

**From:** [MARTINA PARKE \(PLANNING\)](#) on behalf of [planning mailbox](#)  
**To:** [MARTINA PARKE \(PLANNING\)](#)  
**Subject:** FW: Section 5 application.  
**Date:** 27 February 2026 13:05:58  
**Attachments:** [Tommy Doherty Shed Map 1.pdf](#)  
[Tommy Doherty Section 5.pdf](#)  
[Tommy Doherty Shed 2.pdf](#)  
[Consent Tommy Doherty for shed.pdf](#)

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**From:** patrick canning <canning1@hotmail.com>  
**Sent:** 27 February 2026 12:51  
**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.**

Please find a Section 5 application from Tommy Doherty at Moness, Burt, Co.Donegal looking to construct a slatted house with an underground slatted tank that exceeds beyond the shed out into the open farmyard.

A payment of €80.00 has been paid to the council receipt no.99556.

Thanks

P.Canning

086-3839004





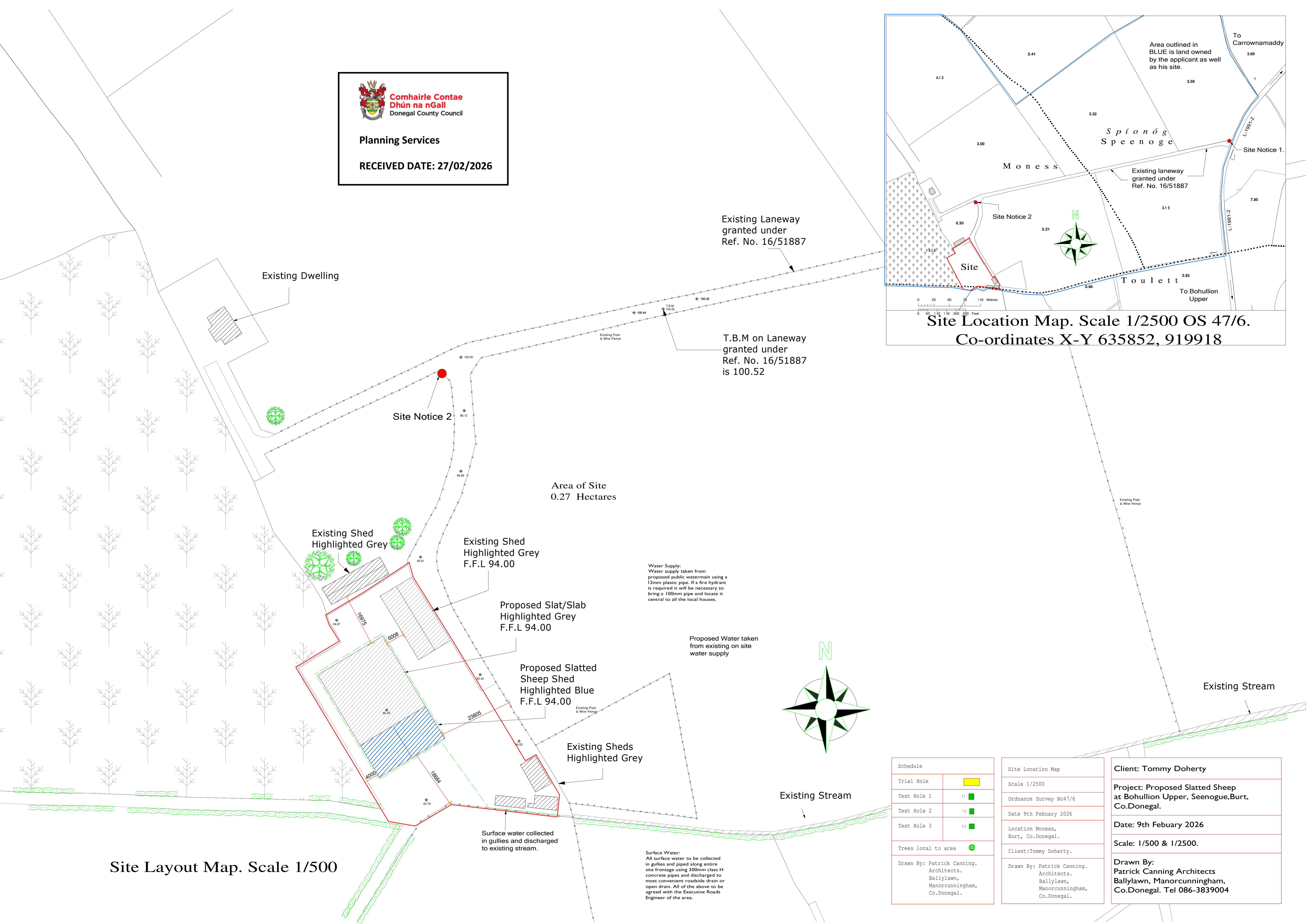
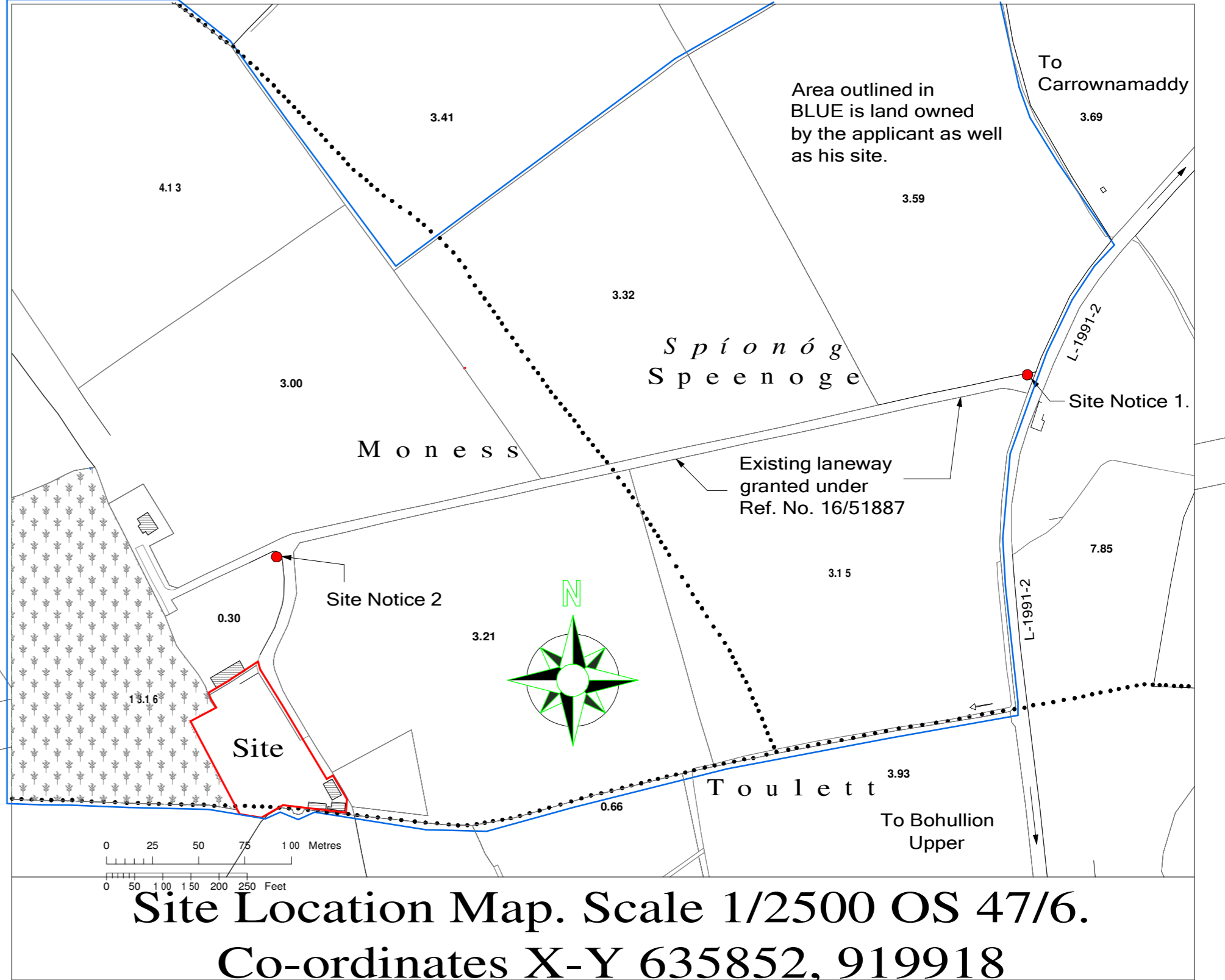
<b>Is the development a Protected Structure or within the curtilage of a Protected Structure?</b>	<b>Yes</b>	<b>No</b>
<b>Has a declaration under Section 57 of the Planning and Development Act 2000 (as amended) been requested or issued in respect of the property.</b>	<b>Yes</b>	<b>No</b>
<b>Applicant(s) Interest in the site:</b>		
<b>If not the Owner of the site, please provide the name of the Landowner:</b>		
<b>Please list types of plans, drawings etc. submitted with this application:</b>		
<b>Planning History - list any relevant planning application reference numbers:</b>		
<b>Are you aware of any enforcement proceedings connected to the site? If so, please supply details:</b>		

<b>I hereby certify that the information provided is true and accurate</b>	
<b>Signature of Applicant/Agent:</b>	<i>Ramy .</i>
<b>Date:</b>	

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

**Planning Services**

**RECEIVED DATE: 27/02/2026**

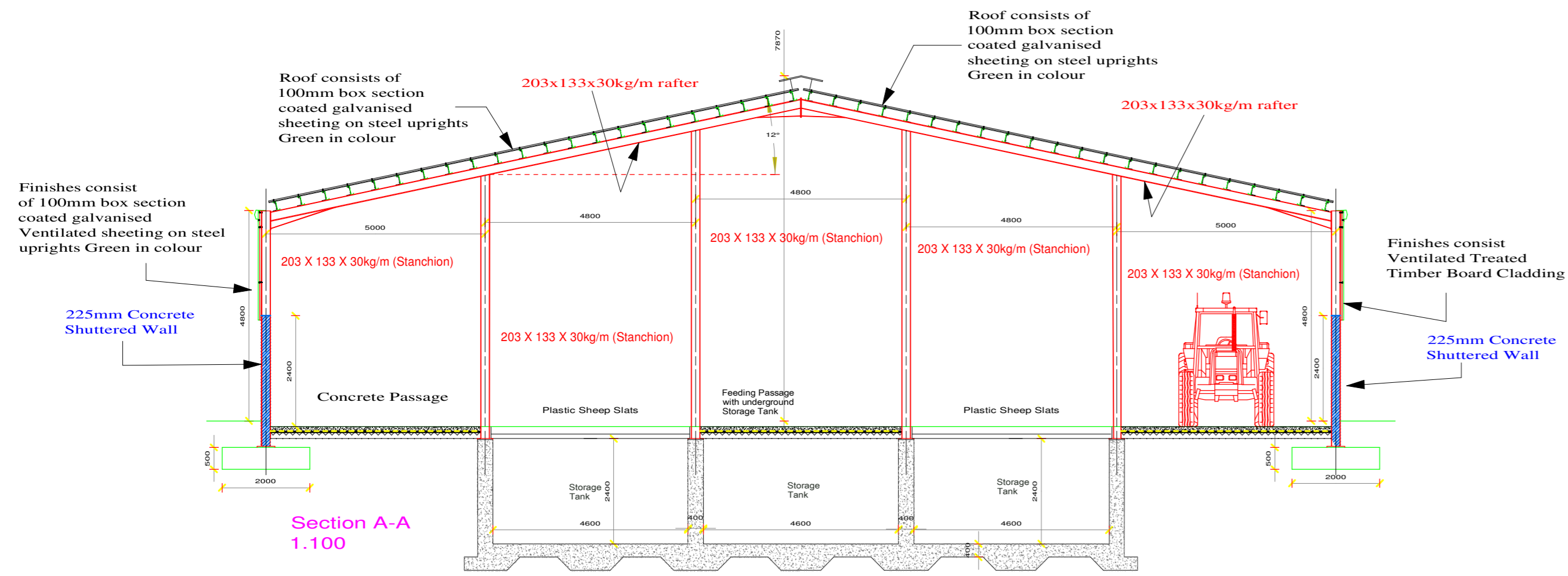


**Site Layout Map. Scale 1/500**

Schedule	
Trial Hole	
Test Hole 1	
Test Hole 2	
Test Hole 3	
Trees local to area	
Drawn By: Patrick Canning, Architects, Ballylawn, Manorcunningham, Co. Donegal.	

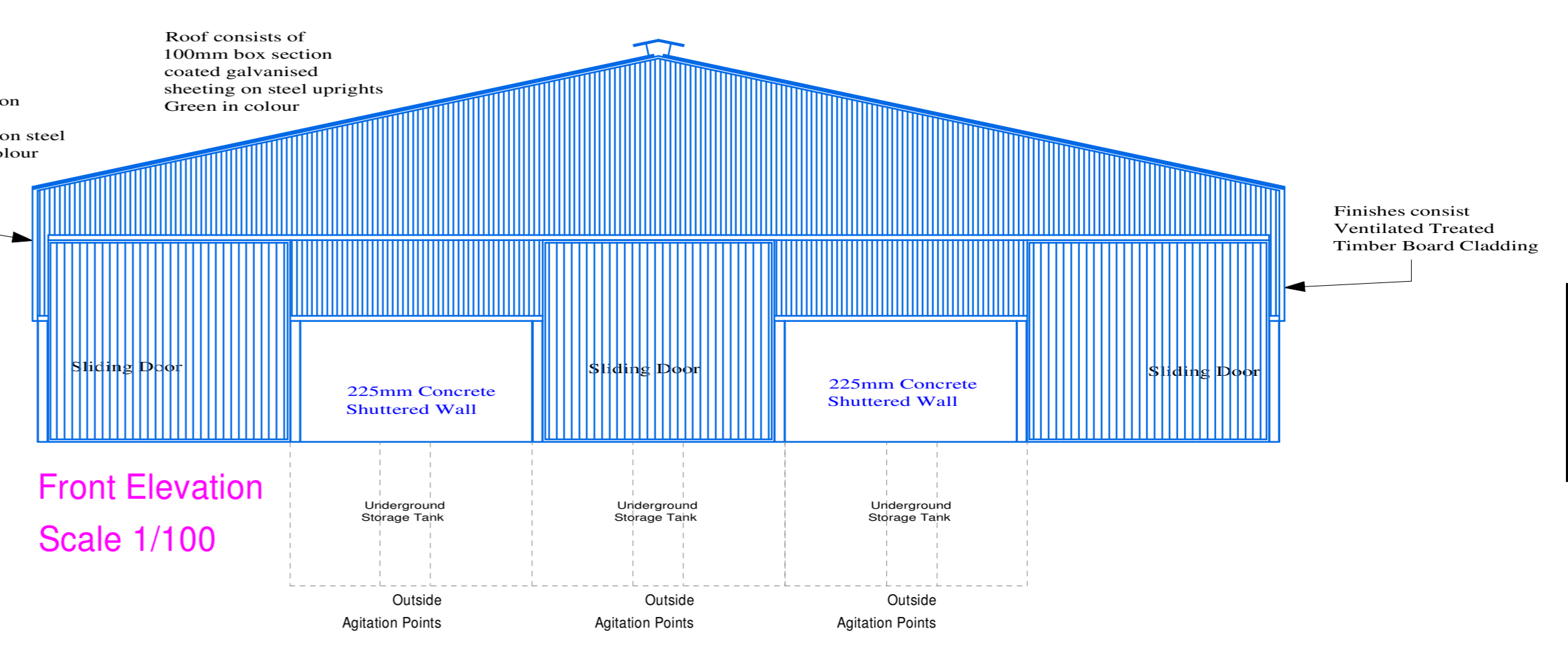
Site Location Map
Scale 1/2500
Ordnance Survey No47/6
Date 9th February 2026
Location Moness, Burt, Co. Donegal.
Client: Tommy Doherty.
Drawn By: Patrick Canning, Architects, Ballylawn, Manorcunningham, Co. Donegal.

<b>Client: Tommy Doherty</b>
<b>Project: Proposed Slatted Sheep at Bohullion Upper, Seenogue, Burt, Co. Donegal.</b>
<b>Date: 9th February 2026</b>
<b>Scale: 1/500 &amp; 1/2500.</b>
<b>Drawn By: Patrick Canning Architects, Ballylawn, Manorcunningham, Co. Donegal. Tel 086-3839004</b>



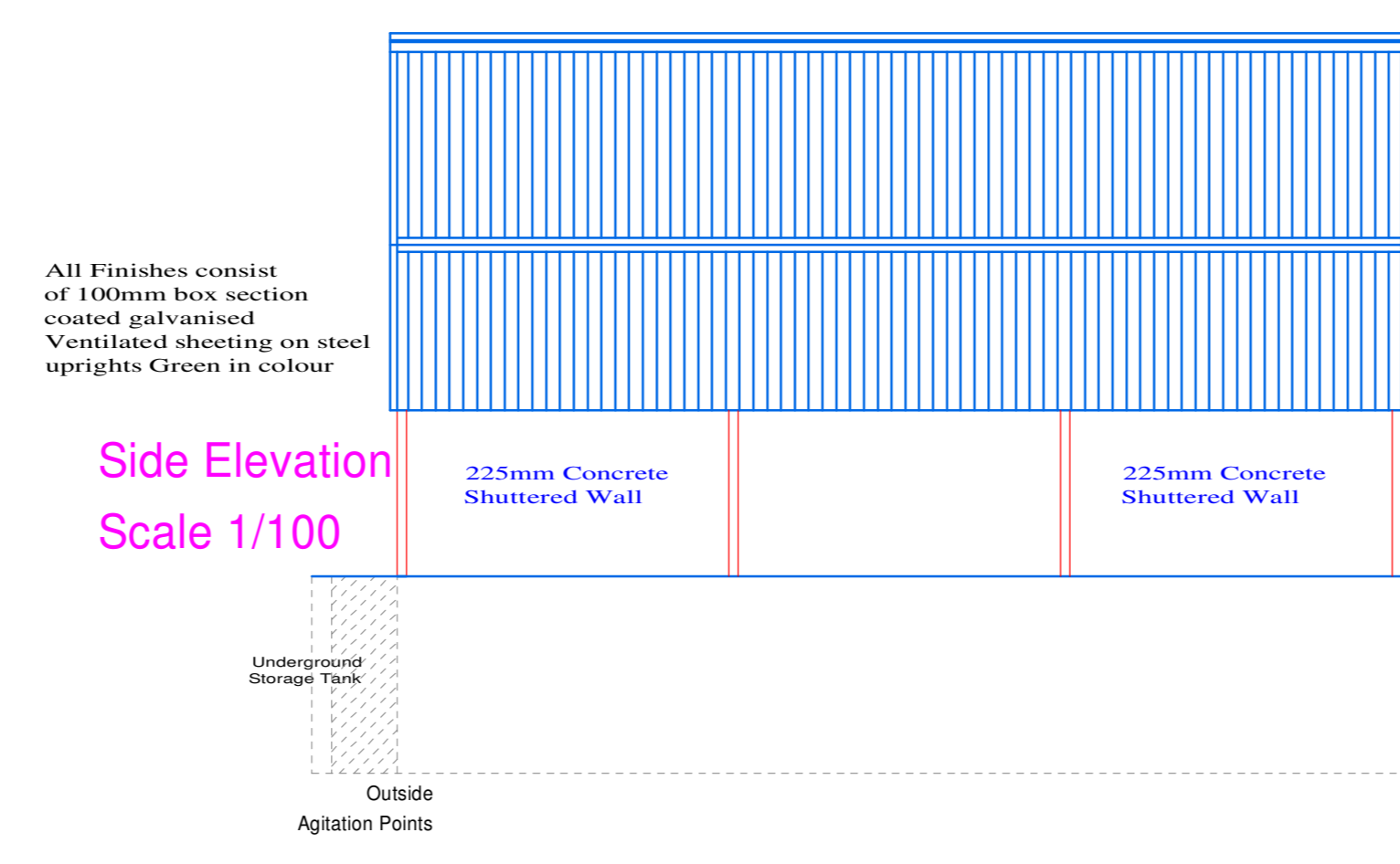
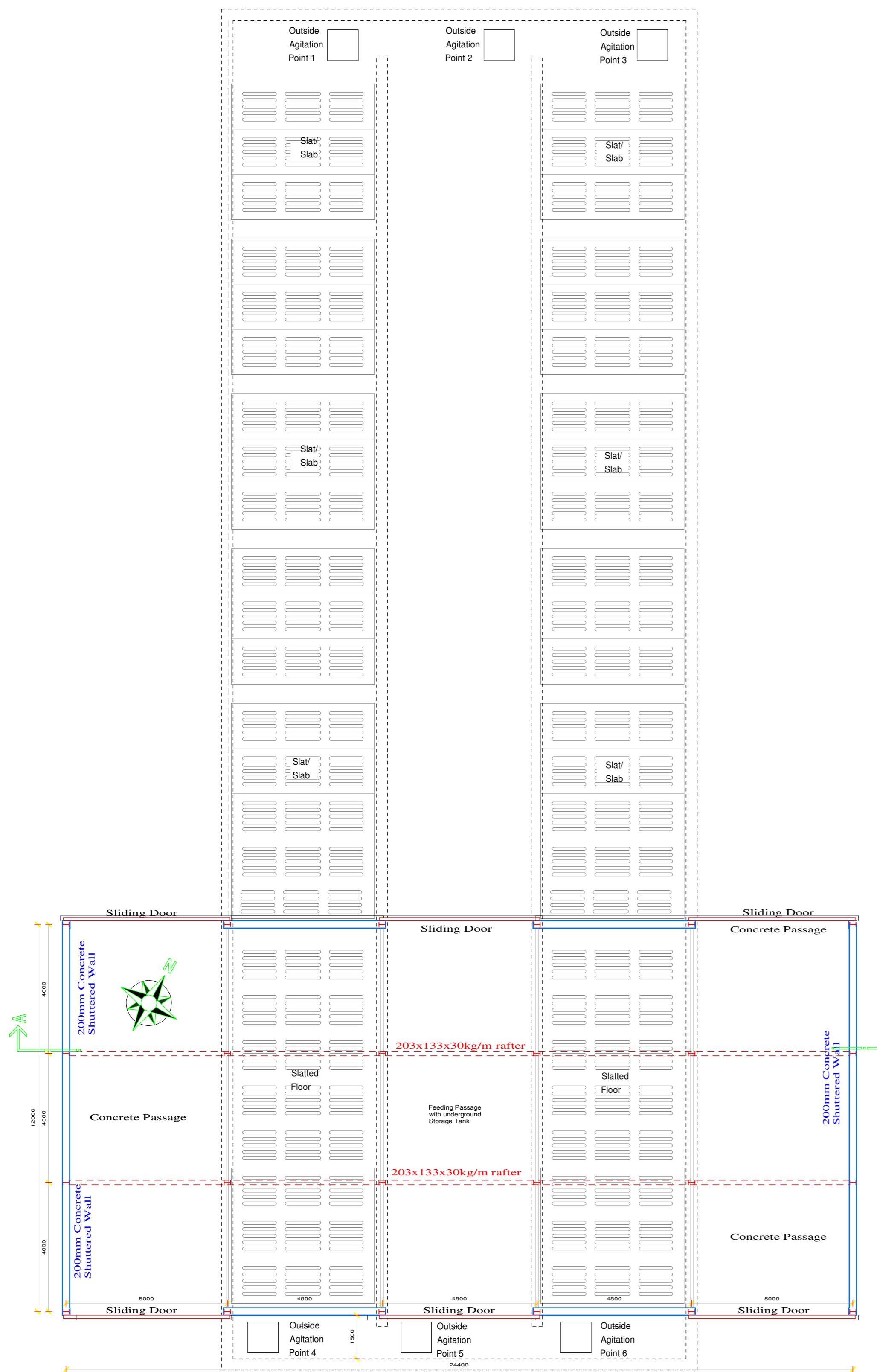
All houses for animals shall have a minimum eaves height of 3m, except milking premises and dairies where 2.75m is permitted. In loose and creep houses an eaves height of 4m is recommended to facilitate machinery usage.

**NON LOAD-BEARING SUPERSTRUCTURE WALLS**  
Where stanchions are at 4.8m spacing or less, the infill wall shall be a minimum of 150mm thick. Where stanchions are spaced between 4.8m and 6.4m, then the wall thickness shall be at least 200mm.



Front Elevation  
Scale 1/100

Note: For stanchions erected, or portal frames carried, on tank walls, see Clause 4.7, S123. The stanchions shall be inserted into the piers a minimum depth of 600mm or alternatively, shall be secured to the piers in an approved manner using steel base plates (min thickness 12mm) welded to the base of the stanchion, and holding down bolts. Corner stanchions shall be bolted down with 4 No. 20mm holding down bolts, 450mm long. Bolts holes in base plate to be a minimum of 40mm in from either edge of plate. Base plates for intermediate stanchions shall be bolted down with 2 No. 20mm holding down bolts, 450mm long. Bolt holes in plate to be a minimum of 40mm from edge of plate and set at centre of stanchion web.

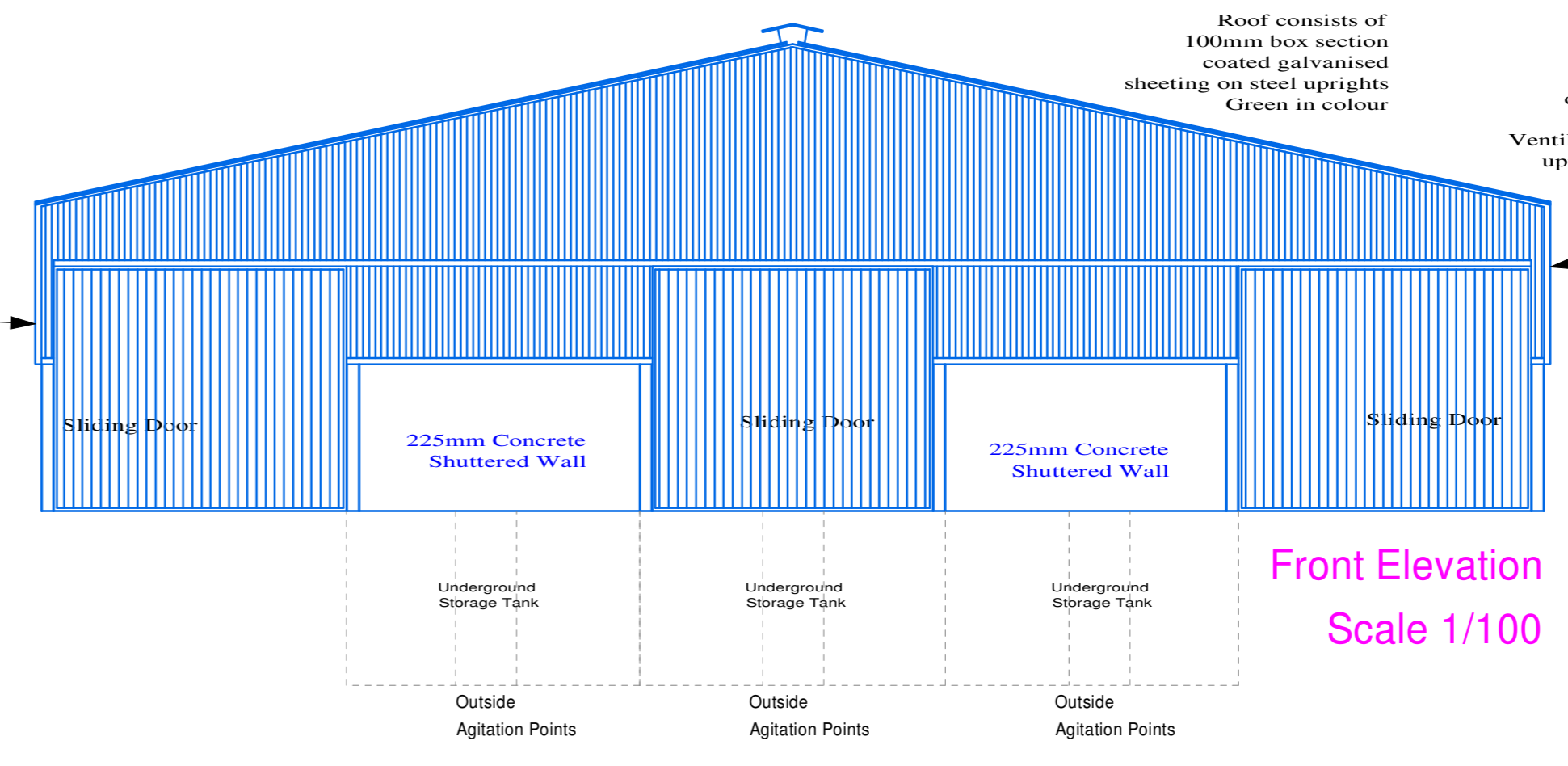


Side Elevation  
Scale 1/100

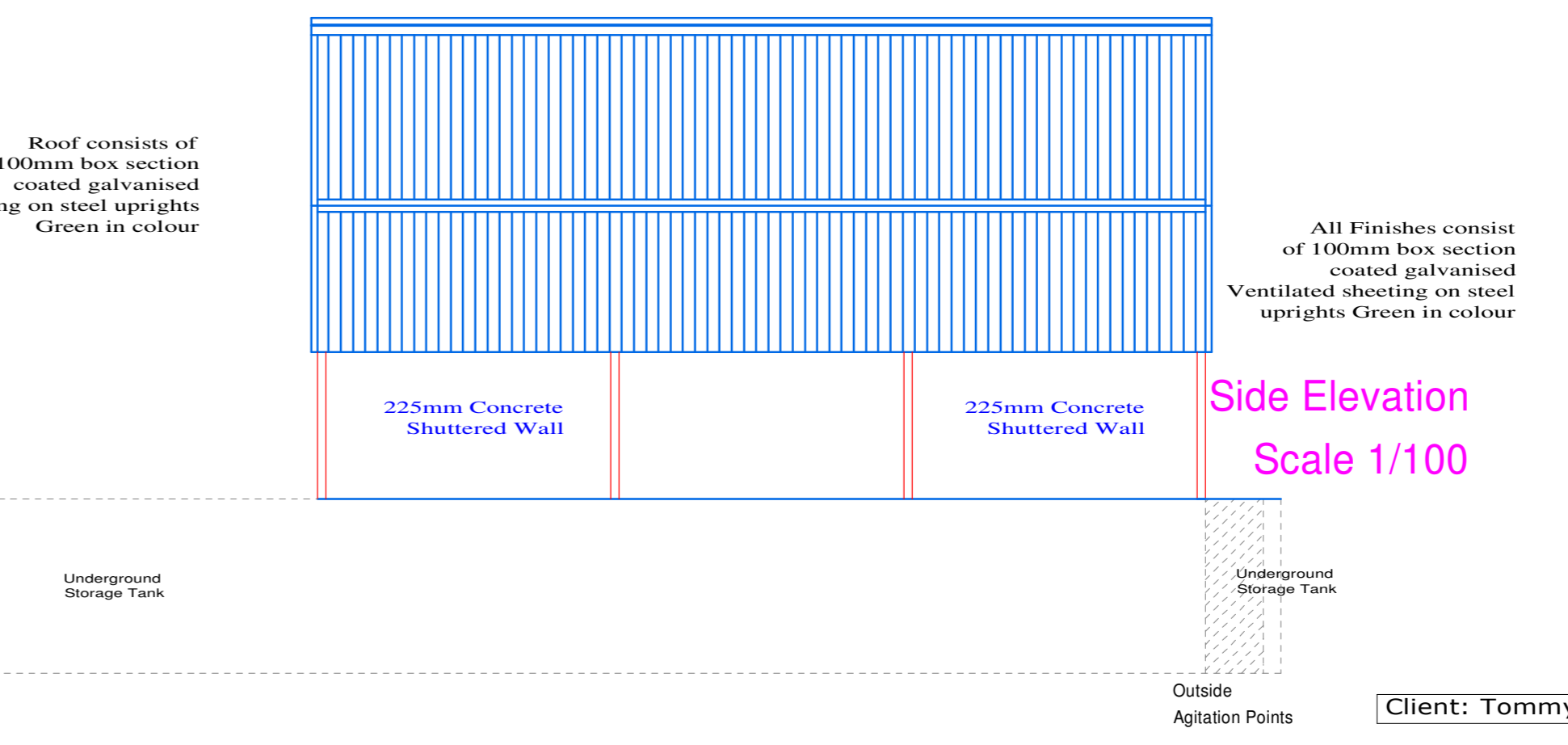
Outlet Ventilation shall be provided along the entire length of the roof apex: 450mm wide for a house up to 15m wide; 600mm wide for a house up to 24m wide; and 750mm wide for larger houses. A ridge cap over the outlet is not recommended, but when provided it must stand unobstructed and fully clear of the roof by 275mm, 350mm, or 425mm respectively, for the three widths of houses.

**VENTILATION**  
Proper ventilation shall be provided to all livestock buildings as a strict condition of grant-aid, in order to protect animal health and the working life of the structure. The minimum requirements outlined shall be followed for housing of dairy cows, suckler cows, beef cattle, calves, sheep and deer. Full ventilation shall be provided in any conversion or extension of existing buildings. Department specification for housing of horses, goats, and pigs shall be followed separately.

Where backfill material is used under infill walls, the backfill material shall be thoroughly compacted in layers not exceeding 150mm before foundations are laid. Foundations shall be formed in concrete at least 300mm deep and 600mm wide. It is recommended that steel reinforcement bars (a minimum of 4 No. 12mm bars fixed 50mm from bottom of concrete) should be incorporated into concrete foundations on compacted backfill.



Front Elevation  
Scale 1/100



Side Elevation  
Scale 1/100

Concrete Foundations for Mass Concrete and Block Walls in undisturbed ground, foundations shall be excavated down to solid strata for a minimum width of 600mm and a depth of 300mm.

Holding down bolts shall be secured into foundation pier by using 75mm x 75mm steel angle which is drilled to accommodate the bolts. The bolts are then threaded through and fixed securely in foundation pad before pouring concrete. A suitable template shall be used, to keep bolts in correct position for base plates during pouring of concrete.

**CONCRETE FLOORS**  
Solid Floors shall be a minimum 125mm concrete laid smooth with a non-slip finish. Concrete shall comply with Clause B6 above. A minimum 150mm hard-core base shall be laid, compacted with vibrating or heavy roller, and topped with fine sand. All floors shall incorporate 1000 gauge polythene DPC membrane with 600mm overlaps laid on the sand under concrete. The polythene membrane shall be taken up along walls to meet DPC where this has been installed.

The Roof Slope for all livestock buildings: or for any buildings in which livestock may eventually be housed, shall be a minimum 15° (equivalent to a 270mm rise per 1m span). However for monopitch livestock units, non-livestock buildings and also for any livestock unit with spaced roof sheeting, the slope may be reduced to a minimum 12° (equivalent to a 215mm rise per 1m span).

**Eaves Height & Roof Slope:**  
Eaves height is defined as the distance between the underside of the Rafter where it meets the outer Stanchion and the internal floor of the building.

**CONCRETE FOUNDATIONS**  
Foundation Piers for Stanchions: Stanchions shall be carried on, or built into a concrete pier minimum 600 x 600mm that is carried up from solid strata, and is at least 600mm deep. For structures with spans greater than 12m and in portal frames, the concrete foundation pier shall be 900 x 900mm that is carried up from solid strata, and be at least 900mm deep.

Ground Floor Plan  
1.100  
295.5 m<sup>2</sup>

**PROTECTION OF STEEL SYSTEM II: Shot-blasting, Priming, and Painting**  
All scale and rust shall be removed by shot-blasting to Sa 2.5 or ISP 8501:1980. A holding zinc-rich primer of 25 microns shall be applied within 12 hours of shot-blasting. A further 50 microns of primer, and 50 microns of micaceous iron oxide finishing coat, shall provide a total dried coat of minimum 125 microns. (80 microns in two coats of the proprietary paint "ZINGA" can be used as an alternative on shot-blasted steel to the above standard).

Client: Tommy Doherty
Project: Proposed Slatted Sheep shed At Toulett, Burt, Co. Donegal
Scale: 1:100
Floor Area 295.5 m <sup>2</sup>
Date: 16/02/2026
Drawn By: Patrick Canning Architectural Services Ballylawn, Manorcunningham, Co. Donegal. Tel (074) 91 57405

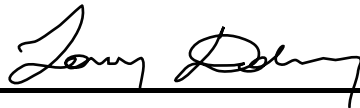
## Applicant Consent to Agent

**Applicant(s) Name:** Tommy Doherty

**Development Description:** Section 5 exemption permission for a slatted house with storage tank at Moness, Speenogue, Burt. Co.Donegal

I hereby authorise **Patrick Canning & Assoc.** to submit a planning application on my behalf to Donegal County Council and that all communications will issue to **Patrick Canning & Assoc.**

**Applicant Signature:**



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**Date:** 23rd February 2026

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**Agent Signature:**



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**Date:** 23rd February 2026

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**FOOT NOTE:** Agent A submits an application on behalf of an Applicant. The Applicant want to change Agent. What process will prevent emails going to Agent A?

The Applicant provided consent for Agent A to act on their behalf. If they withdraw consent, then the best practice would be for them to withdraw the application also. Agent B can submit a new application if so required.

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

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

County House,  
Lifford,  
County Donegal, F93 Y622

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**Planning Services**  
**E:** planning@donegalcoco.ie

**E- mail:** [canning1@hotmail.com](mailto:canning1@hotmail.com)

**Ref. No:** S526/29

**Date:** 19<sup>th</sup> February, 2026

Tommy Doherty  
C/o Patrick Canning  
Ballylawn  
Manorcunnigham  
Co Donegal

## DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT

**Re: Application for a Section 5 Declaration – Construction of agriculture shed at Moness, Burt, Co Donegal**

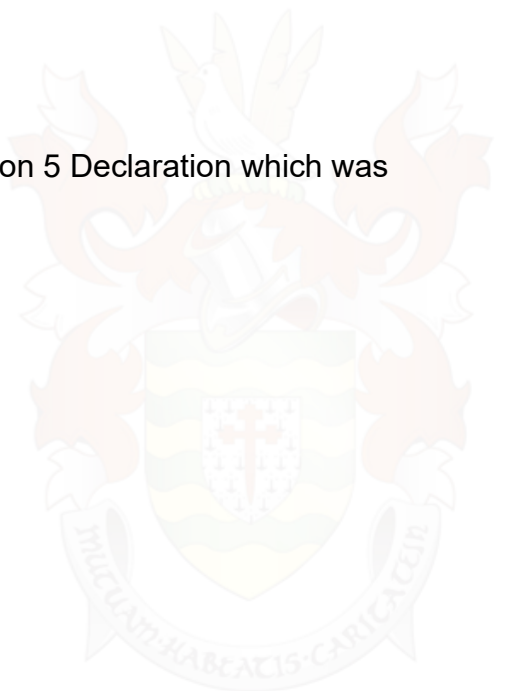
A Chara,

I wish to acknowledge receipt of your application for a Section 5 Declaration which was received on 27<sup>th</sup> February, 2026.

Mise le meas

*Martina Parke*

Donegal County Council  
Planning Services



## **SECTION 5 REFERRAL REPORT – Ref. No: S5 26/29**

### **1.0 BACKGROUND**

#### **1.1 Location:**

Moness, Burt, Co Donegal.

#### **1.2 Site Description:**

The subject site is located at Moness, Burt. The site is located within an area under strong urban influence and an area of especially high scenic amenity within an existing farm holding. A number of agricultural sheds exist on the farm which is located approx. 450m off the public road up an existing laneway. The host environment is locally elevated at this location and there is very little development in the area. The site adjoins the existing shed. An Grianan Fort is located 800m east of the site.





							CONNECTION TO PROPOSED SEPTIC TANK AND PERCOLATION AREA
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#### **1.4 Proposed Development:**

Construction of an Agriculture Shed with a floor area of 295.5 square metres with an overall ridge height of 7.8 m approx. The shed will be constructed with steel uprights, shuttered wall and box section corrugated side sheeting and roof sheeting with a number of sliding doors. A proposed underground slatted tank with a holding capacity of 1000 cubic metres constructed with shuttered concrete with an overall depth of 2.4 metres is planned to be constructed underneath the proposed shed continuing out into the farmyard.

#### **2.0. THE QUESTION**

The applicant, Tommy Doherty, has made a submission to Donegal County Council seeking a Declaration of Exemption in relation to the construction of an agricultural shed with a slatted underground tank. Based on the information provided the proposal has two components. The first relates to the sheep shed, and the second is the slatted slurry tank.

#### **3.0 EVALUATION**

##### **3.1 Planning and Development Act, 2000**

###### 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(2)(a)(i)

"The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that-

by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against the principles of proper planning and sustainable development, or"

Section 4(2)(b)

"Regulations under paragraph (a) may be subject to conditions and be of general application or apply to such area or place as may be specified in the regulations."

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 maybe, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this Section."

**3.2 Planning and Development Regulations, 2001**

**Article 3: Interpretation**

"gross floor space" means the area ascertained by the internal measurement of the floor space on each floor of a building (including internal walls and partitions), disregarding any floor space provided for the parking of vehicles by persons occupying or using the building or buildings where such floor space is incidental to the primary purpose of the building;

"unauthorised development" means, in relation to land, the carrying out of any unauthorised works (including the construction, erection or making of any unauthorised structure) or the making of any unauthorised use;

"unauthorised structure" means a structure other than—

- (a) a structure which was in existence on 1 October 1964, or
- (b) a structure, the construction, erection or making of which was the subject of a permission for development granted under Part IV of the Act of 1963 or deemed to be such under section 92 of that Act (or under section 34 , 37G or 37N of this Act), being a permission which has not been revoked, or which exists as a result of the carrying out of exempted development (within the meaning of section 4 of the Act of 1963 or section 4 of this Act);

“unauthorised works” means any works on, in, over or under land commenced on or after 1 October 1964, being development other than—

- (a) exempted development (within the meaning of section 4 of the Act of 1963 or section 4 of this Act), or
- (b) development which is the subject of a permission granted under Part IV of the Act of 1963 F21 (or under section 34, 37G or 37N of this Act), being a permission which has not been revoked, and which is carried out in compliance with that permission or any condition to which that permission is subject;

### **Article 5(2): Interpretation for Exempted Development**

In Schedule 2, unless the context otherwise required, a reference to the height of a structure, plant or machinery shall be construed as a reference to its height when measured from ground level, and for that purpose “ground level” means the level of the ground immediately adjacent to the structure, plant or machinery or, where the level of the ground where it is situated or is to be situated is not uniform, the level of the lowest part of the ground adjacent to it.

### **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 6(3)**

Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 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 3 opposite the mention of that class in the said column 1.

### **Article 9**

Restrictions on Exemption include inter alia:- .

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

- (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users,
- (vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,
- (vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan, save any excavation, pursuant to and in accordance with a licence granted under section 26 of the National Monuments Act, 1930 (No. 2 of 1930),
- (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

### **Class 6 of Part 3 of Schedule 2 (Exempted Development-Rural)**

Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits having a gross floor space not exceeding 200 square meters (whether or not by extension of an existing structure) and any ancillary provision for affluent storage.

### **Article 9**

#### **Conditions and Limitations**

1. No such structure shall be used for any purpose other than the purpose of agriculture.
2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 450 square metres gross floor space in aggregate.
3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and

Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.

4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.

5. No such structure within 100 metres of any public road shall exceed 8 metres in height.

6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

7. No such structure shall be constructed within a flood zone identified in statutory land use plans as Flood Zone A or Flood Zone B or where the probability of flooding is moderate to high or erosion control zone.

8. No such structure shall be within 60 metres of a public or private water source.

9. No such structure shall be situated, at the closest point, less than 50 metres from a water course or water body in the case of new farmyards, and not less than 10m in the case of extensions/modifications to an existing facility.

10. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

11. The use of this Class of exemption requires a declaration from the relevant Planning authority under section 5 of the Principal Act, declaring the exemption is applicable prior to commencement of construction.

12. Ancillary provision shall include as appropriate the installation of any signage, fencing or other safety infrastructure as recommended by the Health and Safety Authority regarding Slurry Safety.

**Class 6A of Part 3 of Schedule 2 (Exempted Development-General)**

Works consisting of the provision of a structure for the storage of slurry, effluent or soiled water collected from agricultural buildings, agricultural farmyards and any ancillary provision to aid in the handling of the slurry, effluent or soiled water.

**Conditions and Limitations (Column 2)**

1. No such structure shall be used for any purpose other than the purpose of agriculture.
2. The maximum storage capacity of any such storage facility shall not exceed 1000 cubic metres.
3. The aggregate capacity of tanks, situated within the same farmyard complex, shall not exceed 1,500 cubic metres.
4. The structure having regard to its size, use and location shall be constructed in accordance with Department of Agriculture, Food and the Marine and Department of Housing, Local Government and Heritage requirements and shall have regard to the need to avoid water pollution. The structure shall not be an earth lined Slurry/Effluent Store.
5. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.
6. No such structure within 100 metres of any public road shall exceed 8 metres in height.
7. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.
8. No such structure shall be constructed within a flood zone identified in statutory land use plans as Flood Zone A or Flood Zone B or where the probability of flooding is moderate to high or erosion control zone.
9. No such structure shall be within 60 metres of a public or private water source.
10. No such structure shall be situated, at the closest point, less than 50 metres from a water course or water body in the case of new farmyards, and not less than 10m in the case of extensions/modifications to an existing facility.
11. All such tanks shall be constructed in accordance with the relevant specification published by the Department of Agriculture, Food and the Marine in force at the time of construction of the tank.
12. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.
13. The use of this Class of exemption requires a declaration from the relevant Planning authority under section 5 of the Principal Act, declaring the exemption is applicable prior to commencement of construction.

14. Ancillary provision shall include as appropriate the installation of any signage, fencing or other safety infrastructure as recommended by the Health and Safety Authority regarding Slurry Safety.

#### **4.0 ASSESSMENT**

4.1 The Planning Authority has had regard to the provisions of Schedule 2, Part 3 of the Planning and Development Regulations 2001 (as amended), and in particular:

Class 6 – Agricultural buildings, and  
Class 6A – Structures for the storage of slurry, effluent or soiled water.

#### **4.2 Is or is not development**

Having regard to sections 2 and 3 of the Planning and Development Act 2000, as amended the construction of a shed and slatted slurry storage tank constitutes development.

#### **Is or is not exempted development**

4.3 The proposed agricultural shed falls within the scope of Class 6, which provides for the construction of agricultural buildings, subject to compliance with the relevant conditions and limitations.

4.4 The proposed underground slatted tank constitutes a structure for the storage of slurry and falls within the scope of Class 6A, which provides for such development, subject to compliance with the relevant conditions and limitations.

4.5 The Planning Authority notes that details submitted with the request indicate that the proposed development complies with the applicable separation distances and siting requirements.

4.6 (i) Class 6 of Part 3 of Schedule 2 (Exempted Development - Rural) provides for a roofed structure for the housing of sheep. The application form submitted states that within 100m of the site there are 5 no. existing sheds. The sheds are located to the north and southeast of the proposed shed. An estimate of the total area exceeds the 450 square metres gross floor space in aggregate. The proposed shed alone has a floor area of 295sqm. This would mean that the remaining sheds on site would have to have an aggregate floorspace of less than 155sqm. The site layout highlights that there are at least 5 sheds within 100 metres of the proposal. The total floorspace of the 5 sheds equates to at least 240sqm. This would result in an aggregate total of 535sqm which is well in excess of the 450sqm allowed under Class 6. Whilst the proposal meets the other criterion of Class 6, it fails to meet criterion 2 from Class 6. It is determined that this component of the development does not fall with the exemptions listed under Classes 6 of Part 3 of Schedule 2 (Exempted Development - Rural) for the Planning & Development Regulations, 20001(as amended).

- 4.7 In terms of the underground slurry tanks, Class 6a of Part 3 of Schedule 2 (Exempted Development - Rural) is applicable.
1. No such structure shall be used for any purpose other than the purpose of agriculture.
  2. The maximum storage capacity of any such storage facility shall not exceed 1000 cubic metres.
  3. The aggregate capacity of tanks, situated within the same farmyard complex, shall not exceed 1,500 cubic metres.
  4. The structure having regard to its size, use and location shall be constructed in accordance with Department of Agriculture, Food and the Marine and Department of Housing, Local Government and Heritage requirements and shall have regard to the need to avoid water pollution. The structure shall not be an earth lined Slurry/Effluent Store.
  5. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.
  6. No such structure within 100 metres of any public road shall exceed 8 metres in height.
  7. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.
  8. No such structure shall be constructed within a flood zone identified in statutory land use plans as Flood Zone A or Flood Zone B or where the probability of flooding is moderate to high or erosion control zone.
  9. No such structure shall be within 60 metres of a public or private water source.
  10. No such structure shall be situated, at the closest point, less than 50 metres from a water course or water body in the case of new farmyards, and not less than 10m in the case of extensions/modifications to an existing facility.
  11. All such tanks shall be constructed in accordance with the relevant specification published by the Department of Agriculture, Food and the Marine in force at the time of construction of the tank.
  12. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.
  13. The use of this Class of exemption requires a declaration from the relevant Planning authority under section 5 of the Principal Act, declaring the exemption is applicable prior to commencement of construction.

14. Ancillary provision shall include as appropriate the installation of any signage, fencing or other safety infrastructure as recommended by the Health and Safety Authority regarding Slurry Safety.

4.8 The structure (underground) has no floor space and has a 1000 cubic metre capacity. It is determined that this component of the development does fall with the exemptions listed under Classes 6a of Part 3 of Schedule 2 (Exempted Development - Rural) for the Planning & Development Regulations, 20001(as amended).

**Appropriate Assessment**

4.9 The nearest Natura 2000 site is Lough Swilly SPA located approx. 3km north of the subject site. Having regard to the scale and nature of the proposed development; the topography of the land; and no known direct hydrological links, it is not considered that the proposed development would be likely to have any significant effect, individually or in combination with any other plan or project, and it is considered that Screening for Appropriate Assessment is not required in this instance and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

**5.0. RECOMMENDATION**

5.1 IT IS HEREBY RECOMMENDED THAT A DECLARATION BE MADE AS FOLLOWS –

(a) The construction of an agricultural sheep shed constitute works, in accordance with Section 2 and therefore **IS Development** in accordance with Section 3 of the Planning and Development Act 2000, as amended.

(b) The erection of the slatted underground slurry tanks on site constitute works, in accordance with Section 2 and therefore **IS Development** in accordance with Section 3 of the Planning and Development Act 2000, as amended.

&

**SPLIT DECISION**

5.2 IT IS HEREBY RECOMMENDED THAT A DECLARATION BE MADE AS FOLLOWS -

(a) The construction of an agricultural sheep shed **IS NOT Exempted Development**

(b) The erection of the slatted underground slurry tanks **IS 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), and Articles 6(3), 9(1) and Class 6, Class 6a of Part 3 of the Planning & Development Regulations 2001 (as amended).

**and concludes that:**

The construction of an agricultural sheep shed IS DEVELOPMENT within the meaning of Planning and Development Act, 2000 (as amended) and **IS NOT EXEMPTED DEVELOPMENT** as it contravenes the scope of Class 6(2) of Part 3 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

&

The erection of the slatted underground slurry tanks on site IS DEVELOPMENT within the meaning of Planning and Development Act, 2000 (as amended) and **IS EXEMPTED DEVELOPMENT** as it comes within the scope of Class 6A of Part 3 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).



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Executive Planner  
25/03/2026.



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Frank Sweeney  
Senior Executive Planner  
Community Development & Planning Services  
25/03/2026

**DONEGAL COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT ACT, 2000 (AS AMENDED)**

**Chief Executive**

**Order No:** 2026PH0816

**Ref Number:** S526/29

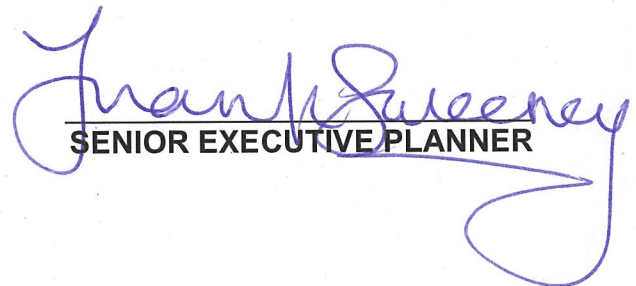
**Section 5:** Request received 27<sup>th</sup> February 2026 from Tommy Doherty c/o Patrick Canning, Ballylawn, Manorcunningham, Co. Donegal, F92 C6V9 in relation to the construction of an agricultural shed and underground slatted tank at Moness, Burt, Co. Donegal.

**Submitted:** Written request received 27<sup>th</sup> February 2026 as above and report date 25<sup>th</sup> March 2026 from the Planner (Ref. No: S5 26/29 refers).

  
**STAFF OFFICER**

**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 <sup>26<sup>th</sup></sup> DAY OF MARCH 2026

SCHEDULE

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

**IS** Development

**IS IN PART** Exempted Development

**IS IN PART** **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)
- Articles 6(3), 9(1) and Class 6, Class 6a of Part 3 of the Planning & Development Regulations 2001 (as amended)

**And concluded that:**

**THE PROPOSAL:**

The erection of the slatted underground slurry tank on site **IS DEVELOPMENT** within the meaning of Planning and Development Act, 2000 (as amended) and **IS EXEMPTED DEVELOPMENT** as it comes within the scope of Class 6A of Part 3 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

**AND THE PROPOSAL:**

The construction of an agricultural sheep shed **IS DEVELOPMENT** within the meaning of Planning and Development Act, 2000 (as amended) and **IS NOT EXEMPTED DEVELOPMENT** as it contravenes the scope of Class 6(2) of Part 3 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

JS 26/03



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

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

County House,  
Lifford,  
County Donegal, F93 Y622

**T:** 074 91 53900  
**E:** info@donegalcoco.ie  
**W:** www.donegalcoco.ie  
**W:** www.ccdhunangall.ie

**Planning Services**  
**E:** planning@donegalcoco.ie

**Ref. No:** S526/29

**By Email Only to:** [canning1@hotmail.com](mailto:canning1@hotmail.com)

26<sup>th</sup> March 2026

TOMMY DOHERTY  
C/O PATRICK CANNING  
BALLYLAWN  
MANORCUNNINGHAM  
CO. DONEGAL  
F92 C6V9

**RE: Construction of an agricultural shed and underground slatted tank at Moness, Burt,  
Co. Donegal**

A Chara,

I refer to your request received on 27<sup>th</sup> February 2026 as above 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**

/RMcC



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

**DECLARATION**

**Chief Executive's Order No:** 2026PH0816  
**Reference No:** S526/29  
**Name of Requester:** TOMMY DOHERTY  
C/O PATRICK CANNING  
BALLYLAWN  
MANORCUNNINGHAM  
CO. DONEGAL  
F92 C6V9

**Summarised Description of development the subject matter of request:**

Construction of an agricultural shed and underground slatted tank

**Location of Development:** Moness, Burt, Co. Donegal.

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

**IS** Development  
**IS IN PART** Exempted Development  
**IS IN PART** **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)
- Articles 6(3), 9(1) and Class 6, Class 6a of Part 3 of the Planning & Development Regulations 2001 (as amended)

**And concluded that:**


**THE PROPOSAL:**

The erection of the slatted underground slurry tank on site **IS DEVELOPMENT** within the meaning of Planning and Development Act, 2000 (as amended) and **IS EXEMPTED DEVELOPMENT** as it comes within the scope of Class 6A of Part 3 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

**AND THE PROPOSAL:**

The construction of an agricultural sheep shed **IS DEVELOPMENT** within the meaning of Planning and Development Act, 2000 (as amended) and **IS NOT EXEMPTED DEVELOPMENT** as it contravenes the scope of Class 6(2) of Part 3 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

**DATED THIS 26<sup>th</sup> DAY OF MARCH 2026**



**For Senior Executive Planner  
Planning Services**

/RMcC

**From:** [RUTH MCCROSSAN](#)  
**To:** [patrick.canning](#)  
**Subject:** Section 5 26.29  
**Date:** 26 March 2026 15:08:00  
**Attachments:** [S5 26.29-Letter & Declaration-SIGNED.pdf](#)  
[image001.png](#)

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Dear Patrick,

Please find attached Section 5 Declaration in relation to above.

If you have any queries please contact [planning@donegalcoco.ie](mailto:planning@donegalcoco.ie)

Kind regards

**Ruth McCrossan**

Development Management | Community Development & Planning Services | Donegal  
County Council | Lifford | Co. Donegal

**Tel: + 353 74 9153900 | Email: [ruthmccrossan@donegalcoco.ie](mailto:ruthmccrossan@donegalcoco.ie)**



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