

From: [MARTINA PARKE \(PLANNING\)](#) on behalf of [planning mailbox](#)
To: [MARTINA PARKE \(PLANNING\)](#)
Subject: FW: Section 5 Application - Fincashel, Pettigo
Date: 06 February 2026 14:28:46
Attachments: [Section 5 Application.pdf](#)
[Location Map.pdf](#)
[Appendix 1 - Dept Correspondence.pdf](#)
[Receipt No. Donegal-0-1030849.pdf](#)

From: Eunan Britton <brittonssales@hotmail.com>
Sent: 06 February 2026 14:12
To: [planning mailbox](#) <Planning@Donegalcoco.ie>
Subject: Section 5 Application - Fincashel, Pettigo

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Subject: Section 5 Application - Fincashel, Pettigo

A Chara

Please find attached Section 5 application along with receipt no. DONEGAL/0/1030849.

I am seeking a Section 5 declaration that the felling of 2.06 ha of spruce and 0.31 ha of broadleaf, which is an activity that is licensed under Section 6 of the Forestry Act 2014 (No. 31 of 2014), at the location outlined in red on the attached map, is exempted development.

The following statutory provisions of relevance are noted:

- Section 4(1)(i) and Section 4(4A) of the Planning & Development Act 2000 (as amended)
- Article 3 of SI 219/2013 Planning & Development (Amendment) Regulations 2013 and subsequently substituted by Article 2(a) of SI no 45/2020 Planning & Development Act 2000 (Exempted

Development) Regulations 2020

- Article 8F of the Planning & Development Regulations 2001 (as amended).

Should you require any further information, please do not hesitate to contact me.

Yours faithfully

Eunan Britton



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

Planning Services

RECEIVED DATE: 06/02/2026



**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):	EUNAN BRITTON
Agent Name: (if applicable)	
Location of Proposed Development / Works: (Townland or postal address as appropriate and Eircode if available)	FINCASHEL PETTIGO
Description of Proposed Development including details of works (where applicable): (Only works listed below will be assessed under <u>this</u> section 5 application)	
<p>PROPOSED DEFORESTATION OF 2.37HA OF COMMERCIAL FOREST AS PER TREE FELLING LICENCE APPLICATION TFL01068324</p>	



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	
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:	MAP	
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:	N/A	

I hereby certify that the information provided is true and accurate	
Signature of Applicant/Agent:	
Date:	26/1/2026



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

Planning Services

RECEIVED DATE: 06/02/2026

26-Jan-2026

MR EUNAN P BRITTON
FINCASHEL
PETTIGO
CO DONEGAL

Re: Request for Further Information TFL01068324

Dear Mr Eunan P Britton,

Following a review of the above Felling application, the following further information is required.

Advice/Remarks:

TFL01068324 s proposing deforestation. As deforestation is not listed as an `exempted development; in the Planning & Development Acts or Regulations, projects involving deforestation must obtain (in addition to a felling licence) planning permission or a Section 5 declaration either from the local planning authority. See section 3.4.1 of the Felling and Reforestation Policy Document May 2017.

Please submit an approved Planning Permission or a Section 5 Declaration from the Local Authority.

Please send the above information to Felling Section, Forestry Division at the address below, or by email to felling.forests@agriculture.gov.ie within 8 weeks of the date of this letter. As per Circular 06/2022 (Changes in Further Information Request Policy), failure to provide the requested information within 8 weeks may result in the removal of your application from active worklists.

If you believe that you cannot address the FIR in the timeframe given, please contact the Felling Section without delay, outlining the reasons and your proposed response date.

Please note, no further action can be taken on this application until we receive the above information.

Kind Regards,

Brid Miller

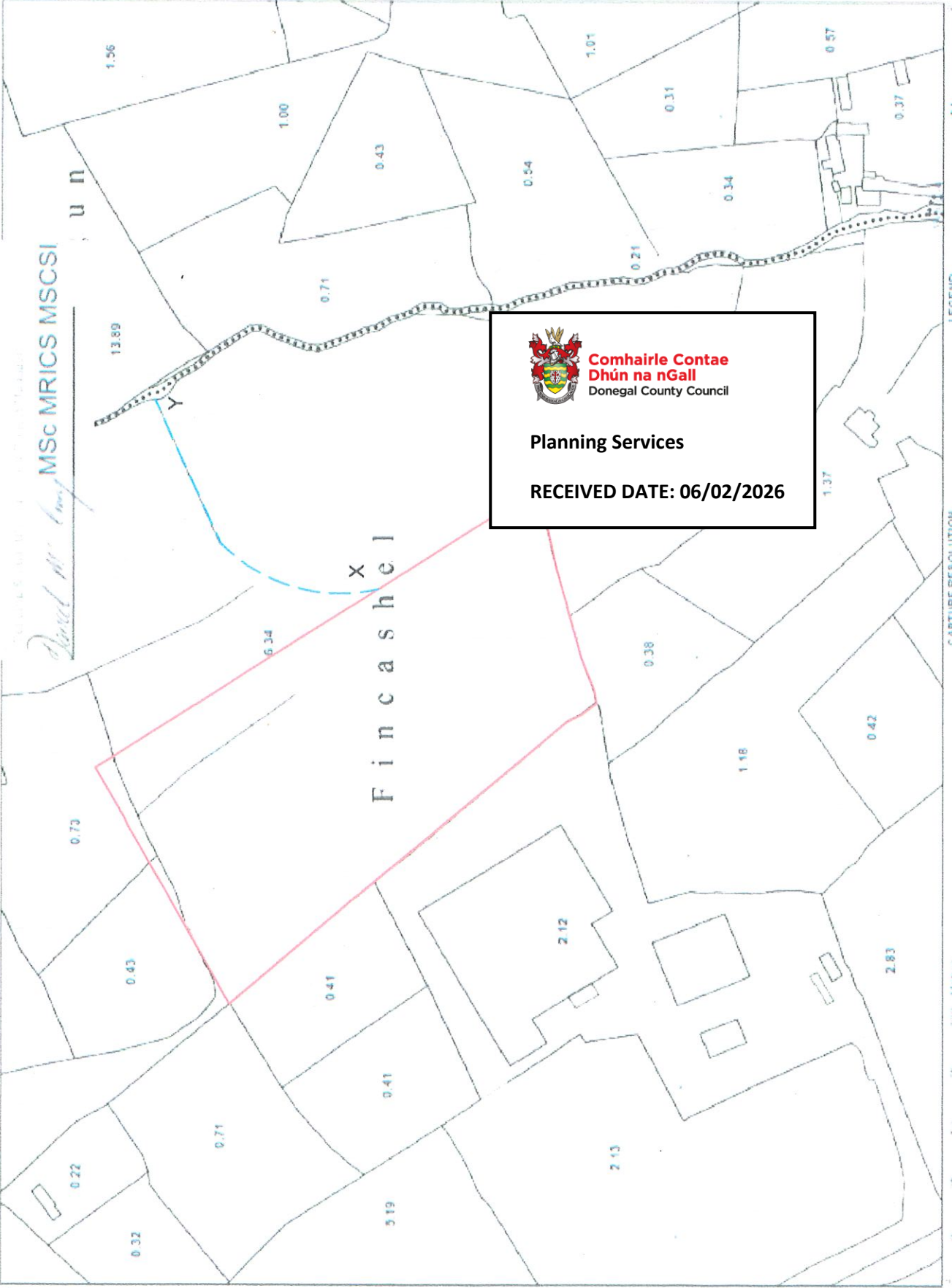
BRID MILLER
Felling Section, Forestry Division
DAFM, Johnstown Castle Estate
Co. Wexford
053 9163425

Land Registry Compliant Map

Area Encl: 2.43 HA / 6.00 AC
Wayleave to Stream Inc. 5m
Buffer Zone Marked Blue



Tailte
Fireann



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Dhún na nGall**
Donegal County Council

Planning Services

RECEIVED DATE: 06/02/2026

CENTRE COORDINATES:
ITM 603665.566247

PUBLISHED:
26/03/2024

MAP SERIES:
1:2,500

ORDER NO.:
503911013

MAP SHEETS:
0006-A

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LEGEND
To view the legend visit
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CAPTURE RESOLUTION
The map depicts a reality as close to the
reality as it can be captured

OUTPUT SCALE: 1:2,500

0 10 20 30 40 50 60 70 80 90 100 METRES

N



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

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W: www.ccdhunnangall.ie

Planning Services
E: planning@donegalcoco.ie

E-mail: brittonssales@hotmail.com

Our Ref: S526/15

9th February 2026

Eunan Britton
Carntressey
Pettigo
Co Donegal

Re: Application to determine if proposed deforestation of 2.37ha of commercial forest at Fincashel Pettigo is “exempted development” or not.

A Chara,

I wish to acknowledge receipt of your application received on 6th February 2026 in relation to the above.

Yours sincerely,

Martina Parke

Donegal County Council
Planning Services



SECTION 5 REFERRAL REPORT – Ref.No: 26/15

Donegal County Council

1.0 COMMENTS

The subject site is an existing stand of mixed coniferous and broadleaf forest at Fincashel, Pettigo.

The proposed works are as follows:

1. Deforestation of 2.37ha of commercial coniferous and broadleaf trees.

The existing forest is located within an area designated as Structurally Weak and as Moderate Scenic Amenity in the County Development Plan 2024-2030. It is located at least 2kms from any designated Natura 2000 site.

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".

Planning & Development Act, 2000(as amended)

Section 4.—(1) The following shall be exempted developments for the purposes of this Act—

(i) development consisting of the thinning, felling and replanting of trees, forests and woodlands, the construction, maintenance and improvement of non-public roads serving forests and woodlands and works ancillary to that development, not including the replacement of broadleaf high forest by conifer species;

Planning & Development Regulations 2001 (as amended)

Article 8F. Development (other than the replacement of broadleaf high forest by conifer species) that is licensed or approved under section 6 of the Forestry Act 2014 (No. 31 of 2014) and that consists of – (a) the thinning, felling or replanting of trees, forests or woodlands, or (b) works ancillary thereto, shall be exempted development

4.0 ASSESSMENT

4.1 Consideration of Proposed Development:

- (i) The existing forestry is not within an area of High Scenic Amenity.
- (ii) The use of the forestry is commercial and the majority of the trees are coniferous.
- (iii) 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) (i) of the Planning & Development Act 2000 (as amended) and Article 8F of the Planning & Development Regulations 2001 (as amended)

- (iv) Appropriate assessment is not a consideration in the assessment of this referral.

4.2 Conclusion:

It is considered that:

Deforestation of commercial forestry

constitutes “development” within the meaning of the Act, being works, but is exempted development under the scope of Section 4 (1) (i) of the Planning & Development Act 2000 (as amended) and Article 8 F 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 to An Bord Pleanala for determination.

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:

Deforestation of commercial forestry

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

- (a) Section 2 (i), 3 (i), 177U (9) and
- (b) Section 4 (1) (i) of the Planning & Development Act 2000 (as amended)
- (c) Article 8 F of the Planning & Development Regulations 2001 (as amended).

And concluded that:

The proposal is development and is exempted development coming within the scope of Section 4 (1) (i) of the Planning & Development Act 2000 (as amended) and Article 8F of the Planning & Development Regulations 2001 (as amended).

A. Quinn

Executive Planner
Development Applications Unit
20/02/2026.

JS

Frank Sweeney
Senior Executive Planner
Community Development & Planning Services
23/02/2026

DONEGAL COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (AS AMENDED)

**Chief Executive
Order No:**

2026PH0550

Ref Number:

S526/15

Section 5:

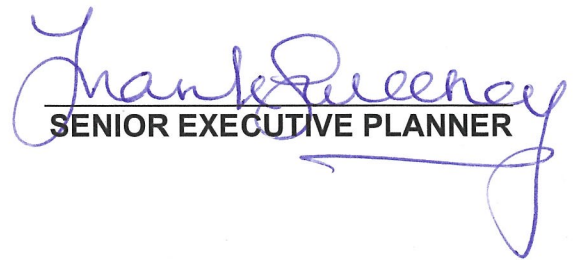
Request received 6th February 2026 from Eunan Britton Carntressy, Pettigo, Co. Donegal F94 FFD3 in relation to the deforestation of 2.37ha of commercial coniferous and broadleaf trees at Fincashel, Pettigo, Co. Donegal.

Submitted:

Written request received 6th February 2026 as above and report dated 20th February 2026 from the Planner (Ref. No: S5 26/15 refers).

Order:

Having considered the said request, the report of the 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 EXECUTIVE PLANNER

DATED THIS 27th DAY OF FEBRUARY 2026



Ref. No: S526/15 - Chief Executive Order No: 2026PH0550

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) (i) of the Planning & Development Act 2000 (as amended)
- Article 8 F of the Planning & 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) (i) of the Planning & Development Act 2000 (as amended) and Article 8F of the Planning & Development Regulations 2001 (as amended).

JS 27/02



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

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W: www.ccdhunnangall.ie

Planning Services
E: planning@donegalcoco.ie

Ref. No: S526/15

27th February 2026

EUNAN BRITTON
CARNTRESSY
PETTIGO
CO. DONEGAL
F94 FFD3

**Re: Deforestation of 2.37ha of commercial coniferous and broadleaf trees at Fincashel,
Pettigo, Co. Donegal.**

A Chara,

I refer to your request received on 6th February 2026 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 Executive Planner
Planning Services**

/jmcc

Planning and Development Acts, 2000 (as amended)

(Declaration and Referral on Development and Exempted Development)

DECLARATION

Chief Executive Order No: 2026PH0550
Reference No: S526/15
Name of Requester: EUNAN BRITTON
CARNTRESSY
PETTIGO
CO. DONEGAL
F94 FFD3

Summarised Description of development the subject matter of request:

Deforestation of 2.37ha of commercial coniferous and broadleaf trees.

Location: Fincashel, Pettigo, Co. Donegal.

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

IS Development

IS Exempted Development

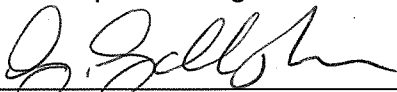
WITHIN THE MEANING OF THE ABOVE ACT

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

- Section 2 (i), 3 (i), 177U (9) and
- Section 4 (1) (i) of the Planning & Development Act 2000 (as amended)
- Article 8 F of the Planning & 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) (i) of the Planning & Development Act 2000 (as amended) and Article 8F of the Planning & Development Regulations 2001 (as amended).



**For Senior Executive Planner
Planning Services**

Dated this 27th day of February 2026