

From: [CARMEL KELLY](#) on behalf of [planning mailbox](#)
To: [MARTINA PARKE \(PLANNING\)](#)
Subject: FW: Section 5 Referral for David Bovaird
Date: 09 July 2025 15:51:32
Attachments: [D Bovaird cover letter.pdf](#)
[David Bovaird Section 5 application.pdf](#)
[D Bovaird Layout & Location.pdf](#)
[D Bovaird Aerial images.pdf](#)
[David Bovaird Pictures and images for UD file 08072025.docx](#)

From: Seamus (M Friel Architects) <seamus@mfrielarchitects.ie>
Sent: 09 July 2025 15:48
To: planning mailbox <Planning@Donegalcoco.ie>
Subject: Section 5 Referral for David Bovaird

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,

Please find attached a Section 5 referral application which we are making on behalf of David Bovaird on Agricultural lands at Magherablade, Creeslough, Co. Donegal. **Glenties MD.**

Attached, please find the following docs pertinent to this application;

1. Cover letter outlining the facts of the application, with receipt number for fee of 480 attached.
2. Completed Section 5 application.
3. Site layout and Site location map showing the location and extent of the agricultural road which has been upgrade with stone from within site.
4. Aerial images which verify that the Agricultural road has been in existence since aerial imagery was first taken in the area.
5. Images of the works and an image showing the damage which is done to the land prior to the land being upgraded.

I trust that this is satisfactory and I look forward to hearing from you in due course.

Le meas,

Seamus

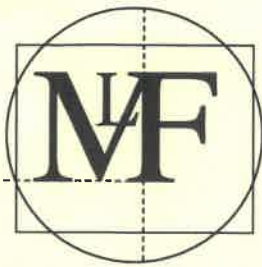
Seamus O Domhnaill,

Michael Friel Architects & Surveyors.

Tel: [REDACTED]

Tel: 074 91 38814





MICHAEL FRIEL

ARCHITECTS & SURVEYORS LTD.

CREESLOUGH
Co. DONEGAL, F92 TF60

PHONE: 074 91 38814
MOBILE: 087 286 9658
EMAIL: michael@mfielarchitects.ie

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



Comhairle Contae
Dhún na nGall
Donegal County Council

Planning Services

RECEIVED DATE: 09/07/2025

02/07/2025

RE: Section 5 Application for David Bovaird in relation to maintenance works which have been carried out to existing farm road at Magherablade, Creeslough, Co. Donegal.

A Chara ,

I attach for you a Section 5 application, seeking a declaration on development and exempted development in regards to an existing agricultural access road where works have been carried out to ensure that it can continue to be used into the future. The road has been re-stoned and compacted into place to allow for vehicles such as tractors to access and exit from the lands without causing damage to the Agricultural lands The roadway has been in place since the 1980's, the only works which were carried out by Mr. Bovaird was to re-stone the lands with material which was generated within the landholding when the farmer was carrying out levelling works to the lands.

A completed Section 5 Application form accompanies this application together with;

- A site location map showing the location of the agricultural access roadway.
- A site layout Drawing showing the location and extent of the existing agricultural access roadway.
- A Copy of Aerial images taken from the GeoHive website, showing the road in existence in 1995 and in 2013.
- Photographs of the road in its current form.
- Payment receipt details for the required €80.00 payment is 665647.

The nature of the works are very minor, insofar as the existing roadway was scrapped where necessary to take any soil off the route and a light covering of stone/soil placed on the roadway which was subsequently compacted into place. The stone which was placed on the roadway was unearthed from within the land holding as part of land improvement works which the farmer is carrying out within his holding. The thrust of the works is

maintenance to an existing farm road, which is exclusively used to gain access to fields within the overall landholding. If the roadway was not in place, the farmer would not be able to access the lower fields in his tractor during the winter months as the ground would simply be too soft to travel on, due to the heavy rainfall which occurs in the winter months. The placing of stone ensures that a tractor can safely access the fields and that little to no damage occurs to the fields as the tractor uses the roadway.

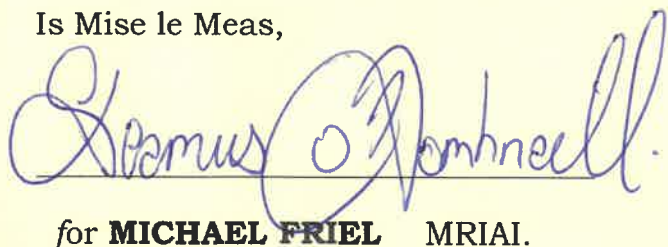
Aerial imagery shows that the roadway has been in place since the first aerial images were taken in this area, which is circa 1995, however we are also informed by local persons that the roadway was first formed in and around the early 1980's to allow the farmer access his fields prior to the adjacent private road serving the 4 constructed Houses being erected which was in and around 2001/ 2002.

The stone which has been used to maintain the roadway was unearthed as the applicant carried out drainage works and removed an earthen/ stone berm along a boundary of the field, this can be seen upon visiting the site, no materials other than a load of chippy dust to improve the finish of the road has been imported onto the lands. The applicant is aware that the access to the lands can only be used for agricultural purposes and is happy with that as he is engaged in farming at this location.

Given that the roadway has been in place since the early 1980's and that the works which our client carried out to the roadway was general maintenance works to an existing roadway and given that the roadway is being used exclusively for the purpose of permitting a farmer access to his farm lands, it is our contention that these minor works are exempt and a section 5 declaration should be afforded in this instance

I trust that this is satisfactory, however should you require anything additional please don't hesitate to contact me.

Is Mise le Meas,

A handwritten signature in blue ink, appearing to read 'Thomas O'Donnell', written over a horizontal line.

for **MICHAEL FRIEL** MRIAI.



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



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

Planning Services

RECEIVED DATE: 09/07/2025

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**

Name of Applicant(s):	David Bovaird
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)	



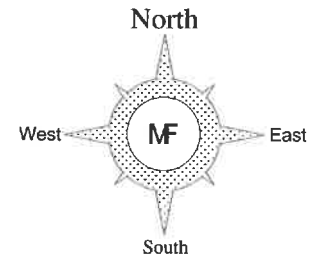
Is the development a Protected Structure or within the curtilage of a Protected Structure?	Yes	No
Has a declaration under Section 57 of the Planning and Development Act 2000 (as amended) been requested or issued in respect of the property.	Yes	No
Applicant(s) Interest in the site:	Mr. Bovaird is the land 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:		
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:	Seamus O Domhnaill
Date:	07th July 2025



Planning Services

RECEIVED DATE: 09/07/2025



Location of Gate

4.55m

Existing dwelling

Existing dwelling

Total length of farm road 155m

Existing 5m wide Farm Road

Existing Access Road

5.15m

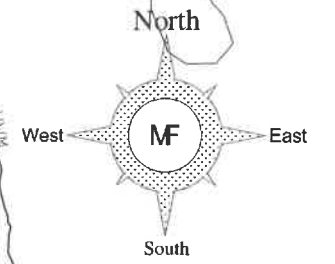
Existing dwelling

Existing Farm Entrance

L-52221-0

Existing dwelling

SITE LAYOUT PLAN
SITE AREA = 5.19 Ha.
Scale 1:500



Red Hill

Extent of
Repaired Road
155 m

MAGHERABLAD

SITE LOCATION PLAN
OS Map No 00119
Scale 1:2500

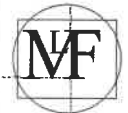
Job Title
**PROPOSED FARM ENTRANCE SECTION 5
AT
MAGHERABLAD
CREESLOUGH CO. DONEGAL.**

Client
DAVID BOVAIRD

Drawing Title
Site Layout & Location

Drawn by Scale As Shown Date Jul 2025

Job Number 25 Dwg. Number 01



MICHAEL FRIEL
Architects & Surveyors

Creeslough Co. Donegal
Tel: 074 91 38814
Fax: 074 91 38815
Mob: 087 28 69 658
email: mifriel@eircom.net



Search for location

2013 GEO HIVE MAP

Agricultural Access
roadway in place as of
2013.



Planning Services

RECEIVED DATE: 09/07/2025



About



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Welcome to the [GeoHive](#) main

[GeoHive](#) is the State's Geospatial search, view and access to the geospatial information via interactive catalogues and geospatial api

Please visit the [GeoHive data](#) for the functionality and resource platform; information on how outlined below.

GeoHive as Gaeilge

Fáilte go dtí Príomh-Amharcóir

Is é [GeoHive](#) mol sonraí geospasúil agus clárúcháir rochtain ar geospasúil an Stáit trí mhapaí, catálóga sonraí agus feidhme

Tabhair cuairt ar mhól sonraí Cúigeach faoi bhfeidhme, atá ar fáil tríd an ardán; tá eol amharcóir léarscáil seo a úsá

How to use this Map Viewer



Zoom In/Zoom Out



Zoom to full extent



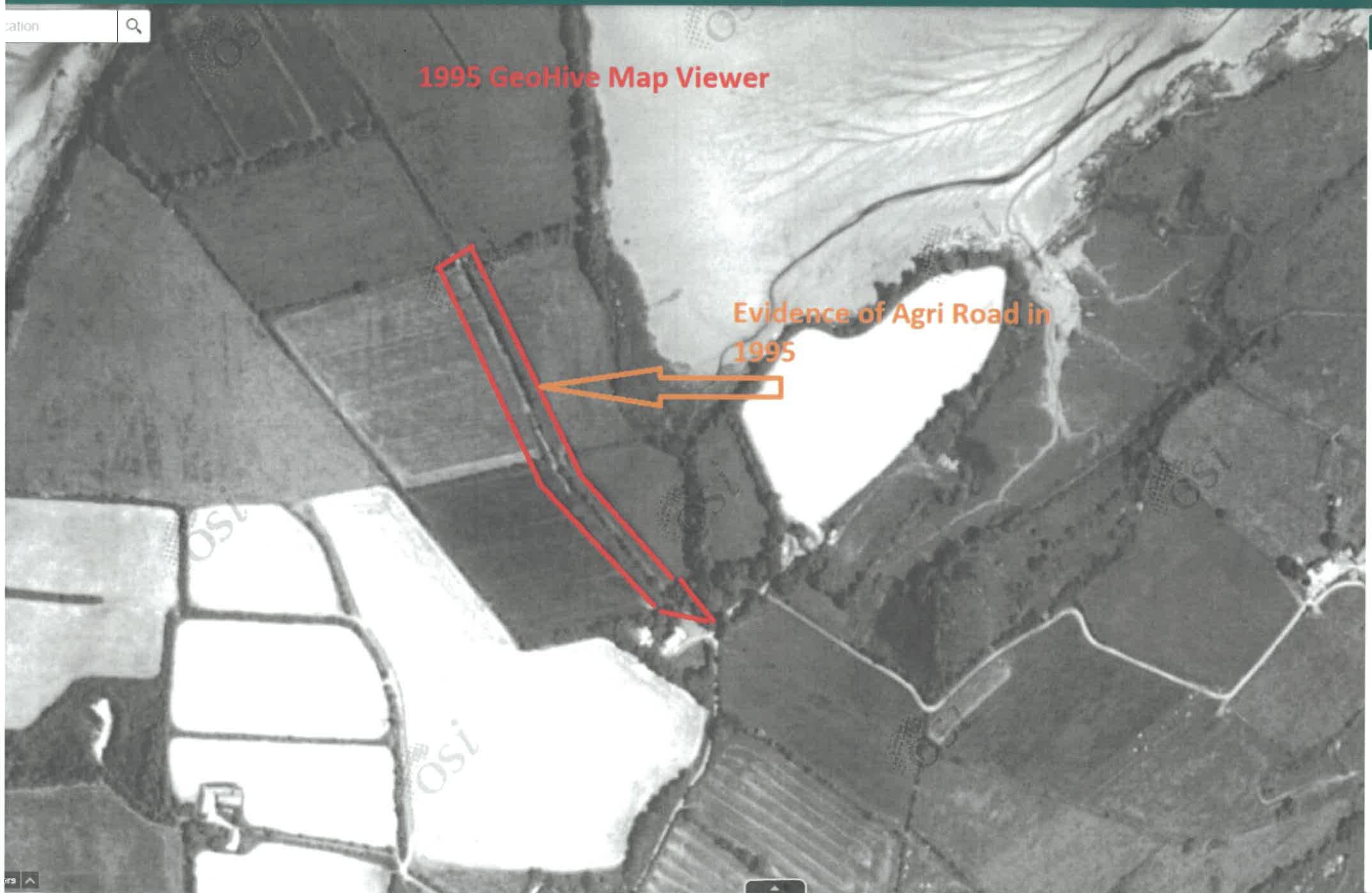
Zoom to my location



Search by Address, Eir Coordinate. Please insert coor X,Y:WKID. Spaces are not accepted. Well Known ID of your preferred WKIDs for supported coordinates: 2157, IG: 29903, WGS84:3857

1995 GeoHive Map Viewer

Evidence of Agri Road in 1995



PHOTOGRAPHS OF FARM ROAD WORKS CARRIED OUT BY
DAVID BOVAIRD AT MAGHERABLADE, CREESLOUGH.



Image No. 1: Road as it currently exists with stone placed and compacted upon it.

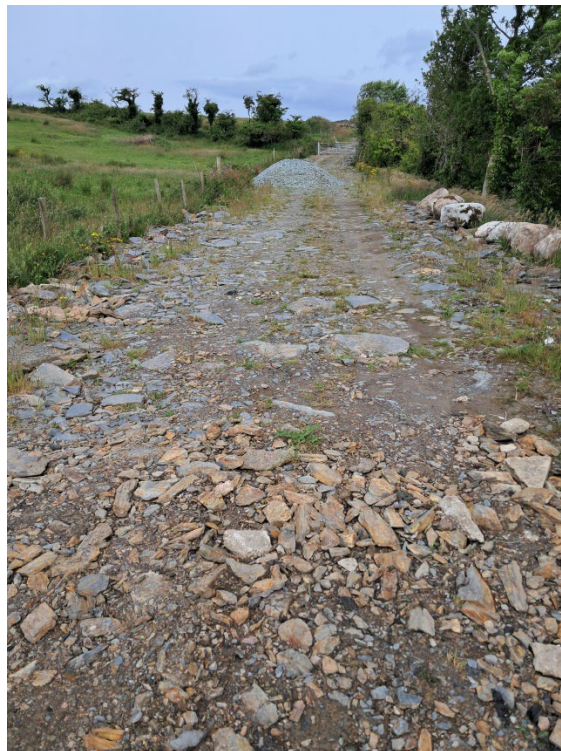


Image No.2: Road made up of stone from within land holding, with a load of chips to make it more aesthetically pleasing.



Image No.3: Road as constructed using materials from within landholding.



Image No. 4: Road as it was prior to works with stone evident through the muddy surface.



Image No.4: The existing agri access road which has fallen into disrepair, allowing water to pond along route



Image No. 5: Stone ditch removed and stones used in dressing access road.



Image No. 6: Evidence of drainage works on the lands, where stones were removed and used in access road.



Image No.7: Evidence of drainage works having taken place on lands where stone was removed and used in access road.



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

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

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Planning Services
E: planning@donegalcoco.ie

E-mail office@mfrielarchitects.ie

Our Ref: S525/62

10th July, 2025

David Bovaird
C/o Michael Friel Architects & Surveyors Ltd.

Re: Section 5 - Application for development at Magherablade, Creeslough, Co Donegal.

A Chara,

I wish to acknowledge receipt of your application received on 9th July, 2025 in relation to the above.

Yours sincerely,

Martina Parke

Donegal County Council
Planning Services



SECTION 5 REFERRAL REPORT – Ref.No: 25/62

1.0 BACKGROUND

1.1 Location:

Magherablade, Creeslough, Co.Donegal

1.2 Site Description:

The site is located within a rural area and comprises a 5m wide farm road, which passes through a field. The farm road runs parallel to an adjacent private access road that serves dwellings to the east of the subject site.

The site is located within a Structurally Weak Rural Area and is partly within an area designated as High Scenic Amenity and partly within an area designated as Especially High Scenic Amenity. The site is not located within any Special Areas of Conservation or Special Protected Areas, however, the nearest Natura 2000 site (Sheephaven SAC) is located approximately 50m to the east.

1.3 Proposed Development:

The application form states that the applicant has renewed stone on the road with stone from their landholding. The form also states that the road has been in use for over 50 years and was created so that cattle could be walked back to the farm and has developed over the years to allow for a tractor to access the lands.

1.4 Planning History:

Planning Applications

- No history of any planning applications on the site. There are a number of permissions relating to construction of the existing dwellings located to the east of the subject site.

Unauthorised Development

- Unauthorised development ref.UD24141. Section 154 Enforcement Notice issued in May 2025 for Construction of a road without the benefit of planning permission.

2.0 The Question

Whether the laying of stone to surface the road is or is not development and is or is not exempted development.

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".

4.0 **Planning and Development Regulations, 2001 (as amended)**

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(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 13 Part 1 Schedule 2 (*Exempted Development – General*)

The repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any private footpath or paving.

Conditions and Limitations (Column 2)

The width of any such private footpath or paving shall not exceed 3 metres.

4.0 ASSESSMENT

4.1 Consideration of Proposed Development:

- i. It is considered that the works noted above constitute “development” within the meaning of the Act.
- ii. Having regard to *Class 13 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended)* the development is not in accordance with the criteria as the width exceeds 3 metres, and therefore is not considered as Exempted Development under Class 13.
- iii. Consideration has also been given to the proximity of the site to any Natura 2000 sites. The site is located 50m from Sheephaven SAC. Given the brownfield nature of the site and scale of the works, Appropriate Assessment is not a consideration in the assessment of this referral (see attached screening report).

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 for:

- The laying of stone to surface the road is or is not development and is or is not exempted development.

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

Section 2, 3 and 177U of the Planning and Development Act, 2000 (as amended) and Articles 6, 9 and Class 13 of Part 1 Schedule 2 (Exempted Development - General) of the Planning & 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 proposal IS DEVELOPMENT within the meaning of the Planning and Development Act, 2000 (as amended) and IS NOT EXEMPTED DEVELOPMENT as it does not fall within the scope of Class 13 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

Signed: A. Bradley

Position: Assistant Planner

Date: 01/08/2025

JS

Frank Sweeney
Senior Executive Planner
Community Development & Planning Services
05/08/2025

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

Applicant Name: DAVID BOVAIRD

Plan.Reg.No: S5 25/62

1.0 Description of Project

The subject site is located in the townland of Magherablade, Creeslough. The application form states that the applicant has renewed stone on the road with stone from their landholding. The form also states that the road has been in use for over 50 years and was created so that cattle could be walked back to the farm and has developed over the years to allow for a tractor to access the lands.

2.0 Natura 2000 sites

The subject site is located:

- 50m from Sheephaven SAC (Site Code 001190).

2.1 Site Synopsis for Sheephaven SAC (Site Code 001190)

Sheephaven Bay is a north-facing bay, situated north of Creeslough on the northwest coast of Co. Donegal. The site occupies the entire inner part of the bay, and includes the intertidal area at Carrickgart. The bedrock geology of the site is quite varied, with schist (at least two types), quartzite and metadolerite present. The site receives the flows of a number of rivers, notably the Lackagh River, the Duntally River, the Faymore River and the Carrownamaddy River. The site contains a diversity of habitats ranging from mudflats, saltmarshes and sand dunes, to lakes, rivers, heath, scrub and woodland. 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):

[1140] Tidal Mudflats and Sandflats
[1210] Annual Vegetation of Drift Lines
[1230] Vegetated sea cliffs of the Atlantic and Baltic coasts
[1310] Salicornia Mud [1330] Atlantic Salt Meadows
[1410] Mediterranean Salt Meadows
[2110] Embryonic Shifting Dunes
[2120] Marram Dunes (White Dunes)
[2130] Fixed Dunes (Grey Dunes)*
[2190] Humid Dune Slacks
[21A0] Machairs*
[91A0] Old Oak Woodlands
[1395] Petalwort (*Petalophyllum ralfsii*)
[1065] Marsh Fritillary (*Euphydryas aurinia*)

Extensive areas of intertidal sands and muds occur at the Back Strand, Ards Strand, Doo Castle Strand and at Carrickgart. Marble Hill Strand is a north-east facing beach on the west side of the bay. The sediment here is fine, well-sorted sand, and the communities present are representative of shores moderately exposed to wave action to sheltered from wave action. The rare hermit crab *Diogenes pugilator* is present at its most northerly record station in Ireland.

The site is particularly notable in a national context owing to its extensively vegetated intertidal zone. The sand-flats support one of the largest areas of annual vegetation dominated by Glasswort (*Salicornia europaea*) anywhere in Ireland and this is the largest extent of habitat known that is not affected by Common Cordgrass (*Spartina townsendii*), an invasive species that threatens this habitat. There are also excellent examples of unmodified zonation between pioneer vegetation through to upper marsh saltmarsh communities. The site is actively accreting and this is having a positive influence on the site.

Large areas of sand dune occur at Rosapenna and at Marble Hill. Annual vegetation of drift lines and embryonic shifting dunes are recorded at these sites, as well as at Ards and Glenree. The fore dunes are dominated by Marram (*Ammophila arenaria*), with abundant Red Fescue (*Festuca rubra*), and herbs such as Dove's-foot Crane's-bill (*Geranium molle*) and clovers (*Trifolium* spp.) occurring on the fixed dunes behind. Some areas of sand dune at Rosapenna have been damaged through agricultural improvement, and golf course development has also had an impact on the site. Dune slacks occur at Rosapenna in both the southern end (Glenree/Magheramagorgan), in the most extensive unmodified area of dune grassland and also in the northern end, where there is an interesting co-occurrence of dry dune grassland, fen and dune slack vegetation.

A small slack occurs at Marble Hill in the fixed dunes that slope down to the back strand at Clonmass. The slack area contains standing water and a drain from the surrounding land empties into it. The slack is dominated by the typical species Common Sedge (*Carex nigra*), Horsetail spp. (*Equisetum* spp.), Marsh Pennywort (*Hydrocotyle vulgaris*), Water Mint (*Mentha aquatic*), Silverweed (*Potentilla anserina*) and the moss *Calliergonella cuspidata*.

A relatively small area of sand dune machair occurs on flat to gently undulating ground behind the dune system, to the north-west of Carrigart village. Typical species such as Red Fescue, Ribwort Plantain (*Plantago lanceolata*), Common Bird's-foot-trefoil (*Lotus corniculatus*) and Daisy (*Bellis perennis*) are present. The machair displays an interesting gradation to saltmarsh vegetation.

An extensive area of saltmarsh occurs at Back Strand, with further areas at Ards Strand and to the west of Carrigart village. A variety of sedges (*Carex* spp.) and rushes (*Juncus* spp.) occur, including Distant Sedge (*Carex distans*) and Sea Rush (*Juncus maritimus*), along with Thrift (*Armeria maritima*) and Sea Aster (*Aster tripolium*).

Almost 3 km of sea cliffs are found within the site, with notable cliffs at Clonmass, Breaghy, Clonmass Isle and Ards. These are vegetated cliffs with crevices and

ledges, and they appear not to have experienced modification due to human activities.

The site includes several areas of woodland. Creeslough Wood consists of a range of deciduous trees, such as oak (*Quercus* sp.), Holly (*Ilex aquifolium*) and Hazel (*Corylus avellana*), but Downy Birch (*Betula pubescens*) is also a common tree. Ards Forest Park includes areas of deciduous woodland and conifer plantation. Rhododendron (*Rhododendron ponticum*) is widespread in parts of the wood. Two rare species of Myxomycete fungus have been recorded from Ards, namely *Cribraria rufa* and *Stemonitopsis hyperopta*.

The rare liverwort, Petalwort (*Petalophyllum ralfsii*), a species that is listed on Annex II of the E.U. Habitats Directive, has been recorded from this site.

The Marsh Fritillary (*Euphydryas aurinia*), an E.U. Habitats Directive Annex II and red-listed butterfly, is known from suitable habitat (machair and dune grassland with Devil's bit Scabious (*Succisa pratensis*) at Ards and Carrigart and it may occur elsewhere. The habitats at Ards support a notable butterfly assemblage including one the most northern sites for the Cryptic Wood White (*Leptidea juvernica*) in Ireland. In total 21 species are known, including the red listed and near-threatened species Small Blue (*Cupido minimus*), Dark Green Fritillary (*Argynnis aglaja*), Grayling (*Hipparchia semele*) and Small Heath (*Coenonympha pamphilus*). The following redlisted and near threatened terrestrial molluscs are known from the site: *Pupilla muscorum*, *Helicella itala*, *Leiostryla anglica*, *Vertigo antivertigo*, *Vertigo pygmaea* and *Vertigo substriata*.

The intertidal mud and sandflats support moderate numbers of waterfowl in autumn and winter. These include Shelduck (75), Wigeon (414), Teal (129), Mallard (117), Oystercatcher (155), Ringed Plover (48), Dunlin (107) and Curlew (86) (data from 1984/85-86/87 period). The site is sometimes used by the population of Barnacle Goose which is centred at the New Lake at Dunfanaghy. This flock numbers up to 300. Barnacle Goose is listed on Annex I of the E.U. Birds Directive. Other Annex I species associated with the site are Chough (2 possible breeding pairs), Peregrine (occasional visitor) and Common Tern. Terns have not been recorded breeding in recent years, though suitable habitat exists. Part of the site is a Wildfowl Sanctuary.

The site is of particular conservation significance for the presence of good examples of several habitats listed on Annex I of the E.U. Habitats Directive and for the important bird populations it supports.

2.2 Conservation Objectives for Sheephaven SAC (Site Code 001190)

The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. These habitats and species are listed in the Habitats and Birds Directives and Special Areas of Conservation and Special Protection Areas are designated to afford protection to the most vulnerable of them. These two designations are collectively known as the Natura 2000 network.

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

The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.

Favourable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, are stable or increasing, and
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- the conservation status of its typical species is favourable.

The favourable conservation status of a species is achieved when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Qualifying Interests (*indicates a priority habitat)

1140 Mudflats and sandflats not covered by seawater at low tide
 1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)
 1395 Petalwort *Petalophyllum ralfsii*
 1410 Mediterranean salt meadows (*Juncetalia maritimi*)
 2120 Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes)
 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)*
 21A0 Machairs (* in Ireland)
 91A0 Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles

3.0 Assessment of Likely effects:

The Planning Authority considers that the development could:

Impact type	Significance indicator	Comments
Loss of habitat area	Percentage of loss	None expected due to distance from the SAC
Fragmentation	Duration or permanence, level in relation to original extent	None expected due to distance from the SAC
Disturbance	Duration or permanence, distance from site	None expected due to distance from the SAC
Species population density	Timescale for replacement	None expected due to distance from the SAC

Water resource	Relative change	None expected due to distance from the SAC
Water quality	Relative change in key indicative chemicals and other elements	None expected due to distance from the SAC

Further to an assessment of the development and on the basis of the following principle reasons:

- The existing development within a brownfield site
- The fact that the development would not result in any direct loss or fragmentation of any Natura 2000 site.
- The physical distance between the development site and designated lands.

The Planning Authority is of the opinion that the development would not have a significant effect on Sheephaven SAC.

4.0 Screening Determination:

That an appropriate assessment of the development is not required as it can be excluded on the basis of objective scientific information that the development will have a significant effect on nearby Natura 2000 Sites i.e Sheephaven SAC.

A. Bradley

Assistant Planner
01/08/2025.

JS

Frank Sweeney
Senior Executive Planner
Community Development & Planning Services
05/08/2025

Chief Executive's Order No: 2025PH2274

Planning and Development Acts 2000 (as amended)

SECTION 5:-

Request received 9th July 2025 from David Bovaird, c/o Seamus O'Domhnaill, Michael Friel Architects & Surveyors Ltd., Creeslough, Co Donegal in relation to the laying of stone to surface an existing farm road that runs parallel to an adjacent private access road within a field at Magherablade, Creeslough, Co Donegal.

SUBMITTED:-

Written request received 9th July 2025 as above and report dated 1st August 2025 from the Assistant Planner (Ref. No: S5 25/62 refers).

ORDER:-

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


SENIOR EX. PLANNER

DATED THIS 5th DAY OF AUGUST 2025

img.

Chief Executive's Order No: 2025PH2274

Ref.No: S5 25/62

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, 3 and 177U of the Planning and Development Act, 2000 (as amended)
- Articles 6, 9 and Class 13 of Part 1 Schedule 2 (Exempted Development - General) of the Planning & Development Regulations 2001 (as amended).

And concluded that:

The proposal **IS DEVELOPMENT** within the meaning of the Planning & Development Act, 2000 (as amended) and **IS NOT EXEMPTED DEVELOPMENT** as it does not fall within the scope of Class 13 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

JO 05/08



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

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

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Ref. No: S525/62

5th August 2025

DAVID BOVAIRD
C/O SEAMUS O'DOMHNAILL
MICHAEL FRIEL ARCHITECTS & SURVEYORS LTD.
CREESLOUGH
CO DONEGAL

Re: Laying of stone to surface an existing farm road that runs parallel to an adjacent private access road within a field at Magherablade, Creeslough, Co Donegal.

A Chara,

I refer to your request received on 9th July 2025 under Section 5 of the Planning and Development Act, 2000 (as amended). Same has now been decided and I now issue to you herewith the Council's Declaration thereon. You are now advised that, in accordance with Section 5 (3) (a) of the Planning & Development Act, 2000 (as amended) where a Declaration is issued, any person issued with such a Declaration may, on payment to An Coimisiún Pleanála of such fee as may be prescribed, refer a Declaration for review by the 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: 2025PH2274

Reference No: S525/62

Name of Requester: DAVID BOVAIRD
C/O SEAMUS O'DOMHNAILL
MICHAEL FRIEL ARCHITECTS & SURVEYORS LTD.
CREESLOUGH
CO DONEGAL

Summarised Description of development the subject matter of request:

Laying of stone to surface an existing farm road that runs parallel to an adjacent private access road within a field

Location: Magherablade, Creeslough, 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:

- Section 2, 3 and 177U of the Planning and Development Act, 2000 (as amended)
- Articles 6, 9 and Class 13 of Part 1 Schedule 2 (Exempted Development - General) of the Planning & Development Regulations 2001 (as amended).

And concluded that:

The proposal **IS DEVELOPMENT** within the meaning of the Planning & Development Act, 2000 (as amended) and **IS NOT EXEMPTED DEVELOPMENT** as it does not fall within the scope of Class 13 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).



For Senior Ex. Planner
Planning Services

Dated this 5th day of August 2025