

From: MARTINA PARKE (PLANNING) on behalf of [planning mailbox](#)
To: MICHAEL MC ELWAINÉ
Subject: FW: Ashdale Care Ltd - Section 5 Declaration - Ards Little, Ramelton, County Donegal, F92 PW99
Date: 21 January 2025 15:54:57
Attachments: [image332629.png](#)
[image750747.png](#)
[Section 5 Declaration Of Exemption.pdf](#)
[Location Map 1_2500 @ A3.pdf](#)
[Site Layout 1_500 @ A4.pdf](#)
[Floorplans 1_100 @ A3.pdf](#)
[Elevations 1_100 @ A3.pdf](#)

From: Michael McGibbon [REDACTED] >
Sent: Tuesday, January 21, 2025 3:22 PM
To: planning mailbox <Planning@Donegalcoco.ie>
Subject: Ashdale Care Ltd - Section 5 Declaration - Ards Little, Ramelton, County Donegal, F92 PW99

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

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

Dear sir / madam

Please see attached application form and associated documents for a Section 5 Declaration submission on behalf of Ashdale Care Ireland Ltd, for the following:

Change of use of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at - Ards Little, Ramelton, County Donegal, F92 PW99.

The number of persons in our care shall not exceed 6 and the resident carers shall not exceed 2, in accordance with Class 14, Part 1(f) of the Planning and Development Regulations 2001.

Please contact me on the telephone number below in order to arrange payment of the fee.

Kind Regards
Michael

Michael McGibbon
Health & Safety and Property Development [REDACTED]



The Ridge, McGrath Road, Castleblayney, Co. Monaghan, A75 WY97, Ireland



IRELAND

BEST MANAGED COMPANIES

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SECTION 5 APPLICATION

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

1.	Applicant's Name	Michael McGibbon – on behalf of Ashdale Care Ireland Ltd.	
	<i>Contact details must be supplied at the end of this form</i>		
2.	Name of Agent	As above	
	<i>Contact details must be supplied at the end of this form</i>		
3.	Location of Proposed Development:	Ards Little, Ramelton, Co. Donegal Eircode - F92PW99	
4.	Description of Proposed Development:	Change of use to exclusively use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at - Ards Little, Ramelton, Co. Donegal Eircode - F92PW99, The number of persons in our care shall not exceed 6 and the resident carers shall not exceed 2.	
5.	Is development a Protected Structure or within the curtilage of a Protected Structure?	Yes	
	(Indicate as appropriate)	No	X
6.	If the answer to question no 5 is yes has a declaration under Section 57 of the Planning and Development Act 2000(as amended) been requested or issued in respect of the property by the Planning Authority	N/A	
7.	Applicants Interest in site:	Prospective Owner	
	If applicant is not the owner of the site please provide the Name and Address of the owner	Mr Glenn Doherty [REDACTED]	
8.	List of plans, drawings etc. submitted with this application:	Site Location Plan – 1:2500 Site Layout - 1:500 Elevations - 1:100 Floorplans - 1:100 Sections - 1:100	

	Are you aware of any enforcement proceedings connected to the site? If so please supply details	No
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10.	Please provide details of works (where applicable) or proposed development (Only works listed and described under this section will be assessed under this section 5 application)	
	<p>Change of use to exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at - Ards Little, Ramelton, Co. Donegal, Eircode - F92PW99</p> <p>The number of persons in our care at this home shall not exceed 6 and the resident carers shall not exceed 2, in accordance with Class 14, Part 1(f) of the Planning and Development Regulations 2001.</p>	
11.	Signature of Applicant (or Agent):	Michael McGibbon c/o Ashdale Care Ireland Ltd.
12.	Dated:	21/01/2024

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

NOTES: (a) Application 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:
- (i) site location map,
 - (ii) site layout plan,
 - (iii) elevations (if applicable).

.....

OFFICE USE ONLY	
Ref. No.	
Date Received	
Fee Paid	
Receipt Number	

ADDITIONAL CONTACT INFORMATION (Section 5 Application)

NOT TO BE MADE AVAILABLE WITH APPLICATION

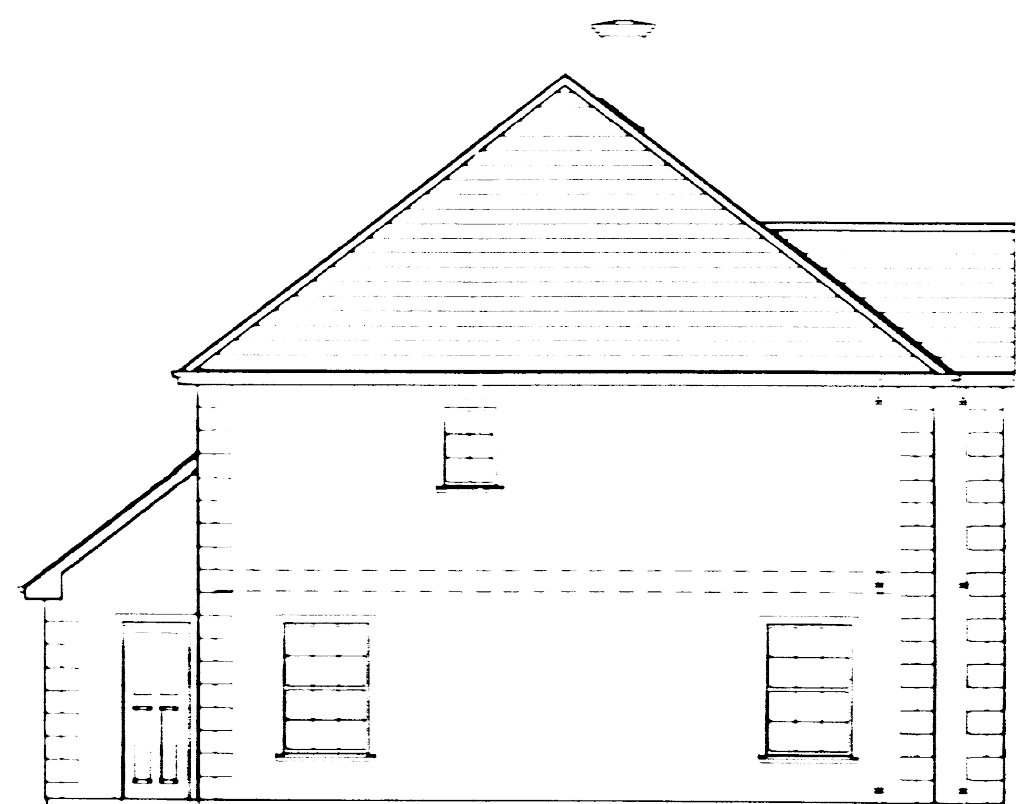
[Redacted area]

(Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)

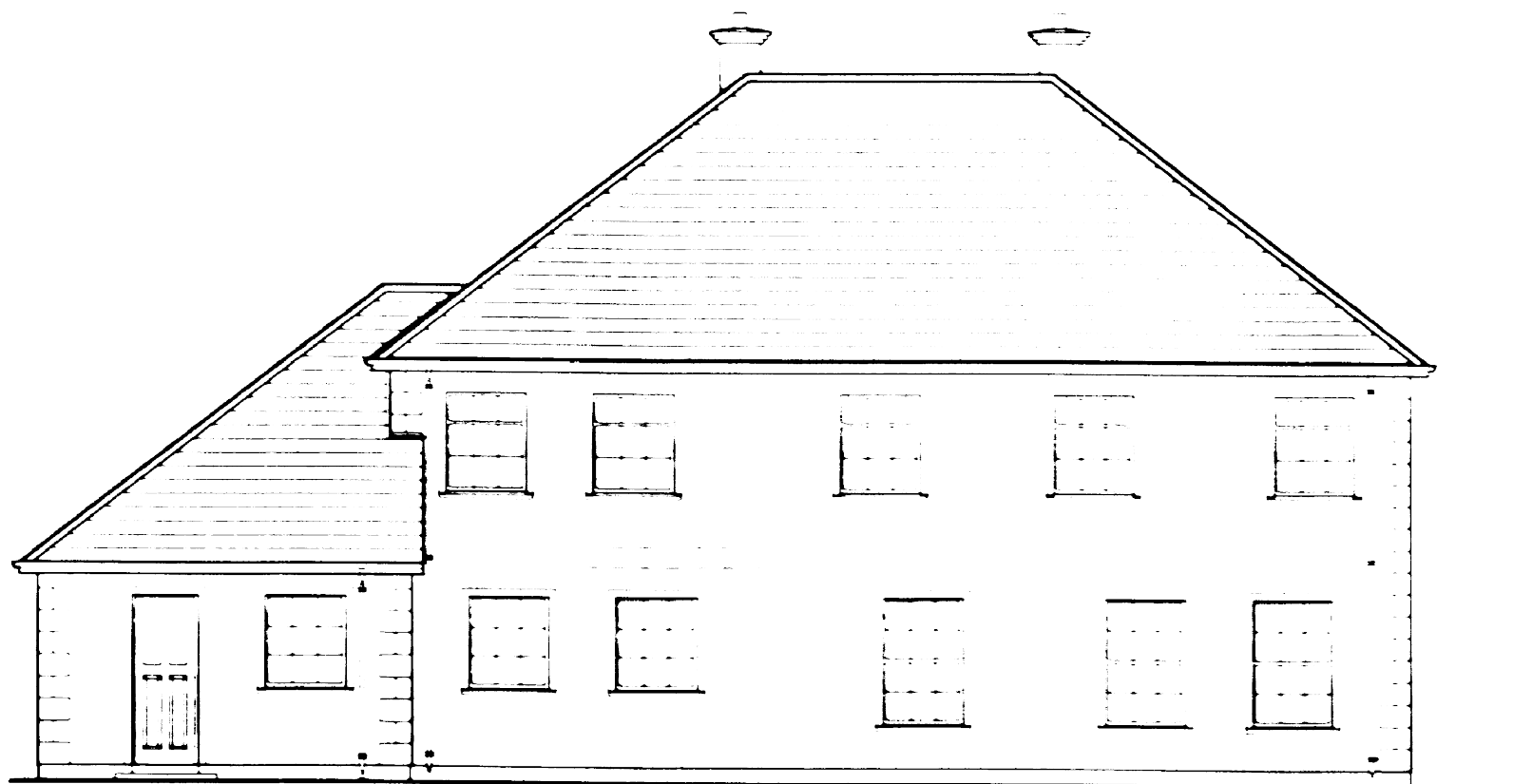
Completed application form & supporting documentation to be returned to the Planning Authority by email only to planning@donegalcoco.ie



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



Comhairle Contae
Dhún na nGall
Donegal County Council

Planning Services

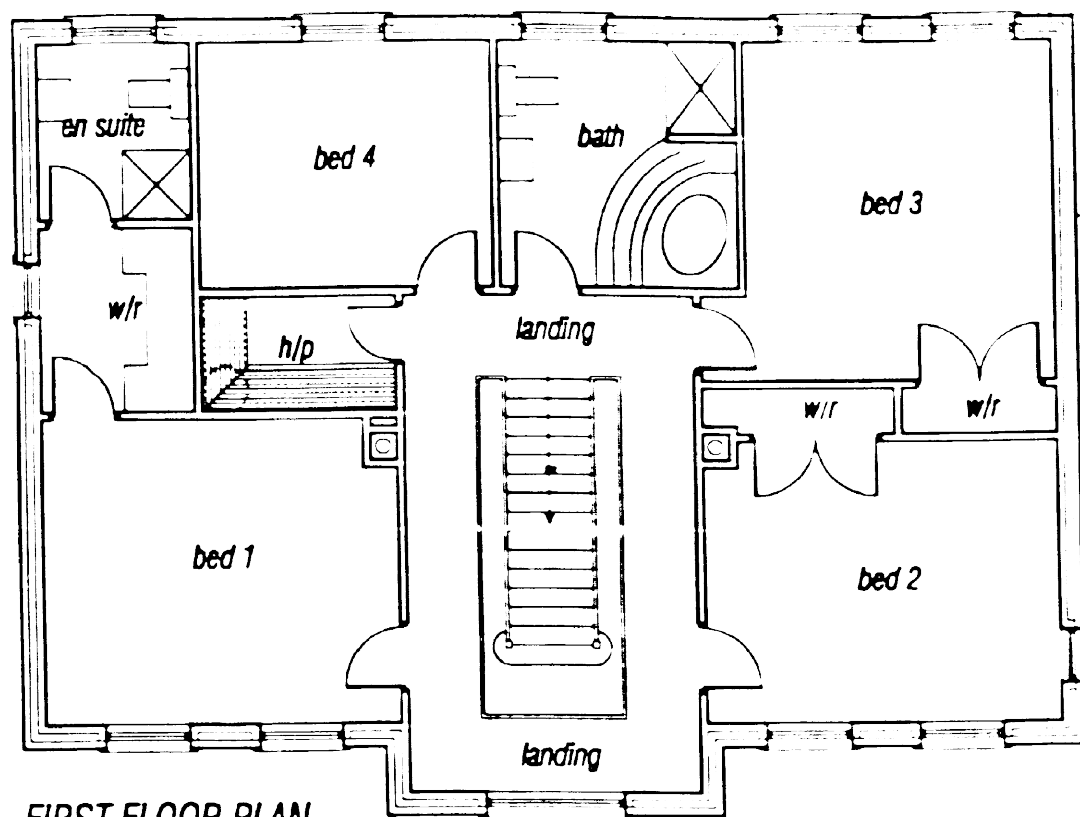
RECEIVED DATE: 21/01/2025

BILL STEELE
AUGHNAGADY,
RAMELTON,
CO. DONEGAL
TEL. 074-61657

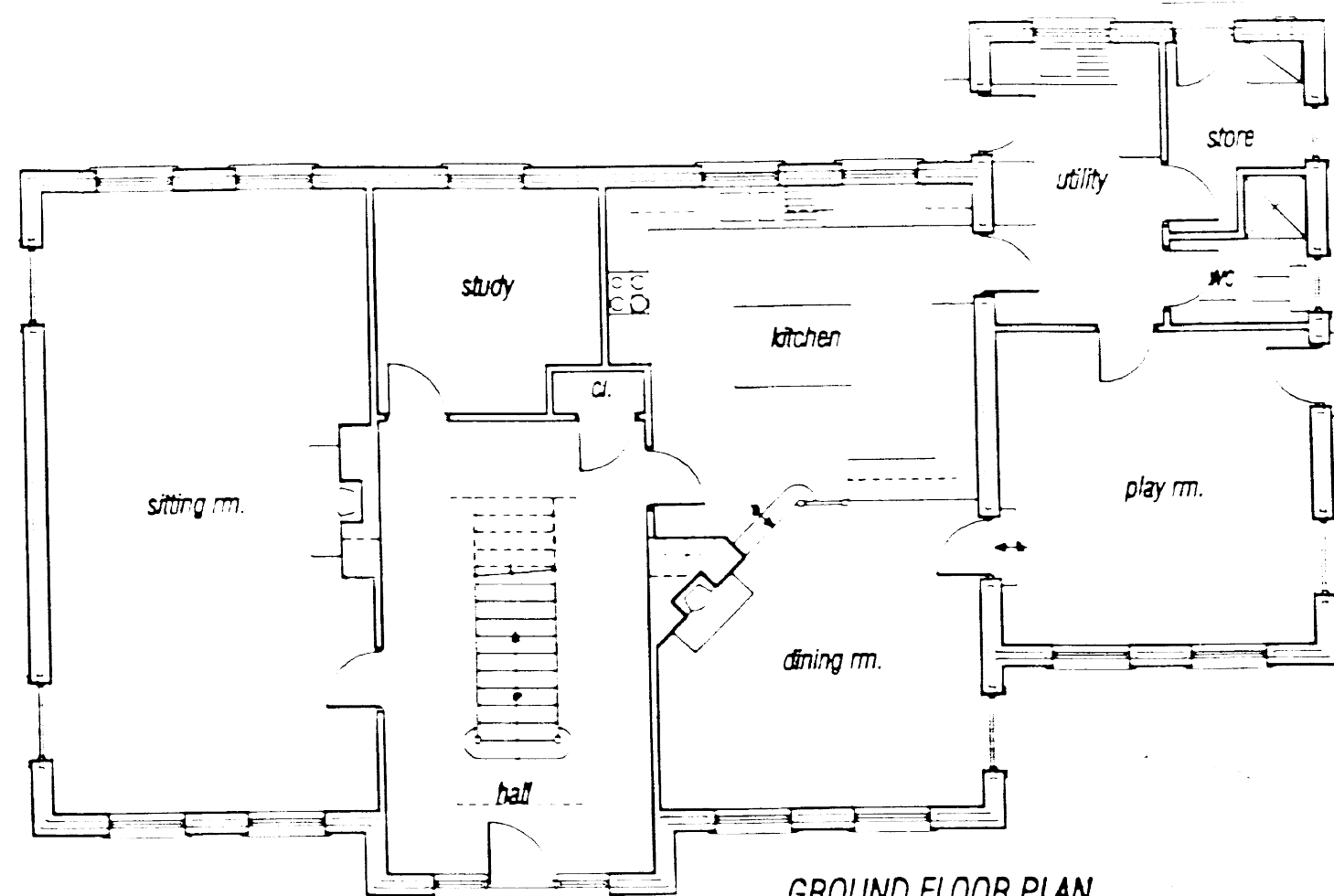
"DWELLING HOUSE AND SEPTIC TANK
AT ARDS LITTLE RAMELTON
FOR MR. B. DOHERTY"

PLANNING DRAWINGS

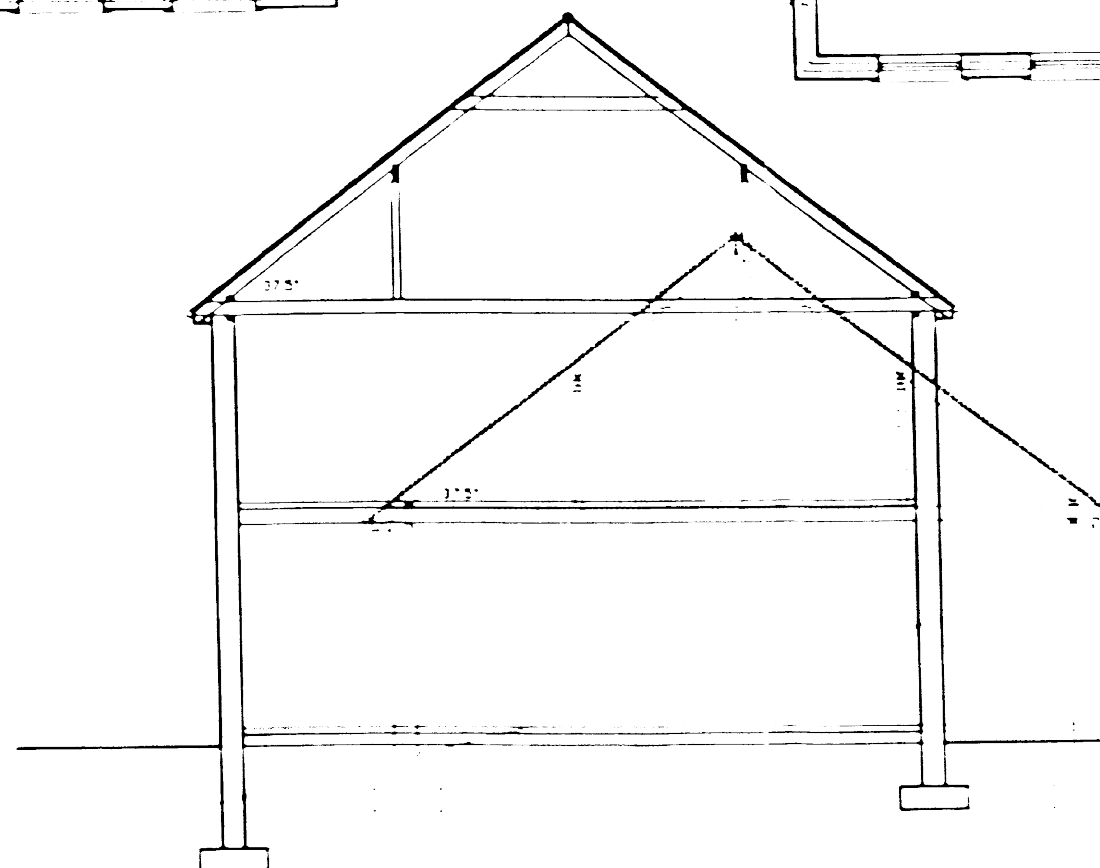
1:100	NOV 02
2041	RS



FIRST FLOOR PLAN



GROUND FLOOR PLAN



TYPICAL SECTION A - A



Comhairle Contae
Dhún na nGall
Donegal County Council

Planning Services

RECEIVED DATE: 21/01/2025

BILL STEELE
AUGHRABADDY,
RAMELTON,
CO. DONEGAL
TEL 074-61657

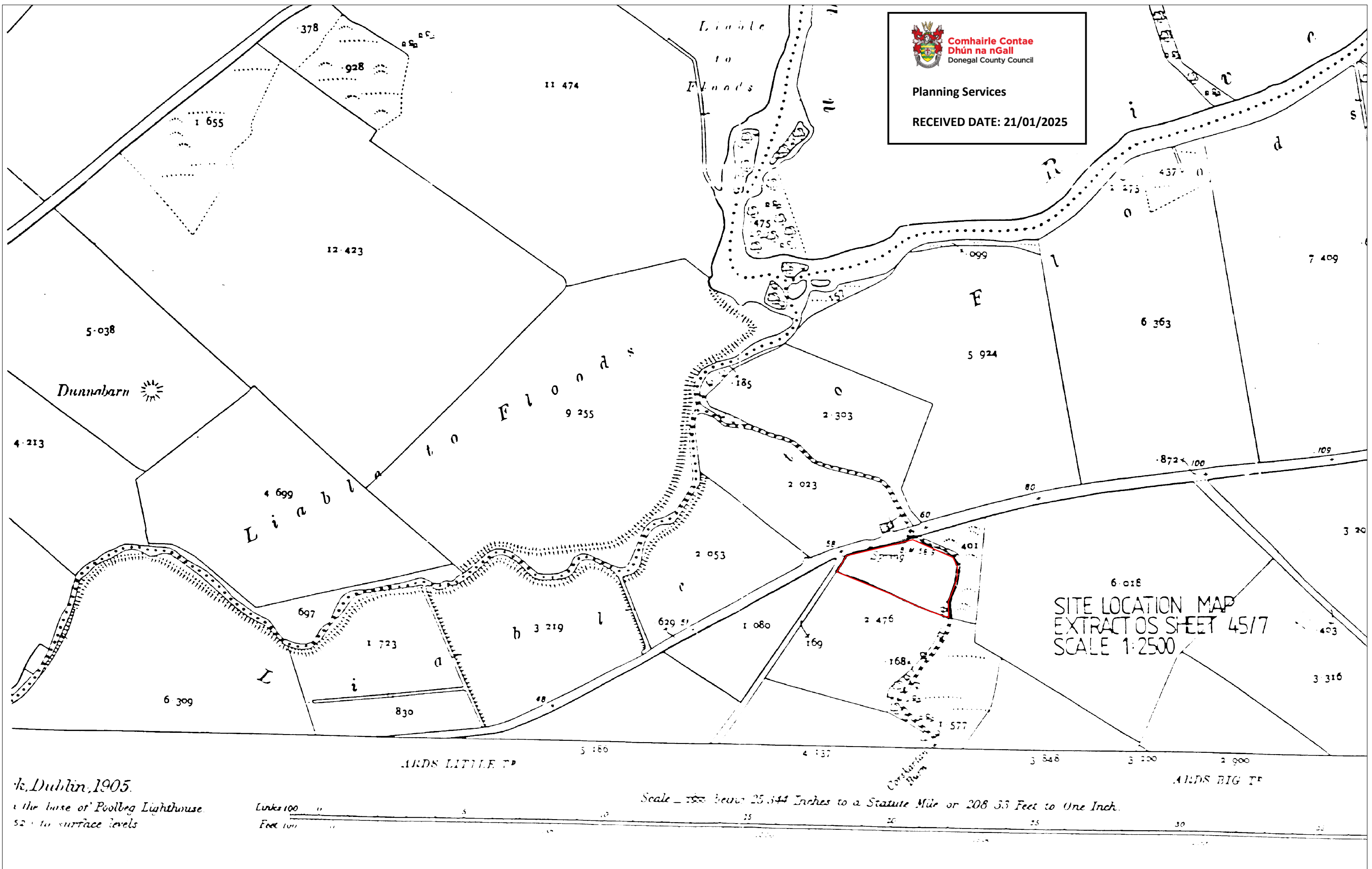
DWELLING HOUSE AND SEPTIC TANK
AT AIDIS LITTLE RAMELTON
FOR MR. S. DOWNEY

PLANNING DRAWINGS

1:100	NOV 00
200'	85



RECEIVED DATE: 21/01/2025



at the base of Poolbeg Lighthouse.
52 = 10 surface levels

Links 100
Free 100

Scale - ~~1000~~ being 25.344 Inches to a Statute Mile or 208.33 Feet to One Inch.



**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

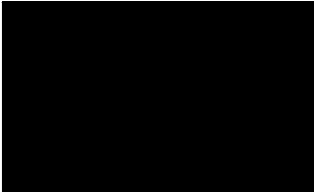
T: 074 91 53900
E: info@donegalcoco.ie
W: www.donegalcoco.ie
W: www.ccdhunnangall.ie

Planning Services
E: planning@donegalcoco.ie

Ref. No: **S525/05**

22/01/2025

Michael McGibbon on behalf of Ashdale Care Ireland Ltd



Re: Written request pursuant to Section 5 of the Planning & Development Act 2000 (as amended) Declaration & Referral on development and exempted development.
Change of use to exclusively use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at - Ards Little, Ramelton, Co. Donegal Eircode - F92PW99, The number of persons in our care shall not exceed 6 and the resident carers shall not exceed 2

A Chara,

I wish to acknowledge receipt of your application for a Section 5 Declaration which was received on 22 Jan 2025.

Mise, le meas,

**For Senior Ex. Planner
Planning Services**



SECTION 5 REFERRAL REPORT – Ref. No: S5 24/05

1.0 INTRODUCTION

- 1.1 A Section 5 Declaration is sought By **Ashdale Care Ireland Ltd.** The question posed under the Section 5 referral is as follows:

Whether a change of use from a residence to a residential care home catering for 6 no. persons with an intellectual or physical disability or mental illness and 2 no qualified Social care Staff at Ards Little, Ramelton, Co. Donegal, is or is not development and is or is not exempted development.

2.0 SITE

- 2.1 The site is located at Ards Little, Ramelton, Co. Donegal which is a 2 storey dwelling.
- 2.2 Planning history –
- 017113 – Conditional - erection of dwelling house and septic tank

3.0 EVALUATION

3.1 Planning and Development Act, 2000 (as amended)

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(9)

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

Definition of ‘house’ as set down in Part 1, Preliminary and General, 2; Interpretations; (1) is :- *“a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building”*

3.2 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 14 of Part 1 of Schedule 2 (*Exempted Development – Change of Use*)

Development consisting of a change of use:–

- (f) from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.

Relevant Conditions and Limitations:

The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2

4.0. ASSESSMENT

The Planning Authority is satisfied that the change of use from a house to a residence for persons with an intellectual or physical disability would constitute 'development' as defined in Sections 2 & 3 of the Act.

Following consideration of this proposal and on the basis of the information submitted it is considered that the development does come within the scope of Class 14 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended), specifically in that it specifically comprises change of use of a house to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.

Limitation on the exemption limits occupancy rates as follows:-

“The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2”.

It has been confirmed that the number of persons with an intellectual or physical disability or a mental illness living in this residence will not exceed 6 and the number of resident carers will not exceed 2. The subject site is located c.70m of Leannan River SAC (002176). Due to the brownfield nature of the site and the fact that no actual construction works are proposed, it is considered that the application does not require Appropriate Assessment.

5.0. RECOMMENDATION

IT IS HEREBY RECOMMENDED THAT A DECLARATION BE MADE THAT THE SUBJECT MATTER OF THE REQUEST AS ABOVE –

IS Development

&

IS EXEMPTED Development

WITHIN THE MEANING OF THE ABOVE ACT

Subject development:

Change of use from dwelling to community dwelling for persons with intellectual or physical or mental disability or mental illness and persons providing care for such persons. The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2

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

Section 1, 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended) and Articles 6(3), 9(1) and Class 14 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

And concludes that:

The proposal IS DEVELOPMENT within the meaning of the Planning and Development Act, 2000 (as amended) and IS EXEMPTED DEVELOPMENT as it comes within the scope of Class 14 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended)

Signed:



Position:

Assistant Planner

Date:

12/02/2025



Frank Sweeney
Senior Executive Planner
Community Development & Planning Services
12/02/2025

Chief Executive's Order No: 2025PH0440

Planning and Development Acts 2000 (as amended)

SECTION 5:-

Request received 21st January 2025 from Michael McGibbon
C/O Ashdale Care Ireland Ltd., [REDACTED]

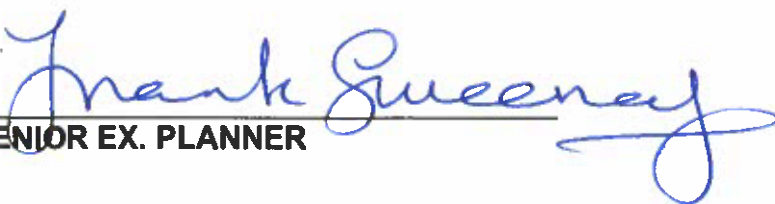
[REDACTED] in relation to the change of use
from a residence to a residential care home catering for 6 no.
persons with an intellectual or physical disability or mental
illness and 2 no qualified social care staff at Ards Little,
Ramelton, Co. Donegal, F92 PW99.

SUBMITTED:-

Written request received 21st January 2025 as above and report
dated 12th February 2025 from the Assistant Planner (Ref. No:
S5 25/05 refers).

ORDER:-

Having considered the said request, the report of the Assistant
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 17th DAY OF FEBRUARY 2025

AME

Chief Executive's Order No: 2025PH0440

Ref.No: S5 25/05

SCHEDULE

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

IS Development

IS Exempted Development

WITHIN THE MEANING OF THE ABOVE ACT

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

- Section 1, 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended)
- Articles 6(3), 9(1) and Class 14 of Part 1 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 EXEMPTED DEVELOPMENT** as it falls within the scope of Section 4 (1)(h) of the Planning & Development Act 2000 (as amended).

ys 17/02

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

DECLARATION

Chief Executive's Order No: 2025PH0440

Reference No: S5 25/05

Name of Requester: Michael McGibbon



Summarised Description of development the subject matter of request:

Change of use from a residence to a residential care home catering for 6 no. persons with an intellectual or physical disability or mental illness and 2 no qualified social care staff

Location: Ards Little, Ramelton, Co. Donegal, F92 PW99.

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

IS Development

IS Exempted Development

WITHIN THE MEANING OF THE ABOVE ACT

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

- Section 1, 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended)
- Articles 6(3), 9(1) and Class 14 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended)

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

A blue ink signature, likely of the Senior Executive Planner, written over a horizontal line.

For Senior Ex. Planner
Planning Services

Dated this 17th day of February 2025



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

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

County House,
Lifford,
County Donegal, F93 Y622

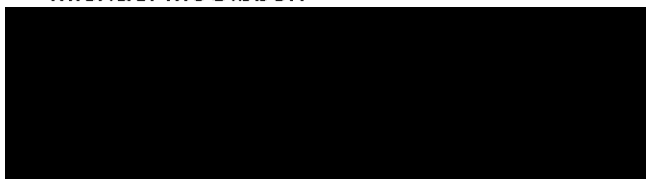
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W: www.ccdhunnangall.ie

Planning Services
E: planning@donegalcoco.ie

Ref. No: S525/05

17th February 2025

Michael McGibbon



Re: Change of use from a residence to a residential care home catering for 6 no. persons with an intellectual or physical disability or mental illness and 2 no qualified social care staff at Ards Little, Ramelton, Co. Donegal, F92 PW99.

A Chara,

I refer to your request received on 21st January 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