



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):	Marine fleet electronics ltd
Agent Name: (if applicable)	
Location of Proposed Development / Works: (Townland or postal address as appropriate and Eircode if available)	Main street Killybegs Co. Donegal F94 VP80
Description of Proposed Development including details of works (where applicable): (Only works listed below will be assessed under this section 5 application)	
<p>Reinstatement & refurbishment to existing vacant & partially derelict building. Roof replacement like for like at rear of building. Roof has significant damage & needs new beams to rear.</p> <p>Internal works are plumbing, heating & electrics - no removal of stone walls, building to be kept as original as possible. four bedrooms for refurbishment & bringing back into use.</p>	



Comhairle Contae
Dhún na nGall
Donegal County Council

Development a Protected Structure or within the curtilage of a Protected Structure?	Yes	No
		✓
Declaration under Section 57 of Planning and Development Act (as amended) been requested or granted in respect of the property.	Yes	No
		✓
Interest(s) in the site:	owner of property	
If the Owner of the site, please provide the name of the Landowner:		
List types of plans, drawings submitted with this application:	No changes to the building.	
Planning History - list any relevant application reference numbers:	Pat Mc Gee	
Aware of any enforcement actions connected to the site? If yes supply details:	NO	

I hereby certify that the information provided is true and accurate	
Name of Applicant/Agent:	<u>Jonathan Kenney</u>
	19/12/2024



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
- (d) More information on exempted development can be found on the OPR planning leaflets available at <https://www.opr.ie/planning-leaflets/>

Ref no: 663727
€80 paid
19/12/2024

Confin Road

Harbour Bar

The Fleet Inn
Guesthouse &...

Bay View Hotel

Hughies Bar

Andersons Boathouse
Restaurant and...

Main Str

Don

Do

Wellbrae Bar

Killybegs Sea
Sailing Club

Killybegs
Fishing Trips



Google

SECTION 5 REFERRAL REPORT – Ref. No: S5 24/106

1.0 BACKGROUND

1.1 Location:

The subject site is located at Main Street, Killybegs, Co. Donegal and comprises a single detached dwelling. The dwelling is within the Town Centre of Killybegs as designated in the Seven Strategic Towns (Killybegs) Local Area Plan 2018-2024 and is also within the designated Archaeological Complex.

1.2 Planning History:

Permission was granted under application ref. no. 09/20271 to demolish the existing retail unit and construct 3 no. office/retail units. This was extended under 15/50436 but benefit was not taken of the permission.

1.3 The Development:

The proposed development sets out to refurbish the existing dwelling by way of replacement of the roof and internal works.

2.0. THE QUESTION

Marine Fleet Electronics Ltd 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:

- (i) Refurbishment of the existing dwelling by replacement of the roof and internal refurbishment works.

3.0 EVALUATION

3.1 Planning and Development Act, 2000 (as amended)

Section (2)

“Works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

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)(h)

Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do 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.

Section 4(2)(a)

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 –

- (i) “by reason of the size, nature, or limited effect on its surroundings.....”
- (ii) “the development is authorised, or is required to be authorised, by or under any enactment....”

Section 4(2)(b)

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

Section 4(2)(c)

“Regulations under this subsection may, in particular and without prejudice to the generality of paragraph (a) provide, in the case of structures or other land used for a purpose of any specified class, for the use thereof for any other purposes being exempted development for the purposes of this Act”.

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.”

It is noted that subject site is not within a Natura 2000 site.

3.2 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.

3.0. ASSESSMENT

4.0. The Planning Authority is satisfied that the proposed refurbishment of the existing dwelling on a like for like basis within the existing footprint of the building would constitute 'development' as defined in Sections 2 & 3 of the Act.

5.0. Following consideration of this proposal and having regard to the information submitted, it is considered that the development does come within the scope of Section 4 (1) (h) of the Planning and Development Act 2000 (as amended) and would not materially alter the external appearance of the structure.

6.0. It is further noted that notwithstanding the location of the site within an Archaeological Complex, the works do not entail any form of excavation that would require further archaeological investigation.

7.0. Appropriate Assessment is not a consideration in the assessment of the proposal.

8.0. 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.

9.0. RECOMMENDATION

Notwithstanding the above detailed exemptions and limitations, the applicant has sought a declaration on works which have been clarified.

The submitted maps indicate a highlighted site with written consent to said works from relevant landowners.

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:

Refurbishment of the existing dwelling house

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

Sections 2, 3, 4 and 177U(9) of the Planning and Development Act, 2000 (as amended) and Articles 6(3) and 9(1) 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 Section 4 (1) (h) Planning and Development Act, 2000 (as amended).

Signed: *A. Quinn*
30/12/2024.



Frank Sweeney
Senior Executive Planner
Community Development & Planning Services
07/01/2025



**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
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W: www.donegalcoco.ie
W: www.ccdhunnangall.ie

Planning Services
E: planning@donegalcoco.ie

Ref. No: S5 24/106

20th January 2025

Marine Fleet Electronics Ltd
Croaghlin,
Killybegs,
Co. Donegal

Re: Refurbishment of existing dwelling by replacement of the roof and internal refurbishment works at Main Street, Killybegs, Co. Donegal F94 VPN0

A Chara,

I refer to your request received on 19th December 2024 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 Pleanala 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

/jmc

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

DECLARATION

Chief Executive's Order No: 2025PH0078

Reference No: S5 24/106

Name of Requester: Marine Fleet Electronics Ltd
Croaghlin,
Killybegs,
Co. Donegal

Summarised Description of development the subject matter of request:

Refurbishment of existing dwelling by replacement of the roof and internal refurbishment works

Location: Main Street, Killybegs, Co. Donegal F94 VPN0

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:

- Sections 2, 3, 4 and 177U(9) of the Planning and Development Act, 2000 (as amended) and,
- Articles 6(3) and 9(1) 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 Section 4 (1) (h) Planning and Development Act, 2000 (as amended).



For Senior Ex. Planner
Planning Services

Dated this 20th day of January 2025

Chief Executive's Order No: 2025PH0078

Planning and Development Acts 2000 (as amended)

SECTION 5:-

Request received 19th December 2024 from Marine Fleet Electronics Ltd, Croaghlin, Killybegs, Co. Donegal in relation to the refurbishment of existing dwelling by replacement of the roof and internal refurbishment works at Main Street, Killybegs, Co. Donegal F94 VPNO

SUBMITTED:-

Written request received 19th December 2024 as above and report dated 30th December 2024 from the Executive Planner (Ref. No: S5 24/106 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 20th DAY OF JANUARY 2025

Chief Executive's Order No: 2025PH0078

Ref.No: S5 24/106

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:

- Sections 2, 3, 4 and 177U(9) of the Planning and Development Act, 2000 (as amended) and,
- Articles 6(3) and 9(1) 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 Section 4 (1) (h) Planning and Development Act, 2000 (as amended).

JS 20/01