

10/10/2025

Donegal County Council,
Planning Office,
County House,
Lifford,
Co. Donegal.



Comhairle Contae
Dhún na nGall
Donegal County Council

Planning Services

RECEIVED DATE: 16/10/2025



**RE: BARRY McELHINNEY.
SECTION 5 APPLICATION FOR REFURBISHMENT & MINOR EXTENSION OF
EXISTING DWELLING AT DRUMBRISTAN GLEBE, MULLINASOLE, LAGHEY,
COUNTY DONEGAL**

A Chara,

Please find enclosed and Application form and drawings relating to a Section 5 Application in the above. The property has been approved for vacant home grant which will assist Mer Mc Elhinney the considerable cost of refurbishing the property.

A certificate of compliance with planning permission will be required when the project completes to allow for the draw down of the derelict home grant.

We think the works of refurbishment and the addition of a porch less than 2m² as set out on Drawing No. AP-102 would be considered 'Exempted Development' as defined by the Planning & Development Act 2000 and the pursuant Planning & Development Regulations.

In the circumstances described above we feel it would be better to have this opinion verified by the Planning Authority. We are therefore making this Section 5 Application.

IN order to assist you with your assessment of this we summerise the main scope of the proposed works of refurbishment hereunder.

1. New pitched roof to replace existing 'monopitch' and to contain new porch with a small projection to give shelter at the front door with Cast iron (architectural salvage) pillars to support the proposed pitched roof projection.
2. Construct new porch less than 2m²
3. Remove existing roof slates which are brittle / perished and renew with blue / black rosemary tiles complete with a decorative clay ridge tile.
4. Remove existing barge boards and replace with a decorative timber barge board painted white.
5. Heritage gutters to replace existing - cast metal painted black.

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Northern Point
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www.carr.ie



Tony Carr
BSc (Hons) Dip Arch FRIAI

MacGiolla Chearra Architects
Company No: 530013
Vat No: IE 3201592EH

6. Existing stone finish to be retained and re-pointed.
7. External render to be patched and painted white.
8. Replace all PVC windows with timber painted white (triple glaze) from the heritage range.
9. New hardwood door painted red to kitchen area in alleyway opposite door to Garage.
10. Form new Letterbox window to rear elevation to open the lovely views of the bay from the kitchen.
11. Demolish internal walls to make the Kitchen / Living / Dining areas more open plan.
12. Demolish and reconstruct existing glazed projection shaded green on the plan to include new timber heritage windows
13. Decommission existing septic tank and percolation and replace with a Wastewater Treatment unit and Sand Polishing filter which has been designed by Ciaran Moy of SEPTTECH in accordance with EPA code and design guide. The derelict homes grant requires an EPA approved report to confirm the design and installation to be submitted by Ciaran Moy of 'SEPTTECH' prior to draw down of the grant.

We hope that you can verify the 'exempted development' status of these works so that my client can proceed and complete within the 12 months duration set out in the conditions of the derelict homes grant.

Is Mises Le Meas,



Tony Carr MRIAI

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SECTION 5 APPLICATION

FOR DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

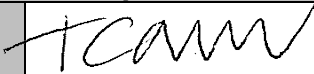
**Completed application form & supporting documentation to be returned to the
Planning Authority by email to planning@donegalcoco.ie**

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



**Comhairle Contae
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Donegal County Council

Is the development a Protected Structure or within the curtilage of a Protected Structure?	Yes	No
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
Applicant(s) Interest in the site:		
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:		
Planning History - list any relevant planning application reference numbers:		
Are you aware of any enforcement proceedings connected to the site? If so, please supply details:		

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

EXISTING



EXISTING SOUTHERN VIEW FROM PRIVATE ROAD



EXISTING VIEW FROM THE NORTH



EXISTING VIEW FROM THE SOUTH EAST



EXISTING VIEW FROM THE NORTH WEST



EXISTING VIEW FROM THE NORTH WEST



EXISTING AERIAL VIEW

PROPOSED



PROPOSED SOUTHERN VIEW FROM PRIVATE ROAD



PROPOSED VIEW FROM THE NORTH



PROPOSED VIEW FROM THE SOUTH EAST



PROPOSED VIEW FROM THE NORTH WEST

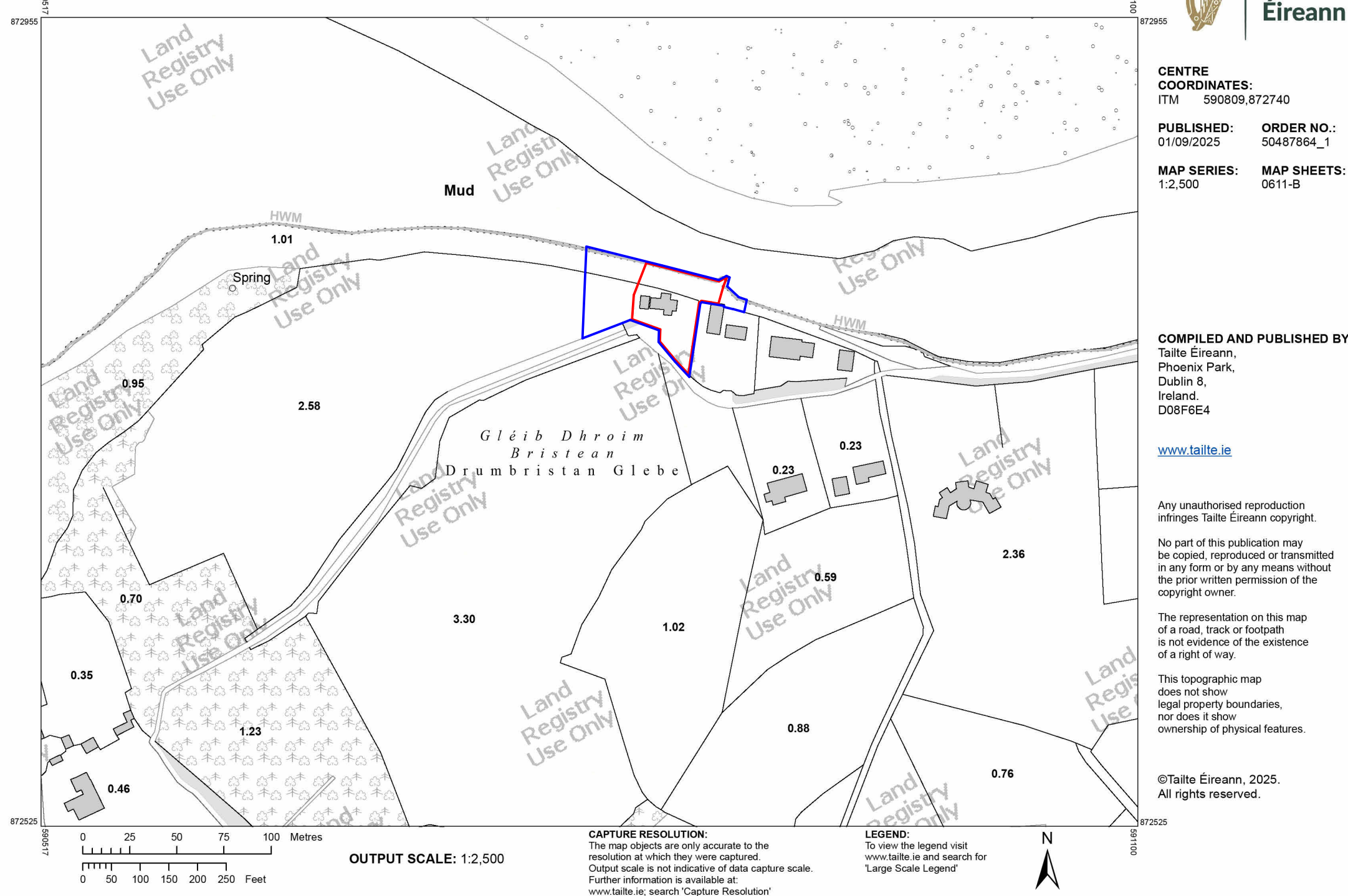


PROPOSED VIEW FROM THE NORTH WEST



PROPOSED AERIAL VIEW

Land Registry Compliant Map



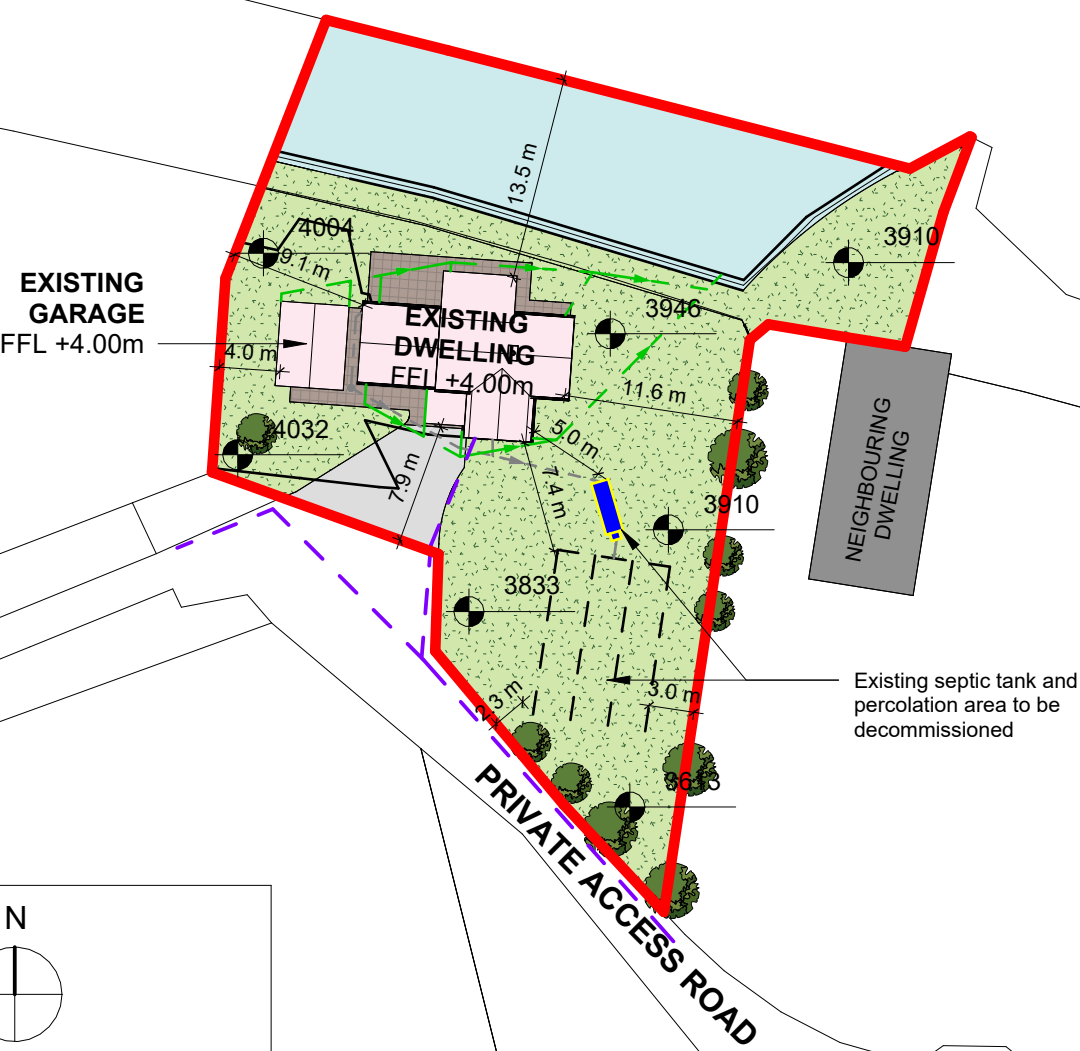
LOCATIO MAP

1 : 2500



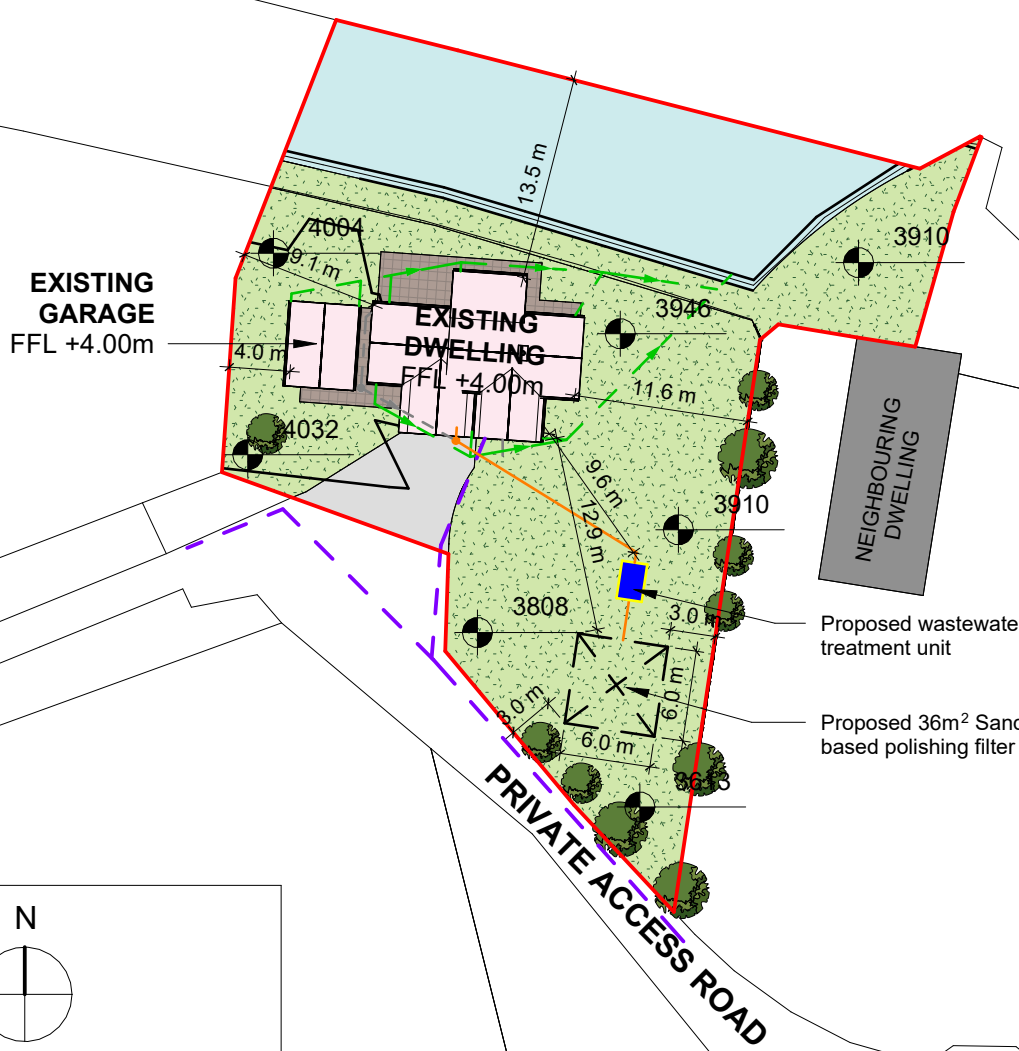
Planning Services

RECEIVED DATE: 16/10/2025





EXISTING SITE PLAN

1 : 500



PROPOSED SITE PLAN

1 : 500

09/10/25	P01	Original Issue	TC	CB
Date	Issue	Revision Description	Apprv By	Drawn By
SECTION 5 PLANNING				
Project				
REFURBISHMENT OF HOUSE IN DRUMBRISTAN GLEBE, MULLINASOLE, LAGHEY FOR BARRY MCELHINNEY				
Drawing				
Location Map, Existing and Proposed Site Plan & 3D Views				
Job Number	Scale	Date	Revision	
J24-02-1048	As indicated	Sept 2025	P01	
Drawing Num.	Notes			
AP-101				
CERTIFICATED				
		Ordnance Survey Ireland Licence No. AR 0013408		
		Ordnance Survey Ireland and Government of Ireland		
				
		REGISTERED FIRM		

CARR ARCHITECTS

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info@carrandco.ie

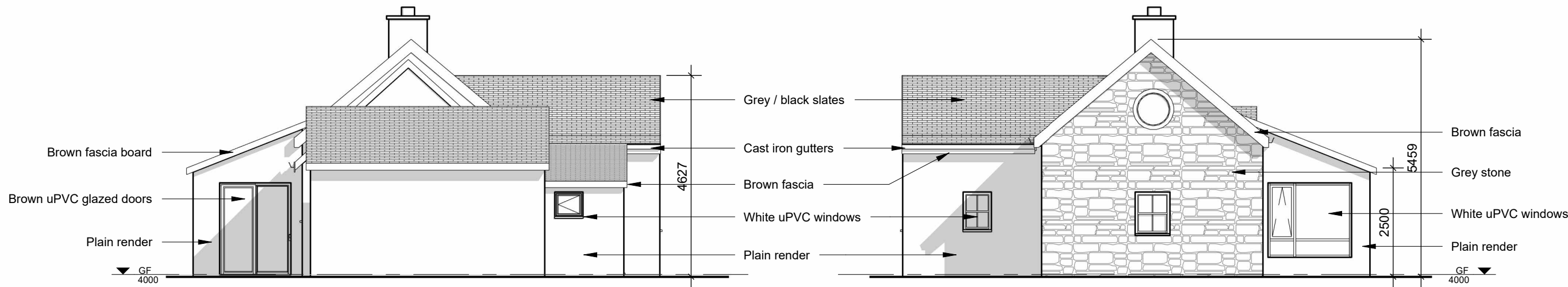
EXISTING



EXISTING SOUTH ELEVATION
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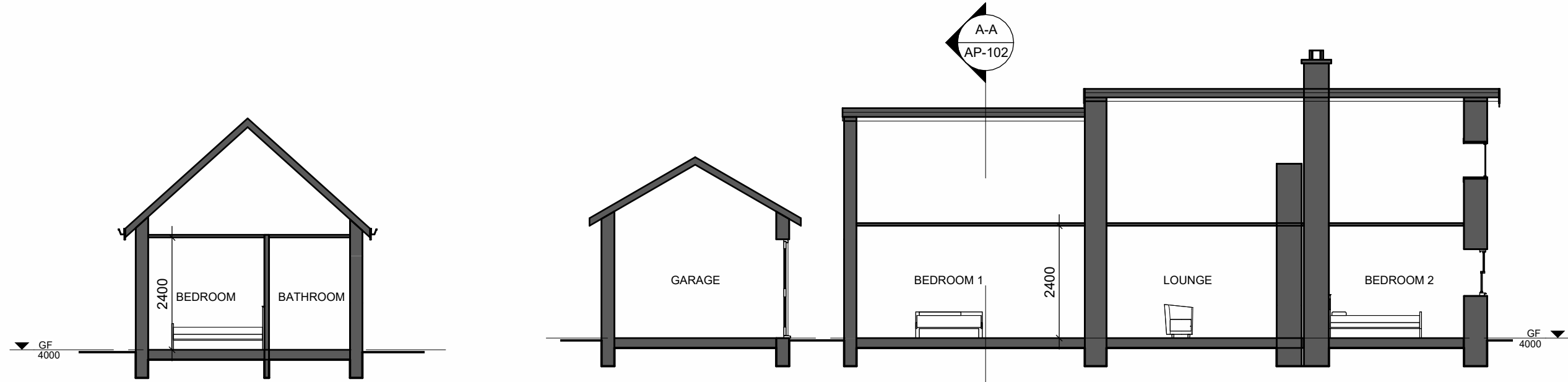


EXISTING NORTH ELEVATION
1 : 100



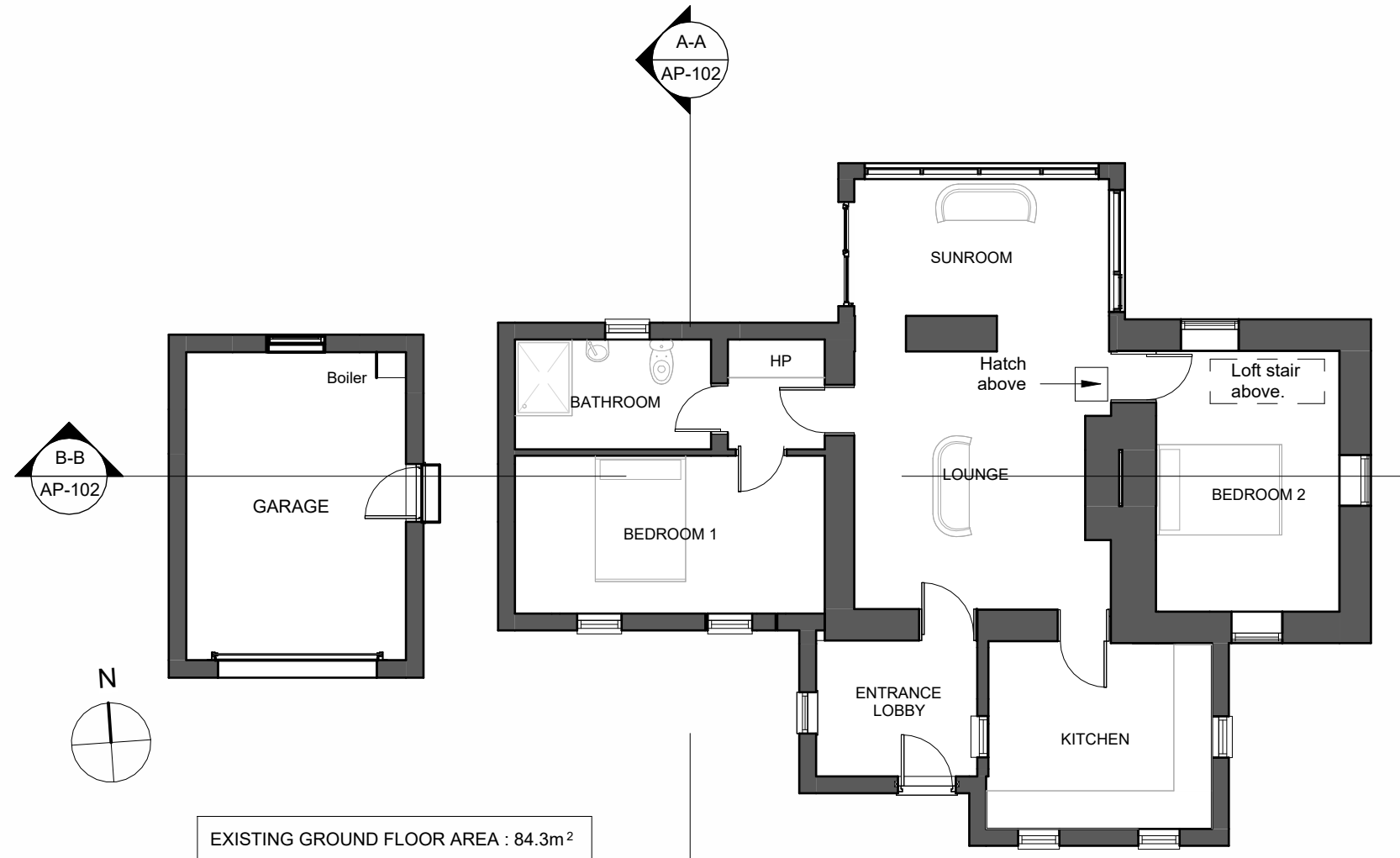
EXISTING WEST ELEVATION
1 : 100

EXISTING EAST ELEVATION
1 : 100



EXISTING SECTION A-A
1 : 100

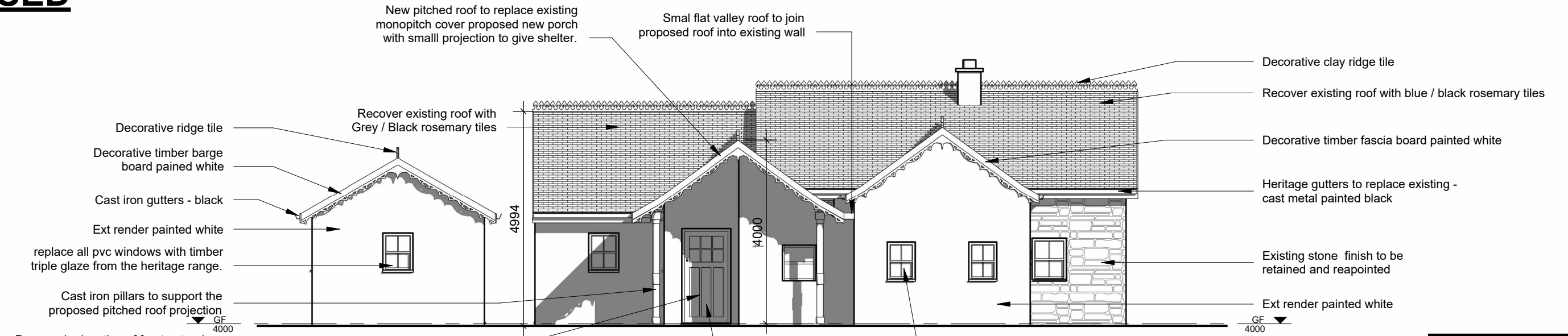
EXISTING SECTION B-B
1 : 100



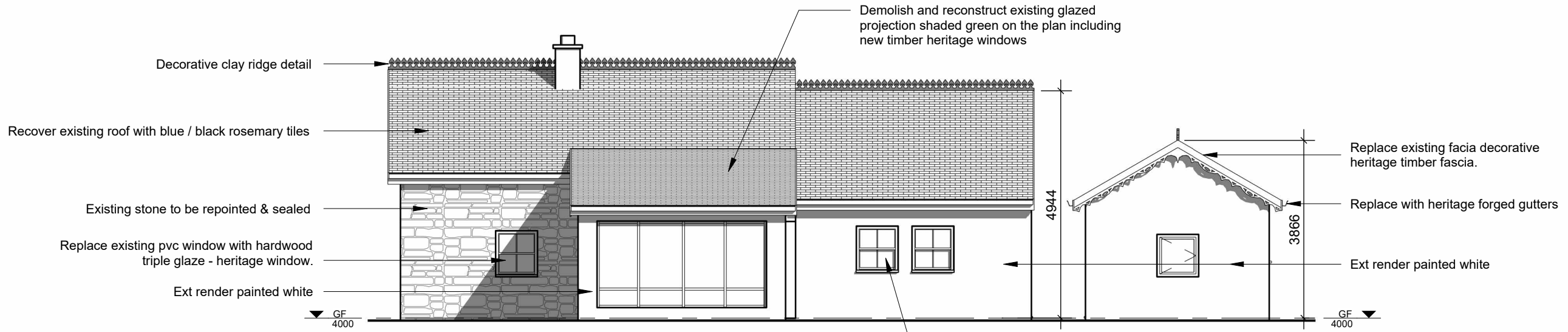
EXISTING GROUND FLOOR PLAN
1 : 100

EXISTING GROUND FLOOR AREA : 84.3m²

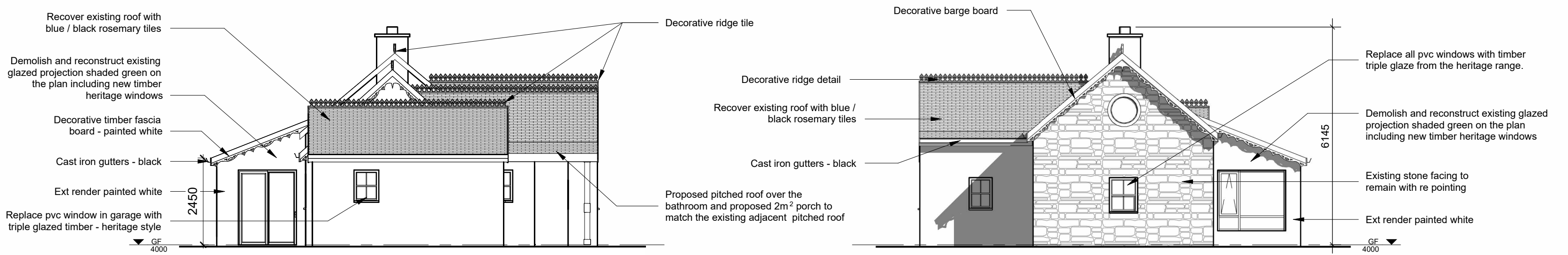
PROPOSED



PROPOSED SOUTH ELEVATION
1 : 100

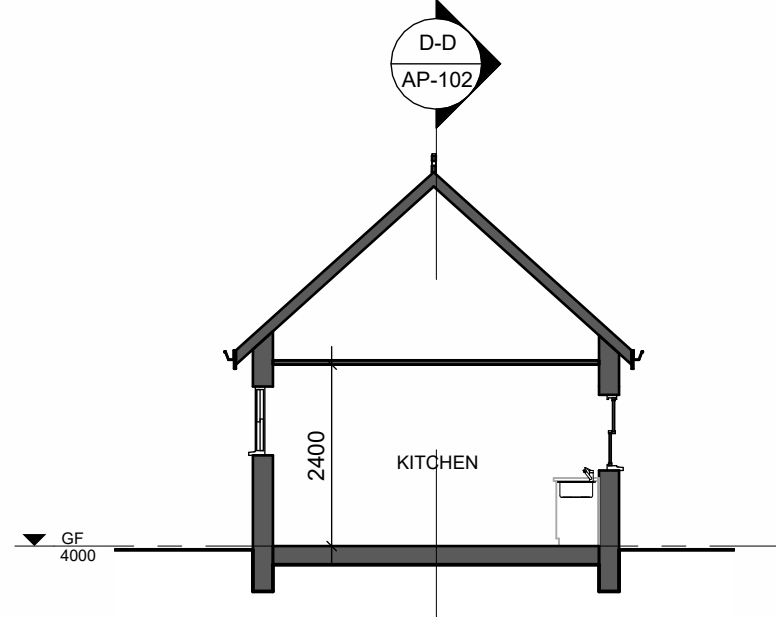


PROPOSED NORTH ELEVATION
1 : 100

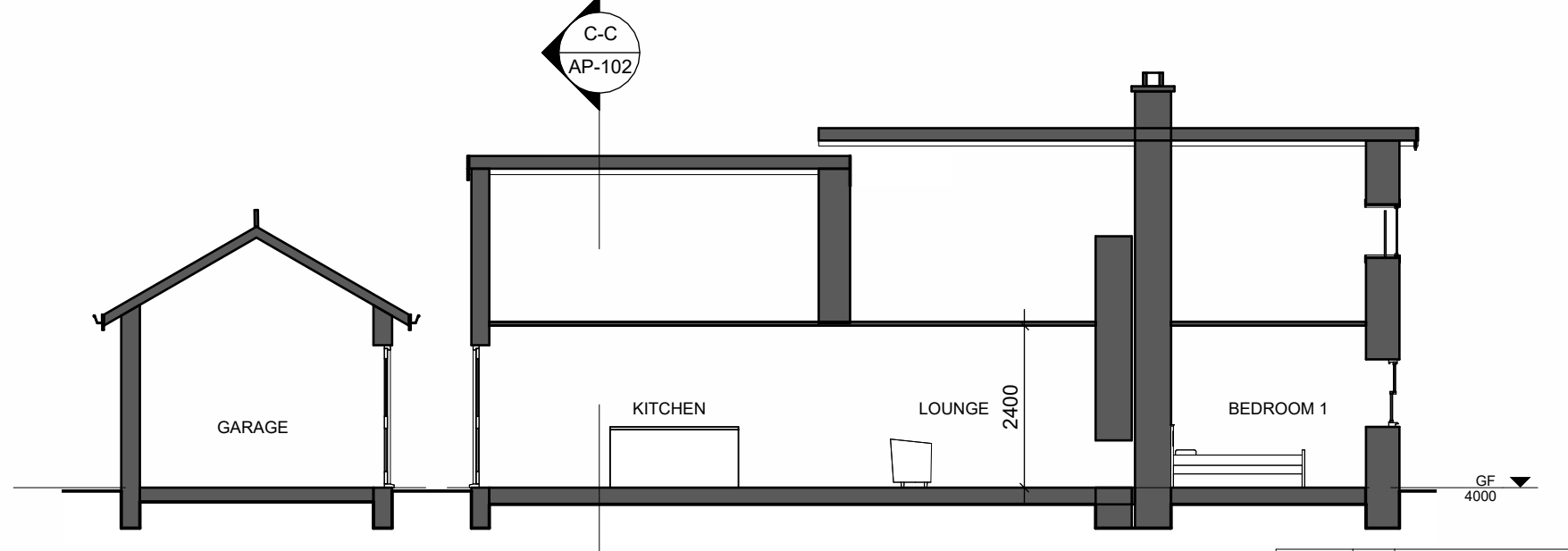


PROPOSED WEST ELEVATION
1 : 100

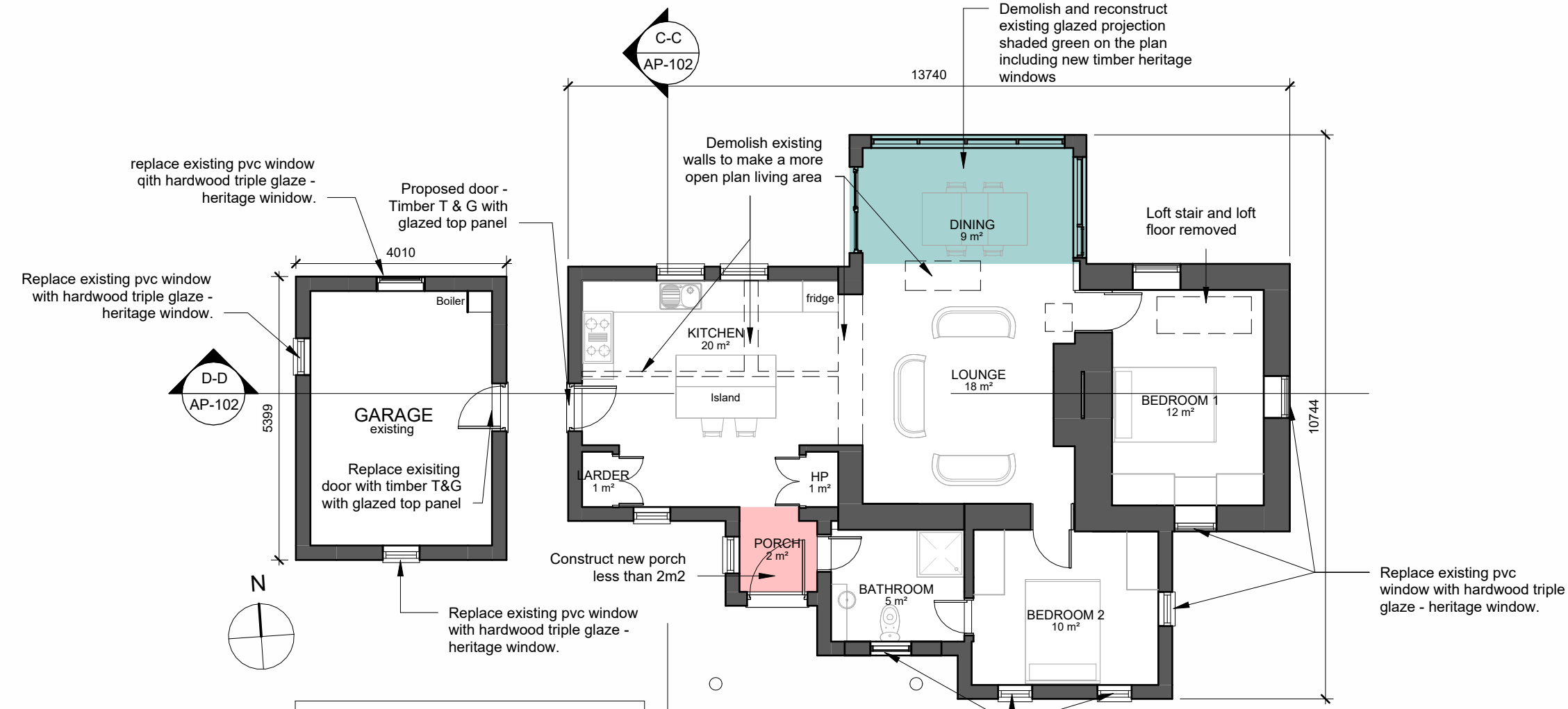
PROPOSED EAST ELEVATION
1 : 100



PROPOSED SECTION C-C
1 : 100



PROPOSED SECTION D-D
1 : 100



PROPOSED GROUND FLOOR
1 : 100

PROPOSED GROUND FLOOR AREA : 87.02m²



Planning Services

RECEIVED DATE: 16/10/2025

Issue	3	P02	Kitchen Window	TC	CB
Date	09/10/25	Rev.	Original Issue	TC	CB
Date		Rev.	Revision Description	By	Drawn

SECTION 5 APPLICATION

Project

REFURBISHMENT OF HOUSE IN
DRUMBRISTAN GLEBE, MULLINASOLE,
LAGHEY FOR BARRY MCELHINNEY

Drawing
Existing and Proposed Floor Plans,
Sections & Elevations

Job Number	Scale	Date	Revision
J24-02-1048	1 : 100	Sept 2025	P02
Drawing Num.	Notes		
AP-102			



CARR ARCHITECTS

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Planning Services
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Our Ref: S525/88

E-mail: tony@carrandco.ie

17th October, 2025

Barry McElhinney
C/o Carr Architects
Unit 1 Norther Point Business Park
Sessaighoneill
Ballybofey
Co. Donegal

Re: Section 5 - Refurbishment and minor extension of an existing dwelling house, decommissioning of existing septic tank and percolation area and installation of a new wastewater treatment unit and sand based polishing filter at Rumbistan Glebe Laghey Co. Donegal F94 W3V7.

A Chara,

I wish to acknowledge receipt of your application received on **16th October, 2025** in relation to the above.

Yours sincerely,

Donegal County Council
Planning Services



SECTION 5 REFERRAL REPORT – Ref.No: 25/88

Donegal County Council

1.0 COMMENTS

The subject site is located in Drumbristan Glebe, Mullinasole on the edge of Donegal Bay. The works are described as refurbishment of an existing dwelling and detailed in a cover letter as set out below. The question is asked if these works are or are not exempted development.

1. New pitched roof to replace existing mono-pitch cover proposed new porch with small projection to give shelter
2. Small flat valley roof to join proposed porch roof into existing wall
3. Construct new porch less than 2m²
4. Recover existing roof with blue / black rosemary tiles
5. Decorative clay ridge tile
6. Decorative timber fascia board painted white
7. Heritage gutters to replace existing - cast metal painted black
8. Cast iron pillars to support the proposed pitched roof projection
9. Existing stone finish to be retained and reappointed
10. Replace all PVC windows with timber triple glaze from the heritage range
11. Proposed relocation of front entry door
12. Form a new window at Kitchen and slightly enlarge the existing window
13. Demolish and reconstruct existing glazed projection shaded green on the plan including new timber heritage windows
14. Existing septic tank and percolation are being decommissioned and replaced with a Wastewater Treatment unit and Sand Polishing filter.

The existing building is not on the Council's Record of Protected Structures nor is it included on the National Inventory of Architectural Heritage. The site is located within an area zoned as High Scenic Amenity and as Structurally Weak. It is adjacent to Donegal Bay SPA and is entirely within Flood Zone A.

2.0 EVALUATION

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

3.0 Planning and Development Act, 2000 (as amended)

Section 2(1)

In this Act, except where the context otherwise requires –

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

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

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

Section 3(1)

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

Section 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".

Section 4 of the Planning and Development Act 2000 (as amended)

‘(1) The following shall be exempted developments for the purposes of this Act –

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

4.0 PLANNING HISTORY

92/1433 – permission granted for erection of a garage & conservatory.

5.0 ASSESSMENT

5.1 Consideration of Proposed Development:

Part A

1. It is proposed to decommission the existing septic tank and replace with a wastewater treatment system and sand polishing filter (item no. 14 as set out above)
2. This is development as it constitutes works and is not exempted development.
3. It is therefore concluded that the proposed development as set out is not exempted development under the Planning and Development Regulations 2001 (as amended) but constitutes development.

Part B

1. With regard to items nos. 1 – 13 inclusive as set out above, these are considered to be minor in scale and detail and are not considered to impact on the mass and character of the existing building.
2. It is considered that the proposed works noted above constitute “development” within the meaning of the Act, being works, but is exempted development coming within the scope of Section 4 (h) of the Planning & Development Act 2000 (as amended).
3. An Appropriate Assessment screening report is attached to this report and finds that the proposed development will not negatively impact on the integrity of the Donegal Bay SPA.

5.2 Conclusion:

It is considered that:

Items nos. 1-13 inclusive constitute “development” within the meaning of the Act, being works, but are exempted development under the scope of

Section 4 (1)(h) of the Planning & Development Act 2000 (as amended).

Item no. 14 – the decommissioning of the existing septic tank and replacement with a wastewater treatment system and sand polishing filter constitutes development within the meaning of the Act, being works, and is **NOT** exempted development.

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.

6.0 RECOMMENDATION

Part A

8.1 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

(1) The decommissioning of the existing septic tank and replacement with a wastewater treatment system and sand polishing filter

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),
- Article 9 Planning and Development Regulations 2001 (as amended);

Part B

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

The proposal to:

Refurbish the existing dwelling house

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 exempted development coming within the scope of Section 4 (1) (h) of the Planning & Development Act 2000 (as amended).

Signed: 

Position: Exec Planner

Date: 06/11/2025.



Frank Sweeney
Senior Executive Planner
Community Development & Planning Services
07/11/2025

<p style="text-align: center;">APPROPRIATE ASSESSMENT SCREENING FOR THE PURPOSES OF ARTICLE 6 OF THE HABITATS DIRECTIVE</p>
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Applicant Name: Barry McElhinney

Plan.Reg.No:

1.0 Description of Project

S5 25/88 - Section 5 referral – whether the refurbishment of an existing development constitutes development or is exempted development.

2.0 Natura 2000 sites

The subject site is adjacent to Donegal Bay Special Protection Area (Site Code: 004151).

Site Synopsis for the Donegal Bay SPA (Site Code: 000133)

Donegal Bay SPA is a very large, marine-dominated, site. It extends from Doorin Point, to the west of Donegal Town, to Tullaghan Point in County Leitrim, a distance of approximately 15 km along its north-east/south-west axis. It varies in width from about 3 km to over 8 km. The site includes the estuary of the River Eske, which flows through Donegal Town, and the estuary of the River Erne, which flows through Ballyshannon. Much of the shoreline is rocky or stony, with well-developed littoral reefs in places. There are also extensive stretches of sandy beaches, especially from the Murvagh peninsula southwards to Rossnowlagh and at the outer part of the estuary of the River Erne. Shingle or cobble beaches are also represented. There are extensive areas of intertidal flats associated with the estuary of the River Eske, reflecting the very sheltered conditions in this part of the bay. These have been shown to be biotope rich, and supporting a range of macro-invertebrates, including polychaete worms (*Hediste diversicolor*, *Arenicola marina* and *Nephtys hombergii*) and bivalves (*Scrobicularia plana*, *Cerastoderma edule* and *Macoma balthica*). Elsewhere, a narrow fringe of intertidal flats is exposed at low tides. Salt marshes are found in the sheltered conditions of the innermost part of the bay. A number of small, grassy, islands occur in the innermost part of the bay. The waters of the shallow bay overlie mostly sandy substrates, though reefs occur in places. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Great Northern Diver, Light-bellied Brent Goose, Common Scoter and Sanderling. The E.U. Birds Directive pays particular attention to wetlands, and as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds. Donegal Bay supports an excellent diversity of wintering waterbirds, especially species associated with shallow bays (all

figures are mean peak counts for four of the five winters between 1995/96 and 1999/2000). It has an internationally important wintering population of Great Northern Diver (138) and is consistently one of the top sites in the country for this species. It also has one of the few regular populations of Black-throated Diver in the country (11), and Red-throated Diver (21). It supports an internationally important population of Light-bellied Brent Goose (207) and nationally important populations of Common Scoter (860) and Sanderling (68). A range of other species associated with estuarine and shoreline habitats occurs at the site, including Cormorant (29), Shelduck (24), Wigeon (224), Mallard (100), Longtailed Duck (14), Red-breasted Merganser (38), Oystercatcher (581), Ringed Plover (99), Golden Plover (103), Lapwing (122), Dunlin (269), Bar-tailed Godwit (49), Curlew (359), Redshank (93), Greenshank (12) and Turnstone (53). Gulls are regular in autumn and winter, especially Black-headed Gull (239) and Common Gull (297).

This large coastal site is of high ornithological importance, with two species having populations of international importance (Great Northern Diver and Light-bellied Brent Goose) and a further two species having populations of national importance (Common Scoter and Sanderling). Also of note is that five of the regularly occurring species are listed on Annex I of the E.U. Birds Directive, i.e. Great Northern Diver, Black-throated Diver, Red-throated Diver, Golden Plover and Bar-tailed Godwit.

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	None – the site is not located within the SPA
Fragmentation	Duration or permanence, level in relation to original extent	N/A
Disturbance	Duration or permanence, distance from site	Having regard to brownfield nature of the site and minimal scale of proposed works, no disturbance effects are envisaged.
Species population density	Timescale for replacement	It is not considered that the development will have any impact on the population density of protected species.
Water resource	Relative change	It is not considered that the proposed development will have any significant impact on water resources.

Water quality	Relative change in key indicative chemicals and other elements	Having regard to brownfield nature of the site and minimal scale of proposed works, it is not considered that the development will impact negatively on water quality.
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Further to an assessment of the proposed development and on the basis of the following principle reasons:

- The fact that the development would not result in any direct loss or fragmentation of habitat from the abovementioned Natura 2000 site.
- The scale and nature of the proposed works
- The brownfield site area

the Planning Authority is of the opinion that the proposed development would not have a significant effect on the Donegal Bay Special Protection Area (Site Code; 004151).

4.0 Screening Determination:

The Planning Authority has determined that an appropriate assessment of the proposed development is not required as it can be excluded on the basis of objective scientific information that the proposed development individually or in combination with other plans/projects will have a significant effect on a European Site – Donegal Bay Special Protection Area (Site Code:004151).

A. Quinn

Exec Planner
06/11/2025.

SEP _____

Chief Executive's Order No: 2025PH3244

Planning and Development Acts 2000 (as amended)

SECTION 5:-

Request received 16th October 2025 from Barry McElhinney c/o Tony Carr, Unit 1 Northern Business Centre, Park, Ballybofey, Co. Donegal, F93 E6RX in relation to refurbishment and minor extension of an existing dwelling house, decommissioning of existing septic tank and percolation area and installation of a new waste water treatment unit and sand based polishing filter at Drumbristan Glebe, Laghey, Co. Donegal, F94 W3V7.

SUBMITTED:-

Written request received 16th October 2025 as above and report dated 6th November 2025 from the Executive Planner (Ref. No: S5 25/88 refers).

ORDER:-

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


SENIOR EX. PLANNER

DATED THIS 7th DAY OF NOVEMBER 2025

Chief Executive's Order No: 2025PH3244

Ref.No: S5 25/88

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 2 (i), 3 (i), 177U (9)
- 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 EXEMPTED DEVELOPMENT** coming within the scope of Section 4 (1) (h) of the Planning & Development Act 2000 (as amended).

JS 07/11



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

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

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W: www.donegalcoco.ie
W: www.ccdhunangall.ie

Planning Services
E: planning@donegalcoco.ie

Ref. No: S525/88

7th November 2025

BARRY MCELHINNEY
C/O TONY CARR
UNIT 1 NORTHERN BUSINESS CENTRE,
PARK
BALLYBOFEY
CO. DONEGAL
F93 E6RX

Re: Refurbishment and minor extension of an existing dwelling house, decommissioning of existing septic tank and percolation area and installation of a new waste water treatment unit and sand based polishing filter at Drumbristan Glebe, Laghey, Co. Donegal, F94 W3V7.

A Chara,

I refer to your request received on 16th October 2025 under Section 5 of the Planning and Development Act, 2000 (as amended). Same has now been decided and I now issue to you herewith the Council's Declaration thereon. You are now advised that, in accordance with Section 5 (3) (a) of the Planning & Development Act, 2000 (as amended) where a Declaration is issued, any person issued with such a Declaration may, on payment to An Coimisiún Pleanála. of such fee as may be prescribed, refer a Declaration for review by the Commission 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: 2025PH3244

Reference No: S525/88

Name of Requester: BARRY MCELHINNEY
C/O TONY CARR
UNIT 1 NORTHERN BUSINESS CENTRE,
PARK
BALLYBOFEY
CO. DONEGAL
F93 E6RX

Summarised Description of development the subject matter of request:

Refurbishment and minor extension of an existing dwelling house, decommissioning of existing septic tank and percolation area and installation of a new waste water treatment unit and sand based polishing filter

Location: Drumbristan Glebe, Laghey, Co. Donegal, F94 W3V7.

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 2 (i), 3 (i), 177U (9)
- 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 EXEMPTED DEVELOPMENT** coming within the scope of Section 4 (1) (h) of the Planning & Development Act 2000 (as amended):

Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).



For Senior Ex. Planner
Planning Services

Dated this 7th day of November 2025