



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



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

Planning Services

RECEIVED DATE: 13/01/2025

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):	John Bryson & Christopher Sweeney
Agent Name: (if applicable)	Michael Bryson BSc (Eng) retired engineer
Location of Proposed Development / Works: (Townland or postal address as appropriate and Eircode if available)	Cloghfin, Carrigans, Co Donegal F93 NYE6
Description of Proposed Development including details of works (where applicable): (Only works listed below will be assessed under <u>this</u> section 5 application)	
Replacement of shed damaged by storm 'Daragh' in December. Same footprint and eaves height. See details on attached layout and cross section. 3 no. Photographs in lieu of elevation as we propose to retain masonry wall along road facade	



Is the development a Protected Structure or within the curtilage of a Protected Structure?	Yes	No
		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
		No
Applicant(s) Interest in the site:	Owners	
If not the Owner of the site, please provide the name of the Landowner:	N/A	
Please list types of plans, drawings etc. submitted with this application:	Covering letter, Layout plan PDF attachment Site location map in red 3 no. Photographs of damaged existing building	
Planning History - list any relevant planning application reference numbers:	N/A	
Are you aware of any enforcement proceedings connected to the site? If so, please supply details:	None	

I hereby certify that the information provided is true and accurate	
Signature of Applicant/Agent:	M. Bryson <i>M. Bryson</i>
Date:	13 January '25



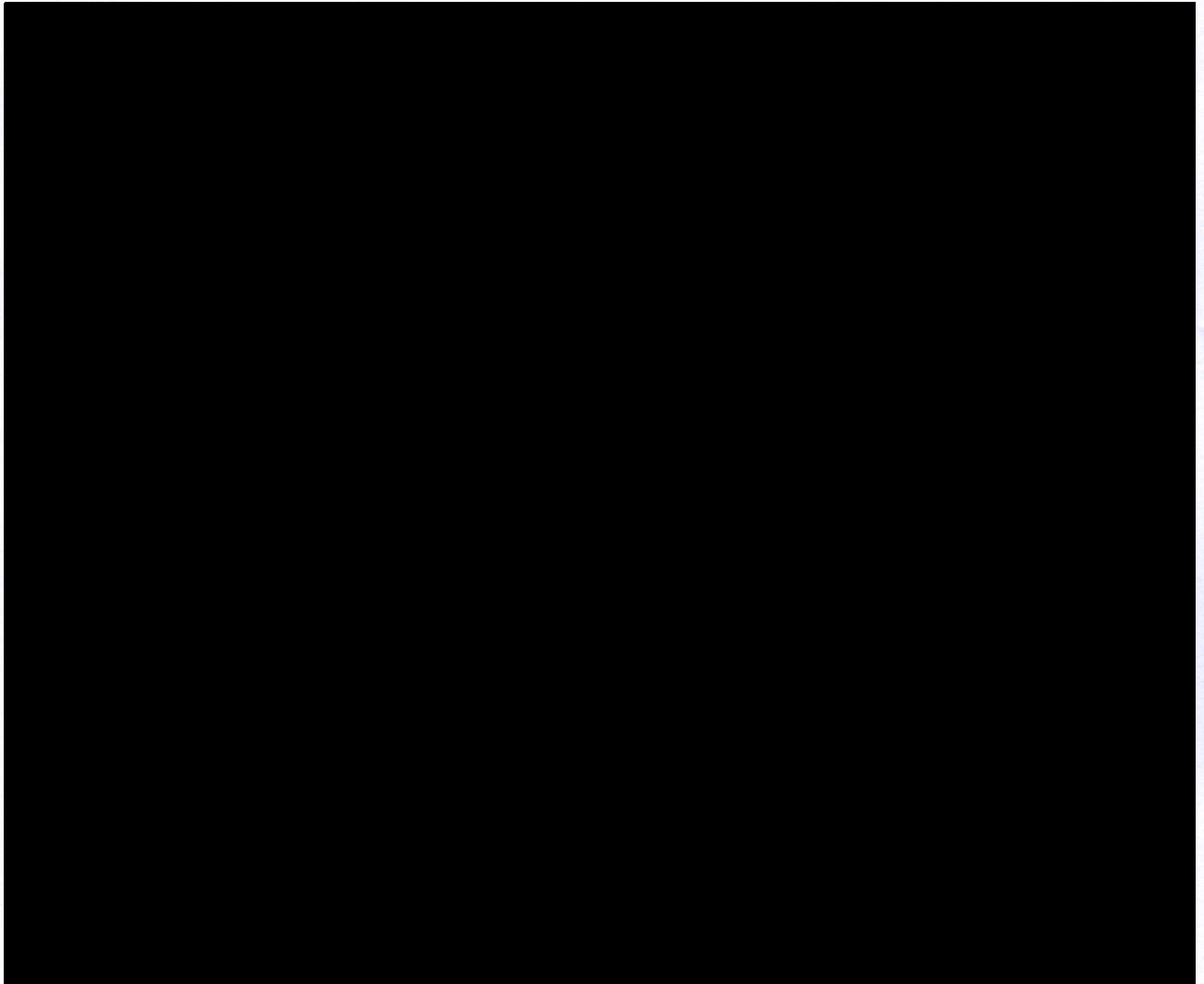
**Comhairle Contae
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Donegal County Council

Additional Contact Information

NOT TO BE MADE AVAILABLE WITH APPLICATION

Please note:

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



From: [MICHAEL MC ELWAINÉ](#)
To: [MARTINA PARKE \(PLANNING\)](#)
Subject: FW: Section 5 Application
Date: 13 January 2025 9:59:16
Attachments: [Layout floorplan & Cross section.PDF](#)
[Section 5 application.PDF](#)
[Location map.PDF](#)

From: CARMEL KELLY <CKELLY@donegalcoco.ie> **On Behalf Of** planning mailbox
Sent: Monday, January 13, 2025 9:58 AM
To: MICHAEL MC ELWAINÉ <melwaine@donegalcoco.ie>
Subject: FW: Section 5 Application

From: Bryson [REDACTED] >
Sent: Monday, January 13, 2025 9:53 AM
To: planning mailbox <Planning@Donegalcoco.ie>
Subject: Section 5 Application

You don't often get email from brysons@eircom.net. [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.

Good morning,

Receipt number for application fee (€80) - 663894

Please find attached herewith an application under Section 5 of the Planning Act (2000).

1. Background to current issue.

This application relates to an existing farmyard building (dry bedded sheep shed) which was badly damaged by storm 'Daragh' shortly before Christmas.

We had to arrange for the urgent removal of the asbestos roof sheeting on 17 – 19 December '24 to prevent further consequential damage.

(Licensed disposal certs obtained at substantial cost).

We now need to construct a replacement sheep shed as per the proposed detail attached. We propose to retain the existing façade wall, and the new structure will be behind the current wall which faces onto the public road, and it will be the same footprint as the existing shed with a 3m eaves height as per the existing.

2. Basis of our request.

As the proposed replacement would constitute "works" and hence "development",

we request a Section 5 Exemption declaration maybe under section 4 (1)(h) as a proposal “which does not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures”.

Leona is your office recommended that I refer to leaflet 9 of the OPR. There are two items in the leaflet, namely Paragraph 3 Type 1.

The floor area of our replacement shed is 176 sq. metres as per existing, however, the total floor area of 4 other type 1 sheds in the yard is 480 sq. metres.

Secondly, we do not meet the “10 metres from public road” stipulation.

3. Soiled Water

Regarding the overall question of soiled water (brown water) runoff, it is our intention to intercept all animal liquid effluent via u/g GRP storage tanks for onward transfer to a new anerobic digester currently being built about 2 kms away or proper spreading onto our farmland during the designated periods.

The existing covered silage pit in the yard will be designated a covered dung storage area with proper interception. Sheep are only housed for approx. 8 weeks prior to lambing and the dung load for sheep is quite small.

4. Overall Summary

We are basically pleading for some leeway here. [REDACTED]

[REDACTED] The loss of the asbestos roof on the existing shed has been a big setback. However, there is a genuine desire to improve the operation of the yard and to be fully compliant. (As was the case with the asbestos).

The farm is approx. 52 hectares (130 acres) and the current stocking is approx. 150 breeding ewes and approx. 30 beef heifers. It has always been a mixed use farm and has been in our family for the past 75 years.

Ironically, we can get a bank loan for a new replacement shed but should we fail to get “exempt development” declaration from your goodselves, we cannot get a loan to rectify the damaged site area. [REDACTED]

Many thanks and best of regards,

Michael Bryson

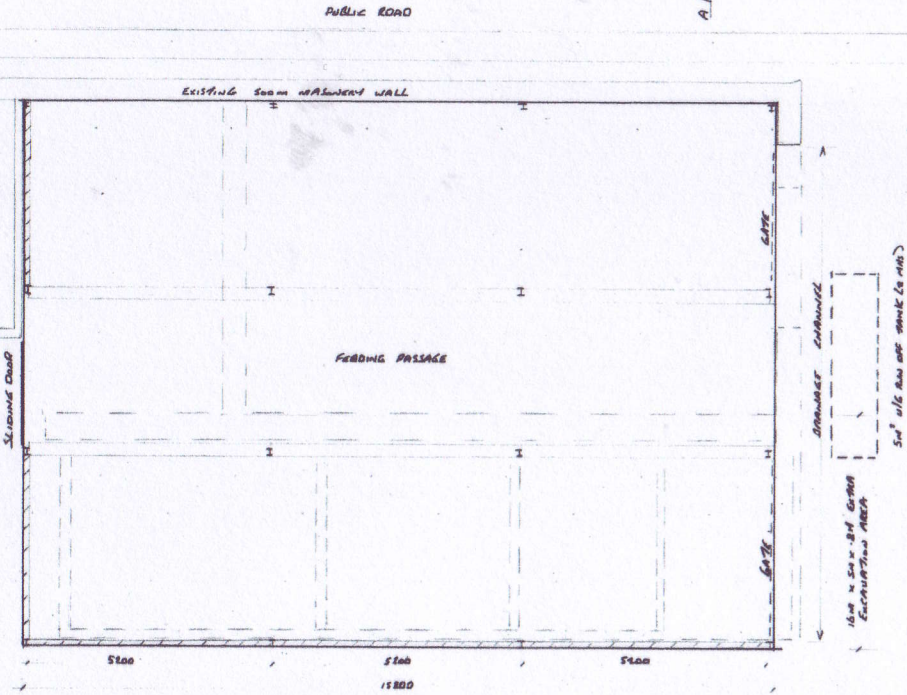
[REDACTED]



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Donegal County Council

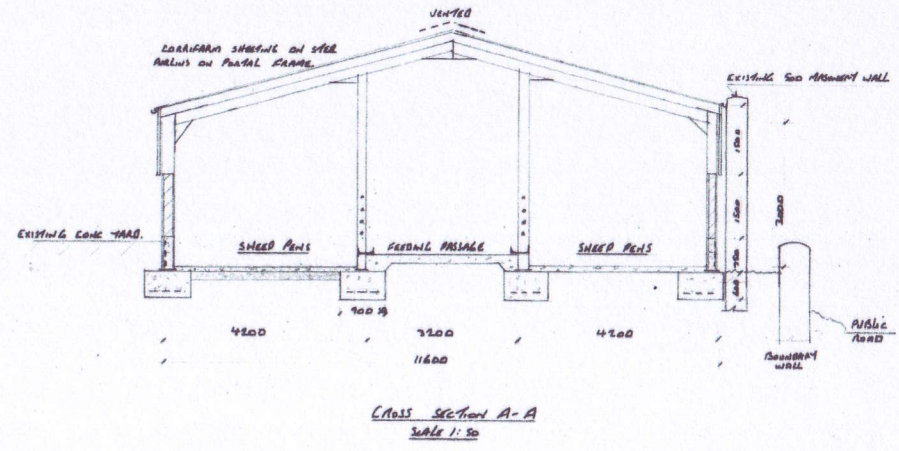
Planning Services

RECEIVED DATE: 13/01/2025

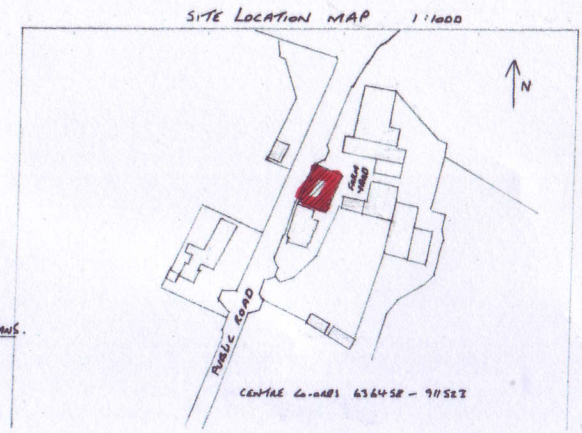


LAYOUT / FLOOR PLAN
SCALE 1:50

EXISTING WALLS SHOWN DOTTED - REMAIN
3 PAIRS OF HORIZONTAL BRACING ON CENTRAL BAY



CROSS SECTION A-A
SCALE 1:50



PROPOSED REPLACEMENT 15.2M X 11.6M SHEEP SHED
EXISTING SHED ROOF DESTROYED BY STORM 'DARAGH'
FOR MR CHRISTOPHER SWEENEY @ CLOUGHKIN, CARRIGANS.
EIRCODE F93 NY EG

LOCATION MAP

LARRIGANS.



Tailte Éireann



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Planning Services

RECEIVED DATE: 13/01/2025

3.31 PROPOSED
REPLACEMENT SHED

R236 ROAD

FARM YARD

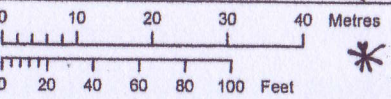
FARM HOUSE

C l o s h f i n

1.39

8.56

1.66



OUTPUT SCALE: 1:1,000

EIRCODE F93 NY E6

CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: www.tailte.ie; search 'Capture Resolution'

LEGEND:
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'



CENTRE COORDINATES:
ITM 636458,911523

PUBLISHED: 27/11/2024
ORDER NO: 50434510_1

MAP SERIES: 1:2,500
MAP SHEET: 0288-A

EIRCODE
F93 NY E6

COMPILED AND PUBLISHED
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

www.tailte.ie

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SECTION 5 REFERRAL REPORT – Ref.No: 25/01

Donegal County Council

1.0 BACKGROUND

1.1 Location:

Cloghfin, Carrigans, Co. Donegal.

1.2 Site Description:

The site is located on an existing farm unit consisting of a cluster of agricultural sheds. The site directly adjoins the R236 regional road and is within the settlement of Carrigans. The applicants have submitted a photo of the damaged shed which illustrates significant damage to the roof. The applicants have advised that the roof was damaged during Storm Darragh in December 2024.



1.3 Proposed Development:

The proposed works constitute as follows:

1. The replacement of a damaged agricultural shed. The shed will be sited on the existing footprint and have the same eaves height. The shed has a floor area of 176sqm.

1.4 Planning History:

No recent planning history

2.0 The Question

Whether works including construction of a roofed structure for agricultural use to accommodate sheep, located at Cloghfin, Carrigans, Co. Donegal, is or is not development and is or is not exempted development. The entire site is located in the Carrigans settlement framework.

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".

4.0 Planning and Development Regulations, 2001 (as amended)

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 such development would -
 - (i) – (xii) (inclusive)

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 metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

Conditions and Limitations (Column 2)

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 300 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 unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

CLASS 9 of Part 3 of Schedule 2 (Exempted Development – Rural)

Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

Conditions and Limitations (Column 2)

1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry but excluding the housing of animals or the storing of effluent.
2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.
3. No such structure shall be situated within 10 metres of any public road.
4. No such structure within 100 metres of any public road shall exceed 8 metres in height.
5. No such structure shall be situated 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.
6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

4.0 ASSESSMENT

4.1 Consideration of Proposed Development:

The Planning Authority is satisfied that the erection of an agricultural shed for the storage of sheep would constitute 'works' and would constitute 'development', as defined in Sections 2 & 3 of the Act respectively.

Following consideration of this proposal it is considered that the development does come within the scope of the said Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended) for the following reasons:

- It is noted that the gross floor space of the shed will be 176sqm. Whilst this is under the 200sqm threshold it does not meet Class 6 Criterion 2 as the gross floor space of the structure together with the other farm buildings within the same farmyard complex exceed 300 square metres gross floor space in aggregate. The aggregate floor space will be 480sqm.
- The structure will be less than 10m from the public road.
- An existing residential dwelling is located less than 100m away to the southwest on the opposite side of the road.

The subject site is determined to be agricultural, and it is considered that the scope of the exemptions do not provide for the construction of agricultural structures in such a context. On the basis of the above it is considered that the development does not come within the scope of the said Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

4.2 Conclusion:

It is considered that:

- (i) The erection of an agricultural shed constitutes “development” within the meaning of the Act, being works, and is not exempted development under the scope of Class 6 of Part 3 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 to An Bord 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 proposal to:

- (i) erect an agricultural shed

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

- (a) Section 2 (i), 3 (i), 177U (9) of the Planning and Development Act 2000 (as amended) and
- (b) Articles 6(3), 9(1) and Class 6 of Part 3 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 not exempted development as it does not come within the scope of Class 6 of Part 3 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).



Executive Planner
31/01/2025.



Frank Sweeney
Senior Executive Planner
Community Development & Planning Services
03/02/2025



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

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Our Ref: S525/01

13th January, 2025

John Bryson & Christopher Sweeney
C/o Michael Bryson
25 Priory Grove
Stillorgan
Co Dublin
A94 ND60

**Re: Section 5 - Application for proposed development at
Cloghfin, Carrigans, Co Donegal, F93 NYE6**

A Chara,

I wish to acknowledge receipt of your application received on 13th January, 2025 in relation to the above.

Yours sincerely,

Martina Parke

Donegal County Council
Planning Services



Chief Executive's Order No: 2025PH0332

Planning and Development Acts 2000 (as amended)

SECTION 5:-

Request received 13th January 2025 from John Bryson & Christopher Sweeney C/o Michael Bryson, 25 Priory Grove, Stillorgan, Co. Dublin A94 ND60 in relation to the construction of a roofed structure for agricultural use to accommodate sheep at Cloghfin, Carrigans, Co. Donegal F93 NYE6

SUBMITTED:-

Written request received 13th January 2025 as above and report dated 31st January 2025 from the Executive Planner (Ref. No: S525/01 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 6th DAY OF FEBRUARY 2025

11/15

Chief Executive's Order No: 2025PH0332

Ref.No: S525/01

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 (i), 3 (i), 177U (9) of the Planning and Development Act 2000 (as amended) and
- Articles 6(3), 9(1) and Class 6 of Part 3 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 NOT EXEMPTED DEVELOPMENT** as it does not come within the scope of Class 6 of Part 3 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

JS 06/02



**Comhairle Contae
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Donegal County Council

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Ref. No: S525/01

6th February 2025

John Bryson & Christopher Sweeney
C/o Michael Bryson
25 Priory Grove,
Stillorgan,
Co. Dublin
A94 ND60

**Re: Construction of a roofed structure for agricultural use to accommodate sheep at
Cloghfin, Carrigans, Co. Donegal F93 NYE6**

A Chara,

I refer to your request received on 13th January 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**

/jmcc

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

DECLARATION

Chief Executive's Order No: 2025PH0332

Reference No: S525/01

Name of Requester: John Bryson & Christopher Sweeney
C/o Michael Bryson
25 Priory Grove,
Stillorgan,
Co. Dublin
A94 ND60

Summarised Description of development the subject matter of request:

Construction of a roofed structure for agricultural use to accommodate sheep

Location: Cloghfin, Carrigans, Co. Donegal F93 NYE6

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 (i), 3 (i), 177U (9) of the Planning and Development Act 2000 (as amended) and
- Articles 6(3), 9(1) and Class 6 of Part 3 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 NOT EXEMPTED DEVELOPMENT** as it does not come within the scope of Class 6 of Part 3 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).



For Senior Ex. Planner
Planning Services

Dated this 6th day of February 2025