

From: [CARMEL KELLY](#) on behalf of [planning mailbox](#)
To: [MARTINA PARKE \(PLANNING\)](#)
Subject: FW: Section 5 Application
Date: 14 July 2025 11:42:05
Attachments: [250714 Section-5-declaration-of-exemption-application-form.pdf](#)
[250714 DCC Letter.pdf](#)
[V003-14-02 - Site Plan.pdf](#)
[V003-14-01 - Site Arrangements.pdf](#)

From: Adam Leadley <adam@alarchitects.com>
Sent: 14 July 2025 11:33
To: planning mailbox <Planning@Donegalcoco.ie>
Subject: Section 5 Application

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

Good Morning

Please find attached our section 5 application. The DCC receipt no is 665689

Regards

Adam Leadley BA(Hons) B.Arch MRIAI, RIBA
Director



AL Architects Ltd

Office 8b, The Courtyard,
Lower Main Street,
Letterkenny,
Co. Donegal.

00353 74 9128222
adam@alarchitects.com



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

Planning Services

RECEIVED DATE: 14/07/2025



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

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

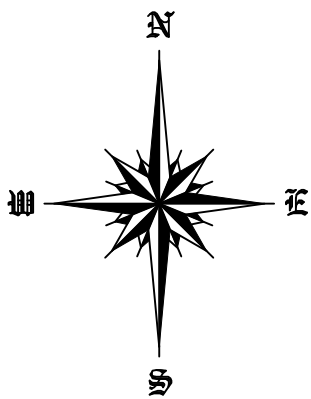
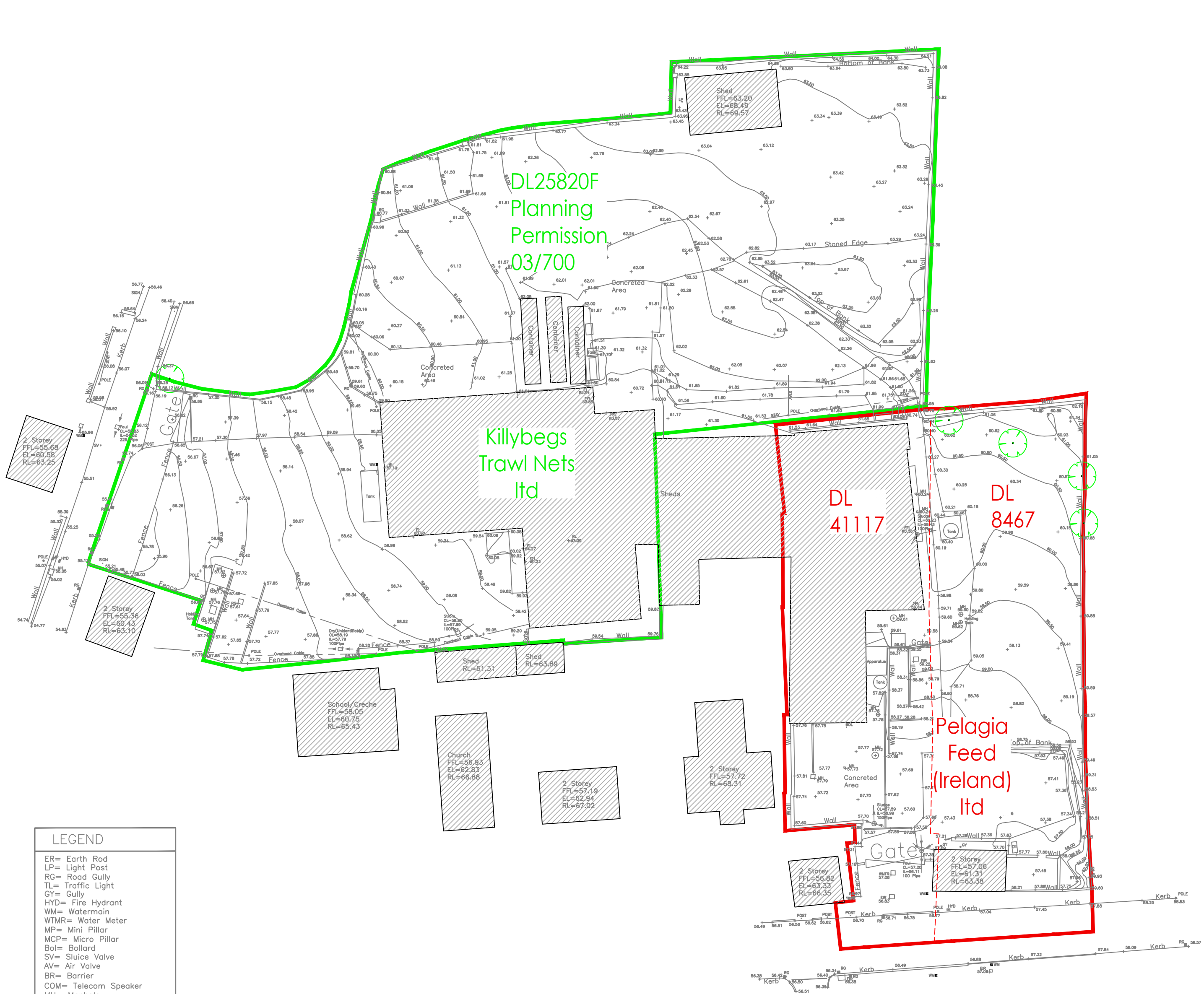
Name of Applicant(s):	
Agent Name: (if applicable)	
Location of Proposed Development / Works: (Townland or postal address as appropriate and Eircode if available)	
Description of Proposed Development including details of works (where applicable): (Only works listed below will be assessed under <u>this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



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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:	



Comhairle Contae
Dhún na nGall
Donegal County Council

Planning Services

RECEIVED DATE: 14/07/2025

LEGEND

- ER= Earth Rod
- LP= Light Post
- RG= Road Gully
- TL= Traffic Light
- GY= Gully
- HYD= Fire Hydrant
- WM= Watermain
- WTMR= Water Meter
- MP= Mini Pillar
- MCP= Micro Pillar
- Boi= Bollard
- SV= Sluice Valve
- AV= Air Valve
- BR= Barrier
- COM= Telecom Speaker
- MH= Manhole
- ESB= ESB Manhole
- EIR= Eircom Manhole
- DP= Down Pipe
- FP= Flag Pole
- PP= Plant Pot
- EP= Electrical Panel

NOTES.

1. Copyright reserved to AL Architects.
2. Work to figured dimensions only. Do not scale the drawing.
3. The contractor is responsible for checking all levels and dimensions on site, and shall refer all discrepancies to the architect.
4. Where appropriate, for details of structure, mechanical or electrical details, see consultant engineers drawings.
5. Proprietary items shall be fixed in strict accordance with manufacturer's instructions, unless otherwise instructed.
6. Sizes of proprietary items shall be checked with manufacturer.
7. The contractor shall be responsible for the co-ordination of structure, finishes and services.

Rev. Date Comments

AL
Architects

Chartered Architects | Surveyors | Project Managers.

Office 88, The Courtyard, Lower Main Street, Letterkenny,
Co. Donegal, Ireland.
Tel : +353 (0)749128222. Fax : +353 (0)749129903.
Email : info@alarchitects.com

Project Section 5 Application for Pelagia Feed
(Ireland) Ltd.

Drawing Title Site Plan

Date 14-07-2025

Drawn EC

Scale 1:500

Print as A2

Drawing No. V003-14-02

Rev.

GL/V003-14/PL/AWL

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

14th July 2025



Re: Section 5 Application at Main Street / Mart Road, Dunkineely for Pelagia Feed (Ireland) Ltd.

Dear Sir/Madam

Please find attached the following:

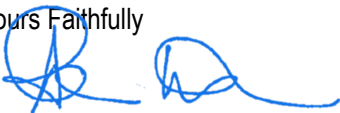
V003-14-01 Site Arrangements
V003-14-02 Site Plan
Completed Section 5 Application form

Following a meeting with Aideen Quinn and Corrina Higgins on Tuesday 8th July to discuss regularisation of the various outstanding planning issues, this application is to seek confirmation for the current established parking arrangements within the adjacent old Mart site to the north of the Pelagia Feed Site.

I confirm the receipt no is 665689 for €80.00 associated with the application

We trust this is satisfactory, but should you require any additional information, please do not hesitate to contact this office.

Yours Faithfully

A handwritten signature in blue ink, consisting of a stylized 'A' followed by a cursive flourish.

AL Architects
Enc.



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

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

County House,
Lifford,
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Planning Services
E: planning@donegalcoco.ie

E-mail: adam@alarchitects.com

Our Ref: S525/66

16th July, 2025

PELAGIA FEED (IRL) LTD.
C/o AL Architects Ltd.

Re: Section 5 - Application for development at Mart Road (L1415) F94 P227 Main Street, Dunkineely F94 KW1A

A Chara,

I wish to acknowledge receipt of your application received on 14th July, 2025 in relation to the above.

Yours sincerely,

Martina Parke

Donegal County Council
Planning Services



SECTION 5 REFERRAL REPORT – Ref.No: 25/66

Donegal County Council

1.0 COMMENTS

The subject site is located in the village of Dunkineely and is an existing commercial site with sheds therein. The proposed works constitute one element as follows:

1. Is the parking of lorries associated with the fish processing business on a stoned area to the north of the existing buildings between 7pm -7am development or exempted development?

The existing buildings are not on the Council's Record of Protected Structures nor is it included on the National Inventory of Architectural Heritage. The entire site is located within the settlement framework of Dunkineely and is zoned as of High Scenic Amenity in the County Donegal Development Plan 2024-2030.

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 & Development Regulations, 2001 (as amended)

- 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—

- (iii) endanger public safety by reason of traffic hazard or obstruction of road users,

5.0 PLANNING HISTORY

03/700 permission granted for a change of use from livestock mart to fish net manufacturing, storage and handling facility (KT Nets).

S5 23/48 the change of use from net manufacturer to fish processing on the former Mart site was deemed to fall within Class 4 'light industrial use' and to be exempted development.

6.0 ASSESSMENT

6.1 Consideration of Proposed Development:

- (i) The proposed development is to facilitate parking of lorries on an overnight basis from 7pm to 7am on lands to the north of built

structures and accessed via local road L-1415-1 to the west of the overall site.

- (ii) It is noted that under application ref. no. 16/51041/ACP ref. 05E.247263 the Inspector found that *'the proposed development would facilitate intensification of the existing use ...and would therefore, endanger public safety by reason of traffic hazard and obstruction of road users.'*
- (iii) The proposal includes the parking of lorries used by the business on an overnight basis but does not clarify if these are refrigerated vehicles that are noise generating and could impact negatively on third party amenities.
- (iv) The proposal has not set out a traffic management plan that would clarify vehicular movements into, out of and around the subject site.
- (v) Having regard to Article 9 (1) (iii) of the Planning and Development Regulations 2001 (as amended), it is determined that the development has the potential to cause a traffic hazard that is contrary to public safety.
- (vi) It is therefore concluded that the proposed development is development but is not exempted development under Article 9 (1) (iii) of Part 2 of the Planning and Development Regulations 2001 (as amended).
- (vii) Appropriate assessment is not a consideration in the assessment of this referral.

7.0 Conclusion:

It is considered that:

- (i) Use of an area for vehicular parking constitutes "development" within the meaning of the Act, being works, but is **NOT** exempted

development having regard to Article 9 (1) (iii) of Part 2 of the
Planning and Development Regulations 2001 (as amended).

8. 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 parking of lorries associated with the fish processing business on a stoned area to
the north of the existing buildings between 7pm -7am

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

- (a) Sections 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended),
- (b) Article 9 of Part 2 of the Planning and Development Regulations, 2001 (as amended).

and concluded that:

The proposal is development within the meaning of the Planning and Development Act, 2000 (as amended) but is not exempted development having regard to Article 9 (1) (iii) of Part 2 of the Planning and Development Regulations, 2001 (as amended) which de-exempts development that endangers public safety by reason of traffic hazard or obstruction to road users.

Signed: 
Position: Exec Planner
Date: 08/08/2025



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

Chief Executive's Order No: 2025PH2348

Planning and Development Acts 2000 (as amended)

SECTION 5:-

Request received 14th July 2025 from Pelagia Feed (Ireland) Ltd C/o AL Architects Ltd, Office 8B, The Courtyard, Lower Main St, Letterkenny, Co. Donegal F92 P3KK in relation to the parking of lorries associated with the fish processing business on a stoned area to the north of the existing buildings between 7pm – 7am at L1415 (Mart Road) F94 P227 and Main Street, Dunkineely, Co. Donegal F94 KW1A.

SUBMITTED:-

Written request received 14th July 2025 as above and report dated 8th August 2025 from the Executive Planner (Ref. No: S5 25/66 refers).

ORDER:-

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



SENIOR EX. PLANNER

DATED THIS 11th DAY OF AUGUST 2025

LMG

Chief Executive's Order No: 2025PH2348

Ref.No: S5 25/66

SCHEDULE

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

IS Development

IS NOT Exempted Development

WITHIN THE MEANING OF THE ABOVE ACT

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

- Sections 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended),
- Article 9 of Part 2 of the Planning and Development Regulations, 2001 (as amended).

And concluded that:

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act, 2000 (as amended) but **IS NOT EXEMPTED DEVELOPMENT** having regard to Article 9 (1) (iii) of Part 2 of the Planning and Development Regulations, 2001 (as amended) which de-exempts development that endangers public safety by reason of traffic hazard or obstruction to road users.

JS 11/08



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

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Planning Services
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Ref. No: S525/66

11th August 2025

PELAGIA FEED (IRELAND) LTD
C/O AL ARCHITECTS LTD
OFFICE 8B
THE COURTYARD
LOWER MAIN ST
LETTERKENNY
CO. DONEGAL
F92 P3KK

Re: The parking of lorries associated with the fish processing business on a stoned area to the north of the existing buildings between 7pm – 7am at L1415 (Mart Road) F94 P227 and Main Street, Dunkineely, Co. Donegal F94 KW1A

A Chara,

I refer to your request received on 14th 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**

/jmcc

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

DECLARATION

Chief Executive's Order No: 2025PH2348

Reference No: S525/66

Name of Requester: Pelagia Feed (Ireland) Ltd
C/O AL Architects Ltd
Office 8b
The Courtyard
Lower Main St
Letterkenny
Co. Donegal
F92 P3KK

Summarised Description of development the subject matter of request:

The parking of lorries associated with the fish processing business on a stoned area to the north of the existing buildings between 7pm – 7am

Location: L1415 (Mart Road) F94 P227 and Main Street, Dunkineely, Co. Donegal F94 KW1A

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

IS Development

IS NOT Exempted Development

WITHIN THE MEANING OF THE ABOVE ACT

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

- Sections 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended),
- Article 9 of Part 2 of the Planning and Development Regulations, 2001 (as amended).

And concluded that:

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act, 2000 (as amended) but **IS NOT EXEMPTED DEVELOPMENT** having regard to Article 9 (1) (iii) of Part 2 of the Planning and Development Regulations, 2001 (as amended) which de-exempts development that endangers public safety by reason of traffic hazard or obstruction to road users.



For Senior Ex. Planner
Planning Services

Dated this 11th day of August 2025