these scarce dune habitat

types. Dune slacks are best developed at Sheskinmore, and areas corresponding to both 'humid dune slacks' and 'dunes with creeping willow' occur.

The areas of machair in this site are noted for their species richness and for the interesting vegetation transitions with wetter habitats which are present in a number of areas. The most common species on the machair are Red Fescue (*Festuca rubra*), Ribwort Plantain (*Plantago lanceolata*) and White Clover (*Trifolium repens*). Orchids are especially evident, and species include Fragrant Orchid (*Gymnadenia conopsea*), Frog Orchid (*Coeloglossum viride*) and Marsh Helleborine (*Epipactis palustris*).

An area of alkaline fen, associated with calcareous sand blown from nearby sand dunes, is found adjacent to Sheskinmore Lough. Base-rich water emanating from the sand dunes feeds the fen. A large area is dominated by Black Bog-rush (*Schoenus nigricans*), and Meadow Thistle (*Cirsium dissectum*), Bog-myrtle (*Myrica gale*) and Purple Moor-grass (*Molinia caerulea*) also occur. The fen grades into other habitats and vegetation types in a number of areas.

Lakes and associated wetlands in the site provide further habitat diversity. Of particular ecological interest is Sheskinmore, where there exists a partially sand-filled waterbody. This is generally of a calcareous nature, but receives an input of acidic water from the local igneous rocks, resulting in an unusual vegetation community. This area is of international importance for its bryophytes and also contains a high number of Stoneworts (*Chara* spp.), the latter reflecting the base-richness of the lake.

The blanket bog in the east of the site is one of the most extensive lowland and coastal bogs remaining in Donegal. The large number of lakes found there is a remarkable feature. Some of the lakes which are oligotrophic in character are colonised by aquatic plants - Pipewort (*Eriocaulon aquaticum*) and Quillwort (*Isoetes lacustris*) being of particular note. Other species typical of this habitat type and found in lakes at this site include Water Lobelia (*Lobelia dortmanna*) and Shoreweed (*Littorella uniflora*). Much of the bog consists of gently undulating land vegetated mostly by Black Bog-rush, Bog-myrtle, Purple Moor-grass, Heather (*Calluna vulgaris*), and Cottongrasses (*Eriophorum* spp.). Inter-connecting pool systems on deep, quaking peat occur locally in the bogs. These very wet areas contain typical Rhynchosporion vegetation. Bog mosses, especially *Sphagnum cuspidatum* and *S. auriculatum* but also the rare *S. pulchrum*, are abundant in this vegetation, along with common plant species such as Bogbean (*Menyanthes trifoliata*), Common Cottongrass (*E. angustifolium*), White-beaked Sedge (*Rhynchospora alba*) and Oblong-leaved Sundew (*Drosera intermedia*).

Three types of heath listed in the E.U. Habitats Directive are found at this site: wet heath, dry heath and 'alpine and subalpine heath'. The former is the most extensive, with an estimated 500 ha, though this is scattered throughout the site, and often found in mosaic with other habitats. Dry heath is also common, and found where soils are thin and rock outcrops. Heather and Bell Heather (*Erica cinerea*) are typical dominants, though considerable variety exists at the site. The site also contains areas of low-growing heather/crowberry heath, which includes Bearberry (*Arctostaphylos uva-ursi*) and occasional Juniper.

Juniper scrub is also recorded from this site, though delineating this habitat from others in which Juniper is found (e.g. dry heath, alpine heath, decalcified fixed dunes, acid grassland, calcareous grassland, rocky ground and blanket bog) can be difficult.

Scrub and woodland also occur in parts of the sites. Of these, the deciduous woodland in the Maas-Lettermacaward area is particularly noteworthy. Sessile Oak (*Quercus petraea*), Hazel (*Corylus avellana*) and Downy Birch (*Betula pubescens*) are the dominant trees and the ground flora is well developed where undisturbed.

The habitat 'Molinia meadows' is found at the site, and supports species such as rushes (*Juncus acutiflorus* and *J. effusus*), Cuckooflower (*Cardamine pratensis*), Creeping Bent (*Agrostis stolonifera*), Sweet Vernal-grass (*Anthoxanthum odoratum*), Marshmarigold (*Caltha palustris*), Meadowsweet (*Filipendula ulmaria*) and Meadow Buttercup (*Ranunculus acris*). Additionally, a small number of generally species-rich meadows which are cut for hay occur at the site.

A number of rare plants have been recorded from this site. The rare aquatic plant, Slender Naiad (*Najas flexilis*), a species which is protected under the Flora (Protection) Order, 2015, and which is listed on Annex II of the E.U. Habitats Directive, has been recorded from Sheskinmore Lough. Close by, the Hoary Whitlow Grass (*Draba incana*), which is listed in the Irish Red Data Book, and is generally only found in the north-west, occurs. Dense-flowered Orchid (*Neotinea maculata*) has its only Irish record north of Connaught at this site, and where it occurs at the site, the habitat is considered to be referable to 'orchid-rich calcareous grassland'. The rare and protected Heath Cudweed (*Omalotheca sylvatica*), listed under the Flora (Protection) Order, 2015, has been recorded here also.

Two populations of the rare bryophyte Petalwort (*Petalophyllum ralfsii*) are known from the site.

The site supports populations of Common Seal (maximum count of 59 in the all-Ireland survey of 2003), Freshwater Pearl Mussel, Salmon, Otter, the rare mollusc *Vertigo geyeri* and the butterfly, Marsh Fritillary, all species listed on Annex II of the E.U. Habitats Directive

The site is also of importance to birdlife. In the past, Sheskinmore supported an internationally important flock of Barnacle Goose but nowadays the geese appear more or less confined to offshore islands, especially Roaninish and Inishkeel. In spring 2003 a total of 465 was recorded from these islands. Similarly, numbers of Greenland White-fronted Goose at Sheskinmore have declined in recent years (seldom more than 50 birds), despite the continued presence of good habitat. The site is important for breeding Merlin (estimated 5 pairs), and also Peregrine (1 pair), while in winter Hen Harrier is a regular visitor (1-2 individuals). While Common Terns and/or Arctic Terns, as well as Sandwich Terns, have bred here in the past, no breeding by terns is known within the site since the mid 1990s. All of the above birds are listed on Annex I of the E.U. Birds Directive – other species listed on the Directive that may occur include Whooper Swan, Red-throated Diver, Corncrake and Chough. A nationally important Eider flock of some 500 birds winters around Inishkeel (22 counts, five seasons to 1987/88).

Land use is varied across the site, but the coastal portions are little used. Agricultural improvement and over-grazing threaten the terrestrial habitat, especially the dunes, machair and bog. Turf cutting is quite active in the boglands. Part of the Sheskinmore area is a BirdWatch Ireland reserve, while another section is owned by the National Parks and Wildlife Service. The whole Sheskinmore Lough area is a Wildfowl Sanctuary. Part of the area is protected by a management agreement.

This site is of considerable conservation value on account of the high level of habitat diversity. There are 26 habitats present which are listed under Annex I of the E.U. Habitats Directive, six which have priority status. The presence of important populations of rare and threatened habitats, plants and animals, along with breeding and wintering birds, makes this a site of very high conservation value.

## **2.2 Conservation Objectives for West of Ardara/Maas Road SAC (Site Code 00197)**



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.

A site-specific conservation objective aims to define favourable conservation condition for a particular habitat or species at that site.

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.

#### Qualifying Interests(\*indicates a priority habitat under the Habitats Directive)

1013 Geyer's Whorl Snail *Vertigo geyeri*  
1029 Freshwater Pearl Mussel *Margaritifera margaritifera*  
1065 Marsh Fritillary *Euphydryas aurinia*  
1106 Salmon *Salmo salar*  
1130 Estuaries  
1140 Mudflats and sandflats not covered by seawater at low tide  
1160 Large shallow inlets and bays  
1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritima*)  
1355 Otter *Lutra lutra*  
1365 Harbour Seal *Phoca vitulina*  
1395 Petalwort *Petalophyllum ralfsii*  
1410 Mediterranean salt meadows (*Juncetalia maritimi*)  
1833 Slender Naiad *Najas flexilis*  
2120 Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes)  
2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)\*  
2140 Decalcified fixed dunes with *Empetrum nigrum*\*  
2150 Atlantic decalcified fixed dunes (*Calluno-Ulicetea*)\*  
2170 Dunes with *Salix repens* ssp.*argentea* (*Salicion arenariae*)  
2190 Humid dune slacks  
21A0 Machairs (\* in Ireland)

3110 Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*)  
 4010 Northern Atlantic wet heaths with *Erica tetralix*  
 4030 European dry heaths  
 4060 Alpine and Boreal heaths  
 5130 *Juniperus communis* formations on heaths or calcareous grasslands  
 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia*) (\* important orchid sites)  
 6410 *Molinia* meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*)  
 6510 Lowland hay meadows (*Alopecurus pratensis*, *Sanguisorba officinalis*)  
 7130 Blanket bogs (\* if active bog)  
 7150 Depressions on peat substrates of the Rhynchosporion  
 7230 Alkaline fens

### 3.0 Assessment of Likely Effects:

**Table 1 – Potential Impact Types and Significance**

Impact type	Significance indicator	Comments
Loss of habitat area	Percentage of loss	No effects anticipated as works have taken place outside the SAC and subject site is approximately 130m from the SAC.
Fragmentation	Duration or permanence, level in relation to original extent	No effects anticipated as works have taken place outside the SAC and subject site is approximately 130m from the SAC.
Disturbance	Duration or permanence, distance from site	Excavation works may have caused some disturbance while taking place due to use of machinery, however, it is unlikely that this would have been significant given the relatively minor scale of the works and due to the separation distance between the site and the SAC.
Species population density	Timescale for replacement	It is not anticipated that the excavation works will have a long term impact on species population density.
Water resource	Relative change	No significant effects anticipated due to the relatively minor nature of the works.

Water quality	Relative change in key indicative chemicals and other elements	<b>The excavation works may have had an adverse impact on water quality within the SAC due to sand/sediment entering the water system. While there is a separation distance of 130m between the site and the SAC it is not known if there are any direct hydrological links to the SAC, which would have provided a pathway for sediments/pollutants.</b>
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The AA screening has identified likely impacts of the development on the Natura 2000 site and determines that these impacts have the potential to be significant.

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

It is considered, as detailed within this report, that there may be a potential direct impact on the Natura 2000 site through the discharge of sediment into the hydrological system within the SAC. The Planning Authority is not satisfied that the development would not give rise to a risk of water pollution within the SAC with resultant impact on habitats and biodiversity.

The Planning Authority has therefore determined that an Appropriate Assessment of the proposed development is required as it cannot be excluded on the basis of objective scientific information that the proposed development individually or in combination with other plans/projects may have a significant effect on a European Site i.e West of Ardara/Maas Road SAC (Site Code 00197).



**Executive Planner**  
**20/06/2025**




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Frank Sweeney  
Senior Executive Planner  
Community Development & Planning Services  
23/06/2025

**Chief Executive's Order No: 2025PH1840**

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

**SECTION 5:-**

Request received 11<sup>th</sup> April 2025 (FIC 04/06/2025) from Rónán Ó Murchú, [REDACTED] in relation to whether the excavation and removal of a substantial sand dune and marram grass thereby increasing the level area around the old maintenance sheds of the golf course and the mixing of sand from the extracted dune mentioned above with clay imported to the site to form a new landscaping material stored on site is or is not development and is or is not exempted development at Narin and Portnoo Golf Course, Clooney, Co. Donegal.

**SUBMITTED:-**

Written request received 11<sup>th</sup> April 2025 (FIC 04/06/2025) as above and report dated 20<sup>th</sup> June 2025 from the Executive Planner (Ref. No: S5 25/39 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 24<sup>th</sup> DAY OF JUNE 2025

MME



**Chief Executive's Order No: 2025PH1840**

**Ref.No: S5 25/39**

**SCHEDULE**

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

**IS** Development

**IS** Not Exempted Development

**WITHIN THE MEANING OF THE ABOVE ACT**

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

- Sections 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended), and
- Articles 6 and 9, and Class 34 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**, having regard to Article 9(1)(a)(viiB) of the Planning and Development Act, 2000 (as amended).

JS 24/06



**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

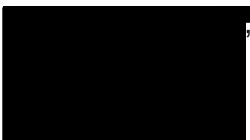
**T:** 074 91 53900  
**E:** [info@donegalcoco.ie](mailto:info@donegalcoco.ie)  
**W:** [www.donegalcoco.ie](http://www.donegalcoco.ie)  
**W:** [www.ccdhunangall.ie](http://www.ccdhunangall.ie)

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

Ref. No: S525/39

24<sup>th</sup> June 2025

RÓNÁN Ó MURCHÚ,



**Re: Whether the excavation and removal of a substantial sand dune and marram grass thereby increasing the level area around the old maintenance sheds of the golf course and the mixing of sand from the extracted dune mentioned above with clay imported to the site to form a new landscaping material stored on site is or is not development and is or is not exempted development at Narin and Portnoo Golf Course, Clooney, Co. Donegal.**

A Chara,

I refer to your request received on 11<sup>th</sup> April 2025 under Section 5 of the Planning and Development Act, 2000 (as amended). Same has now been decided and I now issue to you herewith the Council's Declaration thereon. You are now advised that, in accordance with Section 5 (3) (a) of the Planning & Development Act, 2000 (as amended) where a Declaration is issued, any person issued with such a Declaration may, on payment to An Bord 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**

/RMcC

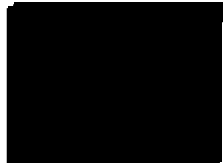
***Planning and Development Acts, 2000 (as amended)***  
***(Declaration and Referral on Development and Exempted Development)***

**DECLARATION**

**Chief Executive's Order No:** 2025PH1840

**Reference No:** S525/39

**Name of Requester:** Rónán Ó Murchú,



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

Excavation and removal of a substantial sand dune and marram grass thereby increasing the level area around the old maintenance sheds of the golf course and the mixing of sand from the extracted dune mentioned above with clay imported to the site to form a new landscaping material stored on site.

**Location:** Narin and Portnoo Golf Course, Clooney, Co. Donegal.

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

**IS** Development

**IS** Not Exempted Development

**WITHIN THE MEANING OF THE ABOVE ACT**

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

- Sections 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended), and
- Articles 6 and 9, and Class 34 of the Planning and Development Regulations, 2001 (as amended)

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act, 2000 (as amended) and **IS NOT EXEMPTED DEVELOPMENT**, having regard to Article 9(1)(a)(viiB) of the Planning and Development Act, 2000 (as amended).

A handwritten signature in black ink.

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

**Dated this 24<sup>th</sup> day of June 2025**