

From: [CARMEL KELLY](#) on behalf of [planning mailbox](#)
To: [GEORGINA GALLAGHER](#)
Subject: FW: Finn Valley Ac Clg
Date: Wednesday 24 September 2025 14:35:48
Attachments: [fillable-section-5-declaration-of-exemption-application-form.pdf](#)
[25-106-105A_Site Location Map.pdf](#)

From: patsy mcgonagle [REDACTED]
Sent: 24 September 2025 14:31
To: planning mailbox <Planning@Donegalcoco.ie>
Subject: Finn Valley Ac Clg

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.

Receipt number re Section 5 LKY-0-809035

Should you require any additional info you can get me [REDACTED]

Thank You

Patsy



Planning Services

RECEIVED DATE: 24/09/2025



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

SECTION 5 APPLICATION

FOR DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

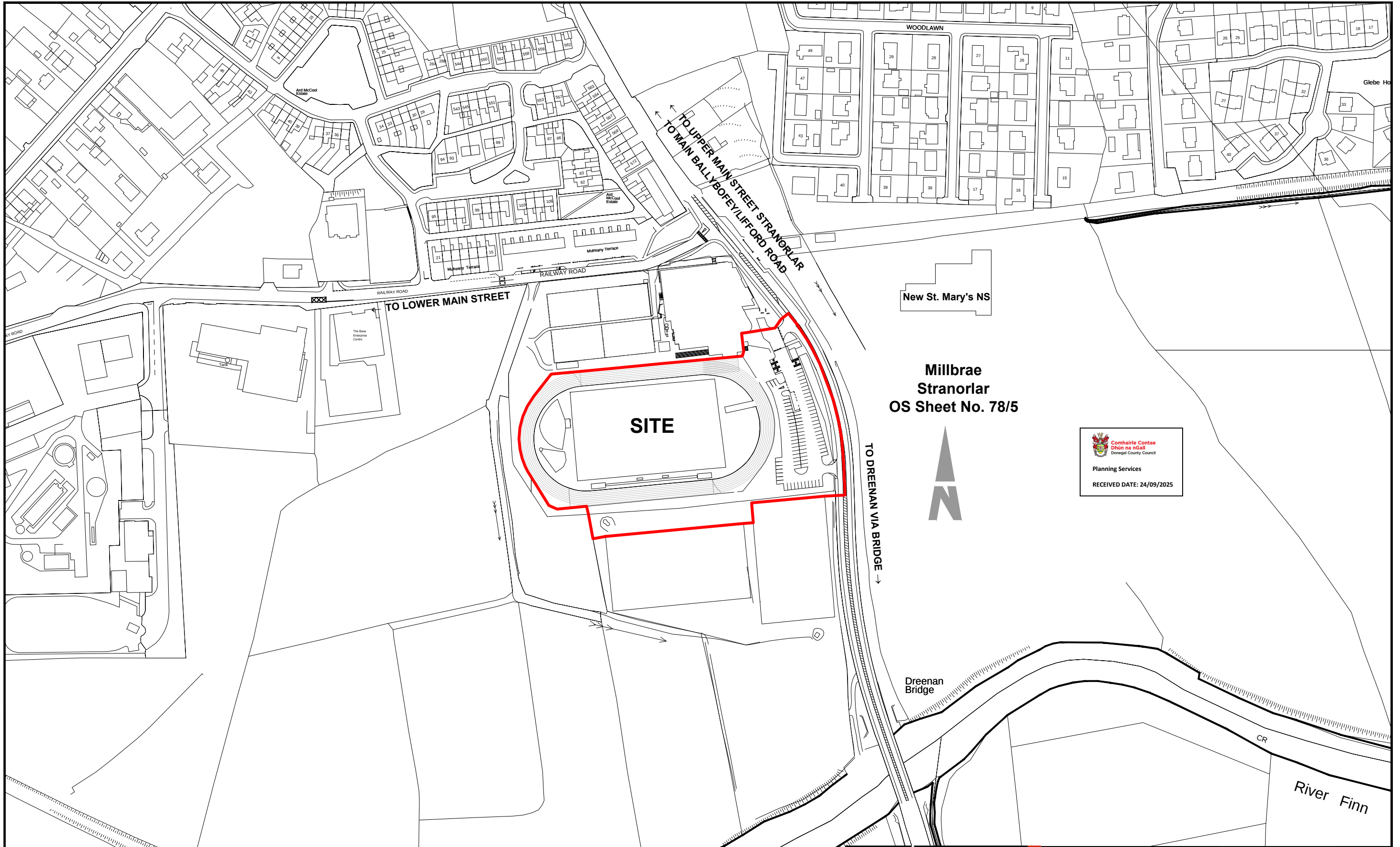
**Completed application form & supporting documentation to be returned to the
Planning Authority by email to planning@donegalcoco.ie**

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)	



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:	



site layout scale 1:2500



McCullagh
Architecture & Surveying Limited
Architectural Design & Building Surveying
Registered Loss Assessors & Access Auditors

Glenfrin Road T: 074 9132994
Ballybofey P: 074 9130921
Co. Donegal E: info@mcclagh.ie

www.mcclagh.ie

Project: PROPOSED UPGRADE OF TRAINING FACILITIES
OF FINN VALLEY ATHLETIC CLUB
AT MILLBRAE
STRANORLAR

Client: Finn Valley Athletic Club

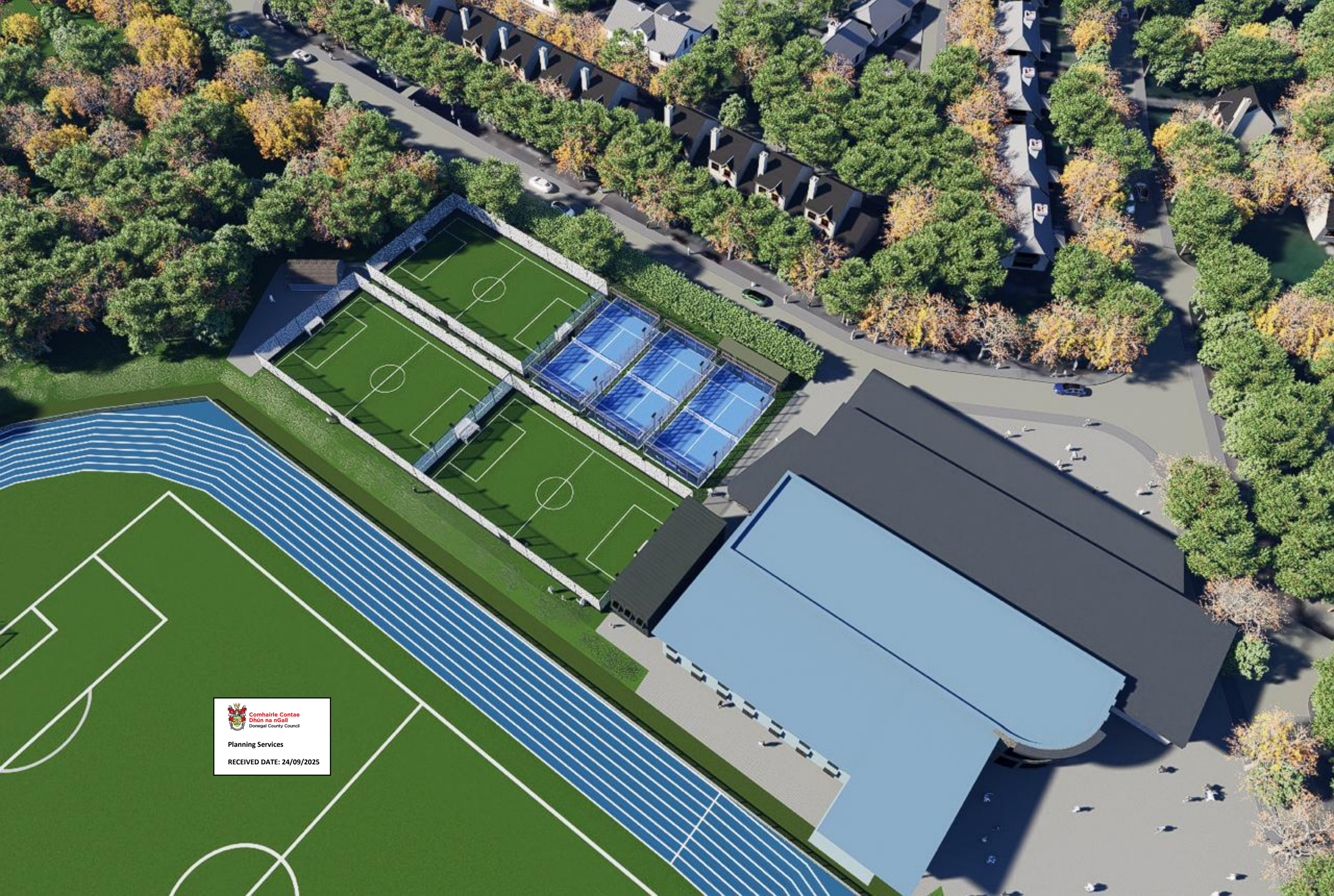
Drawing: Site Location Map Title:	
Date: June 2025	Scale: 1 : 2500
Job Ref: BMC / JM / 25 / 106 / 105A - Tender Issue	
Ordnance Survey Ireland Licence No: CYAL50164659	



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

Planning Services

RECEIVED DATE: 24/09/2025





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

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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

Our Ref.: S525/77

by email to:

finnvalley1@gmail.com

24/09/2025

Finn Valley ac Clg
C/o Patsy McGonagle
Mill Brae
Stranorlar

Re: Section 5 - Application for proposed development at Mill Brae Stranorlar

A Chara,

I wish to acknowledge receipt of your application received on 24 September in relation to the above.

Mise, le meas,

Donegal County Council
Planning Services



SECTION 5 REFERRAL REPORT – Ref.No: 25/77

Donegal County Council

1.0 COMMENTS

The subject site comprises of an athletic club Finn Valley AC Clg, located Millbrae, Stranolar in of the town of Stranolar, Co. Donegal. It is located within the Plan Boundary for Stranolar on lands zoned as Established Development.

The site fronts onto two local roads and comprises a building with external parking, pitches and running track.

The declaration request form is accompanied by aerial drawings of the building and existing and proposed courts the subject of this declaration.

The question raised is as follows :

I wish to seek permission to repurpose multi use games area namely an astro pitch into paddle courts . This involves minimal works with a non-material change to the existing pitch.

Note: I contacted the applicant to clarify the nature of the development and question and same can be considered as follows:

Whether the repurposing of the existing astro turf (synthetic) pitch which will involve no alteration of surface material or drainage of the pitch and will necessitate ancillary sports equipment (being netting and internal fencing between the courts) needed to support the development with no alteration to the surface of the pitch or to overall external perimeter fencing and lighting is or is not exempted development?

The existing building and associated attendant grounds not listed on the Council's Record of Protected Structures nor is it included on the National Inventory of Architectural Heritage.

2.0 PLANNING HISTORY

 028022	Application Finalised	CONSTRUCTION OF 4 NO. SYNTHETIC PITCHES, ASSOCIATED DRAINAGE, TOWER LIGHTING AND A BOUNDARY FENCE
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06	60316	Application Finalised	ERECTION OF NEW FITNESS AREA/SUITE AND EQUIPMENT STORAGE AREAS AND ASSOCIATED SITE WORKS
07	60318	Application Finalised	ERECTION OF 8 NO. 10 METRE LIGHTING TOWERS AND INSTALLATION /LAYING OF SYNTHETIC GRASS TO MAIN PLAYING PITCH INCLUDING ALL ASSOCIATED SITE AND GROUND WORKS
18	50302	Application Finalised	A STORAGE BUILDING FOR SPORTS AND ATHLETICS EQUIPMENT AND PERMISSION FOR CONSTRUCTION OF AN EXTENSION TO THE REAR (WESTERN) SIDE OF EXISTING BUILDING. THE PROPOSED EXTENSION SHALL PROVIDE 4 NO. CHANGING ROOMS, 2 NO. OFFICIALS CHANGING, A SPORTS EXHIBITION AREA, TOILET FACILITIES AND ASSOCIATED SITE DEVELOPMENT WORKS
22	51228	Application Finalised	Conditional INSTALLATION OF 1,106 SQUARE METERS OF SOLAR PV (PHOTO VOLTAIC) PANELS ONTO THE ROOF AREAS OF BOTH FINN VALLEY ATHLETIC CENTRE AND FINN VALLEY LEISURE CENTRE AND ASSOCIATED SITE DEVELOPMENT WORKS

This S5 request relates to the synthetic pitches permitted under the aforementioned 2002 application. The sporting use of the pitches was not defined in either the development description or the conditions.

3.0 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 4

‘(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.*’

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”.

Planning and Development Regulations, 2001 (as amended)

Article 6(1)

provides that development of a class, as specified in Column 1 of Part 1 in Schedule 2, shall be exempted development for the purposes of the Act, provided that such development complies with the conditions specified in Column 2, and subject to Article 9 of the Regulations which outlines certain restrictions on exempted development.

Article 9 (1) Restrictions on exemption

Development to which article 6 relates shall not be exempted development for the purposes of the Regulations- (a) (i) to (xii)

Schedule 2, Part 1 outlines classes of exempt development – general

Development for amenity or recreational purposes

CLASS 33

Development consisting of the laying out and use of land –

(a) as a park, private open space or ornamental garden

(b) as a roadside shrine, or

(c) for athletics or sports (other than golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), where no charge is made for admission of the public to the land.

Condition & Limitation:

The area of any such shrine shall not exceed 2 square metres, the height shall not exceed 2 metres above the centre of the road opposite the structure and it shall not be illuminated.

- The proposal relates to a charged development and as such does not fall within the description of class 33.

4.0 ASSESSMENT

4.1 Consideration of Proposed Development:

4.2 A) Planning & Development Act, 2000(As Amended):

- (i) The repurposing of the existing astro turf (synthetic) pitch will involve no alteration of surface material or drainage of the pitch and will necessitate ancillary sports equipment (being netting and internal fencing between the courts) needed to support the development with no alteration to the surface of the pitch or to overall external perimeter fencing and lighting. The physical installation of the fencing *is* considered to be “works” and it is therefore accepted that the process involved constitutes “*development*” as defined under S2(1) & S3(1) respectively of the Planning And Development Act, 2000(as amended).

It is also considered that the proposed works noted above do 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) *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.*

- (ii) Based on the nature of the works, Appropriate Assessment is not a consideration in the assessment of this referral as per Section 177U(9).

B) Planning & Development Regulations, 2001(as amended)

- (i) Having regard to Article 6(1), which states that:

‘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.’ Whereby S9(1)(a) which sets out restrictions on exempted development, where the development would:

- i (i) *contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act, or*

It is considered that in the case of the proposed development at the Finn Valley AC CLG, that the conditions set out in the grant of permission under Reg. Ref 02/8022 do not restrict the sporting nature of the use. Therefore, Section 9(1)(a) does not apply to the proposed development.

Having regard to The Planning and Development Act , 2000 (as Amended)

Conclusion:

It is considered that:

- (i) The repurposing of the existing astroturf (synthetic) pitch will involve no alteration of surface material or drainage of the pitch and will only necessitate ancillary sports equipment (being netting and internal fencing between the courts) needed to support the development with no alteration to external perimeter fencing and lighting is considered to be “development” within the meaning of the Act, being works, but is *exempted development* under the scope of Section 4 (1) (h) of the Planning & Development Act 2000 (as amended).
- (ii) the proposed development, when assessed against Article 6(1) of the Primary Planning and Development Regulations, 2001 (as amended) ‘*Subject to Article 9, S9(1)(a)* does not apply to the proposed development.

5.0 RECOMMENDATION

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:

(i) The repurposing of the existing astroturf(synthetic) pitch will involve no alteration of surface material or drainage of the pitch and will only necessitate ancillary sports equipment (being netting and internal fencing between the courts) .

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

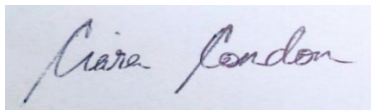
(a) Section 2 (i), 3 (i), 177U (9) and Section 4 (1) (h) of the Planning & Development Act 2000 (as amended).

(b) Articles 6(1) & 9 (i)(a) and Part 1 of Schedule 2 of the Planning & Development Regulations, 2001 (as amended) including Class 33

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) and Articles 6(1) & 9 (i)(a) and Part 1 of Schedule 2 of the Planning & Development Regulations, 2001 (as amended)

Signed:



**Position: Executive Planner
 Community Development & Planning Services**

Date: 17/10/2025



Frank Sweeney
Senior Executive Planner
Community Development & Planning Services
17/10/2025

Chief Executive's Order No: 2025PH3021

Planning and Development Acts 2000 (as amended)

SECTION 5:-

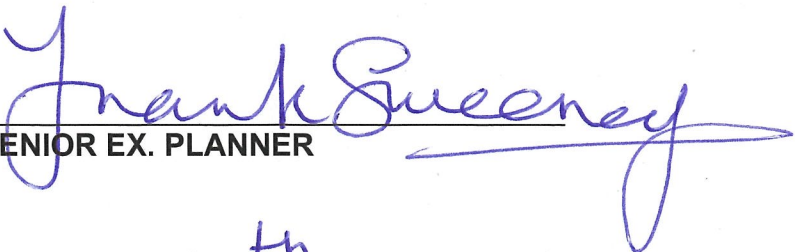
Request received 24th September 2025 from Finn Valley AC CLG C/o Patsy McGonagle Millbrae Stranorlar Co. Donegal F93 NV0T in relation to the repurposing multi use games area namely an astro pitch into paddle courts at Mill Brae, Stranorlar, Co. Donegal

SUBMITTED:-

Written request received 24^h September 2025 as above and report dated 17th October 2025 from the Executive Planner (Ref. No: S5 25/77 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 17th DAY OF OCTOBER 2025

Chief Executive's Order No: 2025PH3021

Ref.No: S5 25/77

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).
- Articles 6(1) & 9 (i)(a) and Part 1 of Schedule 2 of the Planning & Development Regulations, 2001(as amended) including Class 33.

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) and Articles 6(1) & 9 (i)(a) and Part 1 of Schedule 2 of the Planning & Development Regulations, 2001(as amended)

JS 17/10



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

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Planning Services
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Ref. No: S525/77

17th October 2025

FINN VALLEY AC CLG
C/O PATSY MCGONAGLE
MILL BRAE
STRANORLAR
CO. DONEGAL
F93 NV0T

Re: Repurposing multi use games area namely an astro pitch into paddle courts at Mill Brae, Stranorlar, Co. Donegal.

A Chara,

I refer to your request received on 24th September 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**

/jmcc

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

DECLARATION

Chief Executive's Order No: 2025PH3021

Reference No: S525/77

Name of Requester: FINN VALLEY AC CLG
C/O PATSY MCGONAGLE
MILL BRAE
STRANORLAR
CO. DONEGAL
F93 NV0T

Summarised Description of development the subject matter of request:

Repurposing multi use games area namely an astro pitch into paddlecourts

Location: Mill Brae, Stranorlar, Co. Donegal

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).
- Articles 6(1) & 9 (i)(a) and Part 1 of Schedule 2 of the Planning & Development Regulations, 2001(as amended) including Class 33.

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) and Articles 6(1) & 9 (i)(a) and Part 1 of Schedule 2 of the Planning & Development Regulations, 2001(as amended)



For Senior Ex. Planner
Planning Services

Dated this 17th day of October 2025