

From: [CARMEL KELLY](#) on behalf of [planning mailbox](#)
To: [MARTINA PARKE \(PLANNING\)](#)
Subject: FW: Section 5 Application
Date: 21 January 2026 13:02:03
Attachments: [Coversheet.pdf](#)
[GeneralArrangement.pdf](#)
[Letters Of Consent.pdf](#)
[Section 5 App Form.pdf](#)
[SiteLayout.pdf](#)
[SiteLocation.pdf](#)

From: Kenneth Mc Corkell <kenneth.mccorkell@yahoo.com>
Sent: 21 January 2026 12:33
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.

To whom it may concern

Please see attached Section 5 application and associated documents for the construction of an agricultural slurry storage tanks.

If you require anything further please do not hesitate to contact me.

Payment receipt number is 667134

Regards

Kenneth Mc Corkell MIEI

Drumlackagh

Carrigart

Co. Donegal

00353 85 787 3813



04th March 2025

Donegal County Council
Planning Authority
County House
Lifford
County Donegal

Re: Section 5 Application for declaration on development and exempt development for the construction of an Agricultural Slurry Storage Tank at Loughaskerry, Termon, Co. Donegal.

Schedule of documents: -

1. Section five application form
2. Floor plans, elevations and section 1/50 & 1/100 Scale
3. Site layout plan 1/500 Scale
4. Site location map 1/2500 Scale
5. Consent from neighbouring homeowners
 - Mother Kathleen located 62m to North East
 - Niece Rosaleen located 19m to North East
 - Brother Hugh located 85m to South East
6. Receipt No. for payment is 667134

I trust the above is in order but if you require anything further please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink that reads 'K. Mc Corkell'.

Kenneth Mc Corkell



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

Planning Services

RECEIVED DATE: 21/01/2026



**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):	William Gallagher
Agent Name: (if applicable)	Kenneth Mc Corkell
Location of Proposed Development / Works: (Townland or postal address as appropriate and Eircode if available)	Loughaskerry, Termon, Letterkenny
Description of Proposed Development including details of works (where applicable): (Only works listed below will be assessed under this section 5 application)	
<p>Proposal consists of the construction of a slurry storage tank.</p> <p>Proposed tank will have a volume of 92.15m³.</p> <p>Existing storage on site consists of 11.15m³ with an approved new shed and storage tank to be constructed under planning Ref. No 2460101. Storage within the approved new shed will consist of 384m³.</p> <p>In total the proposed storage on site will have a total volume of 487.3m³.</p>	

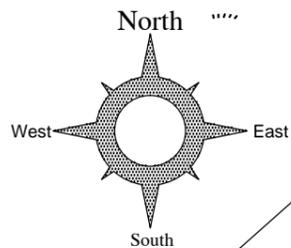


**Comhairle Contae
Dhún na nGall**
Donegal County Council

Is the development a Protected Structure or within the curtilage of a Protected Structure?	Yes	No
		x
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
		x
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:	General Arrangement Site Layout & Location	
Planning History - list any relevant planning application reference numbers:	2460101	
Are you aware of any enforcement proceedings connected to the site? If so, please supply details:	No	

I hereby certify that the information provided is true and accurate	
Signature of Applicant/Agent:	
Date:	16/01/2026

SITE LOCATION MAP
DONEGAL OS MAP NO. 0208



LOUGHASKERRY



Planning Services

RECEIVED DATE: 21/01/2026

SITE



Address:
Drumlackagh
Carrigart, Co. Donegal
Tel: 085 7873813
Email:
kenneth.mccorkell@yahoo.com

Job Title
PROPOSED STORAGE TANK
WITH ASSOCIATED SITWORKS
AT LOUGHASKERRY,
TERMON, CO. DONEGAL.

Drawn By: KMCC
Scale: 1:2500
Date of Issue: Jan 2025

Drawing Title
SITE LOCATION

Job No: 26005

Client
WILLIE GALLAGHER

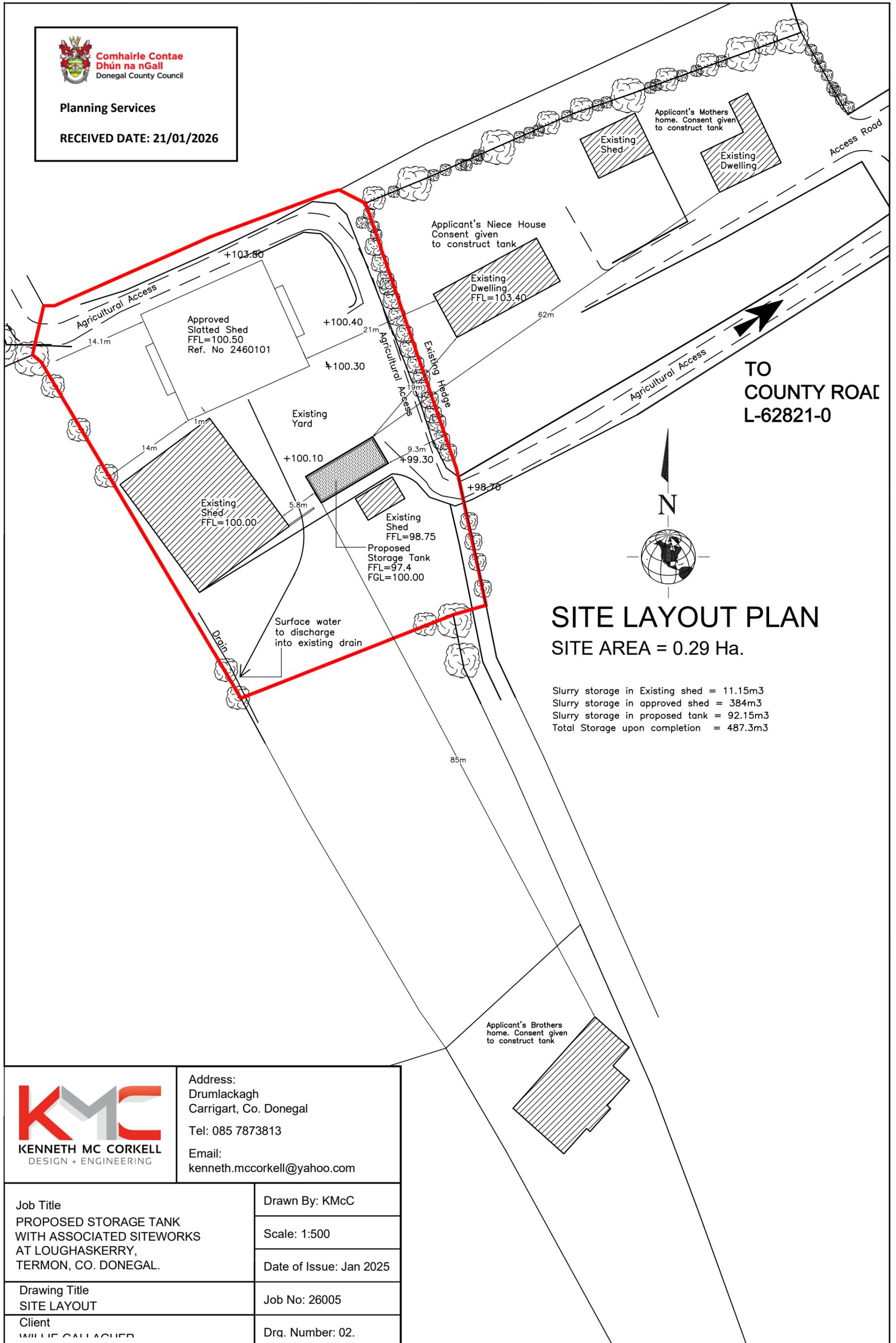
Drg. Number: 03.



Comhairle Contae
Dhún na nGall
Donegal County Council

Planning Services

RECEIVED DATE: 21/01/2026



Address:
Drumlackagh
Carrigart, Co. Donegal
Tel: 085 7873813
Email:
kenneth.mccorkell@yahoo.com

Job Title
PROPOSED STORAGE TANK
WITH ASSOCIATED SITEWORKS
AT LOUGHASKERRY,
TERMON, CO. DONEGAL.

Drawn By: KMcC
Scale: 1:500
Date of Issue: Jan 2025

Drawing Title
SITE LAYOUT

Job No: 26005

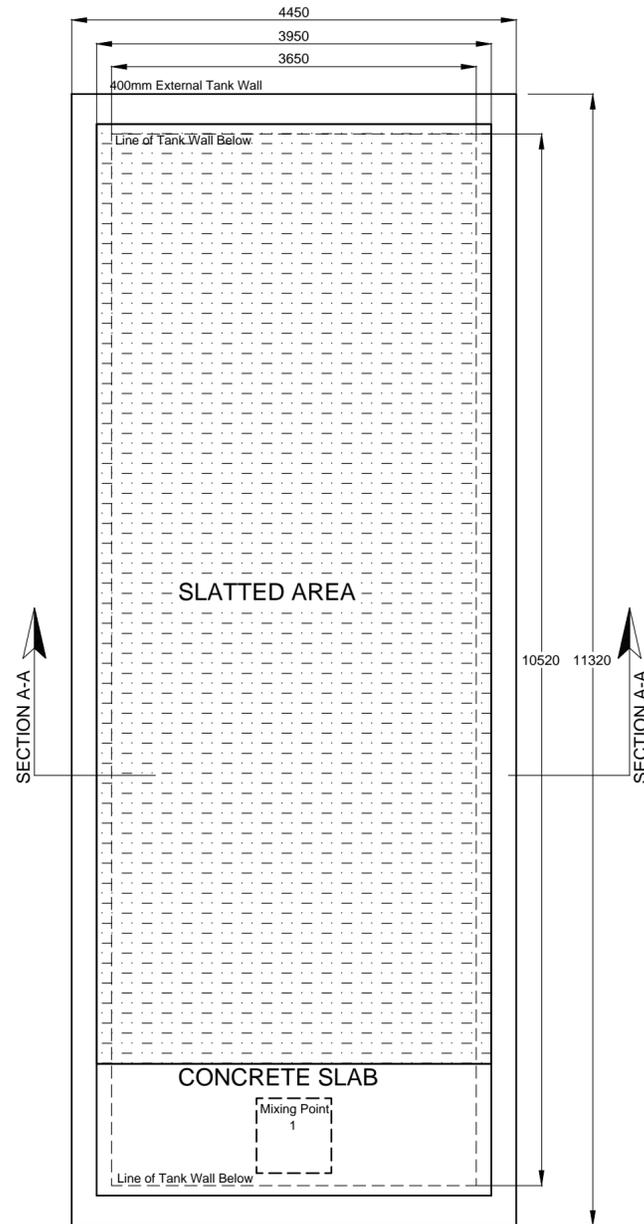
Client
WILLIE CALLAGHER

Drq. Number: 02.



Planning Services

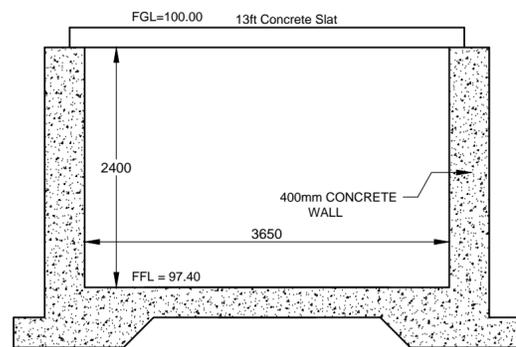
RECEIVED DATE: 21/01/2026



TANK LAYOUT PLAN

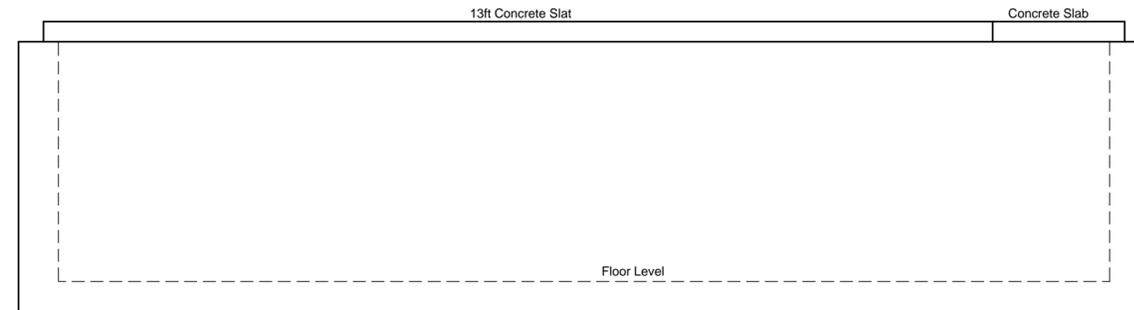
Scale 1:50

TANK FLOOR AREA = 38.4sqm/ 413sqft



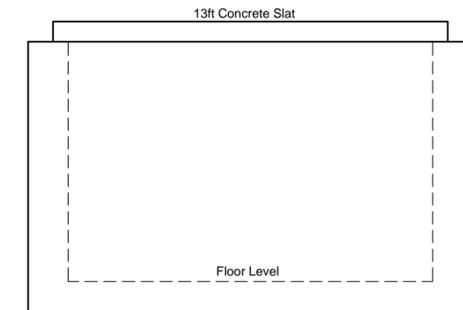
SECTION A-A

Scale 1:50



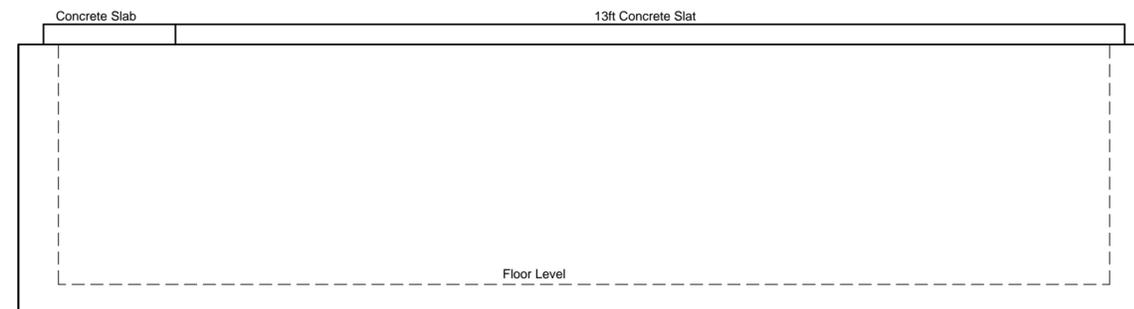
SIDE ELEVATION

Scale 1:50



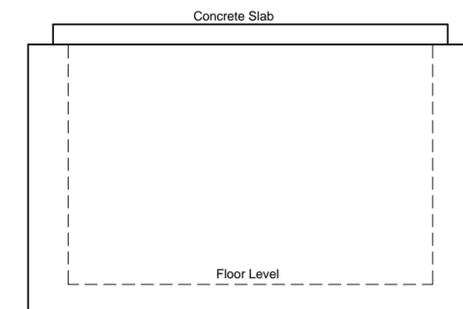
FRONT ELEVATION

Scale 1:50



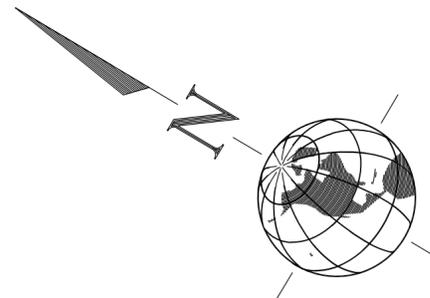
SIDE ELEVATION

Scale 1:50



REAR ELEVATION

Scale 1:50



 KENNETH MC CORKELL DESIGN + ENGINEERING	Address: Drumlackagh Carrigart, Co. Donegal Tel: 085 7873813 Email: kenneth.mccorkell@yahoo.com	
	Job Title PROPOSED STORAGE TANK WITH ASSOCIATED SITEWORKS AT LOUGHASKERRY, TERMON, CO. DONEGAL.	Drawn By: KMcC Scale: 1:50 Date of Issue: Jan 2025
Drawing Title GENERAL ARRANGEMENT	Job No: 26005	
Client WILLIE GALLAGHER	Drg. Number: 01.	



To Whom It May Concern,

This is to confirm that I have no objection to William Gallaghers application for a Section 5 Exemption to erect an underground agricultural storage tank and associated site works within 100m of my dwelling as outlined on the attached plans at Loughaskerry, Termon, County Donegal.

Signed:

H. Gallagher

Neighbouring Landowner.

Dated:

15/1/26



To Whom It May Concern,

This is to confirm that I have no objection to William Gallaghers application for a Section 5 Exemption to erect an underground agricultural storage tank and associated site works within 100m of my dwelling as outlined on the attached plans at Loughaskerry, Termon, County Donegal.

Signed: Roiseen Callaghan

Neighbouring Landowner.

Dated: 15/1/26



To Whom It May Concern.

This is to confirm that I have no objection to William Gallaghers application for a Section 5 Exemption to erect an underground agricultural storage tank and associated site works within 100m of my dwelling as outlined on the attached plans at Loughaskerry, Termon, County Donegal.

Signed:

K. Gallagher

Neighbouring Landowner.

Dated:

16/1/26



**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.ccdhunnangall.ie

Planning Services
E: planning@donegalcoco.ie

E-mail: kenneth.mccorkell@yahoo.com

Our Ref: S526/03

22nd January, 2026

William Gallagher
C/o Kenneth McCorkell

**Re: Section 5 – Application for construction of a slurry storage tank at
Loughnaskerry, Termon, Letterkenny.**

A Chara,

I wish to acknowledge receipt of your application received on 21st January 2026 in relation to the above.

Yours sincerely,

Martina Parke

Donegal County Council
Planning Services



SECTION 5 REFERRAL REPORT – Ref. No: S5 26/03

1.0 BACKGROUND

1.1 Location:

Loughaskerry, Termon, Letterkenny, Co Donegal

1.2 Planning History:

- 24/60101 - Erection of a slatted cattle shed with all associated site works. (Comprising 328sqm). Permission granted subject to conditions.

1.3 Proposed Development:

The development the subject of this Section 5 referral relates to the erection of a slurry storage tank. The applicant seeks a declaration as to whether the proposed slurry storage tank (as noted on the plans accompanying the referral), is or is not development and is or is not exempted development within the meaning of the Planning Acts.

2.0. THE QUESTION

The applicant has made a submission to Donegal County Council requesting that a Declaration be made under Section 5 of the Planning and Development Act, 2000 (as amended) as to whether or not the following is or is not development and is or is not exempted development:

- *Construction of a slurry storage tank.*

The tank will be below ground level with the highest point stated as being at ground level. It is stated that the cubic capacity for the tank will be 92.15m³. Plans detail that the tank has a stated internal height of 2.4m, a stated width of 3.65m and a stated length of 11.32m. Plans also indicate the ground levels will have a 13ft concrete slatted covering.

3.1 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(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 affect 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 & 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 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)(1)

Development to which article 6 relates shall not be exempted development for the purposes of the Act – (a) if the carrying out of the development would – (i) – (xii) refers.

CLASS 6A of Part 3 of Schedule 2 (Exempted Development - Rural)

Works consisting of a roofed 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:

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 County Donegal Development Plan, 2024-30 applies. The subject site is located within a rural area zoned as being a 'Structurally Weak Rural Area.'

4.2 Scenic Amenity Designations

The subject site is located within an area of **High Scenic Amenity (HSA)**.

Policy L-P-2 relates to developments within both High Scenic Amenity and Moderate Scenic Amenity areas is of particular relevance and states;

Within these areas, only development of a nature, location and scale that integrates with, and reflects the character and amenity of the landscape may be considered, subject to compliance with other relevant policies of the Plan' (Policy L-P-2, County Development Plan 2024-30 refers).

4.3 No archaeological monuments are within the subject site(s).

4.4 The site is *not* located within any designated European Natura 2000 sites; however the site is located approx. 2.26km from the Cloghernagore Bog and Glenveagh National Park SAC and Derryveagh And Glendowan Mountains SPA. The site is located approx. 2.48km from the Leannan River SAC.

4.5 Having regard to the scale and nature of the proposed development on an existing agricultural complex, and Dept of Agricultural Best Practice Requirements, it is not considered that the proposed slurry storage tank 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.

5.0 Consideration of Proposed Development:

5.1 Is or is not development

The Planning Authority is satisfied that the construction of a slurry storage tank would constitute 'works' and would constitute 'development', as defined in Sections 2 & 3 of the Act respectively.

5.2 Is or is not exempted development

- It is not considered that the proposed slurry storage tank constitutes a 'roofed structure' as per Class 6A of Part 3 of Schedule 2 (Exempted Development - Rural) for the Planning & Development Regulations, 2001(as amended).

- It is therefore determined that the development does *not* fall with the exemptions listed under Class 6A of Part 3 of Schedule 2 (Exempted Development - Rural) for the Planning & Development Regulations, 2001(as amended).

6.0 Conclusion

It is considered that:

- (i) The proposed development (being the erection of a new standalone slurry storage tank), constitutes “works” and therefore is “development” within the meaning of the Act, and
- (ii) Said works are NOT an exempted development class of use under Class 6A of Part 3 of Schedule 2 (Exempted Development - Rural) for the Planning & Development Regulations, 20001 (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 Coimisiún Pleanála 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 NOT Exempted Development

WITHIN THE MEANING OF THE ABOVE ACT

The subject development:

Being the construction of a slurry storage tank at Loughaskerry, Termon, Letterkenny, Co. Donegal.

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

- (a) Section 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended), and
- (b) Articles 6, 9 and Class 6A of Part 3 of Schedule 2 (Exempted Development - Rural) of the Planning and Development Regulations, 2001 (as amended)

And concluded that:

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act, 2000 (as amended); and **IS NOT EXEMPTED**

DEVELOPMENT as it does not fall within the scope of Class 6A of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).



Assistant Planner
16/02/2026



Frank Sweeney
Senior Executive Planner
Community Development & Planning Services
16/02/2026

Chief Executive's Order No: 2026PH0443

Planning and Development Acts 2000 (as amended)

SECTION 5:-

Request received 21st January 2026 from William Gallagher C/o Kenneth McCorkell, Drumlackagh, Carrigart, Co. Donegal F92 T6CT in relation to the construction of a slurry storage tank at Loughaskerry, Termon, Letterkenny, Co. Donegal.

SUBMITTED:-

Written request received 21st January 2026 as above and report dated 16th February 2026 from the Assistant Planner (Ref. No: S5 26/03 refers).

ORDER:-

Having considered the said request, the report of the Assistant 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 FEBRUARY 2026



Chief Executive's Order No: 2026PH0443

Ref.No: S5 26/03

SCHEDULE

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

IS Development

IS Not Exempted Development

WITHIN THE MEANING OF THE ABOVE ACT

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

- Section 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended), and
- Articles 6, 9 and Class 6A of Part 3 of Schedule 2 (Exempted Development - Rural) of the Planning and Development Regulations, 2001 (as amended)

And concluded that:

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act, 2000 (as amended); and **IS NOT EXEMPTED DEVELOPMENT** as it does not fall within the scope of Class 6A of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

JS 17/02

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

DECLARATION

Chief Executive's Order No: 2026PH0443

Reference No: S526/03

Name of Requester: WILLIAM GALLAGHER
C/O KENNETH MCCORKELL
DRUMLACKAGH
CARRIGART
CO. DONEGAL
F92 T6CT

Summarised Description of development the subject matter of request:

Construction of a slurry storage tank

Location: Loughaskerry, Termon, Letterkenny, Co. Donegal.

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

IS Development

IS Not Exempted Development

WITHIN THE MEANING OF THE ABOVE ACT

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

- Section 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended), and
- Articles 6, 9 and Class 6A of Part 3 of Schedule 2 (Exempted Development - Rural) of the Planning and Development Regulations, 2001 (as amended)

And concluded that:

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act, 2000 (as amended); and **IS NOT EXEMPTED DEVELOPMENT** as it does not fall within the scope of Class 6A of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).



For Senior Ex. Planner
Planning Services

Dated this 17th day of February 2026



**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: S526/03

17th February 2026

WILLIAM GALLAGHER
C/O KENNETH MCCORKELL
DRUMLACKAGH
CARRIGART
CO. DONEGAL
F92 T6CT

Re: Construction of a slurry storage tank at Loughaskerry, Termon, Letterkenny, Co. Donegal.

A Chara,

I refer to your request received on 21st January 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 Coimisiún within 4 weeks of the date of issuing of the Declaration.

Mise, le meas,

**For Senior Planner
Planning Services**

/jmcc