



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):	EDDIE DUFFY
Agent Name: (if applicable)	TERENCE GALLAGHER
Location of Proposed Development / Works: (Townland or postal address as appropriate and Eircode if available)	KNOCKAGARRAN CONVOY LIFFORD CO. DONEGAL. F93 VH95
Description of Proposed Development including details of works (where applicable): (Only works listed below will be assessed under this section 5 application)	
<ul style="list-style-type: none">• OLD WINDOWS & DOORS (WOODEN) REPLACED WITH TRIPPLE GLAZED PVC WINDOWS / DOORS. NO CHANGE IN SIZES.• REPLACEMENT ROOF. OLD SLATES BATTONS & FELT TAKEN OFF & REPLACED WITH SAME MATERIAL. NO CHANGE IN SIZE. SLATES TO BE SAME GREY COLOUR.• 10 SOLAR PANELS PUT ON NEW ROOF.• ALL CAVITY WALLS PUMPED WITH BEAD INSULATION AS WITH ATTIC SPACE - PROBABLY SPRAY FOAM.• AIR TO WATER HEATING SYSTEM WITH REMOVAL OF SOLID COOKER.• 2 CHIMNEYS TO BE REMOVED BELOW ROOF RIDGE LEVEL & BLOCKED OFF LEAVING NO SIGN OF ANY CHIMNEY FROM OUTSIDE. BOTH CHIMNEYS TO BE BLOCKED INSIDE ALSO.• AIR VENTS TO BE ALLOWED FOR.• ALL OLD DRY DASH ON OUTSIDE WALLS TO BE REMOVED & REPLACED BY WET DASH FINNISH.• ALL WORKS CARRIED OUT TO SEAI SPECIFICATIONS BY A ONE STOP SHOP.• ALL WORKS TO BE CARRIED OUT ON DOMESTIC DWELLING.	



Comhairle Contae
Dhún na nGall
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:	OWNER OF DOMESTIC DWELLING.	
If not the Owner of the site, please provide the name of the Landowner:	N/A	
Please list types of plans, drawings etc. submitted with this application:	NONE	
Planning History - list any relevant planning application reference numbers:	N/A	
Are you aware of any enforcement proceedings connected to the site? If so, please supply details:	NO ENFORCEMENT PROCEEDINGS	

I hereby certify that the information provided is true and accurate	
Signature of Applicant/Agent:	Eddie Duff
Date: 6/11/2025	



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

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

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Our Ref: S525/97

10 November 2025

Eddie Duffy
C/o Terence Gallagher

Re: Section 5 – Replacement of doors & windows, replacement roof, installation of solar panels, pumped bead in wall cavities, installation of air to water heating, removal of chimneys and new wet dash to exterior walls

A Chara,

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

Yours sincerely,

Donegal County Council
Planning Services



SECTION 5 REFERRAL REPORT – Ref.No: 25/97

Donegal County Council

1.0 COMMENTS

The subject site is located in Knockagarran, Convooy. 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 the following works are or are not exempted development.

1. Replace all wooden windows & doors with triple glazed PVC windows/doors (No change in sizes)
2. Replacement roof-Slate battons and felt removed and replaced with same materials in same colour.
3. Installation of 10 solar panels on new roof
4. Cavity walls pumped with bead insulation and attic space
5. New Air to water heating system
6. 2 no. chimneys removed
7. Air vents installed
8. Dry dash on external walls to be removed and replaced with wet dash finish

All works carried out to SEAI specifications on the existing domestic dwelling (F93 VH95).



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.

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.’

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

(c) The placing or erection on a roof of a house, or within the curtilage of a house, or on a roof of any ancillary buildings within the curtilage of a house (this class does not include apartments) of a solar photo-voltaic and/or a solar thermal collector installation.

1. The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed 50cm in the case of a flat roof or 15cm in any other case.
2. The solar photo-voltaic or solar thermal collector panels shall be a minimum of 50cm from the edge of a roof on which it is mounted.
3. Any free-standing solar photovoltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the house.
4. The total aperture area of any free-standing solar photo-voltaic and solar thermal collector panels taken together with any other such existing free -standing panels shall not exceed 25 square metres.
5. The placing or erection of any free - standing solar photo -voltaic or solar thermal collector installation shall not reduce the remaining area of private open space, reserved exclusively for the use of the occupants of the house, to the rear or to the side of the house to less than 25 square metres.
6. The height of any free - standing solar photo -voltaic or solar thermal collector installation shall not exceed 2.5 metres at its highest point above ground level.
7. The placing or erection of a solar photo -voltaic or solar thermal collector installation on any wall shall not be exempted development.
8. The placing or erection of any free - standing solar photo -voltaic or solar thermal collector installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.

9. Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo - voltaic or solar thermal collector panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.

4.0 PLANNING HISTORY

95/1202 – permission granted for erection of a garage

17/50855-Construction of a detached domestic storage shed and associated site works

23/51059-Extension of duration approved relating to 17/50855

5.0 ASSESSMENT

5.1 Consideration of Proposed Development:

Part A

It is proposed to Installation of 10 solar panels on new roof (item no. 3 as set out above)

In relation to the placement of 10 photovoltaic panels, class 2 (c) by way of exemption does provide for the placing or erection on a roof of a house, or within the curtilage of a house, or on a roof of any ancillary buildings within the curtilage of a house (this class does not include apartments) of a solar photo-voltaic and/or a solar thermal collector installation. There are 9 conditions and limitations stated. Based on the information submitted it would appear that photovoltaic panels can be provided which would meet the conditions and limitations. An advice note will issue regarding placement of same to ensure adherence to said limitations.

Part B

1. With regard to items nos. 1-2 & 4-8 inclusive as set out above, Externally, the works undertaken do not materially affect the appearance of the building. They are also consistent with the character of the building and the neighbouring buildings.

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

5.2 Conclusion:

It is considered that:

Items nos. 1-8 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) & Part 1 of Schedule 2 to the Planning and 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 to An Bord Pleanala for determination.

6.0 RECOMMENDATION

Part A & B

6.1

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 and for the installation of 10. No solar panels

- 1) Replace all wooden windows & doors with triple glazed PVC windows/doors (No change in sizes)
- 2) Replacement roof-Slate battons and felt removed and replaced with same materials in same colour.

- 3) Installation of 10 solar panels on new roof
- 4) Cavity walls pumped with bead insulation and attic space
- 5) New Air to water heating system
- 6) 2 no. chimneys removed
- 7) Air vents installed
- 8) Dry dash on external walls to be removed and replaced with wet dash finish

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).
- (c) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,


And concluded that:

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

Advice to applicant: Please note the following regarding limitations in terms of Solar panels installation as specified in Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended.

1. The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed 50cm in the case of a flat roof or 15cm in any other case.

2. The solar photo-voltaic or solar thermal collector panels shall be a minimum of 50cm from the edge of a roof on which it is mounted.

Signed: 
Position: Executive Planner
Date: 18/11/2025



Frank Sweeney
Senior Executive Planner
Community Development & Planning Services, 19/11/2025

Chief Executive's Order No: 2025PH3430

Planning and Development Acts 2000 (as amended)

SECTION 5:-

Request received 9th November 2025 from Eddie Duffy c/o Terence Gallagher, Unit 5-6 Enterprise Fund Business Centre, Ballyraine, Letterkenny, Co. Donegal, F92 PNY2 in relation to the refurbishment of existing dwelling house and installation of 10 no. solar panels at Knockagarran, Convoy, Lifford, Co. Donegal, F93 VH95.

SUBMITTED:-

Written request received 9th November 2025 as above and report dated 18th November 2025 from the Executive Planner (Ref. No: S5 25/97 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 20th DAY OF NOVEMBER 2025

Chief Executive's Order No: 2025PH3430

Ref.No: S5 25/97

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) and
- Section 4 (1) (h) of the Planning & Development Act 2000 (as amended).
- Part 1 of Schedule 2 to 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) 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 to the Planning and Development Regulations, 2001, as amended.

Applicant is advised to note the following regarding limitations in terms of Solar panels installation as specified in Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended:

1. The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed 50cm in the case of a flat roof or 15cm in any other case.
2. The solar photo-voltaic or solar thermal collector panels shall be a minimum of 50cm from the edge of a roof on which it is mounted.

YB 20/11



**Comhairle Contae
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Ref. No: S525/97

20th November 2025

EDDIE DUFFY
C/O TERENCE GALLAGHER
UNIT 5-6 ENTERPRISE FUND BUSINESS CENTRE
BALLYRAINE
LETTERKENNY
CO. DONEGAL
F92 PNY2

Re: Refurbishment of existing dwelling house and installation of 10 no. solar panels at Knockagarran, Convoy, Lifford, Co. Donegal, F93 VH95.

A Chara,

I refer to your request received on 9th November 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: 2025PH3430

Reference No: S5 25/97

Name of Requester: EDDIE DUFFY
C/O TERENCE GALLAGHER
UNIT 5-6 ENTERPRISE FUND BUSINESS CENTRE
BALLYRAINE
LETTERKENNY
CO. DONEGAL
F92 PNY2

Summarised Description of development the subject matter of request:

Refurbishment of existing dwelling house and installation of 10 no. solar panels

Location: Knockagarran, Convoy, Lifford, Co. Donegal, F93 VH95.

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:

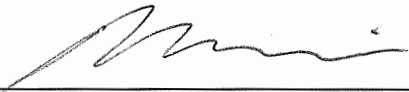
- Section 2 (i), 3 (i), 177U (9) and
- Section 4 (1) (h) of the Planning & Development Act 2000 (as amended).
- Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended

And concluded that:

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act 2000 (as amended) 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 to the Planning and Development Regulations, 2001, as amended.

Applicant is advised to note the following regarding limitations in terms of Solar panels installation as specified in Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended:

- 1. The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed 50cm in the case of a flat roof or 15cm in any other case.**
- 2. The solar photo-voltaic or solar thermal collector panels shall be a minimum of 50cm from the edge of a roof on which it is mounted.**



**For Senior Ex. Planner
Planning Services**

Dated this 20th day of November 2025