

SECTION 5 APPLICATION

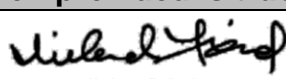
FOR DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

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

Name of Applicant(s):	Julie Ann Patterson
Agent Name: (if applicable)	Michael Friel
Location of Proposed Development / Works: (Townland or postal address as appropriate and Eircode if available)	Shore Road, Rockhill, Portnablagh, Co. Donegal, F92 P8X3.
Description of Proposed Development including details of works (where applicable): (Only works listed below will be assessed under <u>this</u> section 5 application)	
The proposed development consists of changing the existing roof finish from red slates to blue/black slates. The works are limited solely to the replacement of the roof slate colour.	

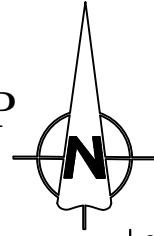


Is the development a Protected Structure or within the curtilage of a Protected Structure?	Yes	No
		X
Has a declaration under Section 57 of the Planning and Development Act 2000 (as amended) been requested or issued in respect of the property.	Yes	No
		X
Applicant(s) Interest in the site:	Owner	
If not the Owner of the site, please provide the name of the Landowner:		
Please list types of plans, drawings etc. submitted with this application:	1/2500 Scale Site Location Map. Photos showing existing roof.	
Planning History - list any relevant planning application reference numbers:	25/60757	
Are you aware of any enforcement proceedings connected to the site? If so, please supply details:	N/A	

I hereby certify that the information provided is true and accurate	
Signature of Applicant/Agent:	
Date:	10/03/2026

SITE LOCATION MAP

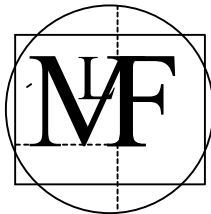
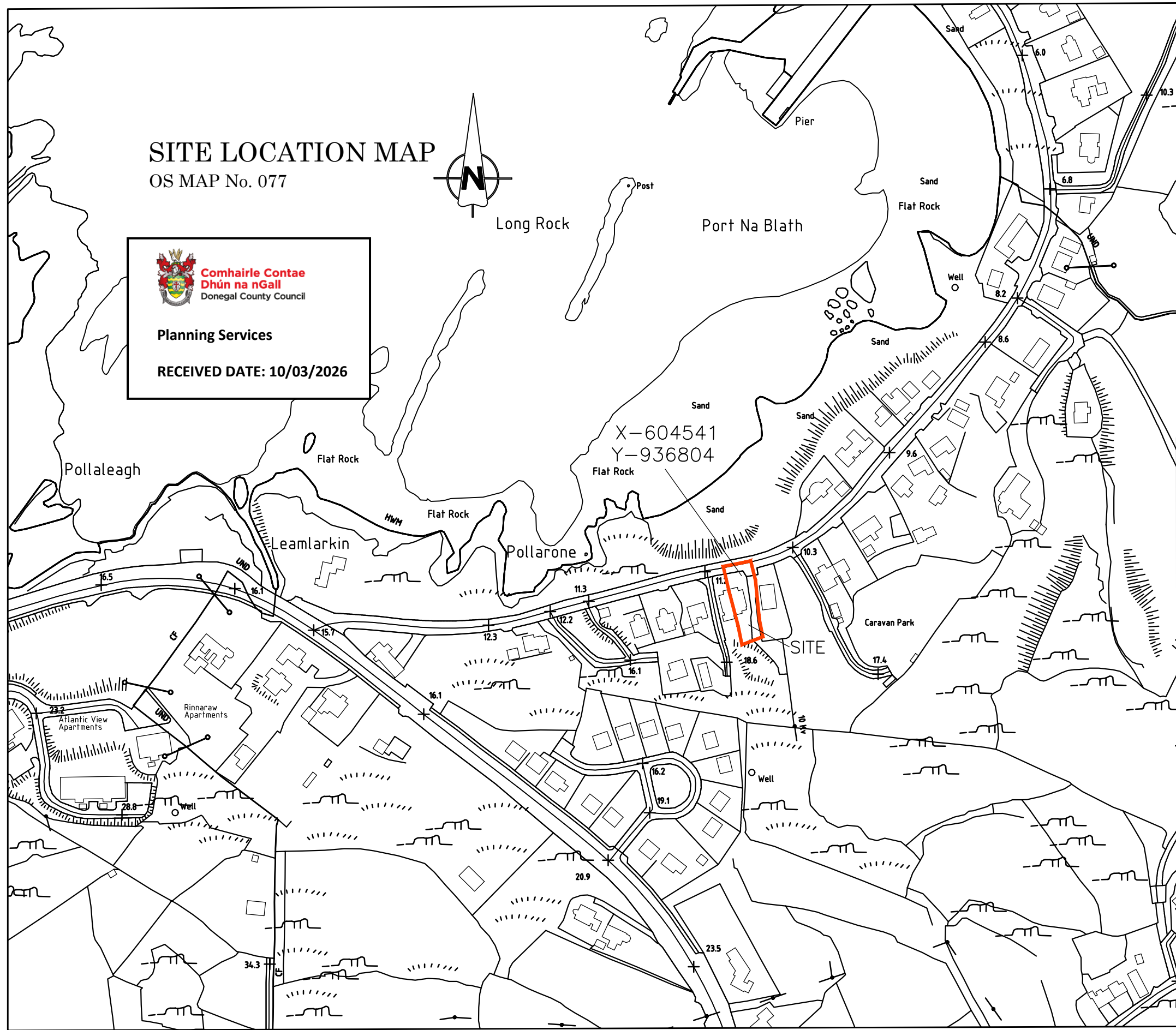
OS MAP No. 077



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

Planning Services

RECEIVED DATE: 10/03/2026



Michael Friel
Architects & Surveyors Ltd
Creeslough,
Co. Donegal.
Tel - 074 91 38814
Mob - 087 2869658
E-mail:
michael@mfielarchitects.ie

Job Title:
Section 5 at Rockhill, Portnablagh, Co.
Donegal, F92 P8X3.

Client:
Julie Ann Patterson

Drawing Title:
Site Location Map

Scale:
1:2500 @ A3

Date:
Mar 2026

Job No.

Drawing No.
WD-01

SITE LOCATION MAP

OS Ref: 077

Scale: 1:2500

RIAI

Registered
Architect

2025

Architect
Accredited in
Conservation

G3

PSDP
Accreditation

P



SV







**Comhairle Contae
Dhún na nGall**
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Leifear,
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E- mail: evan@mfielarchitects.ie

Ref. No: S526/34

Date: 11th March, 2026

Julie Ann Patterson
C/o Michael Friel
Creelough
Letterkenny
Co Donegal
F92 TF60

DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT

Re: Application for a Section 5 Declaration – Changing the existing roof finish from red slates to blue/black slates at Shore Road, Rockhill, Portnablagh, Co Donegal, F92 P8X3

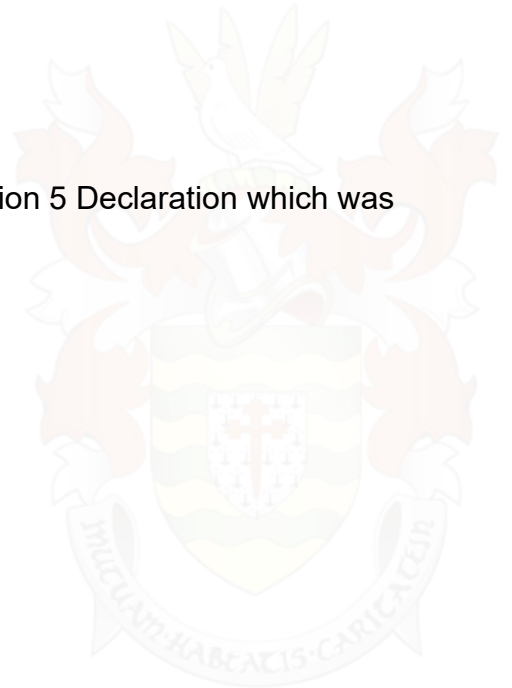
A Chara,

I wish to acknowledge receipt of your application for a Section 5 Declaration which was received on 10th March, 2026.

Mise le meas

Martina Parke

Donegal County Council
Planning Services



SECTION 5 REFERRAL REPORT – Ref. No: S26/34

1.0 BACKGROUND

1.1 Location:

Rockhill, Portnablagh

1.2 Planning History:

25	60891	Application Finalised	Conditional	JULIE-ANN PATTERSON	DELLA VISTA 1 ROCKHILL PORTNABLAGH LETTERKENNY PO CO. DONEGAL	ALTERATIONS AND EXTENSIONS TO INCLUDE (1) ERECTION OF NEW VERANDAH AND NEW SUN-ROOM, NEW DORMER WINDOWS TO FRONT AND REAR, NEW SLATE ROOF FINISH, NEW ROOFLIGHTS AND (2) DEMOLITION OF EXISTING REAR COVERED YARD AND ERECTION OF SINGLE-STOREY EXTENSION AND NEW LANDSCAPE WORKS
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1.3 Site Description:

The site comprises a single storey semi-detached dwelling house on a slightly elevated site within the settlement framework of Portnablagh. The immediately adjoining area is characterised by mixed commercial & residential development. Portnablagh beach is located to the immediate north.

Access to the site is via an existing vehicular access off the adjoining L-12727-0.

The site is located within an area of Especially High Scenic Amenity.

The site is located approx. 300m of Horn Head to Fanad Head SPA and approx. 850m from Horn Head to Rinclevan SAC.

The existing dwelling is not on the Council's Record of Protected Structures, nor is it included on the National Inventory of Architectural Heritage.

1.4 Proposed Development:

The applicant, Julie Ann Patterson, 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:

The proposed development consists of changing the existing roof finish from red slates to blue/black slates. The works are limited solely to the replacement of the roof slate colour.

2.0 THE QUESTION

The proposed development consists of changing the existing roof finish from red slates to blue/black slates. The works are limited solely to the replacement of the roof slate colour.

3.0 EVALUATION

3.1 Planning and Development Act, 2000 (as amended)

Section 2(1)

In this Act, except where the context otherwise requires –

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

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

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

Section 3(1)

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

Section 4(1)

The following shall be exempted development for the purposes of this Act:

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

Section 177U(9)

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

4.0 ASSESSMENT

4.1 Consideration of the Proposed Development:

The County Donegal Development Plan 2024-2030 applies.

- (i) The proposed works are to replace existing red roof slates with blue/black slates.
- (ii) The red colour roof slate of the attached dwelling to the west shall remain, and as such the proposed change of colour from red to blue/black slate shall render the appearance inconsistent with the character of the neighbouring dwelling.
- (iii) It is considered that the proposed works noted above constitute "development" within the meaning of the Act, being works, and is not exempted development coming within the scope of Section 4 (1) (h) of the Planning & Development Act 2000 (as amended).
- (iv) Appropriate assessment is not a consideration.

4.2 Conclusion:

It is considered that:

The proposal constitutes “development” within the meaning of the Act, being works and is not exempted development as it does not fall within the scope of Section 4(1)(h) of the Planning & Development Act 2000 (as amended).

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

5.0 RECOMMENDATION

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

IS Development

&

IS NOT Exempted Development

WITHIN THE MEANING OF THE ABOVE ACT

The proposal to:

The proposed development consists of changing the existing roof finish from red slates to blue/black slates. The works are limited solely to the replacement of the roof slate colour.

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

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

And concluded that:

The proposal is development and is not exempted development and does not fall within the scope of Section 4(1)(h) of the Planning & Development Act 2000 (as amended).

A. Bradley

Assistant Planner
31/03/2026.

JS

Frank Sweeney
Senior Executive Planner
Community Development & Planning Services, 31/03/2026

DONEGAL COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (AS AMENDED)

**Chief Executive
Order No:**

2026PH0873

Ref Number:

S526/34

Section 5:

Request received 10th March 2026 from Julie Ann Patterson c/o Michael Friel Architects & Surveying, Creeslough, Letterkenny, Co. Donegal, F92 TF60 in relation to the change of existing roof finish from red slates to blue/black slates at Shore Road, Rockhill, Portnablagh, Letterkenny, Co. Donegal, F92 P8X3.

Submitted:

Written request received 10th March 2026 as above and report dated 31st March 2026 from the Planner (Ref. No: S5 26/34 refers).


STAFF OFFICER

Order:

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


SENIOR EXECUTIVE PLANNER

DATED THIS ^{1st} DAY OF APRIL 2026

SCHEDULE

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

IS Development

IS Not Exempted Development

WITHIN THE MEANING OF THE ABOVE ACT

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

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

And concluded that:

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act, 2000 (as amended); and **IS NOT EXEMPTED DEVELOPMENT** does not fall within the scope of Section 4(1)(h) of the Planning & Development Act 2000 (as amended).

JS 01/04



**Comhairle Contae
Dhún na nGall**
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Planning Services
E: planning@donegalcoco.ie

Ref. No: S526/34

By Email Only to: evan@mfrielarchitects.ie

1st April 2026

JULIE ANN PATTERSON
C/O MICHAEL FRIEL ARCHITECTS & SURVEYING
CREESLOUGH
LETTERKENNY
CO. DONEGAL
F92 TF60

**Re: Change of existing roof finish from red slates to blue/black slates at Shore Road,
Rockhill, Portnablagh, Letterkenny, Co. Donegal, F92 P8X3.**

A Chara,

I refer to your request received on 10th March 2026 under Section 5 of the Planning and Development Act, 2000 (as amended). Same has now been decided and I now issue to you herewith the Council's Declaration thereon. You are now advised that, in accordance with Section 5 (3) (a) of the Planning & Development Act, 2000 (as amended) where a Declaration is issued, any person issued with such a Declaration may, on payment to An Coimisiún Pleanála of such fee as may be prescribed, refer a Declaration for review by the Commission within 4 weeks of the date of issuing of the Declaration.

Mise, le meas,

**For Senior Executive 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: 2026PH0873

Reference No: S526/34

Name of Requester: JULIE ANN PATTERSON
C/O MICHAEL FRIEL ARCHITECTS & SURVEYING
CREESLOUGH
LETTERKENNY
CO. DONEGAL
F92 TF60

Summarised Description of development the subject matter of request:

Change of existing roof finish from red slates to blue/black slates.

Location: Shore Road, Rockhill, Portnablagh, Letterkenny, Co. Donegal, F92 P8X3.

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

IS Development

IS Not Exempted Development

WITHIN THE MEANING OF THE ABOVE ACT

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

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

And concluded that:

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act, 2000 (as amended); and **IS NOT EXEMPTED DEVELOPMENT** does not fall within the scope of Section 4(1)(h) of the Planning & Development Act 2000 (as amended).

**For Senior Executive Planner
Planning Services**

Dated this 1st day of April 2026

From: [RUTH MCCROSSAN](#)
To: ["evan@mfielarchitects.ie"](mailto:evan@mfielarchitects.ie)
Subject: Section 5 - S5 26/34
Date: 01 April 2026 15:12:00
Attachments: [S5 26.34-Letter & Declaration- SIGNED.pdf](#)
[image001.png](#)

Dear Evan,

Please find attached Declaration in relation to above.

If you have any queries, please email planning@donegalcoco.ie

Kind regards

Ruth McCrossan

Development Management | Community Development & Planning Services | Donegal
County Council | Lifford | Co. Donegal

Tel: + 353 74 9153900 | Email: ruthmccrossan@donegalcoco.ie



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