

**From:** [CARMEL KELLY](#) on behalf of [planning mailbox](#)  
**To:** [TERESA CONWAY](#)  
**Subject:** FW: Section 5 Declaration Receipt Number: 664381  
**Date:** 24 March 2025 12:00:46  
**Attachments:** [Outlook-Text Desc.png](#)

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**From:** Cormac Logue [REDACTED]  
**Sent:** 24 March 2025 11:40  
**To:** planning mailbox <Planning@Donegalcoco.ie>  
**Subject:** Re: Section 5 Declaration Receipt Number: 664381

You don't often get email from [REDACTED] [Learn why this is important](#)

**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.

To whom it may concern:

Just confirming that the Eircode for the building in relation to section 5 is F92DD7N.

If any further information is required, please let me know.

Kind Regards

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]



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**From:** Cormac Logue <[REDACTED]>  
**Sent:** 03 March 2025 16:58  
**To:** [planning@donegalcoco.ie](mailto:planning@donegalcoco.ie) <[planning@donegalcoco.ie](mailto:planning@donegalcoco.ie)>  
**Subject:** Re: Section 5 Declaration Receipt Number: 664381

To Whom it may Concern:

I wish to also highlight that the urgency for this being approved is extremely crucial, there are currently 2 individual's one of which has been under the media attention due to blocking beds in respite services. These individual's have been waiting for a period of 2 years for this new service.

If any further information is required, please let me know.

Kind Regards  
Cormac Logue



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**From:** Cormac Logue  
**Sent:** 03 March 2025 12:56  
**To:** [planning@donegalcoco.ie](mailto:planning@donegalcoco.ie) <[planning@donegalcoco.ie](mailto:planning@donegalcoco.ie)>  
**Subject:** Section 5 Declaration Receipt Number: 664381

To whom it may Concern:

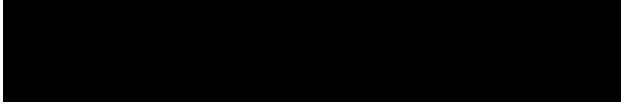
Please see attached application for Section 5 Declaration for exemption in regard to a residential facility for individual who will require care needs.

The following items are attached:

- Consent from Landlord
- Section 5 Application form
- Floor Plans of Riverview Lodge

Kind Regards  
Cormac Logue

Senior Manager  
Lumen HealthCare





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

**Planning Services**

**RECEIVED DATE: 03/03/2025**



**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](mailto:planning@donegalcoco.ie)**

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



<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</b> - list any relevant planning application reference numbers:		
<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>	
<b>Date:</b>	



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

## **Additional Contact Information**

**NOT TO BE MADE AVAILABLE WITH APPLICATION**

**Please note:**

- 1) The applicant's address **must** be submitted on this page.

[Redacted area]

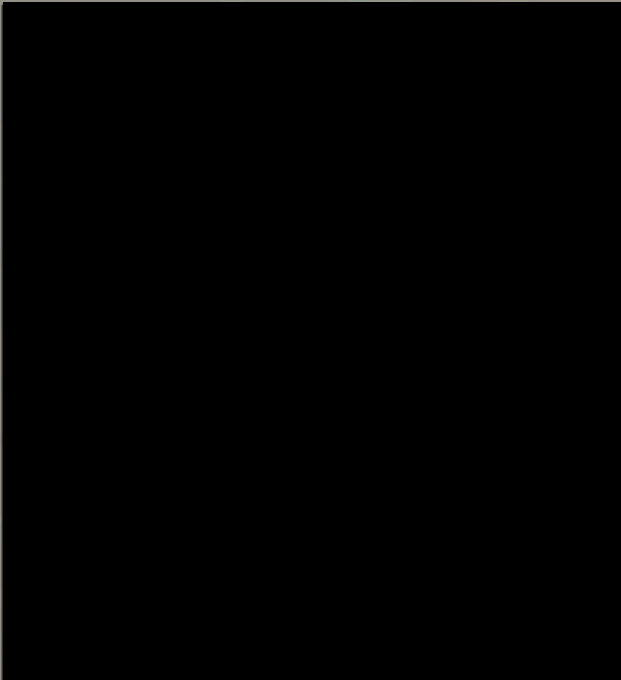


**Comhairle Contae  
Dhún na nGall**  
Donegal County Council

### **Advice to Applicant**

- (a) **Prescribed Fee** - €80.00 - You may wish to pay the fee by card by ringing the cash office on 074 9153900. Please note the receipt number in your cover email with the form.
- (b) Application must be accompanied by:
  - **Site location map** with site clearly outlined in red (to a scale of not less than 1:1000 in built up areas and 1:2500 in all other areas).
  - **Site layout plan** (Site or layout plans shall be drawn to a scale (which shall be indicated thereon) of not less than 1:500 or such other scale as may be agreed with the planning authority prior to the submission of the application, the site boundary shall be clearly delineated in red).
  - **Elevations** (if applicable) – (plans, elevations and sections drawn to a scale of not less than **1:200**).
  - **Other details** (e.g. landowner consent (if applicable), photographs as appropriate).
- (c) Completed application form & supporting documentation to be returned to the Planning Authority **by email** to [planning@donegalcoco.ie](mailto:planning@donegalcoco.ie)
- (d) More information on exempted development can be found on the OPR planning leaflets available at <https://www.opr.ie/planning-leaflets/>



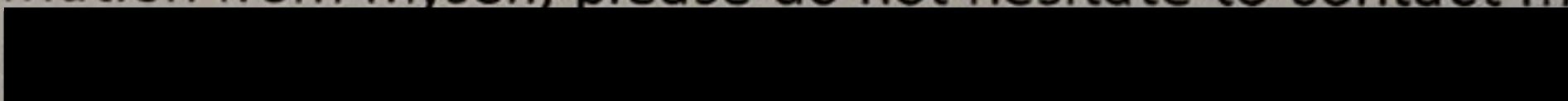


3<sup>rd</sup> March 2025

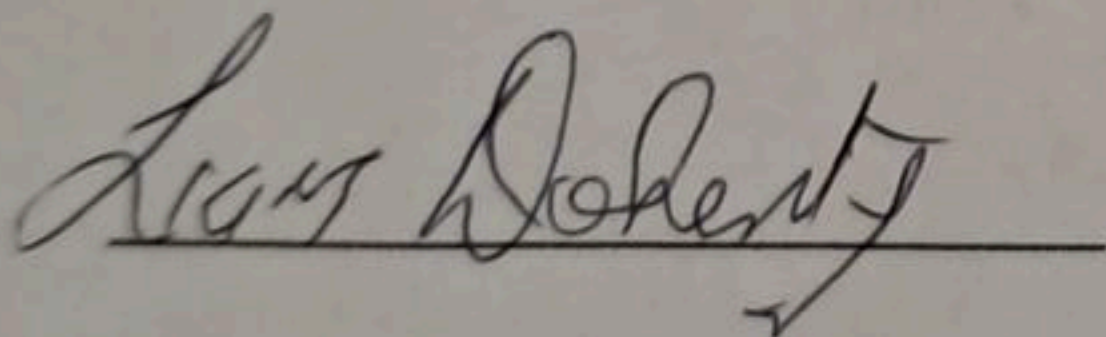
FAO: Consent

To whom it may Concern:

I, Liam Doherty, give approval for the section 5 application form of declaration to be applied for to change the purpose to a community dwelling to support individuals within Lumen HealthCare who require 24/7 support in a caring capacity and to also assist with developing independent living skills.

If you require any further information from myself, please do not hesitate to contact me on the following contact number: 

Kind Regards

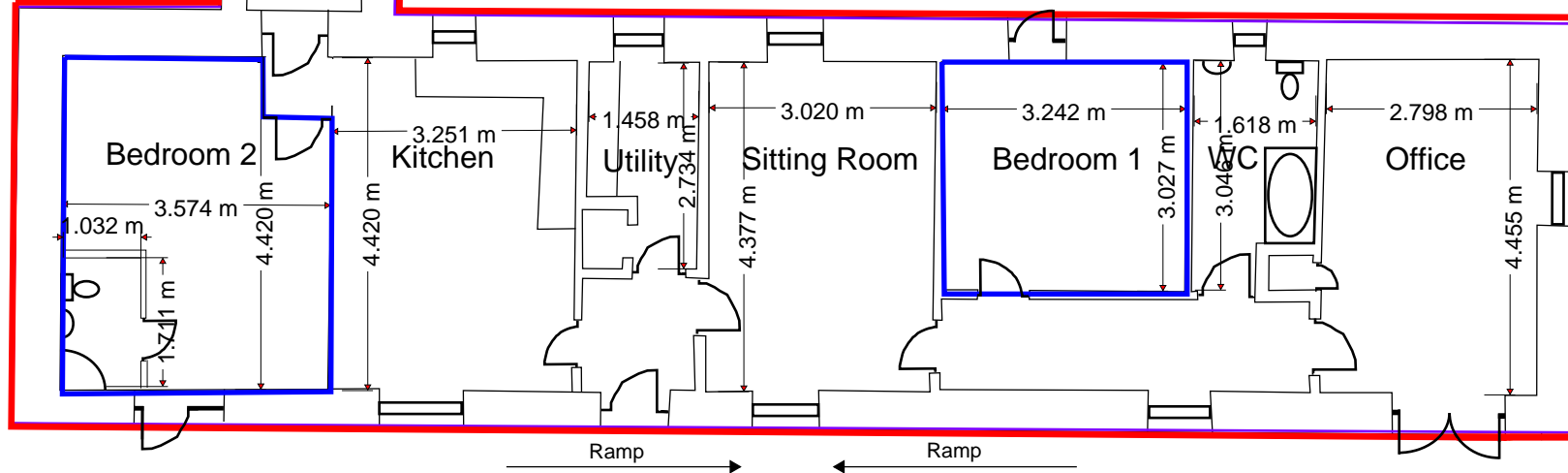


Liam Doherty



Concrete

## Bungalow



## Scale



River View Lodge  
Cullion Road  
Letterkenny  
F92 XK7H



Comhairle Contae  
Dhún na nGall  
Donegal County Council

Planning Services

RECEIVED DATE: 03/03/2025



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

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Lifford,  
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**W:** [www.donegalcoco.ie](http://www.donegalcoco.ie)  
**W:** [www.ccdhunnangall.ie](http://www.ccdhunnangall.ie)

**Planning Services**  
**E:** [planning@donegalcoco.ie](mailto:planning@donegalcoco.ie)

E-mail: [REDACTED]

**Our Ref: S525/21**

3<sup>rd</sup> March, 2025

Lumen Healthcare  
C/o Cormac Logue

**Re: Section 5 - Application for proposed development at  
Riverview Lodge, Letterkenny, Co Donegal**

A Chara,

I wish to acknowledge receipt of your application received on 3<sup>rd</sup> March, 2025 in relation to the above.

Yours sincerely,

*Martina Parke*

Donegal County Council  
Planning Services



## **SECTION 5 REFERRAL REPORT – Ref. No: S5 25/21**

### **1.0 BACKGROUND**

#### **1.1 Location:**

The site is located at Riverview Lodge, Cullion Road, Letterkenny Co. Donegal F92DD7N. It is noted the application form and floor plans states F92XK7H as the Eir code, however it was clarified by the applicant on 24/03/2025 that the correct Eircode/property of the proposed development is F92DD7N. While the context of the site is characterised by a rural area, the site is located within the settlement boundary of Letterkenny and on lands zoned as local environment.

#### **1.2 Planning History:**

- No record of any planning history

#### **1.3 Proposed Development:**

The development the subject of this Section 5 referral relates to:

- Development consisting of “F92DD7N\* is currently a bungalow that requires a change of use to a community dwelling for residential purposes in a caring industry for individual's with ID.”
- No change to the structure or design of the property
- \*It is noted the application form states F92XK7H as the Eircode/property, however it has been clarified the property/eircode is actually F92DD7N

### **2.0. THE QUESTION**

The referrer seeks a declaration that the above-mentioned change of use is exempted development.

### **3.0 EVALUATION**

#### **3.1 Planning and Development Act, 2000 (as amended)**

### **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)** sets out development which shall be exempted development.

### **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 & Development Regulations 2001 (as amended)**

### **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 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) – (xii) (inclusive)

### **Class 14 of Part 1 of Schedule 2 (*Exempted Development – Change of Use*)**

Development consisting of a change of use:–

(f) from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.

**Conditions and Limitations:**

The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

**4.0. ASSESSMENT**

**4.1 Consideration of proposed development:** To use an existing dwelling as a care facility.

- (i) Class 14(f) of Part 1 of Schedule 2 General Exempted Development set out in the Planning and Development Regulations 2001 as amended details exempted development for changing the use of a house to use as a residence for persons with disabilities requiring on site care. The subject dwelling (Eircode F92DD7N) is currently a bungalow that requires a change of use to a community dwelling for residential purposes in a caring industry for individual's with ID. There will not be more than 6 persons availing of the facility at any one time. The number of persons providing care will not exceed 2 at any one time.
- (ii) Therefore, it is considered that the proposed change of use constitutes development and complies with the conditions and limitations set out in **Class 14(f) of Part 1 of Schedule 2** of the Planning & Development Regulations 2001 (as amended).
- (iii) Regard has also been had to Section 177U(9) of the Planning & Development Act 2000 (as amended) in this assessment and given the nature of the proposal it is considered that screening for Appropriate Assessment is not required.



## **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 for:**

- The property (Eircode F92DD7N) is currently a bungalow that requires a change of use to a community dwelling for residential purposes in a caring industry for individual's with ID.  
(i.e. Change of use as a house to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.)

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

Section 3, 4 and 177U of the Planning and Development Act, 2000 (as amended) and Articles 6(1), 9(1) and Class 14(f) of Part 1 of Schedule 2 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 determined by An Bord Pleanala.

**And concluded that:**

The proposal IS DEVELOPMENT within the meaning of the Planning and Development Act, 2000 (as amended) and is EXEMPTED DEVELOPMENT as it comes within the scope of Class 14(f) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).



**Signed:**

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**Executive Planner**

**Position:** \_\_\_\_\_

**24/03/2025**

**Date:** \_\_\_\_\_



\_\_\_\_\_  
Frank Sweeney

Senior Executive Planner

Community Development & Planning Services

28/03/2025

**Chief Executive's Order No: 2025PH0813**

**Planning and Development Acts 2000 (as amended)**

**SECTION 5:-**

Request received 3<sup>rd</sup> March 2025 from Lumen Healthcare, C/O Cormac Logue, [REDACTED]

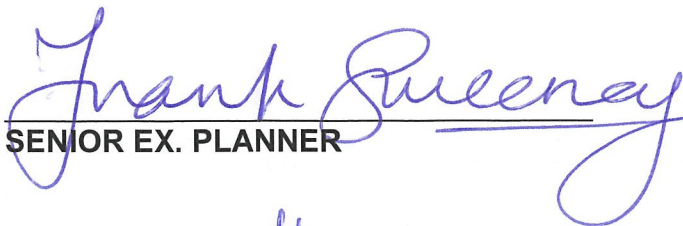
[REDACTED] in relation to the change of use of existing bungalow to a community dwelling for residential purposes in a caring industry for individuals with intellectual disabilities at Riverview Lodge, Cullion Road, Letterkenny, Co. Donegal, F92 DD7N.

**SUBMITTED:-**

Written request received 3<sup>rd</sup> March 2025 as above and report dated 24<sup>th</sup> March 2025 from the Executive Planner (Ref. No: S5 25/21 refers).

**ORDER:-**

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

  
SENIOR EX. PLANNER

DATED THIS 28<sup>th</sup> DAY OF MARCH 2025

NAME

**Chief Executive's Order No: 2025PH0813**

**Ref.No: S5 25/21**

**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 3, 4 and 177U of the Planning and Development Act, 2000 (as amended)
- Articles 6(1), 9(1) and Class 14(f) of Part 1 of Schedule 2 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** as it comes within the scope of Class 14(f) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

js 28/03

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

**DECLARATION**

**Chief Executive's Order No:** 2025PH0813

**Reference No:** S5 25/21

**Name of Requester:** Lumen Healthcare,  
C/O Cormac Logue,



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

Change of use of existing bungalow to a community dwelling for residential purposes in a caring industry for individuals with intellectual disabilities.

**Location:** Riverview Lodge, Cullion Road, Letterkenny, Co. Donegal, F92 DD7N.

**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 3, 4 and 177U of the Planning and Development Act, 2000 (as amended)
- Articles 6(1), 9(1) and Class 14(f) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act, 2000 (as amended) and is **EXEMPTED DEVELOPMENT** as it comes within the scope of Class 14(f) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke.

**For Senior Ex. Planner**  
**Planning Services**

**Dated this 28<sup>th</sup> day of March 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.ccdhunangall.ie](http://www.ccdhunangall.ie)

**Planning Services**  
**E:** [planning@donegalcoco.ie](mailto:planning@donegalcoco.ie)

Ref. No: S525/21

28<sup>th</sup> March 2025

Lumen Healthcare,  
C/O Cormac Logue,  


**Re: Change of use of existing bungalow to a community dwelling for residential purposes in a caring industry for individuals with intellectual disabilities at Riverview Lodge, Cullion Road, Letterkenny, Co. Donegal, F92 DD7N.**

A Chara,

I refer to your request received on 3<sup>rd</sup> March 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 Bord Pleanála of such fee as may be prescribed, refer a Declaration for review by the Board within 4 weeks of the date of issuing of the Declaration.

Mise, le meas,

**For Senior Ex. Planner**  
**Planning Services**  
/RMcC