



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**Shannon Airport
C/o TOBIN
Fairgreen House
Fairgreen Road
Galway
H91 AXK8**

8th April, 2024

Section 5 referral Reference R24-27 – Shannon Airport

Is the construction of new gantries including signage and the re-prioritising of junctions by change of white lining exempt from planning as part of exempted developments under Schedule 2 Class 32 Developments of the Planning & Developments Regulations 2001?

A Chara,

I refer to your application received on 13th March 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

Mise, le meas

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

**An Roinn Pleanála
An Stiúthóireacht 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



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

Reference No.: R24-27



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R24-27

Is the construction of new gantries including signage and the re-prioritising of junctions by change of white lining exempt from planning as part of exempted developments under Schedule 2 Class 32 Developments of the Planning & Developments Regulations 2001?

AND WHEREAS, Shannon Airport has requested a declaration from Clare County Council on the said question.

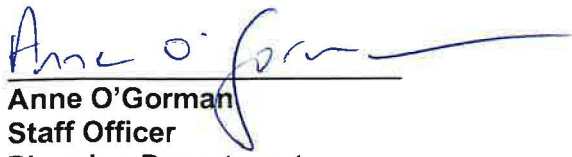
AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –

- (a) Sections 2, 3, and 4 of the Planning and Development Act, 2000, as amended,
- (b) The works as indicated in submitted documents from the referrer and the nature of the stated works, which consist of overhead signage and the reprioritisation of junctions within the existing car park areas of Shannon Airport.
- (c) The forms of exempted development as set out in Schedule 2, Class 32 of the Planning and Development Regulations 2001 (as amended)
- (d) The restrictions on Exempted Development as set out in Article 9 of the Planning and Development Regulations 2001 (as amended).

And whereas Clare County Council has concluded:

- (a) The construction of proposed new gantries, including signage, constitutes both works and development and does not fall within any class of exempted development as set out under Schedule 2 of the Planning and Development Regulations 2001 (as amended), and therefore such works are considered to constitute development which is not exempted development.
- (b) The changing of white lining does not constitute 'works' or 'development.'

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 proposed new gantries, including signage at Shannon Airport, Shannon, Co. Clare **constitutes development** which is **not exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations. The changing of white lining **does not constitute** 'works or 'development'.

A handwritten signature in blue ink, appearing to read "Anne O'Gorman", with a long horizontal flourish extending to the right. The signature is positioned above a horizontal line.

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

8th April, 2024

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:

83377

Reference Number:

R24-27

Date Referral Received:

13th March 2024

Name of Applicant:

Shannon Airport

Location of works in question:

Shannon Airport, Shannon, Co. Clare

Section 5 referral Reference R24-27 – Shannon Airport

Is the construction of new gantries including signage and the re-prioritising of junctions by change of white lining exempt from planning as part of exempted developments under Schedule 2 Class 32 Developments of the Planning & Developments Regulations 2001?

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) The works as indicated in submitted documents from the referrer and the nature of the stated works, which consist of overhead signage and the reprioritisation of junctions within the existing car park areas of Shannon Airport.
- (c) The forms of exempted development as set out in Schedule 2, Class 32 of the Planning and Development Regulations 2001 (as amended)
- (d) The restrictions on Exempted Development as set out in Article 9 of the Planning and Development Regulations 2001 (as amended).


AND WHEREAS Clare County Council has concluded:

- (a) The construction of proposed new gantries, including signage, constitutes both works and development and does not fall within any class of exempted development as set out under Schedule 2 of the Planning and Development Regulations 2001 (as amended), and therefore such works are considered to constitute development which is not exempted development.
- (b) The changing of white lining does not constitute 'works' or 'development.'

ORDER: Whereas by Chief Executive's Order No. HR 152 dated 9th 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 proposed new gantries, including signage at Shannon Airport, Shannon, Co. Clare is **considered development** which is **not exempted development**. The changing of white lining **does not** constitute 'works or 'development'.

Signed:



GARETH RUANE
SENIOR EXECUTIVE PLANNER



Date:

8th April, 2024

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

APPLICANT(S):	Shannon Airport
REFERENCE:	R24-27
LOCATION:	Shannon Airport, Shannon County Clare.
Referral Question;	Is the construction of new gantries ¹ including signage and reprioritising junctions by change of white lining exempt from Planning as part of exempted developments under Schedule 2, Class 32 Developments of the Planning and Development Regulations 2001.
DUE DATE:	09th April 2024

Site Location :

The subject lands are to the south , south- east and south west of the Shannon Airport Terminal Building and are within the grounds of the cars parking areas for Shannon Airport and are located at several different locations within the car parking areas

Referral Question:

This referral is made by Shannon Airport

The question that is asked is:

“Is the construction of new gantries including signage and reprioritising junctions by change of white lining exempt from Planning as part of exempted developments under Schedule 2, Class 32 Developments of the Planning and Development Regulations 2001”.

In the additional information as submitted the referrer states that ;

- Shannon Airport Group wish to carry out remedial works and wayfinding signage in the short stay, Long Term 1, Long Term 2 and Long Term 3 and Car Park 4.
- These works will include simplifying, cleaning up and removing a lot of way finding signage through Shannon Airport with the inclusion of adding up to 7 no signs, 4 of which will be located across car park entrances for improving the wayfinding at Shannon Airport.
- Works also include potential reprioritising of existing junctions by way of re- whitening the junctions to assist with directing the majority of traffic towards car parks.
- Clarification is sought as to whether these works are exempt under Schedule 2, Class 32 (Part (e)) development of the Planning and Development Regulations 2001.

¹ A gantry (also known as a sign holder, road sign holder, sign structure or road sign structure) is a traffic sign assembly in which signs are mounted or railway signals are supported on an overhead support. Source Wikipedia, 2024.

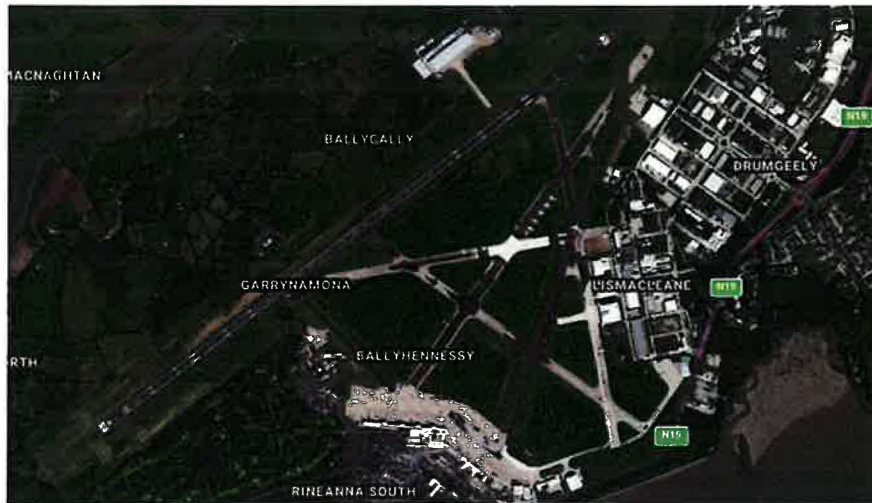


Figure 1; Aerial view of Airport

Recent Planning History

- **22-317**

Shannon Airport DAC

to RETAIN a 99m² single storey extension to the airport fire station fire tender bays. PERMISSION for development consists of the further construction of a 128m² single storey extension to the airport fire tender bays
Permission was granted subject to conditions.

- **19-845**

Tetra Ireland communications limited

o RETAIN development consisting of: the RETENTION of 3no. 3.1m high radio aerials attached on existing support poles on the roof top (these extend to a total height of 22.7m AGL) for use by the Emergency Services (Garda, Ambulance, Fire Brigade) together with 1no. GPS timing antenna and associated equipment, for the National Digital Radio Service
permission was granted with conditions.

- **15-450**

Shannon Airport Authority

or the refurbishment and localised reconfiguration of the existing Arrivals/Immigration Hall, Transit Lounge and Block A, Departure Gates areas within the Shannon Airport Terminal Building. All works are to take place 'Airside' (past security checks) and comprise of the following : 1) Arrivals/Immigration Hall: The relocation of the existing 'European Arrivals Door', localised replacement of the existing cladding and curtain walling facade at ground and first floor levels and associated reconfiguration and refurbishment of the internal office and arrivals, immigration and baggage hall areas; 2) Transit Lounge: The reconfiguration and refurbishment of the existing internal public areas resulting in the generation of 46m² of new airside retail space; 3) Block 'A' Departure gates 1-5: The localised replacement of the existing cladding and curtain walling facade

at ground and first floor levels as well as the refurbishment of the internal public waiting and toilet areas, including all ancillary site and service works
Permission was granted with conditions.

- **18-514**

Shannon Airport Authority

for alterations and refurbishment works which were carried out to the New Terminal Building.
Permission was granted with conditions.

- **17-910**

For proposed alterations and refurbishment works to the New Terminal Building at Shannon Airport. The development, within a Strategic Development Zone, will consist of upgrade works to the existing arrivals Hall at Shannon Airport including alterations to the existing southern and eastern elevations and provision of additional floor area of 42.5m² to facilitate new Café and 16m² for ancillary accommodation
Permission was granted with conditions.

- **20-886**

Shannon Airport Authority DAC

the development consists of the erection of a 68m linear, glazed, and covered passenger walkway from departure gates area 1-5 to aircraft parking stand 26B
Permission was granted with conditions.

- **22-96**

Shannon Commercial Properties

for development at Rineanna South, Shannon Airport, Co Clare. The development consists of the construction of a single storey high-bay Air Cargo Hub and logistics/distribution facility (2705m²) with ancillary single storey office area (335 m²). The works include a new site access and the provision of 42 no carparking spaces which include accessible spaces, secure bicycle parking spaces, louvred plant/refuse store, photovoltaic array, building signage and a single storey substation. The construction of new hard surfaced ancillary delivery/service yard with vehicular and HGV parking all ancillary landscaping and associated site works and services including the decommission of adjacent septic tank and installation of a new pumping station to facilitate connection to existing airport infrastructure. The planning Application is accompanied by a Natura Impact Statement

Permission was granted with conditions.

- **22-155**

Shannon Airport Authority DAC

for an Electric Vehicle (EV) charging hub. The development will consist of EV charging facilities for public and staff use, an ESB Substation, a pedestrian crossing, signage, and all associated site works

Permission was granted with conditions.

- **23-60191**

University of Galway

for development at both the Shannon College of Hotel Management Trust Building and the Shannon College of Hotel Management Food & Beverage buildings, located at Shannon Airport, Rineanna South, Shannon, Co. Clare, which will consist of the following: 1. Removal of all current signage on the exterior of both buildings. 2. Erection of 1 no. signage (5.89m x 2.745m) on the southeast elevation of the Shannon College of Hotel Management Food and Beverage Building. 3. Erection of 1 no. signage (14.505m x 1.86m) on the northeast elevation of the Shannon College of Hotel Management Trust Building. 4. Erection of 1 no signage (5.925m x 2.87m) on the southeast elevation of the Shannon College of Hotel Management Trust Building.

Permission was granted with conditions.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Shannon Airport.

The applicant is seeking a Section 5 Declaration to determine if the following constitute works are if so, are these works exempted development or not.

“The construction of new gantries including signage and reprioritising junctions by change of white lining exempt from Planning as part of exempted developments under Schedule 2, Class 32 Developments of the Planning and Development Regulations 2001.

The referrer has submitted additional information as regards the proposed works, as follows;

In the additional information as submitted the referrer states that ;

- Shannon Airport Group wish to carry out remedial works and wayfinding signage in the short stay, Long Term 1, Long Term 2 and Long Term 3 and Car Park 4.
- These works will include simplifying, cleaning up and removing a lot of way finding signage through Shannon Airport with the inclusion of adding up to 7 no signs, 4 of which will be located across car park entrances for improving the wayfinding at Shannon Airport.
- Works also include potential reprioritising of existing junctions by way of re- whitening the junctions to assist with directing the majority of traffic towards car parks.
- Clarification is sought as to whether these works are exempt under Schedule 2, Class 32 (Part (e)) development of the Planning and Development Regulations 2001.

Statutory Provisions Considered

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

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.

Having regard to the nature of the proposed works, this is ‘Development’ and to be ‘Works’ as defined by the *Planning and Development Act 2000 (as amended)*.

(2) Planning & Development Regulations, 2001, as amended

(1) Classes of Exempted development:

The following class of exempted development has been considered: Schedule 2, Part 1, Class 32 of the *Planning, and Development Regulations 2001 (as amended)*, which provides for the following exempted development;

Exempted development	Conditions and Limitations
CLASS 32 The carrying out by any person to whom an aerodrome licence within the meaning of the Irish Aviation Authority (Aerodromes and Visual Ground Aids)	

Order, 1998 (No. 487 of 1998) has been granted, of development consisting of—

- | | |
|--|---|
| <p>(a) the construction or erection of an extension of an airport operational building within an airport,</p> <p>(b) the construction, extension, alteration or removal of aprons, taxiways or airside roads used for the movement of aircraft and the distribution of vehicles and equipment on the airside, within an airport,</p> <p>(c) the construction, erection or alteration of visual navigation aids on the ground including taxiing guidance, signage, inset and elevated airfield lighting or apparatus necessary for the safe navigation of aircraft, within an airport,</p> <p>(d) the construction, erection or alteration of security fencing and gates, security cameras and other measures connected with the security of airport infrastructure, within an airport, or</p> <p>(e) the erection or alteration of directional locational or warning</p> | <ol style="list-style-type: none">1. Where the building has not been extended previously, the floor area of any such extension shall not exceed 500 square metres or 15% of the existing floor area, whichever is the lesser.2. Where the building has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions, shall not exceed 15% of the original floor area or 500 square metres, whichever is the lesser.3. The planning authority for the area shall be notified in writing not less than 4 weeks before such development takes place. |
|--|---|

<p>signs on the ground, within an airport.</p>	
<p>(f) the construction, erection or alteration of temporary awnings, marquees, portable cabins or covered pedestrian or set down areas connected with the management of airport passenger movement in a State airport (within the meaning of Part 2 of the State Airports Act 2004 (No. 32 of 2004) for purposes connected with the prevention of transmission of Covid-19 (within the meaning of the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020 (No. 1 of 2020)).</p>	

(2) Restrictions on Exempted Development;

Consideration has also been given to Article 9 (1) 'Restrictions on Exemption' of the Planning regulations which state that Development to Which article 6 (Exempted development) relates shall not be exempted development for the purposes of the Act 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,*
- (iiia) *endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes, or aircraft,*
- (iv) *except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which 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, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line 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,*
- (v) *consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,*
- (vii) *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 unauthorized structure or a structure the use of which is an unauthorized 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.

Environmental Impact Assessment

In assessing this application I have had regard to the provisions of EU Directive 2014/52/EU (which amends EU Directive 2011/92/EU), and which has been transposed into Irish legislation by the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (SI No. 296 of 2018). The subject development does not fall within the

mandatory requirements for EIA as set out in Schedule 7 of the Planning and Development Regulations 2001, as amended. I therefore consider that the proposal constitutes a sub-threshold development and note the requirements of Article 103 (1)(a) and (b) of the Planning and Development Regulations 2001, as amended. As such having regard to the nature and scale of the proposed development and the nature of the receiving environment I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Appropriate Assessment

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.

Assessment of Referral

(1) Particulars of the works proposed.

The applicant is seeking a Section 5 Declaration in relation to the following to determine if the following constitute works, and, if so, are these works exempted development or not.

"The construction of new gantries including signage and reprioritising junctions by change of white lining exempt from Planning as part of exempted developments under Schedule 2, Class 32 Developments of the Planning and Development Regulations 2001.

A declaration is sought as to whether these works are exempt under Schedule 2, Class 32 (part e) Developments of the Planning and Development Regulations 2001 (as amended).

(2) Planning and Development Act 2000 (as amended)

Having regard to the nature of the stated alterations, this is determined to be 'Development' and to be 'Works' as defined by the Planning and Development Act 2000 (as amended).

(3) Planning And Development Regulations 2001 (as amended)

Schedule 2, Class 32 applies to the carrying out by any person to whom an aerodrome licence within the meaning of the Irish Aviation Authority (Aerodromes and visual ground Aids) order 1998 (no 487 of 1998) has been Granted. The Referrer in this case, Shannon Airport, has an aerodrome license.

Consideration has been given to the exempted development provisions as set out in Schedule 2, Class 32 (part e) Developments of the Planning and Development Regulations 2001 (as amended) and which provides for the following exempted development;

“The erection or alteration of directional, locational or warning signs on the ground within an airport”

Having regard to the nature of the stated works , which comprise of the provision of overhead signage (as gantry signs are overhead signs) this element of the stated development is not exempted development in accordance with Class 32 (e).

Consideration is also given to the section part of the referral question which states that works consisting of the *“Reprioritising junctions by changing of white lining” is proposed.*

The above stated works, which consist of changes to the white lines on the surface areas of the car parking area and the junctions into and out of the car- parking areas, consists of works for the purposes of directing traffic and the operation of the car park and does not consist of : *“The erection or alteration of directional, locational or warning signs on the ground within an airport”* as set out under Class 32(e) .

(4) Restrictions on Exempted development

The restrictions on exempted development as set out under Article 9 (1) ‘ *Restrictions on Exemption*’ of the Planning regulations which state that Development to which article 6 (Exempted development) relates shall not be exempted development for the purposes of the Act 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,*

Not applicable.

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

Not applicable.

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which 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, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line 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.

(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,

Not applicable.

(vi) 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.

Not applicable.

(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,

Not applicable.

(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.”

Not applicable.

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorized structure or a structure the use of which is an unauthorized 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.

5 Assessment of all other parts of Schedule 2, Class 32 Developments of the Planning and Development Regulations 2001.

Consideration has been given to all of the forms of exempted development as set out in the above class of exempted development and it is considered that the proposed works do not fall within any part of this Class of exempted development.

Conclusion

Having regard to the above, I consider that the stated works do not benefit from any class of exempted development set out under Schedule 2, Class 32 (part e) Developments of the Planning and Development Regulations 2001 (as amended)

Recommendation

The following questions have been referred to the Planning Authority:

Is the construction of new gantries including signage and reprioritising junctions by change of white lining exempt from Planning as part of exempted developments under Schedule 2, Class 32 Developments of the Planning and Development Regulations

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) The works as indicated in submitted documents from the referrer and the nature of the stated works, which consist of overhead signage and the reprioritisation of junctions within the existing car park areas of Shannon Airport.
- (c) The forms of exempted development as set out in Schedule 2, Class 32 of the Planning and Development Regulations 2001 (as amended)
- (d) The restrictions on Exempted Development as set out in Article 9 of the Planning and Development Regulations 2001 (as amended).

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

- ① The construction of proposed new gantries , including signage, constitutes both works and development and does not fall within any class of exempted development as set out under Schedule 2 of the Planning and Development ~~Act~~ 2001 (as amended), *and therefore such works are Regulating considered to constitute development which is not exempted development*
- ② The changing of white lining does not constitute ' works' or ' development'.

A. McConthy 08-04-24
Annemarie Hennelly
Executive Planner
Date: 08-04-24

GR
Garreth Ruane
~~A~~Senior Executive Planner
Date; 08/04/24 ,

Appropriate Assessment & Determination

STEP 1. Description of the project/proposal and local site characteristics:

(a) File Reference No:	R24-27 Shannon Airport
(b) Brief description of the project or plan:	Is the construction of new gantries, including signage and reprioritising junctions by change of white lining exempt from Planning as part of exempted developments under Schedule 2, Class 32 Developments of the Planning and Development Regulations
(c) Brief description of site characteristics:	The locations of the proposed works are all within the car parking areas at Shannon Airport.
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None.

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower river Shannon Sac 002165	Code Qualifying Habitats 1150 Coastal Lagoons* (* denotes priority habitat) 6410 Molinia Meadows on Chalk and Clay (Eu-Molinion) 1130 Estuaries 1140 Mudflats and Sandflats not	.12k	No	No

covered by water
 at low tide 1330
 Atlantic Salt
 Meadows
 (Glaucopuccinellietalia)
 1410
 Mediterranean
 Salt Meadows
 (Juncetalia
 maritima) 1310
 Salicornia and
 other annuals
 colonizing mud
 and sand 1110
 Sandbanks which
 are slightly
 covered by
 seawater at all
 times 1220
 Perennial
 vegetation of
 stony banks 1230
 Vegetated
 seacliffs of the
 Atlantic and Baltic
 coasts 1170
 Reefs 1160
 Large Shallow inlets and
 bays 3260
 Water courses of plain to
 montane levels
 with the
 Ranunculion
 fluitantis and
 Callitriche
 Batrachion 91E0
 Alluvial forests
 with *Alnus
 glutinosa* and
Fraxinus excelsior
 AlnoPadion,

	Alnion incanae, Salicion albae) *			
River Shannon and river Fergus estuaries SAC site code 004077	Code Species Name (Common Name) Status A017 Cormorant (Phalacrocorax carbo) Breeding + Wintering A046 Light-bellied Brent Goose (Branta bernicla hrota) Wintering A048 Shelduck (Tadorna tadorna) Wintering A050 Wigeon (Anas Penelope) Wintering A052 Teal (Anas crecca) Wintering A054 Pintail (Anas acuta) Wintering A056 Shoveler (Anas clypeata) Wintering A062 Scaup (Aythya marila) Wintering A137 Ringer Plover (Charadrius hiaticula) Wintering A140 Golden Plover (Pluvialis apricaria) Wintering A141 Grey Plover (Pluvialis squatarola) Wintering A142 Lapwing (Vanellus	1km	No	No

	vanellus) Wintering A143 Knot (<i>Calidris canutus</i>) Wintering A149 Dunlin (<i>Calidris alpina</i>) Wintering A156 Black-tailed Godwit (<i>Limosa limosa</i>) Wintering A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) Wintering A160 Curlew (<i>Numenius arquata</i>) Wintering A162 Redshank (<i>Tringa totanus</i>) Wintering A164 Greenshank (<i>Tringa nebularia</i>) Wintering A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>) Wintering A999 Wetlands and Water Birds Table 10: River Shannon and River Fergus Estuaries SPA Special Conservation Interest			
Lough Gash Turlough SAC 000051	Turloughs [3180] Rivers with muddy banks with <i>Chenopodium rubri</i> p.p. and <i>Bidention</i>	7.28k	No	No

	p.p. vegetation [3270]			
Sac of Curraghchase Woods site code 000174	<p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Taxus baccata</i> woods of the British Isles [91J0]</p> <p><i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016]</p> <p><i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303]</p>	8.8k	No	No
SAC Askeaton fen Complex	<p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davalliana</i> [7210]</p> <p>Alkaline fens [7230]</p>	6.5	No	No

¹ Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.

² If the site or part thereof is within the European site or adjacent to the European site, state her

STEP 3. Assessment of Likely Significant Effects

- (a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
<p>Construction phase e.g.</p> <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	<p>None, the site is not within a natura 2000 site and does not contain protected species or vegetation. The sites are within the grounds of the car parking areas at Shannon airport.</p>
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles, and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	<p>None</p>
<p>In-combination/Other</p>	<p>None</p>

(b) Describe any likely changes to the European site:	
<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	<p>None, the site is not within a natura 2000 site and does not contain protected species or vegetation. The sites are within the grounds of an airport and close to the runways.</p>

(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes No

No

Step 4. Screening Determination Statement

The assessment of significance of effects:

Describe how the proposed development (alone or in-combination) is/is **not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

No potential for direct or indirect adverse impacts on any Natura 2000 designated site as a result of the proposed development.

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
Signature and Date of Recommending Officer:	<i>Anne Marie McCarthy</i> 28-03-24	<i>A McCarty</i> <i>08-04-24</i>
Signature and Date of the Decision Maker:		

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
Website: www.clarecoco.ie



R24-27

**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	Shannon Airport, Co. Clare, Ireland, V14 EE06
(b) Telephone No.:	+353 61 712 340
(c) Email Address:	john.oleary@snnairportgroup.ie
(d) Agent's Name and address:	TOBIN, Fairgreen House, Fairgreen Road, Galway, H91 AXK8

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 new gantries including signage and the re-prioritising of junctions by
change of white lining exempt from planning as part of exempted developments under Schedule
2 Class 32 Developments of the Planning & Developments Regulations 2001

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

Shannon Airport Group wish to carry out remedial works & wayfinding signage in the short stay,
Long Term 1, Long Term 2, Long Term 3 and Park 4 Less carparks.

These works will include simplifying, cleaning up and removing a lot of wayfinding signage
through Shannon Airport with the inclusion of adding up to an additional 7 No. signs, 4 of which
will be located across car park entrances for providing betterment to the wayfinding at Shannon.
Works also include potential reprioritisation of existing junctions by way of re-whitelining the
junctions to assist with directing the majority of traffic towards car parks.

Clarification is sought as to whether these works are exempt under Schedule 2 Class 32

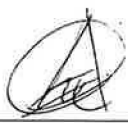
(parts e) Developments of the Planning and Development Regulations, 2001.

(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)

11784-2000: Site Location Map, 11784-2001: Sector 1 Car Park Rehabilitation Layout, 11784
-2002: Sector 2 Car Park Rehabilitation Layout, 11784-2003 Sector 3 Car Park, Rehabilitation
Layout, 11784-2004: Sector 4 Rehabilitation Layout, 11784: Sector 5 Car Park, Rehabilitation

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	Shannon Airport, Shannon, 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):	Owner _____ _____
(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>	N/A _____ _____
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	Yes
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	N/A
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	None within the red line areas
(h) Date on which 'works' in question were completed/are likely to take place:	Q3 2024

SIGNED: _____ 

DATE: 08-03-2024 _____

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:	.....	



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Shannon Airport
C/o TOBIN
Fairgreen House
Fairgreen Road
Galway
H91 AXK8**

13/03/2024

Section 5 referral Reference R24-27 – Shannon Airport

Is the construction of new gantries including signage and the re-prioritising of junctions by change of white lining exempt from planning as part of exempted developments under Schedule 2 Class 32 Developments of the Planning & Developments Regulations 2001?

A Chara,

I refer to your application received on 13th March 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





THE INFORMATION ON THIS DRAWING IS TO THE ORDNANCE SURVEY IRELAND ITM COORDINATE SYSTEM

LEGEND:

RED LINE BOUNDARY	
PROPOSED GANTRY SIGN	
WHITE LINE MARKING FOR RE-PRIORITISING JUNCTIONS	

- NOTES:**
1. FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING.
 2. ALL DRAWINGS TO BE CHECKED BY THE CONTRACTOR ON SITE.
 3. ENGINEER/EMPLOYERS REPRESENTATIVE, AS APPROPRIATE, TO BE INFORMED BY THE CONTRACTOR OF ANY DISCREPANCIES BEFORE ANY WORK COMMENCES.
 4. THE CONTRACTOR SHALL UNDERTAKE A THOROUGH CHECK FOR THE ACTUAL LOCATION OF ALL SERVICES/UTILITIES, ABOVE AND BELOW GROUND, BEFORE ANY WORK COMMENCES.
 5. ALL LEVELS SHOWN RELATE TO ORDNANCE SURVEY DATUM AT MALIN HEAD.

PO	Date	Description	By	Chkd
PO	07-03-24	Issued for Information	TS	MK

Client: **shannon AIRPORT**

Project: **Shannon Airport Car Park Remedial Works and Signage**

Title: **Shannon Airport Car Park Site Location Map**

Scale @ A1: **1:2000**

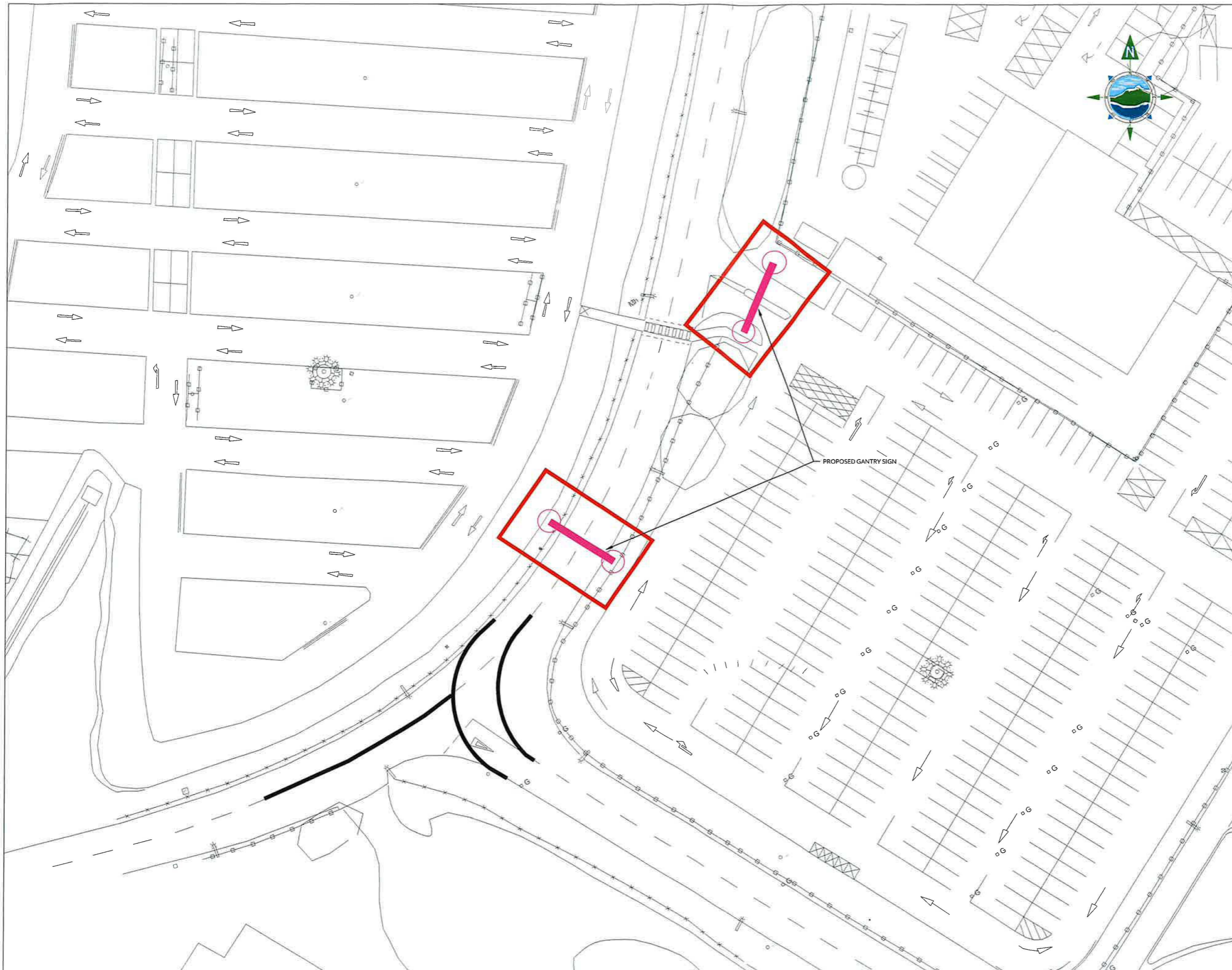
Prepared by: **TS** Checked by: **MK** Date: **07-03-2024**

Drawing Status: **Planning**

TOBIN

Tel: +353 (0)1 565 211
Email: info@tobin.ie
www.tobin.ie

Drawing No: **11784-2000** Revision: **PO**



NOTE:
 ALL LINE MARKING IS TO BE MARKED WITH THERMOPLASTIC PAINT (RMS TYPE OR SIMILAR) & IS TO COMPLY WITH:
 • IS EN. 1871: ROAD MARKING MATERIALS - PHYSICAL PROPERTIES
 • CHAPTER 7 OF THE TRAFFIC SIGNS MANUAL
 ALL SIGNAGE IS TO BE SUPPLIED & INSTALLED IN ACCORDANCE WITH THE TRAFFIC SIGNS MANUAL

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PO	Date	Description	TS	MK
PO	07-03-2024	Issued for information	TS	MK
Rev	Date	Description	By	Chkd.

Client: **shannon AIRPORT**

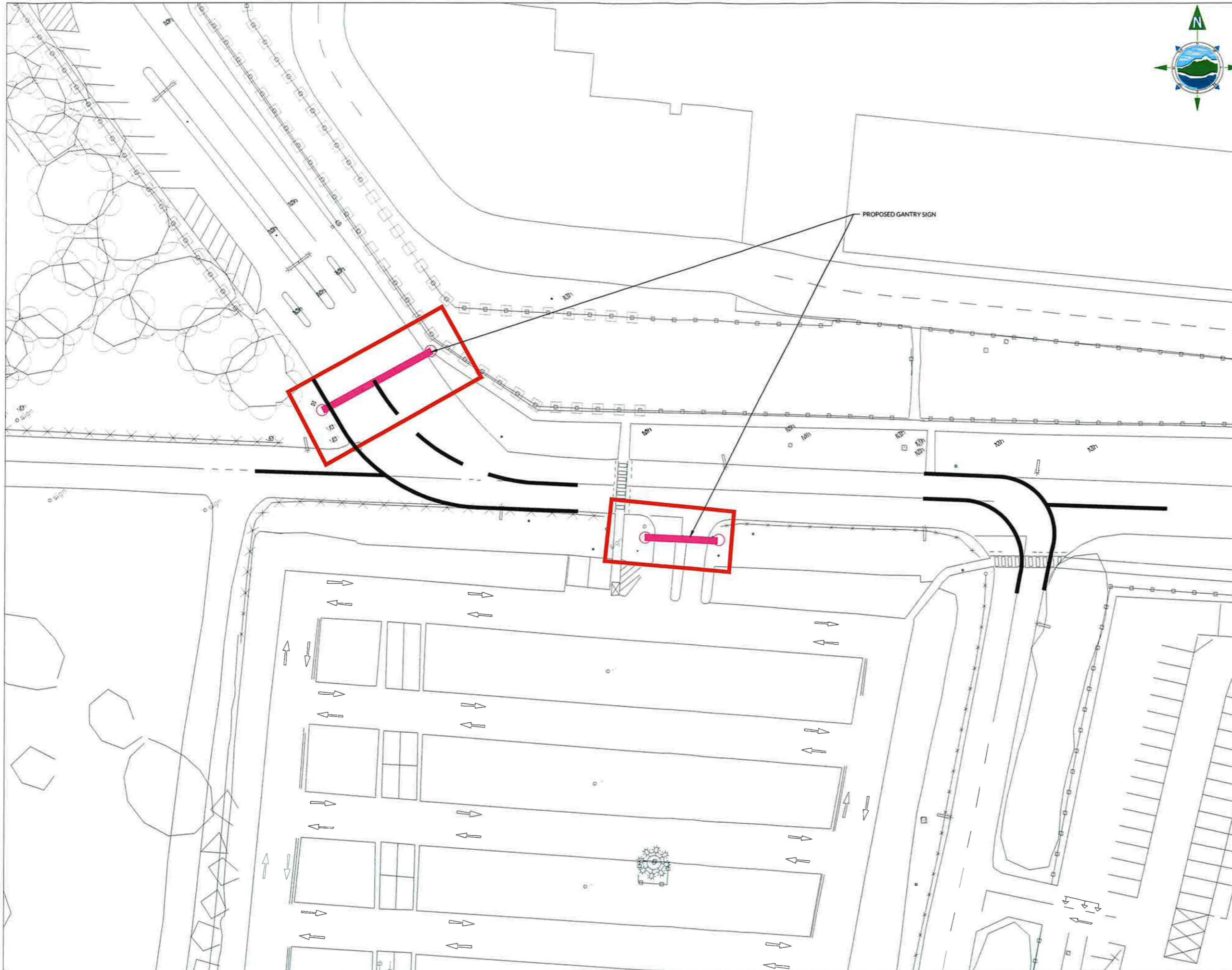
Project: **Shannon Airport Car Park Remedial Works and Signage**

Title: **Sector 2 Car Park Rehabilitation Layout**

Scale @ A1: **1:250**
 Prepared by: **TS** Checked by: **MK** Date: **07-03-2024**
 Drawing Status: **Preliminary**



Drawing No: **11784-2002** Revision: **P0**



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 5. ALL LEVELS SHOWN RELATE TO ORDNANCE SURVEY DATUM AT MALIN HEAD.

No	Date	Description	By	Crkd
07-03-2024		Issued for Information	TS	MK

Client:
shannon AIRPORT

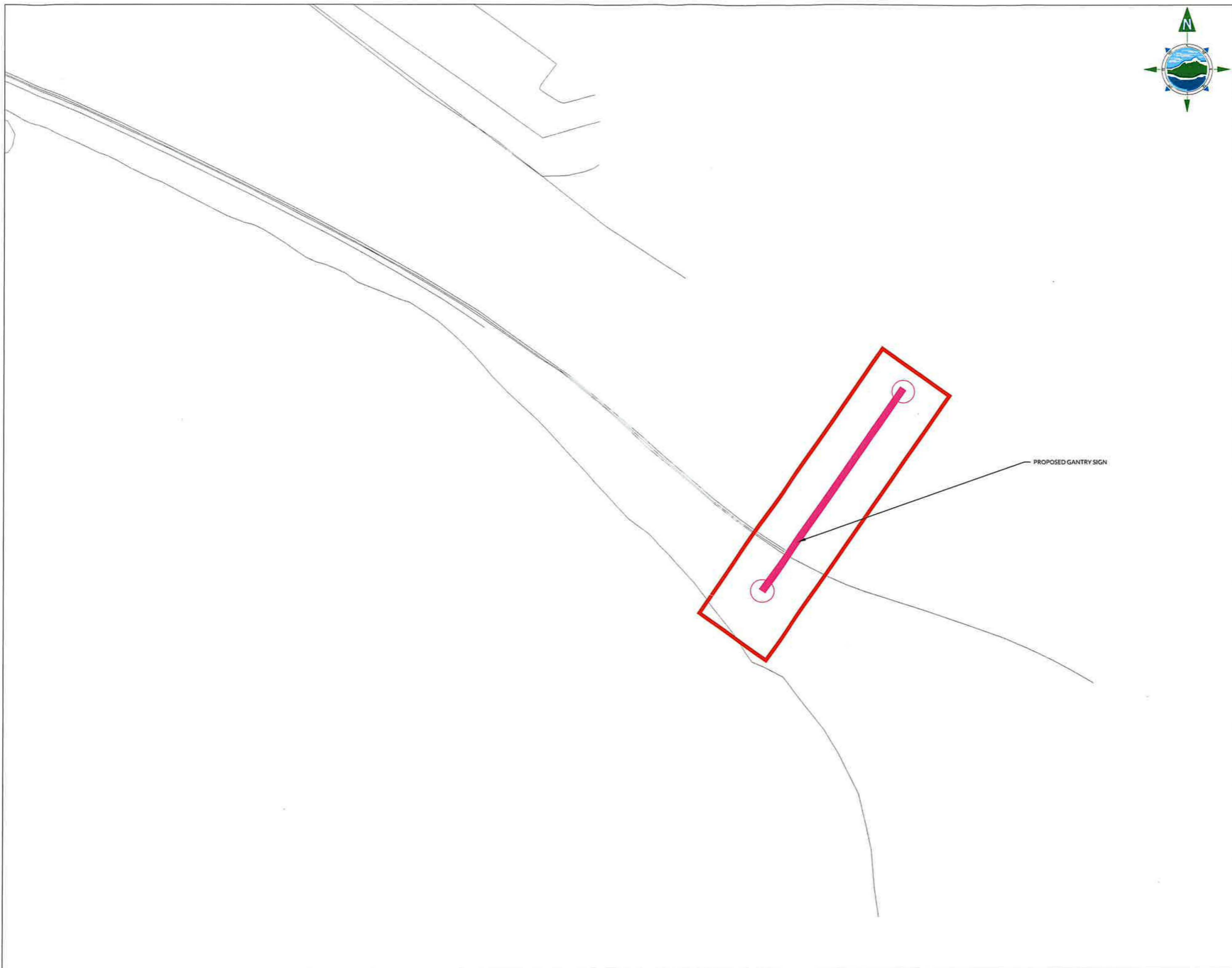
Project:
 Shannon Airport
 Car Park Remedial
 Works and Signage

Title:
 Sector 1 Car Park
 Rehabilitation Layout

Scale @ A1: 1:250
 Prepared by: TS
 Checked by: MK
 Date: 07-03-2024
 Drawing Status: Planning

TOBIN
 Tel: +353 (0)91 565 211
 Email: info@tobin.ie
 www.tobin.ie

Drawing No: 11784-2001
 Revision: PO



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Rev	Date	Description	By	Chkd.
PO	07-03-2024	Issued for information	DG	MK

Client:
shannon AIRPORT

Project:
 Shannon Airport
 Car Park Remedial
 Works and Signage

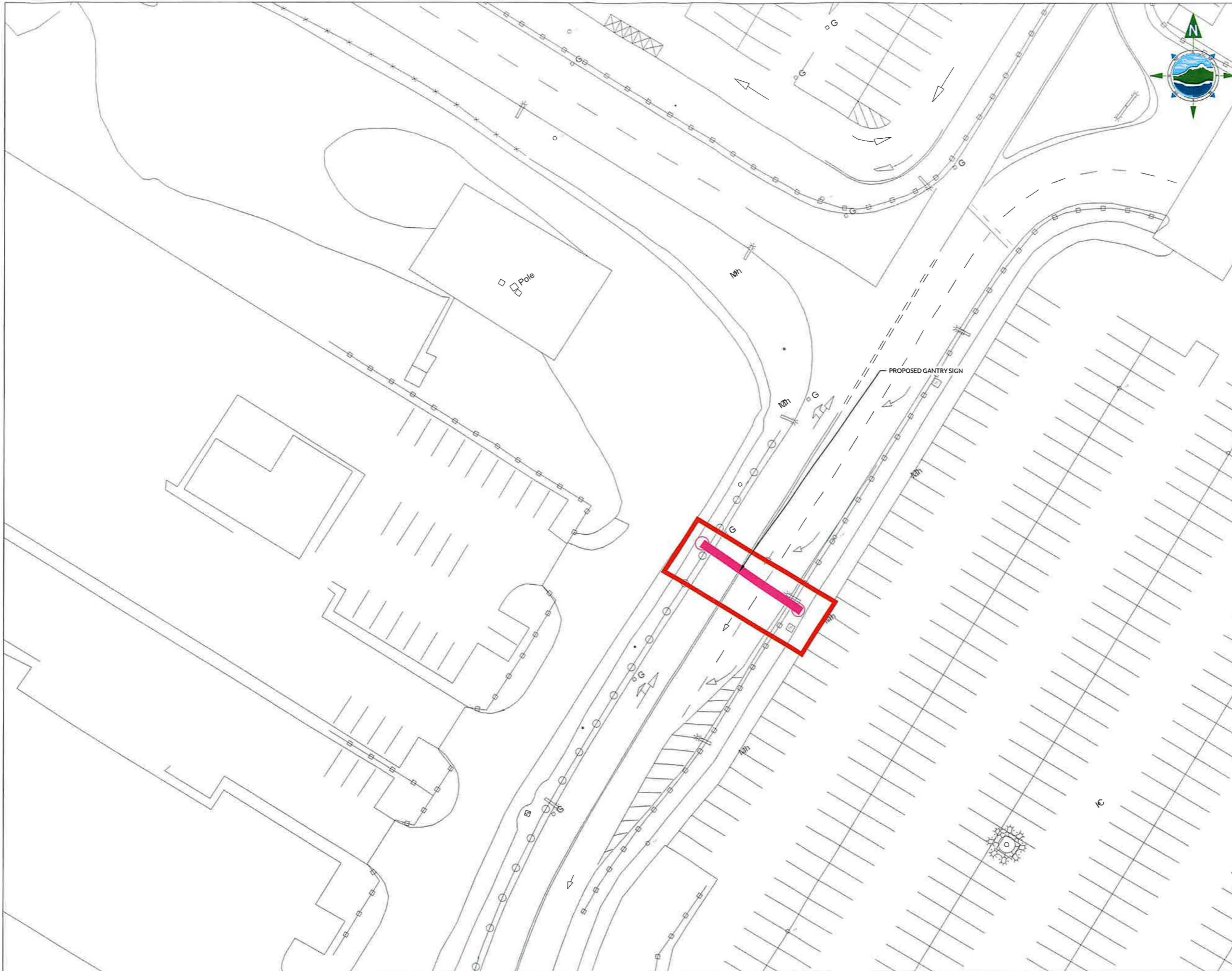
Title:
 Sector 4 Car Park
 Rehabilitation Layout

Scale @ A1: 1:250
 Prepared by: TS Checked by: MK Date: 07-03-2024

Drawing Status: Planning

TOBIN
 Teli: +353 (0)91 565 211
 Email: info@tobin.ie
 www.tobin.ie

Drawing No: 11784-2004 Revision: PO



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 5. ALL LEVELS SHOWN RELATE TO ORDANCE SURVEY DATUM AT MALIN HEAD.

PO	Date	Description	By	Chkd
PO	07-03-2024	Issued for Information	TS	MK

Client: **shannon AIRPORT**

Project: **Shannon Airport Car Park Remedial Works and Signage**

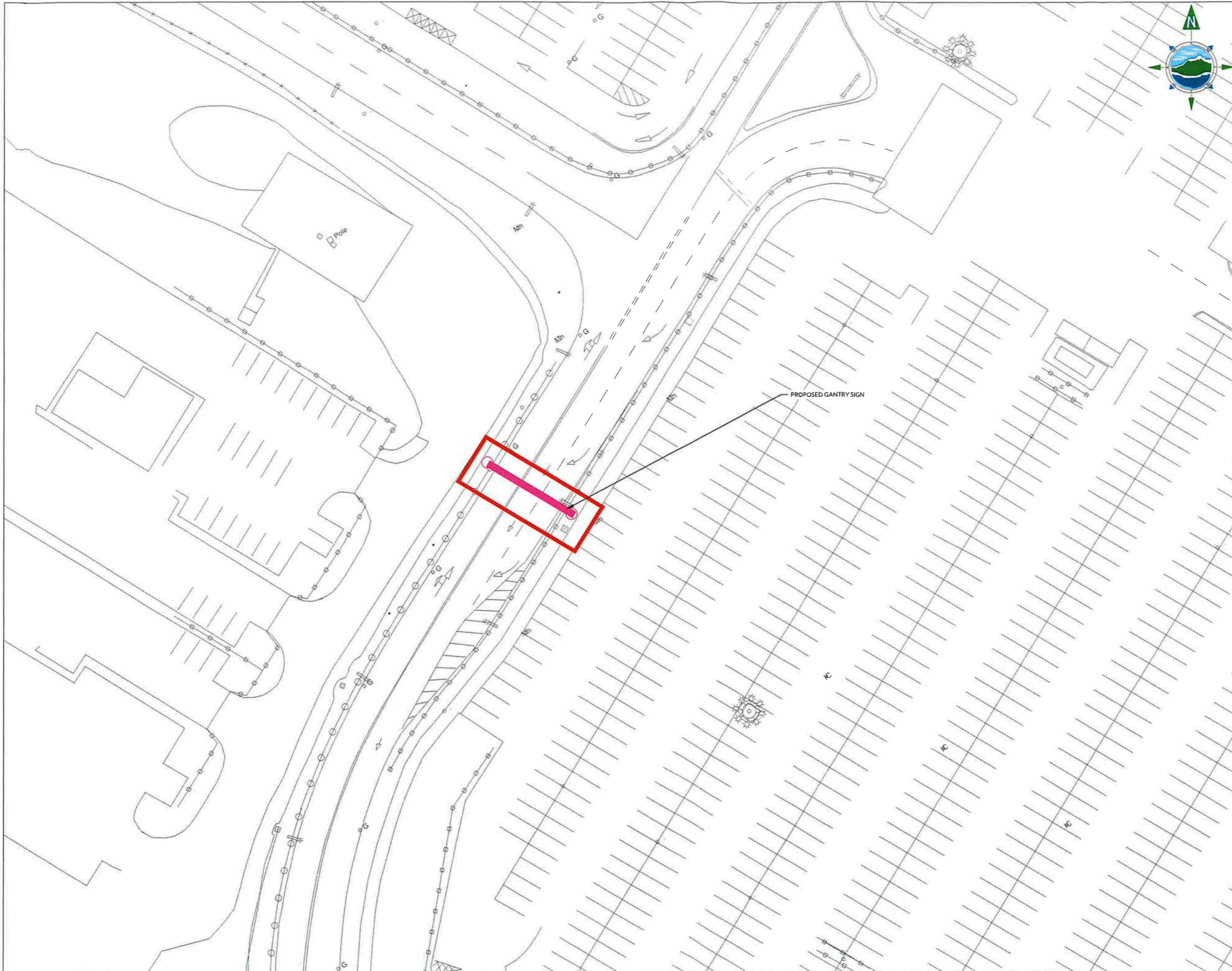
Title: **Sector 5 Car Park Gantry Sign Location**

Scale @ A1: **1:250**
 Prepared by: TS Checked by: MK Date: 07-03-2024

Drawing Status: **Preliminary**



Drawing No.: **11784-2005** Revision: **PO**



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Rev	Date	Description	By	Ck'd
PJ	07-03-2024	Issued for information	TS	MK

Client:
shannon AIRPORT

Project:
 Shannon Airport
 Car Park Remedial
 Works and Signage

Title:
 Sector 3 Car Park
 Rehabilitation Layout

Scale @ A1: 1:250
 Prepared by: TS
 Checked by: MK
 Date: 07-03-2024
 Drawing Status: Preliminary

TOBIN
 Tel: +353 (0)91 565 211
 Email: info@tobin.ie
 www.tobin.ie

Drawing No: 11784-2003
 Revision: PO