



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Registered Post**

**Ann Marie Reilly Dolan  
C/o Niall Geoghegan  
Ballybeg  
Ennis  
Co. Clare**

**19th March 2024**

**Section 5 referral Reference R24-19 – Ann Marie Reilly Dolan**

Is the construction of a slatted unit at Doolough, Connolly, Co. Clare development and if so, is it exempted development?

A Chara,

I refer to your application received on 23rd February 2024 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

The Planning Authority has considered the matter and I attach herewith the Council's findings in this matter.

Where a declaration is issued by the Planning Authority, any person issued with a declaration, may on payment to an Bord Pleanála of the required fee, refer a declaration for review by An Bord Pleanála within 4 weeks of the date of the issuing of the declaration. Details on making such appeal are available on the Board's website at [www.pleanala.ie](http://www.pleanala.ie)

Mise, le meas

**Anne O'Gorman  
Staff Officer  
Planning Department  
Economic Development Directorate**

**An Roinn Pleanála  
An Stiúirthóireacht Forbairt Gheilleagrach**

Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

**Planning Department  
Economic Development Directorate**

Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



**CLARE COUNTY COUNCIL**

**SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED**

**DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT**

Chief Executive's Order No:

83296

Reference Number:

R24-19

Date Referral Received:

23rd February 2024

Additional Information Received:

13th March 2024

Name of Applicant:

Ann Marie Reilly Dolan

Location of works in question:

Doolough, Connolly, Co. Clare

**Section 5 referral Reference R24-19 – Ann Marie Reilly Dolan**

Is the construction of a slatted unit at Doolough, Connolly, Co. Clare development and if so, is it exempted development?

**AND WHEREAS** Clare County Council, in considering this referral, had regard in particular to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The works as indicated in submitted documents from the referrer on the 23<sup>rd</sup> February 2024.

**AND WHEREAS** Clare County Council has concluded:

- (a) The development of the construction of a slatted unit at Doolough, Connolly, County Clare, constitutes "*works*" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended,
- (b) The said works constitute "*development*" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended,
- (c) The said development of the construction of a slatted unit, at Doolough, Connolly County Clare is exempted development having regard to Class 6 and Class 9 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended.

**ORDER:** Whereas by Chief Executive's Order No. HR 152 dated 9<sup>th</sup> April 2021, Pat Dowling, Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate to Gareth Ruane, Senior Executive Planner, the powers, functions and duties as set out herein,

**NOW THEREFORE** pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the referral described above, I, Gareth Ruane, Senior Executive Planner, hereby declare that the construction of a slatted unit at Doolough, Connolly, Co. Clare is considered development which is exempted development.

Signed:



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**GARETH RUANE**  
**SENIOR EXECUTIVE PLANNER**

Date:

**19th March 2024**

**DECLARATION ISSUED UNDER SECTION 5 OF THE  
PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)**

Reference No.: R24-19



**Comhairle Contae an Chláir  
Clare County Council**

**Section 5 referral Reference R24-19**

**Is the construction of a slatted unit at Doolough, Connolly, Co. Clare development and if so, is it exempted development?**

**AND WHEREAS, Ann Marie Reilly Dolan** has requested a declaration from Clare County Council on the said question.

**AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –**

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The works as indicated in submitted documents from the referrer on the 23<sup>rd</sup> February 2024.

**And whereas Clare County Council has concluded:**

- (a) The development of the construction of a slatted unit at Doolough, Connolly, County Clare, constitutes “works” which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended,
- (b) The said works constitute “development” which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended,
- (c) The said development of the construction of a slatted unit, at Doolough, Connolly County Clare is exempted development having regard to Class 6 and Class 9 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended.

**THEREFORE:** The Planning Authority in exercise of the powers conferred on it by Section 5 of the Planning and Development Act, 2000 (as amended), hereby decides that:

The proposed development consisting of the construction of a slatted unit at Doolough, Connolly, Co. Clare constitutes development which is exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.



Anne O'Gorman  
Staff Officer  
Planning Department  
Economic Development Directorate

19th March 2024

**CLARE COUNTY COUNCIL  
SECTION 5 DECLARATION OF EXEMPTION APPLICATION  
PLANNERS REPORT 1**

<b>FILE REF:</b>	R24-19
<b>APPLICANT(S):</b>	Ann Marie Reilly Dolan
<b>REFERENCE:</b>	Whether the construction of a slatted unit at Doolough, Connolly, County Clare is not development and is or is not exempted development.
<b>LOCATION:</b>	Doolough, Connolly, County Clare
<b>DUE DATE:</b>	21 <sup>st</sup> March 2024

**Site Location**

The proposal site is located in the rural townland of Doolough and is 1km south-east of Doolough Lake. It is circa 480 metres south of the LS6204 local secondary road and is accessed via the LT6242 local tertiary road and a private cul de sac road. It is to the south of 2 vacant dwellings and sheds that are in the applicants ownership. The proposed slatted unit would be located in an agricultural field that is above the level of the buildings to the north. The main views towards the site are from the local tertiary road and the local secondary roads to the north. From these roads the site is locally elevated. However, it does benefit from the visual backdrop of rising lands to the south. I inspected the site on the 08<sup>th</sup> March 2024.

**Recent Planning History**

**Onsite**

None.

**South East**

16-1011 – Granted – Eirgrid PLC - with the consent and approval of the Electricity Supply Board, for works associated with the refurbishment of the existing Moneypoint - Oldstreet 400 kV overhead line within the various townlands as set out in the newspaper and site notices that form part of this application. (Please refer to these notices for a full detailed description of the proposed development.)Please also note that a Natura Impact Statement ( NIS ) accompanies this application.

**Background to Referral**

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Ann Marie Dolan Reilly who states that she is seeking a Section 5 Declaration as to whether the construction of a slatted unit at Doolough Connolly, County Clare is or is not development and is or is not exempted development. Mr Clancy is the stated owner of the site.

## Statutory Provisions

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

In order to assess this proposal, regard has to be had to the *Planning and Development Act 2000, as amended*.

S.3.(1) In this Act, "development" 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.

'Works' are defined in Section 2 of the *Planning and Development Act 2000, as amended* as follows:

*"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.*

### Planning & Development Regulations, 2001, as amended

Article 6 refers to Exempted Development and states that subject to Article 9, 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.

### Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 6

*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.*

- 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.*

Under Article 9 (1) of the same Regulations, 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 compromise 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,*

*(iii)(a) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,*

*(iv) 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, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,*

*(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,*

*(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,*



*(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.”*

*(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,*

*(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area 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,*

*(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,*

*(xi) obstruct any public right of way,*

*(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area 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 and the development would materially affect the character of the area.*

## Assessment

### Basis of Referral

The applicant is seeking a Section 5 Declaration as to whether the construction of a slatted unit at Doolough Connolly County Clare is or is not development and is or is not exempted development.

### Particulars of Proposal

The particulars of the proposal and site are set out below:

#### Proposed Slatted Shed

- Height 6.7 metres
- Proposed Floor Area 233 sqm
- Proposed Storage Volume 105 cbm
- Distance from road Greater than 10 metres
- Distance from dwellings Greater than 100 metres (expect dwellings in applicants ownership which are vacant)

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 6

*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.*

It is proposed that the structure will be used as a slatted shed.

- 1. No such structure shall be used for any purpose other than the purpose of agriculture.*

The use proposed is agricultural.

- 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.*

The 300 sqm threshold is not exceeded in this instance.

- 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.*

Details of the proposed tanks are set out in the drawings submitted. The slatted tank must be in line with standards as set by the Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government.

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

The proposed development is in excess of 10 metres from the public road.

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

This height threshold is not exceeded in this instance.

- 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.*

The proposed development would not be within 100 metres of existing dwellings that are not in the applicants ownership.

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

Standard agricultural cladding proposed.

Article 9 of the Planning and Development Regulations 2001, as amended

Article 9 of the Planning and Development Regulations 2001, as amended outlines restrictions on exempted development, and these are assessed below:

- (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*

Not applicable.

- (ii) *consist of or compromise 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,*

Not applicable.

- (iii) *endanger public safety by reason of traffic hazard or obstruction of road users,*

Site is served by an existing agricultural access point.

- (iii)(a) *endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,*

Standard agricultural cladding proposed.

- (iv) *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.*

This site is located within a Settled Landscape. I note the additional information received on the 13<sup>th</sup> March 2024 with regard to the levels across the site. Having regard to the nature of the proposed development, that nature of the proposal site and its receiving environs, the views available towards the site I consider that development proposed would not interfere with the character of the landscape or views in the area.

*(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, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,*

Not applicable.

*(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,*

Not applicable.

*(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,*

The proposal site is located circa 10km from the Lower River Shannon SAC. Having regard to the nature and scale of the proposed development and the absence of proximity or connectivity to a European Site, no Appropriate Assessment issues arise and I do not consider 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. An appropriate assessment screening report and determination is attached to this report.

*(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000."*

The proposed development would not be likely to have an adverse impact on an area designated as a natural heritage area.

*(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,*

Not applicable.

*(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area 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,*

Not applicable.

*(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,*

Not applicable.

*(xi) obstruct any public right of way,*

Not applicable.

*(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area 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 and the development would materially affect the character of the area.*

Not applicable.

### **Conclusion**

Having regard to the above it is considered that the construction of a slatted unit, at Doolough Connolly County Clare constitutes both 'works' and 'development'. However regard has also been had to Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended and the construction of a slatted unit at Doolough Connolly County Clare is development and is exempted development.

### **Recommendation**

**The following question has been referred to the Planning Authority:**

Whether the construction of a slatted unit at Doolough Connolly, County Clare, is or is not development and is or is not exempted development.


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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended
- (c) Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The works as indicated in submitted documents from the referrer on the 23<sup>rd</sup> February 2024.

And whereas Clare County Council (Planning Authority) has concluded:

- (a) the development of the construction of a slatted unit at Doolough Connolly County Clare, constitutes "*works*" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended
- (b) the said works constitute "*development*" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended
- (c) the said development of the construction of a slatted unit, at Doolough Connolly County Clare, is exempted development having regard to Class 6 and Class 9 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended.

Now therefore Clare County Council (Planning Authority) hereby decides that the construction of a slatted unit, at Doolough Connolly County Clare, is development and is exempted development.

  
Executive Planner

Date: 13<sup>th</sup> March 2024

  
Senior Executive Planner

Date: 13/03/24.



**Table 2: Identification of European sites which may be impacted by the proposed development.**

This section identifies the European Sites within the likely zone of impact of the plan or project. For plans an initial 15km zone of influence (NPWS-DAHG)<sup>1</sup> is recommended. For projects, the distance could be much less than 15km, and in some cases less than 100m, but this must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects. Qualifying Interests/Special conservation Interests for each site and the distance relevant to the proposal are listed (Table 2 (a)).

**Table 2 (a): European Sites within 15km of Applicant Site**

European Sites <sup>2</sup>	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on <a href="http://www.npws.ie/protectedsites">www.npws.ie/protectedsites</a> ) or through Intranet.	Distance to Applicant Site (km)
Lower River Shannon SAC	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Margaritifera margaritifera (Freshwater Pearl	10

<sup>1</sup> European Sites that are more than 15km from the proposal may have to be considered. For example in the case of sites with water dependent habitats or species and where a proposal could affect water quality or quantity it may be necessary to consider the full extent of the upstream and/or downstream catchment.

<sup>2</sup> European Site details are available on <http://webgis.npws.ie/npwsviewer/> or maybe obtained from internal mapping systems.



European Sites <sup>2</sup>	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on <a href="http://www.npws.ie/protectedsites">www.npws.ie/protectedsites</a> ) or through Intranet.	Distance to Applicant Site (km)
	Mussel) [1029] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Tursiops truncatus (Common Bottlenose Dolphin) [1349] Lutra lutra (Otter) [1355]	

1	<b>Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.</b>	<i>Is the development in the catchment of or immediately upstream of a watercourse that has been designated as a European site?</i>	Yes
2	<b>Impacts on terrestrial habitats and species.</b>	<i>Is the development within 1km of a European site with terrestrial based habitats or species?</i>	No
3	<b>Impacts on designated marine habitats and species.</b>	<i>Is the development located within marine or intertidal areas and within 5 km of a European site whose qualifying habitats or species include the following: Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs</i>	No
4	<b>Impacts on birds in SPAs</b>	<i>Is the development within 1km of a Special Protection Area</i>	No
5	<b>Indirect effects</b>	<i>Is the development, in combination with other existing or proposed developments likely to impact on an adjacent European site? Is any emission from the development (including noise) likely to impact on an adjacent habitat or species?</i>	No impacts envisaged

Appropriate Assessment Screening Determination	
Planning File Reference	R24-19
Proposed Development	Slatted shed
Development Location	Doolough Connolly
European sites within impact zone	As per report
<b>Description of the project</b>	
Slatted shed (straw bedded & effluent storage tanks)	
<b>Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site</b>	
As per report	
<b>Describe how the project or plan (alone or in combination) is likely to affect the European site(s).</b>	
Water quality & general disturbance	
<b>If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?</b>	
Spreadlands at a significant remove from the designation. Compliance with European Communities (Code of Good Agricultural Practice for Protection of Waters) Regulations, 2014 required by applicants. No loss of foraging area and/or treelines etc.	
<b>Documentation reviewed for making this statement</b>	
NPWS website Plans and particulars received GIS mapping database	
<b>Conclusion of assessment (a, b, c or d)</b>	
(a) The proposed development is directly connected with or necessary to the nature conservation management of a European Site(s) <sup>3</sup>	No
(b) There is no potential for significant effects to European Sites <sup>3</sup>	Yes
(c) The potential for significant effects to European Site(s) cannot be ruled out <sup>4</sup>	No

<sup>3</sup> Appropriate Assessment is not required and therefore Planning permission may be granted at this stage subject to all other planning considerations. However, no changes may be made to the proposed development after this conclusion has been reached as this would invalidate the findings of the screening exercise.

<sup>4</sup> In accordance with S177U of the Planning and Development (Amendment) Act 2010, the applicant should be requested to submit an 'Appropriate Assessment Screening Matrix' completed by a suitably qualified ecologist, by way of Further Information. Following receipt of this information a new Appropriate Screening Report should be completed. The requested 'Appropriate Assessment Screening Matrix' should be in accordance with the template outlined in Annex 2, Figure 1 of the EU (2001) guidance document 'Assessment of plans and projects significantly affecting European Sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. This guidance document is available from [http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura\\_2000\\_assess\\_en.pdf](http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf)

Alternatively, where other planning concerns arise the proposal could be refused planning permission.

<b>(d) Significant effects to European sites are certain or likely or where potential for significant effects to European sites remains following receipt of Further Information requested under S177U of the Planning and Development (Amendment) Act 2010<sup>5</sup></b>	No
<b>Completed By</b>	John O'Sullivan
<b>Date</b>	13 <sup>th</sup> March 2024

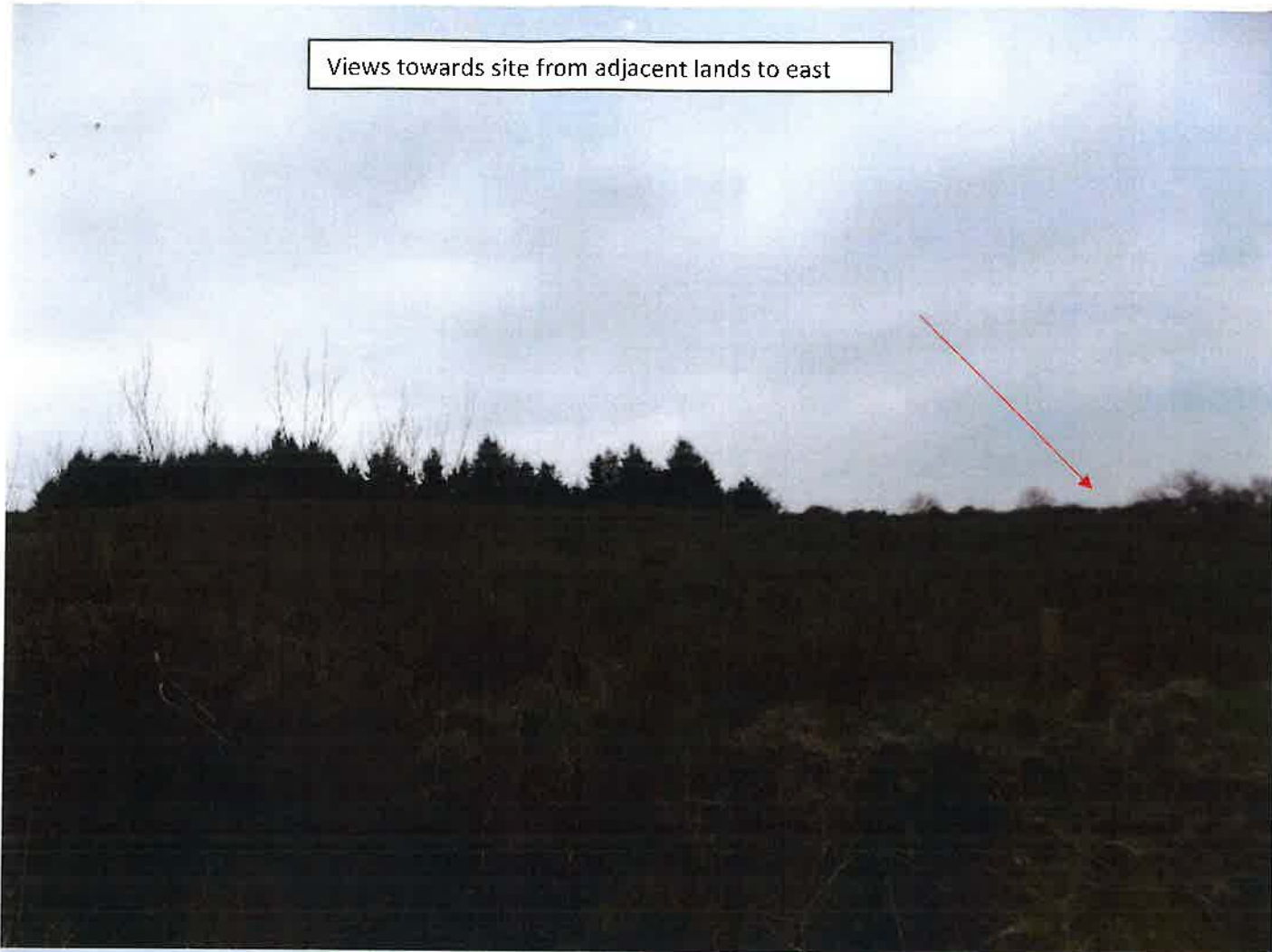
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<sup>5</sup> The proposed development must either be refused planning permission or alternatively an 'Appropriate Assessment' (AA) should be carried out by the Planning Authority. In order to facilitate the preparation of an AA the applicant should be requested to submit a Natura Impact Statement (NIS) in accordance with S177 (T) of the Planning and Development (Amendment) Act 2010. However, in the case of an application to retain unauthorised development of land and where the authority decides that an 'appropriate assessment' should have been carried out prior to the commencement of development, the application is required to be invalidated by the Planning Authority as per S34 (12) of the Planning and Development (Amendment) Act 2010 and accordingly an NIS should not be requested in such instances.



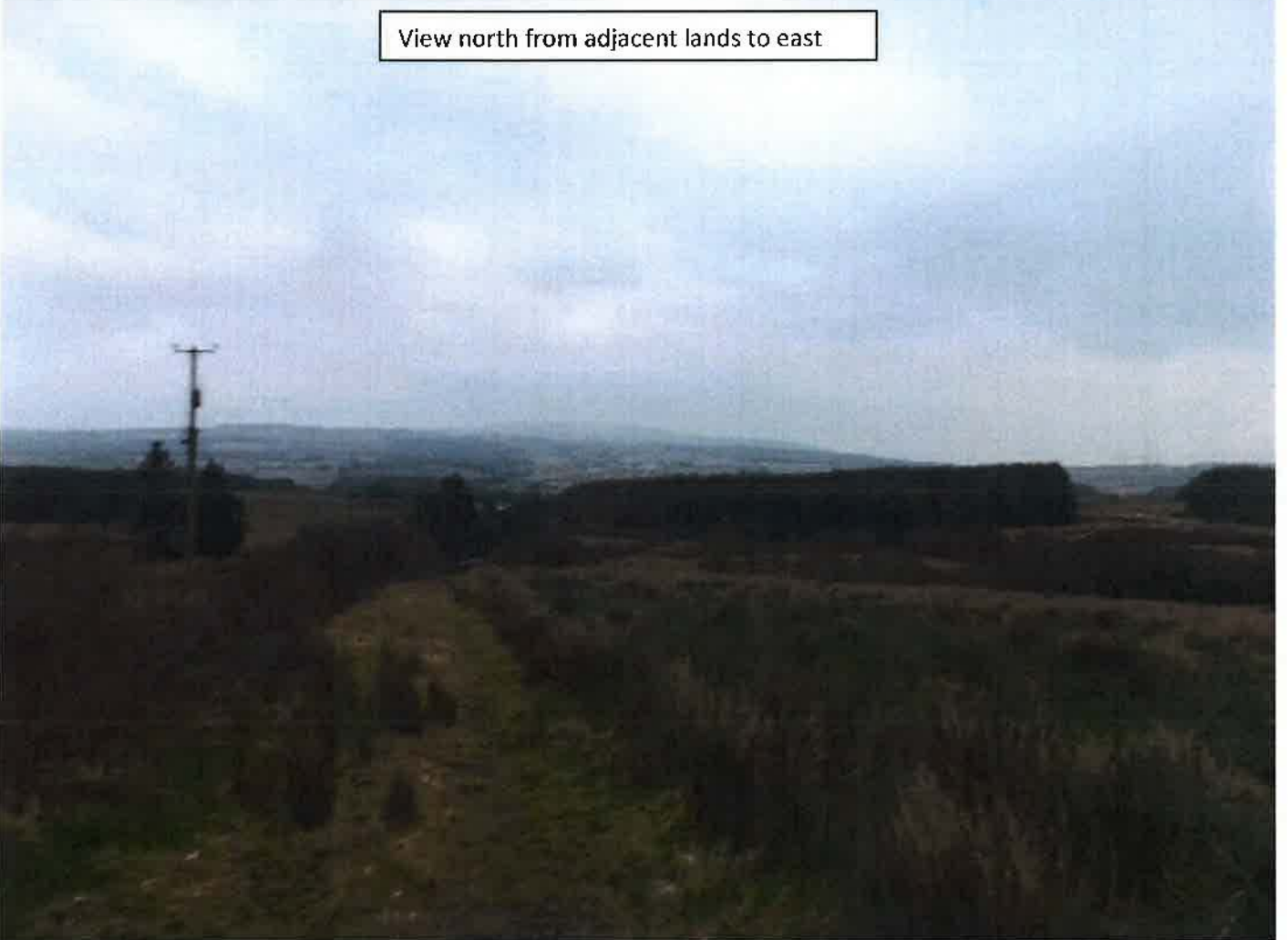


Views towards site from adjacent lands to east





View north from adjacent lands to east







**John O Sullivan**

---

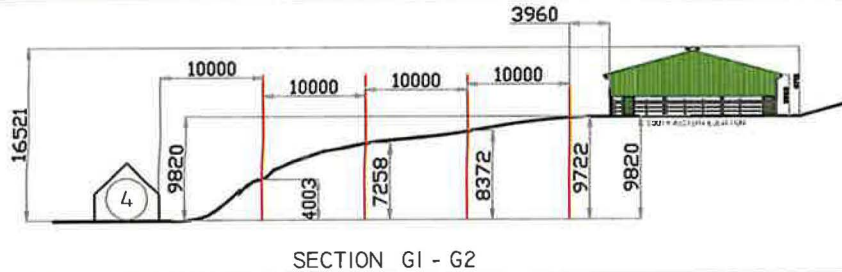
**From:** Niall Geoghegan < >  
**Sent:** Wednesday 13 March 2024 15:09  
**To:** John O Sullivan  
**Subject:** Ann Marie Reilly Dolan Section 5 in Doolough Connolly Co. Clare  
**Attachments:** Padraig\_Dolan\_Site\_Layout+Section\_G1-G2.pdf

John,

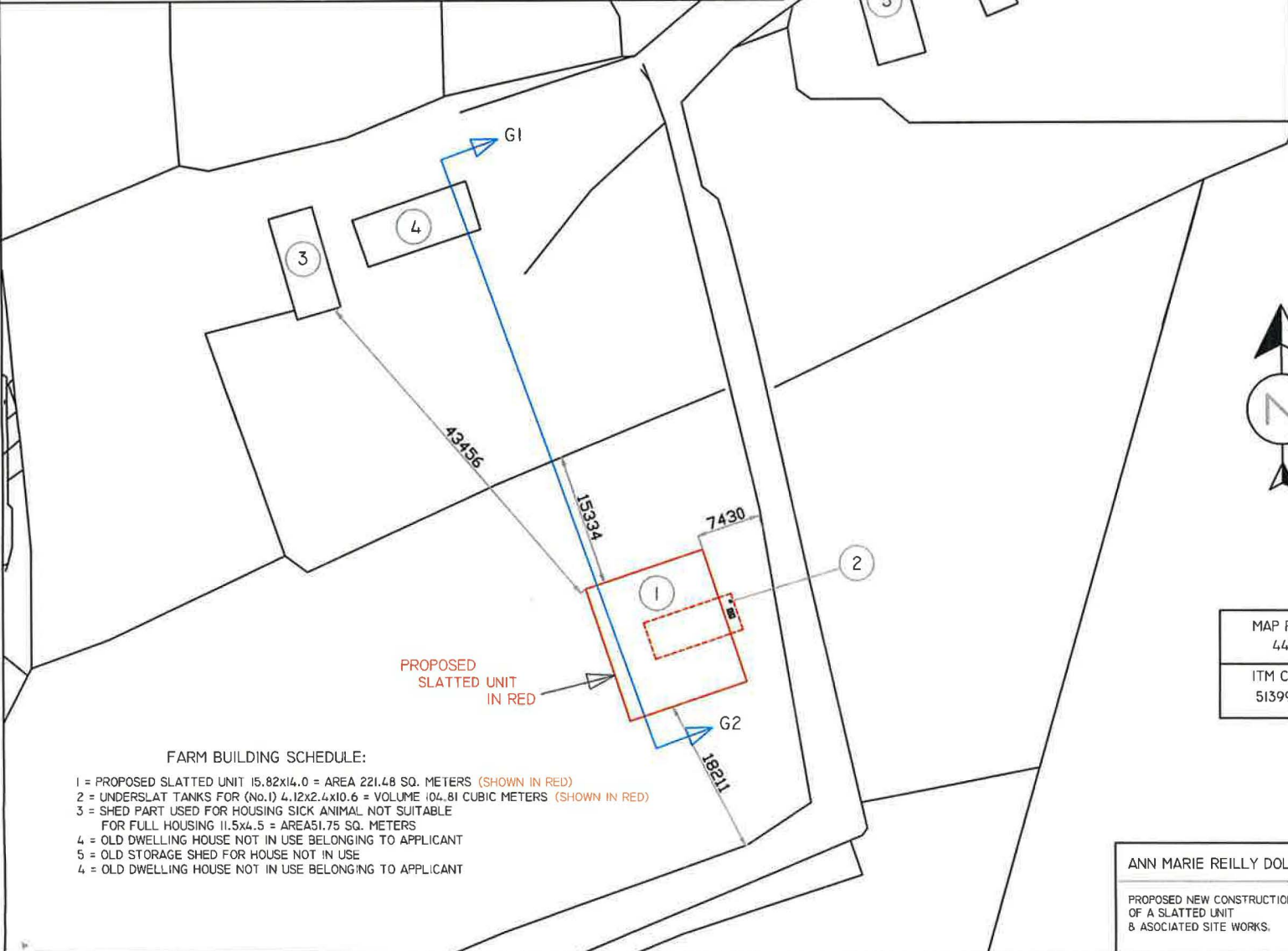
Please find attached a section thru from the old house No. 4 on Site Layout thru the new proposed slatted unit indication of levels as discussed

Regards,  
Niall Geoghegan

(



SECTION G1 - G2



MAP REFERENCE  
4433

ITM COORDINATES  
513997, 671410

FARM BUILDING SCHEDULE:

- 1 = PROPOSED SLATTED UNIT 15.82x14.0 = AREA 221.48 SQ. METERS (SHOWN IN RED)
- 2 = UNDERSLAT TANKS FOR (No.1) 4.12x2.4x10.6 = VOLUME 104.61 CUBIC METERS (SHOWN IN RED)
- 3 = SHED PART USED FOR HOUSING SICK ANIMAL NOT SUITABLE FOR FULL HOUSING 11.5x4.5 = AREA 51.75 SQ. METERS
- 4 = OLD DWELLING HOUSE NOT IN USE BELONGING TO APPLICANT
- 5 = OLD STORAGE SHED FOR HOUSE NOT IN USE
- 4 = OLD DWELLING HOUSE NOT IN USE BELONGING TO APPLICANT

ANN MARIE REILLY DOLAN

PROPOSED NEW CONSTRUCTION  
OF A SLATTED UNIT  
& ASSOCIATED SITE WORKS.

AT DOOLOUGH,  
CONNOLLY,  
Co. CLARE.

SCALE: 1 : 200

DATE: FEB 2024

ALL DIMENSIONS IN MILLIMETERS  
UNLESS OTHERWISE STATED

DWG'S PREP. BY: NIALL GEORGEHAN  
ADDRESS: BALLYBEG, ENNIS,  
MOBILE: 087 2061697



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Ann Marie Reilly Dolan**  
C/o Niall Geoghegan  
Ballybeg  
Ennis  
Co. Clare

**26/02/2024**

**Section 5 referral Reference R24-19 – Ann Marie Reilly Dolan**

Is the construction of a slatted unit at Doolough, Connolly, Co. Clare development and if so, is it exempted development?

A Chara,

I refer to your application received on 23rd February 2024 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

Please note that the Planning Authority is considering the matter and a reply will issue to you in due course.

Mise, le meas

**Brian Fahy**  
Planning Department  
Economic Development Directorate

**An Roinn Pleanála**  
**An Stiúirthóireacht Forbairt Gheilleagrach**  
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

**Planning Department**  
**Economic Development Directorate**  
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



CONTAE  
Clare County Council  
Aras Contae an Chlair  
New Road  
Ennis  
Co Clare

23/02/2024 15:03:59

Receipt No L1CASH/0/361032  
\*\*\*\*\* REPRINT \*\*\*\*\*

ANN MARIE REILLY DOLAN  
C/O NIALL GEOGHGAN  
BALLYBEG  
ENNIS  
CO. CLARE

R24-19

SECTION 5 REFERENCES 80.00  
GOODS 80.00  
VAT Exempt/Non-vatable

Total : 80.00 EUR

Tendered :  
CREDIT CARDS 80.00

Change : 0.00

COMHAIRLE

CONTAE

AN CHLAIR

P07

**CLARE COUNTY COUNCIL  
COMHAIRLE CONTAE AN CHLÁIR**

Planning Department,  
Economic Development Directorate,  
Clare County Council,  
New Road, Ennis,  
Co. Clare.  
V95DXP2

Telephone No. (065) 6821616  
Fax No. (065) 6892071  
Email: [planoff@clarecoco.ie](mailto:planoff@clarecoco.ie)  
Website: [www.clarecoco.ie](http://www.clarecoco.ie)



R24-19

**REQUEST FOR A DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT  
(Section 5 of the Planning & Development Act 2000 (as amended))**

**FEE: €80**

*This following form is a non-statutory form which has been prepared by Clare County Council for the purpose of obtaining the necessary information required for a declaration to be made under Section 5 by the Planning Authority*

**1. CORRESPONDENCE DETAILS.**

(a) Name and Address of person seeking the declaration	Ann Marie Reilly Dolan <hr/> 3 Tearmann, <hr/> Renmore <hr/> Co. Galway <hr/>
(b) Telephone No.:	
(c) Email Address:	None
(d) Agent's Name and address:	Niall Geoghegan <hr/> Ballybeg <hr/> Ennis <hr/> Co. Clare <hr/>

**2. DETAILS REGARDING DECLARATION BEING SOUGHT**

(a) PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT  
*Note: only works listed and described under this section will be assessed.*

Sample Question: *Is the construction of a shed at 1 Main St., Ennis development and if so is it exempted development?*

Is the construction of a slatted unit at Doolough, Connolly, Co. Clare development and if so is is exempted development

(b) Provide a full description of the question/matter/subject which arises wherein a declaration of the question is sought.

The applicant is looking to build a small slatted unit with a difference, the slatted unit will be straw bedded, the underslat tank will be for storing effluent not slurry. the effluent will be spread during very dry weather during the summer only. The applicant is farming organically. the size of the slatted unit is 221.48 sq. meters and will be housing rear breed dexter cattle (very small cattle half the size of standard cattle). The applicant keeps 12 dexter cows and 12 calves for the year

The Applicant is farming circa 65 hectares The Dexter Cattle suit this ground very well


(c) List of plans, drawings etc. submitted with this request for a declaration:

*(Note: Please provide a site location map to a scale of not less than 1:2500 based on Ordnance Survey map for the areas, to identify the lands in question)*

(1) Drawings of slatted unit (scale 1:100/1:200) (2) Site layout 1:500

(3) Site Map 1:2500 (4) land map 1:10560

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	Doolough Connolly Co Clare
(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	No
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	The applicant is the landowner
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question:  <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	The applicant is the landowner
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	The applicant is the landowner
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	No
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	No
(h) Date on which 'works' in question were completed/are likely to take place:	June 2024

SIGNED:   
 NIALL GEOGHEGAN  
 (AGENT)

DATE: 23/02/2024

**GUIDANCE NOTES**

*This following are non-statutory advice notes prepared by Clare County Council for the purpose of advising people what information is required for a decision to be made under Section 5 by the Planning Authority*

- (i) The request for a declaration under Section 5 must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
- (ii) The request for a declaration under Section 5 must be accompanied by the required fee of €80.00.
- (iii) If submitting any additional plans/reports etc. as part of the request for a declaration, please submit 2 copies.
- (iv) The request for a declaration should be sent to the following address:

Planning Department,  
Economic Development Directorate,  
Clare County Council  
Aras Contae an Chlair,  
New Road,  
Ennis,  
Co. Clare  
V95DXP2

- (v) Notwithstanding the completion of the above form, the Planning Authority may require the submission of further information with regard to the request in order to enable the Authority to issue a declaration on the question.
- (vi) The Planning Authority may also request other persons to submit information on the question which has arisen and on which the declaration is sought

**FOR OFFICE USE ONLY**

Date Received:	.....	Fee Paid:	.....
Date Acknowledged:	.....	Reference No.:	.....
Date Declaration made:	.....	CEO No.:	.....
Decision:	.....		



# Planning Pack Map

ANN MARIE REILLY DOLAN NEW PROPOSED SLATED UNIT IN RED



Tailte Éireann

**CENTRE COORDINATES:**  
ITM 513997,671410

**PUBLISHED:** 23/02/2024  
**ORDER NO.:** 50384941\_1

**MAP SERIES:** 1:5,000  
**MAP SHEETS:** 4433

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

[www.tailte.ie](http://www.tailte.ie)

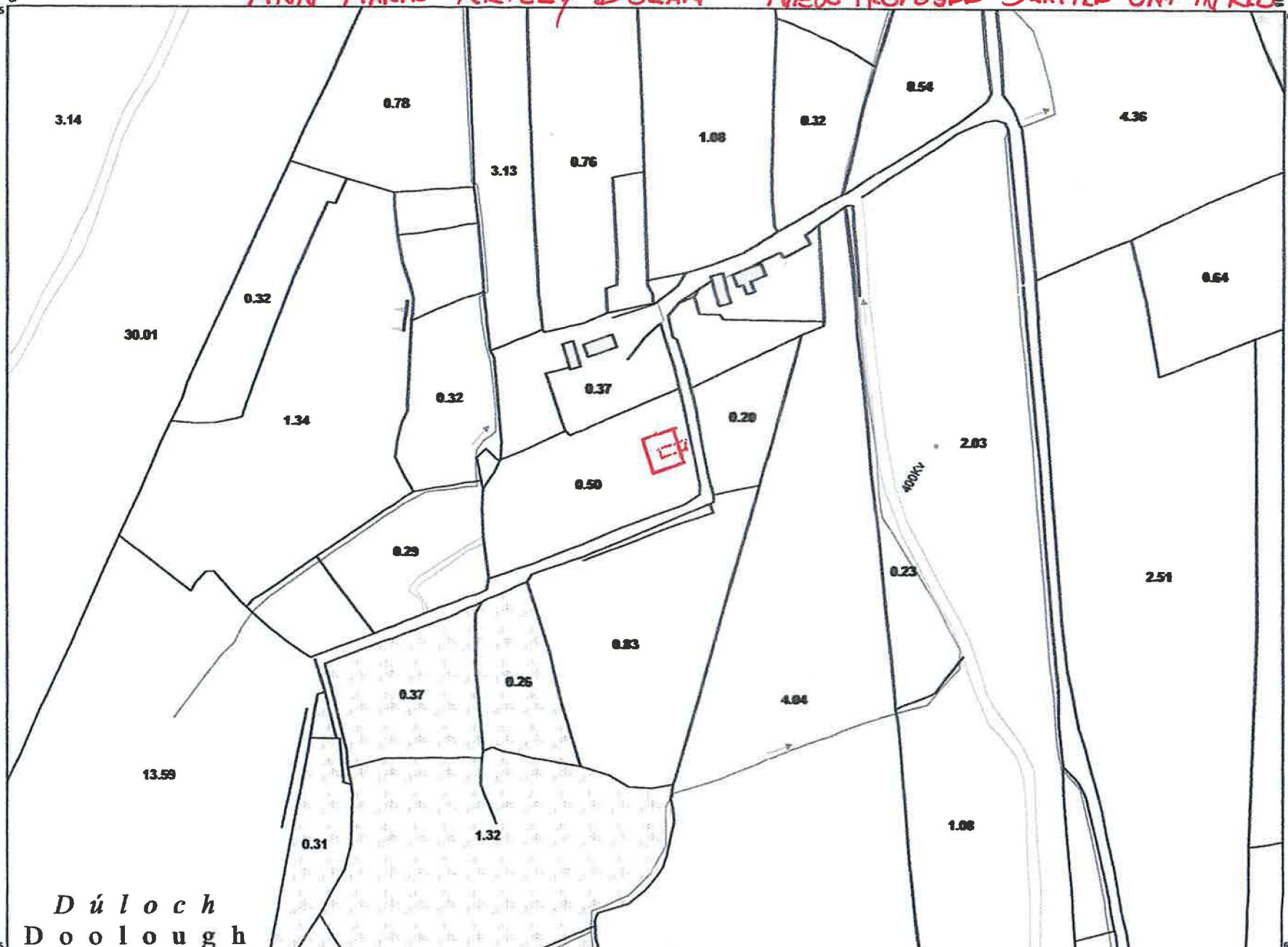
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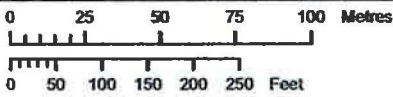
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This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

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Dúloch  
Doolough



OUTPUT SCALE: 1:2,500

**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](http://www.tailte.ie), search 'Capture Resolution'

**LEGEND:**  
To view the legend visit [www.tailte.ie](http://www.tailte.ie) and search for 'Large Scale Legend'



671625  
671195  
513708  
514238

671625  
671195  
514238

# Site Location Map

PROPOSED SLATTEK UNIT IN RED LANDHOLDING IN BLUE SPREADLANDS IN GREEN



Tailte  
Éireann

CENTRE  
COORDINATES:  
ITM 513997,671410

PUBLISHED: 23/02/2024 ORDER NO.: 50384941\_1

MAP SERIES: 6 Inch Raster MAP SHEETS: CE039

ANN MARIE  
REILLY DOLAN

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

[www.tailte.ie](http://www.tailte.ie)

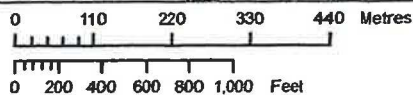
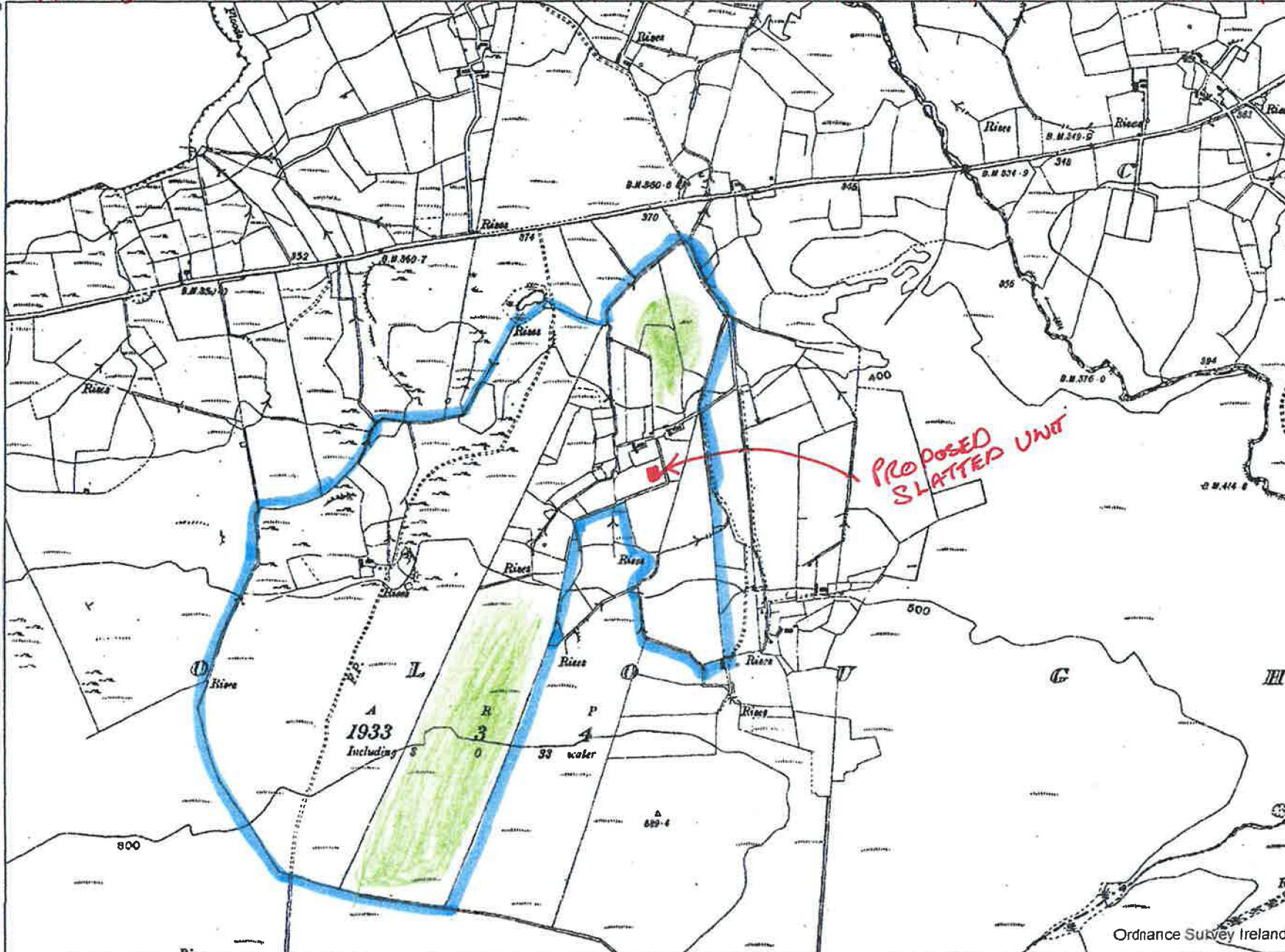
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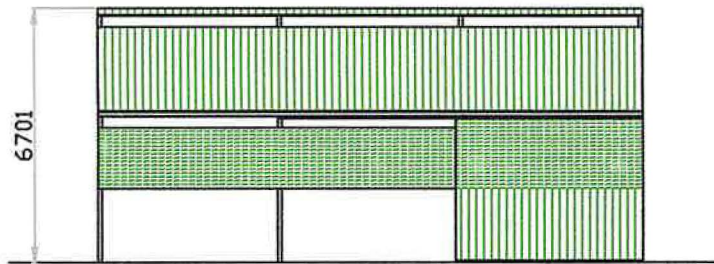
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**CAPTURE RESOLUTION:**  
The map objects are only accurate to the  
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Output scale is not indicative of data capture scale.  
Further information is available at:  
[www.tailte.ie](http://www.tailte.ie); search 'Capture Resolution'

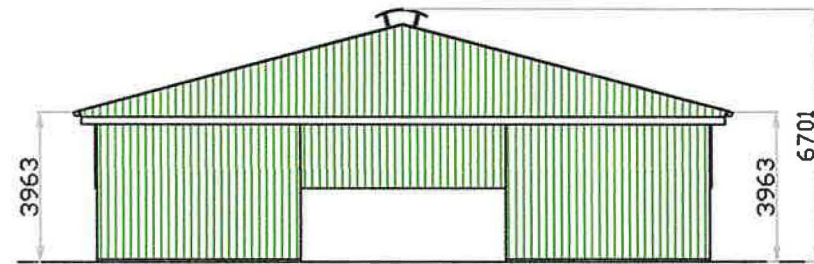
**LEGEND:**  
To view the legend visit  
[www.tailte.ie](http://www.tailte.ie) and search for  
'Large Scale Legend'



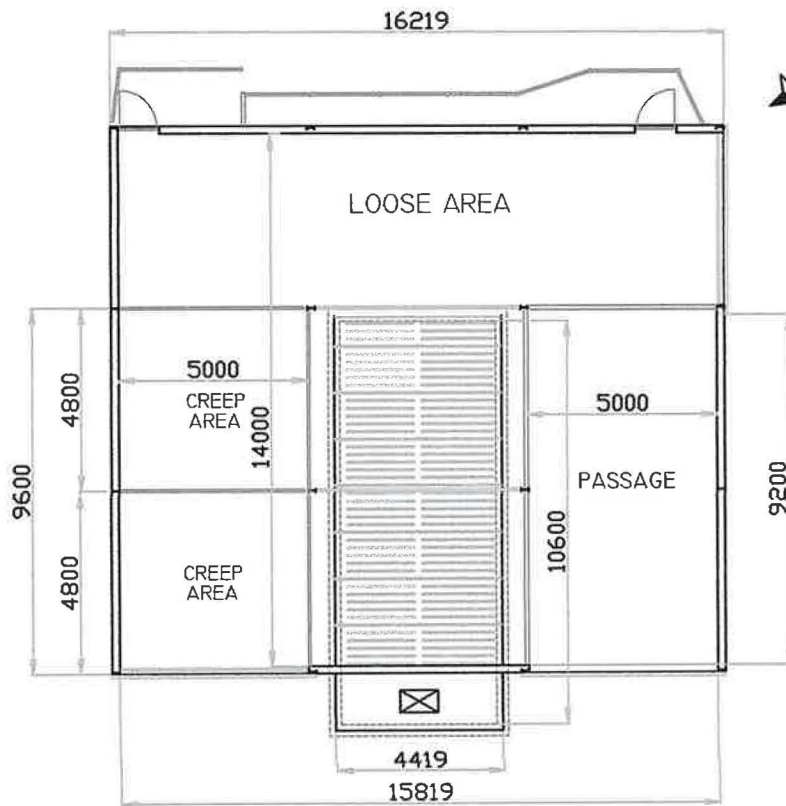
Ordnance Survey Ireland



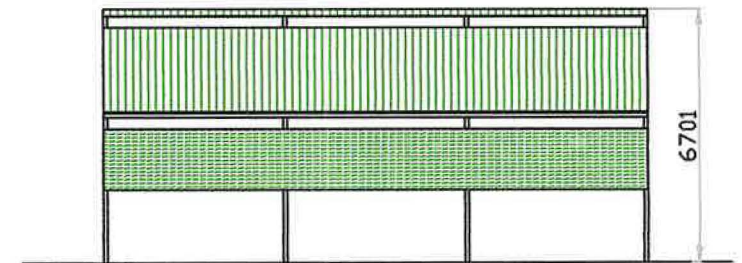
NORTH WESTERN ELEVATION



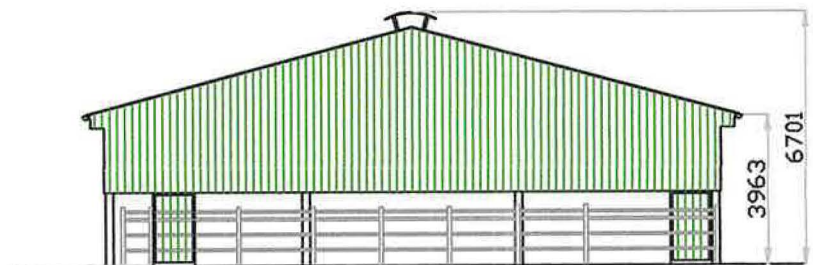
NORTH EASTERN ELEVATION



PLAN



NORTHERN ELEVATION



SOUTH WESTERN ELEVATION

ANN MARIE REILLY DOLAN  
 PROPOSED NEW CONSTRUCTION  
 OF A SLATTED UNIT  
 & ASSOCIATED SITE WORKS.

AT DOOLOUGH,  
 CONNOLLY,  
 Co. CLARE.  
 SCALE: 1 : 200  
 DATE: FEB 2024

ALL DIMENSIONS IN MILLIMETERS  
 UNLESS OTHERWISE STATED  
 DRG'S PREP. BY : NIALL GEOGHEGAN  
 ADDRESS: BALLYBEG, ENNIS.  
 MOBILE : 087 2061697

ROOF

"TEGRAL AGRIBUILD 2000" STEEL CLADDING OR  
FIBRE-CEMENT CLADDING ON 150MM x 75MM TREATED TIMBER  
PURLINES WITH D . P . C . STRIP  
COVERING ON DIPPED STEEL STANCHIONS TO COMPLY  
WITH DEPT OF AGRICULTURE SPECIFICATION S.123, S.101 & 102

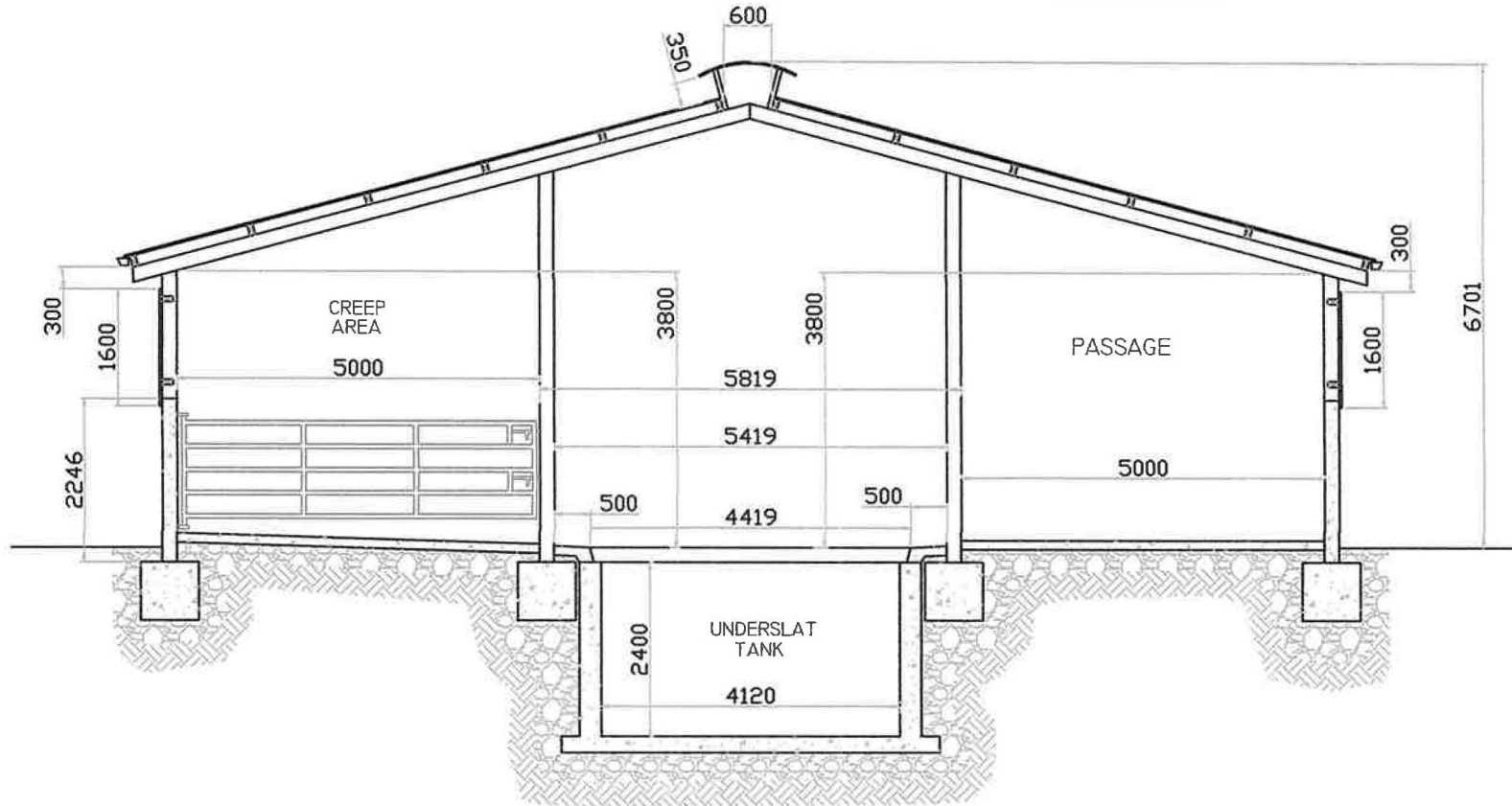
WALLS

TO CONSIST OF EITHER 225MM CONC BLOCK WALL CONSTRUCTION  
PLASTERED BOTH INTERNALLY & EXTERNALLY OR OF 225MM  
SHUTTERED SOLID CONC WALL WITH 28 DAY CRUSHING  
STRENGTH OF 37 N/MM<sup>2</sup> TO COMPLY WITH DEPT OF AGRICULTURE  
S.101, S.102 & S.123

FLOOR

125MM CONC SLAB WITH 28 DAY CRUSHING STRENGTH OF 37 N/MM<sup>2</sup>  
ON 50MM SAND/DUST BLINDING ON 150MM HARDCORE.  
TO COMPLY WITH DEPT OF AGRICULTURE S.101 , S.123

FOUNDATIONS TO DEPARTMENT SPEC. S.101 & S.123  
TO ENGINEERS DETAIL.



SECTION

ANN MARIE REILLY DOLAN

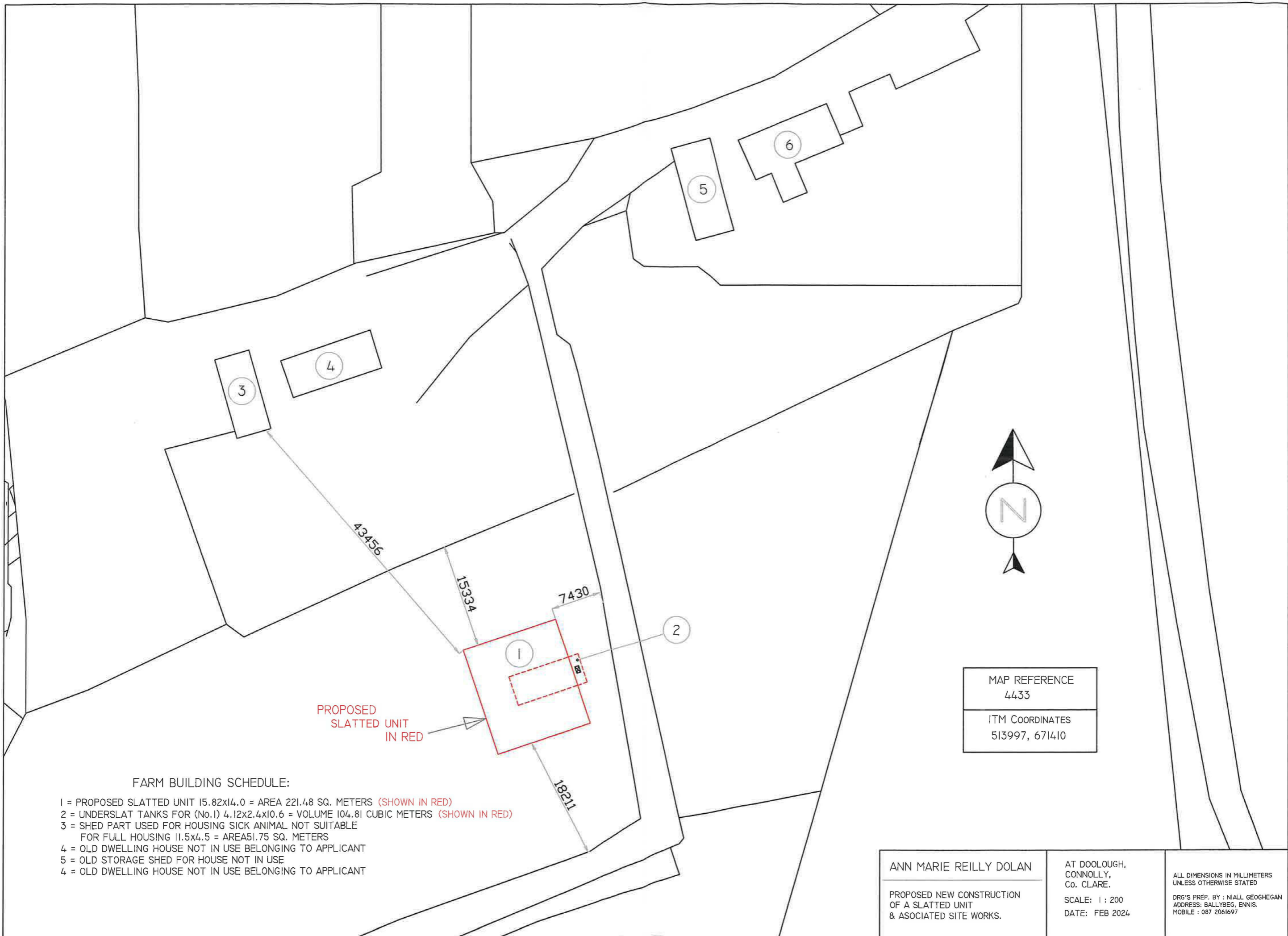
PROPOSED NEW CONSTRUCTION  
OF A SLATTED UNIT  
& ASSOCIATED SITE WORKS.

AT DOOLOUGH,  
CONNOLLY,  
Co. CLARE.

SCALE: 1 : 100  
DATE: FEB 2024

ALL DIMENSIONS IN MILLIMETERS  
UNLESS OTHERWISE STATED

DRG'S PREP. BY : NIALL GEOGHEGAN  
ADDRESS: BALLYBEG, ENNIS.  
MOBILE : 087 2061697



PROPOSED  
SLATTED UNIT  
IN RED

FARM BUILDING SCHEDULE:

- 1 = PROPOSED SLATTED UNIT 15.82x14.0 = AREA 221.48 SQ. METERS (SHOWN IN RED)
- 2 = UNDERSLAT TANKS FOR (No.1) 4.12x2.4x10.6 = VOLUME 104.81 CUBIC METERS (SHOWN IN RED)
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- 5 = OLD STORAGE SHED FOR HOUSE NOT IN USE
- 6 = OLD DWELLING HOUSE NOT IN USE BELONGING TO APPLICANT

MAP REFERENCE  
4433

ITM COORDINATES  
513997, 671410

<p>ANN MARIE REILLY DOLAN</p> <p>PROPOSED NEW CONSTRUCTION OF A SLATTED UNIT &amp; ASSOCIATED SITE WORKS.</p>	<p>AT DOOLOUGH, CONNOLLY, Co. CLARE.</p> <p>SCALE: 1 : 200 DATE: FEB 2024</p>	<p>ALL DIMENSIONS IN MILLIMETERS UNLESS OTHERWISE STATED</p> <p>DRG'S PREP. BY : NIALL GEOGHEGAN ADDRESS : BALLYBEG, ENNIS. MOBILE : 087 2061697</p>
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