



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**Michael Lynch
Tyredagh Upper
Tulla
Co. Clare
V95 N97F**

3rd March 2025

Section 5 referral Reference R25-15 – Michael Lynch

Are agricultural / stock fencing works on my farm at Tyredagh Upper, Tulla development and if so, are they exempted development?

A Chara,

I refer to your application received on 21st February 2025 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 Stiúrthóireacht 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:

85040

Reference Number:

R25-15

Date Referral Received:

21st February 2025

Name of Applicant:

Michael Lynch

Location of works in question:

Tyredagh Upper, Tulla, Co. Clare

Section 5 referral Reference R25-15 – Michael Lynch

Are agricultural / stock fencing works on my farm at Tyredagh Upper, Tulla development and if so, are they 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 4 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 21st February 2025.

AND WHEREAS Clare County Council has concluded:

- (a) The development of erection of agricultural/stock fencing on farmlands at Tyredagh Upper, Tulla, 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 erection of agricultural/stock fencing on farmlands at Tyredagh Upper, Tulla, County Clare is exempted development having regard to Class 4 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended.

ORDER: Whereas by Chief Executive's Order No. HR 46 dated 1st January 2025, Carmel Kirby, Interim 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 erection of agricultural/stock fencing on farmlands at Tyredagh Upper, Tulla, Co. Clare is considered development which is exempted development.

Signed:



GARETH RUANE
SENIOR EXECUTIVE PLANNER 

Date:

3rd March 2025

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

Reference No.: R25-15



**Comhairle Contae an Chláir
Clare County Council**

Section 5 referral Reference R25-15

Are agricultural / stock fencing works on my farm at Tyredagh Upper, Tulla development and if so, are they exempted development?

AND WHEREAS, Michael Lynch 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 4 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 21st February 2025.

And whereas Clare County Council has concluded:

- (a) The development of erection of agricultural/stock fencing on farmlands at Tyredagh Upper, Tulla, 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 erection of agricultural/stock fencing on farmlands at Tyredagh Upper, Tulla, County Clare is exempted development having regard to Class 4 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 erection of agricultural/stock fencing on farmlands at Tyredagh Upper, Tulla, Co. Clare **constitutes development** which is **exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

A handwritten signature in blue ink, reading "Anne O'Gorman", followed by a horizontal line.

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

3rd March 2025

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

FILE REF:	R25-15
APPLICANT(S):	Michael Lynch
REFERENCE:	Whether the erection of agricultural/stock fencing on farmlands at Tyredagh Upper, Tulla, County Clare is not development and is or is not exempted development.
LOCATION:	Tyredagh Upper, Tulla, County Clare
DUE DATE:	20 th March 2025

Site Location

The proposal site is located in the rural townland of Tyredagh Upper which is approximately 4.5km north west of Tulla. It is to the south east and east of the LS8100 local secondary road and comprises of a number of agricultural fields. There are dwellings located centrally within the overall landholding that are accessed from the public road by existing cul de sac roadways. I inspected the site on the 27th of February 2025.

Recent Onsite Planning History

01-1683 – Granted - Martin Clune - to construct a septic tank.

06-2099 – Incomplete application.

06-2841 – Deemed withdrawn - John & Kerry O'Sullivan - to construct an extension to existing single storey dwelling and to install a domestic photovoltaic system.

21-762 – Granted - Michael & Orla Lynch - to construct a dwelling house, garage, entrance, driveway, and wastewater treatment system with all associated site works.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Michael Lynch who is seeking a Section 5 Declaration as to whether the erection of agricultural/stock fencing on farmlands at Tyredagh Upper, Tulla, County Clare is not development and is or is not exempted development.

The applicant is the stated owner of the site. It is stated that the fencing is for the purposes of farm safety and public safety. The fencing would comprise of post and wire fencing on 4 areas within the farm.

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 & Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 4

The construction, erection or maintenance of any wall or fence, other than a fence of sheet metal, or a wall or fence within or bounding the curtilage of a house.

- 1. The height of the wall or fence, other than a fence referred to in paragraph 2, shall not exceed 2 metres.*
- 2. The height of any fence for the purposes of deer farming or conservation shall not exceed 3 metres.*

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 erection of agricultural/stock fencing on farmlands at Tyredagh Upper, Tulla, County Clare is not development and is or is not exempted development.

Particulars of Proposal

The lands comprise of agricultural grasslands that are bound to the west and north by the public road, and by commercial forestry to the east. There are adjacent agricultural fields to the south and south east. This is a working farm.

Planning & Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 4

The construction, erection or maintenance of any wall or fence, other than a fence of sheet metal, or a wall or fence within or bounding the curtilage of a house.

Post and wire stock proof fencing is proposed.

- 1. The height of the wall or fence, other than a fence referred to in paragraph 2, shall not exceed 2 metres.*

Whilst not stated, standard agricultural fencing is less than 2 metres in height.

- 2. The height of any fence for the purposes of deer farming or conservation shall not exceed 3 metres.*

The fence is not for the purposes of deer farming or conservation.

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,*

Not applicable.

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

Standard agricultural fencing 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.*

The fencing would have no adverse impacts on the Western Corridor Working Landscape.

- (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. The lands are outside of any zone of archeological potential.

- (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. The lands are outside of any zone of archeological potential.

(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 lands are within the Slieve Aughty Mountains Special Area of Conservation (SAC). The relevant species in this area are the Hen Harrier (*Circus cyaneus*) [A082] and Merlin (*Falco columbarius*) [A098]. Having regard to the nature of the works proposed and on the basis of the available information I consider that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on this 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. The lands to be fenced are in the stated ownership of the applicant.

(xi) obstruct any public right of way,

Not applicable. The lands to be fenced are in the stated ownership of the applicant.

(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.

Recommendation

The following question has been referred to the Planning Authority:

Whether the erection of agricultural/stock fencing on farmlands at Tyredagh Upper, Tulla, County Clare 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 4 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 21st February 2025.

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

- (a) the development of erection of agricultural/stock fencing on farmlands at Tyredagh Upper, Tulla, 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 erection of agricultural/stock fencing on farmlands at Tyredagh Upper, Tulla, County Clare is exempted development having regard to Class 4 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended.

Now therefore Clare County Council (Planning Authority) hereby decides that erection of agricultural/stock fencing on farmlands at Tyredagh Upper, Tulla, County Clare, is development and is exempted development.


Executive Planner
Date: 28th February 2025


Senior Executive Planner
Date: 28/02/25.

Clare County Council

Screening for Appropriate Assessment & Determination

1. Table 1 to be filled in for all development applications.
2. Where proposed development is within a European site(s) site, go directly to table 3.
3. For all other development proposals, fill in table 2, and if required, table 3.
4. A Habitats Directive Screening Statement should be sought for all developments regardless of location which require an EIS

Table 1: Project Details

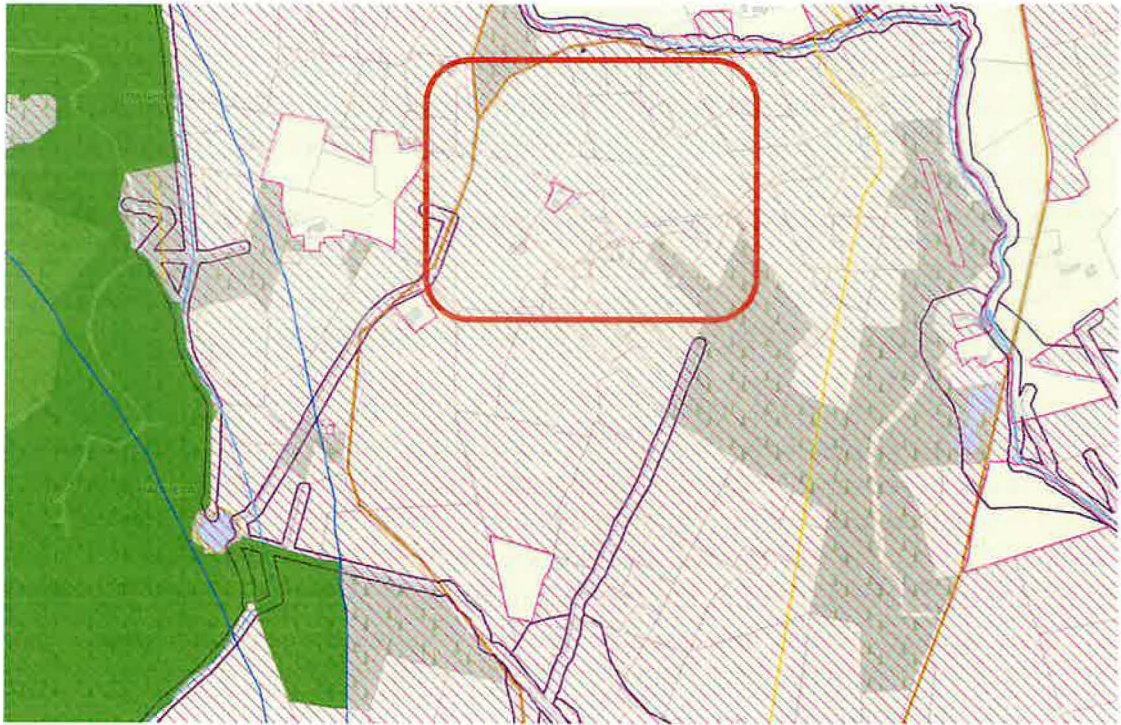
Planning File Reference	R25-15
Applicant Name	Michael Lynch
Development Location	Tyredagh Upper, Tulla, County Clare
Application accompanied by an EIS	No
Application accompanied by an NIS	No
Description of the project (To include a site location map):	
Slatted shed	
	

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)¹ 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 ²	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
Slieve Aughty Mountains SPA	Hen Harrier (<i>Circus cyaneus</i>) [A082] Merlin (<i>Falco columbarius</i>) [A098]	Within

1	Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.	Is the development in the catchment of or immediately upstream of a watercourse that has been designated as a European site?	No
2	Impacts on terrestrial habitats and species.	Is the development within 1km of a European site with terrestrial based habitats or species?	Yes
3	Impacts on designated marine habitats and species.	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	No
4	Impacts on birds in SPAs	Is the development within 1km of a Special Protection Area	Yes
5	Indirect effects	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?	No impacts envisaged

¹ 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.

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

Appropriate Assessment Screening Determination	
Planning File Reference	R25-15
Proposed Development	Agricultural fencing
Development Location	Tyredagh Upper Tulla
European sites within impact zone	As per report
Description of the project	
Agricultural fencing (post and wire)	
Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site	
As per report	
Describe how the project or plan (alone or in combination) is likely to affect the European site(s).	
General disturbance	
If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?	
Not significant. Small scale development with limited works and no impacts at operational stage.	
Documentation reviewed for making this statement	
NPWS website Plans and particulars received GIS mapping database	
Conclusion of assessment (a, b, c or d)	
(a) The proposed development is directly connected with or necessary to the nature conservation management of a European Site(s)³	No
(b) There is no potential for significant effects to European Sites³	Yes
(c) The potential for significant effects to European Site(s) cannot be ruled out⁴	No
(d) Significant effects to European	No

³ 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.

⁴ 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

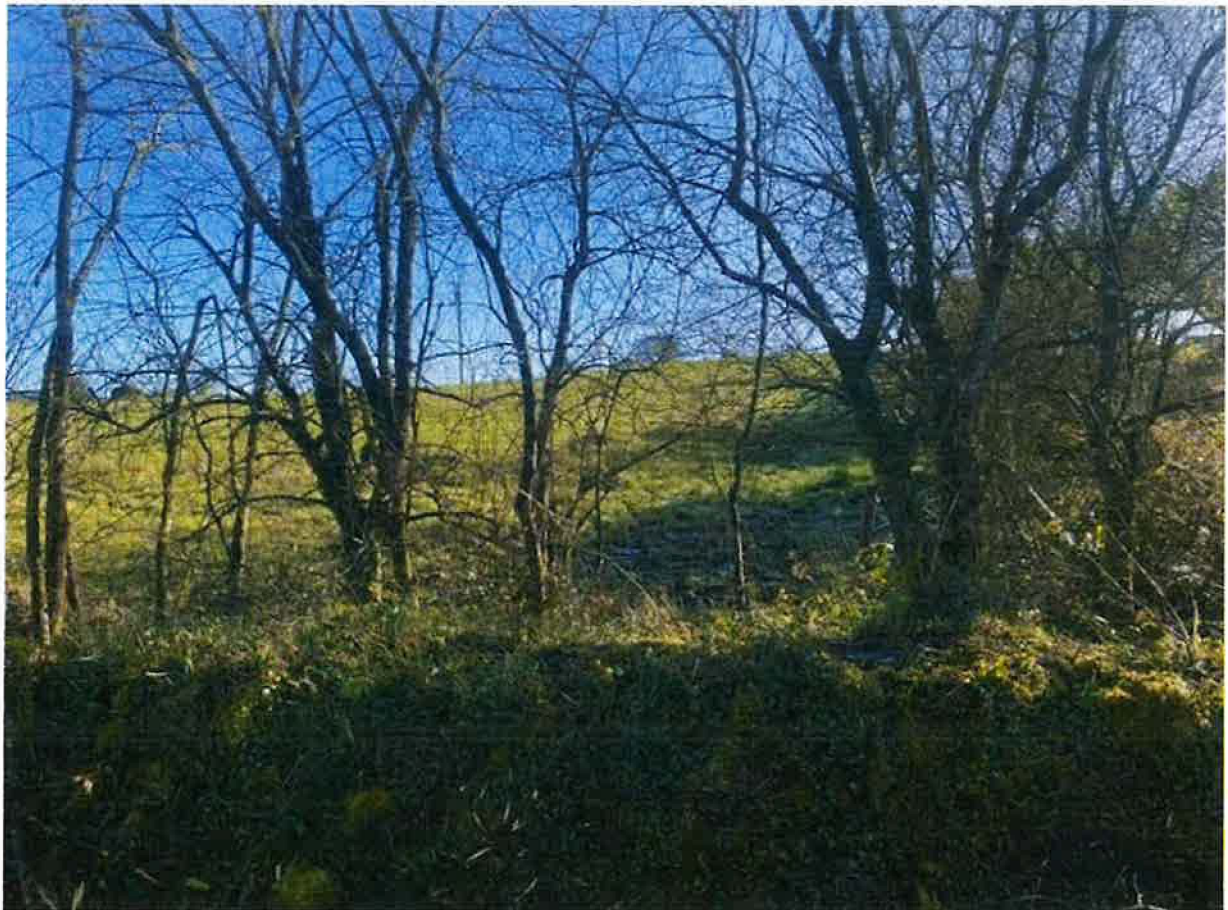
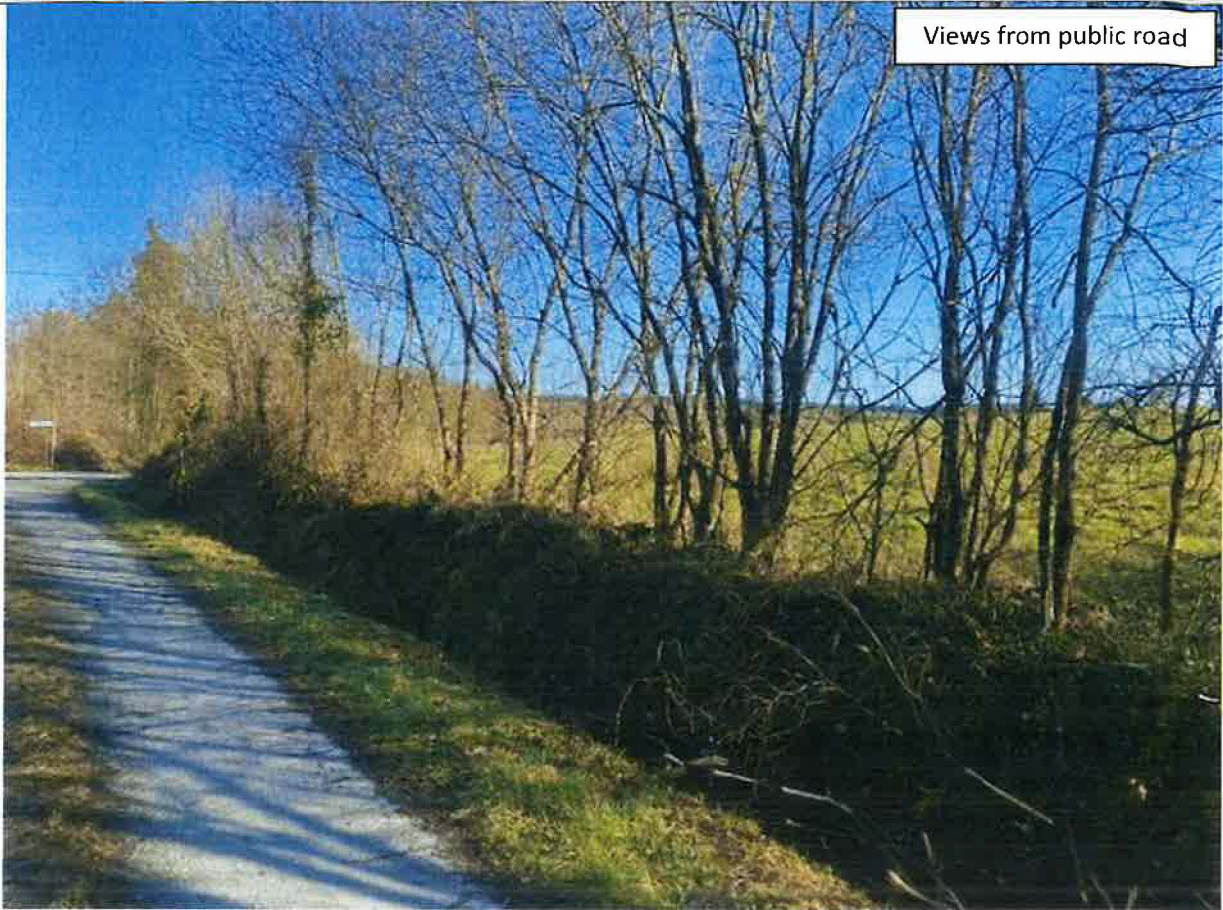
Alternatively, where other planning concerns arise the proposal could be refused planning permission.

<p>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 2010⁵</p>	
<p>Completed By</p>	<p>John O'Sullivan</p>
<p>Date</p>	<p>28th February 2025</p>

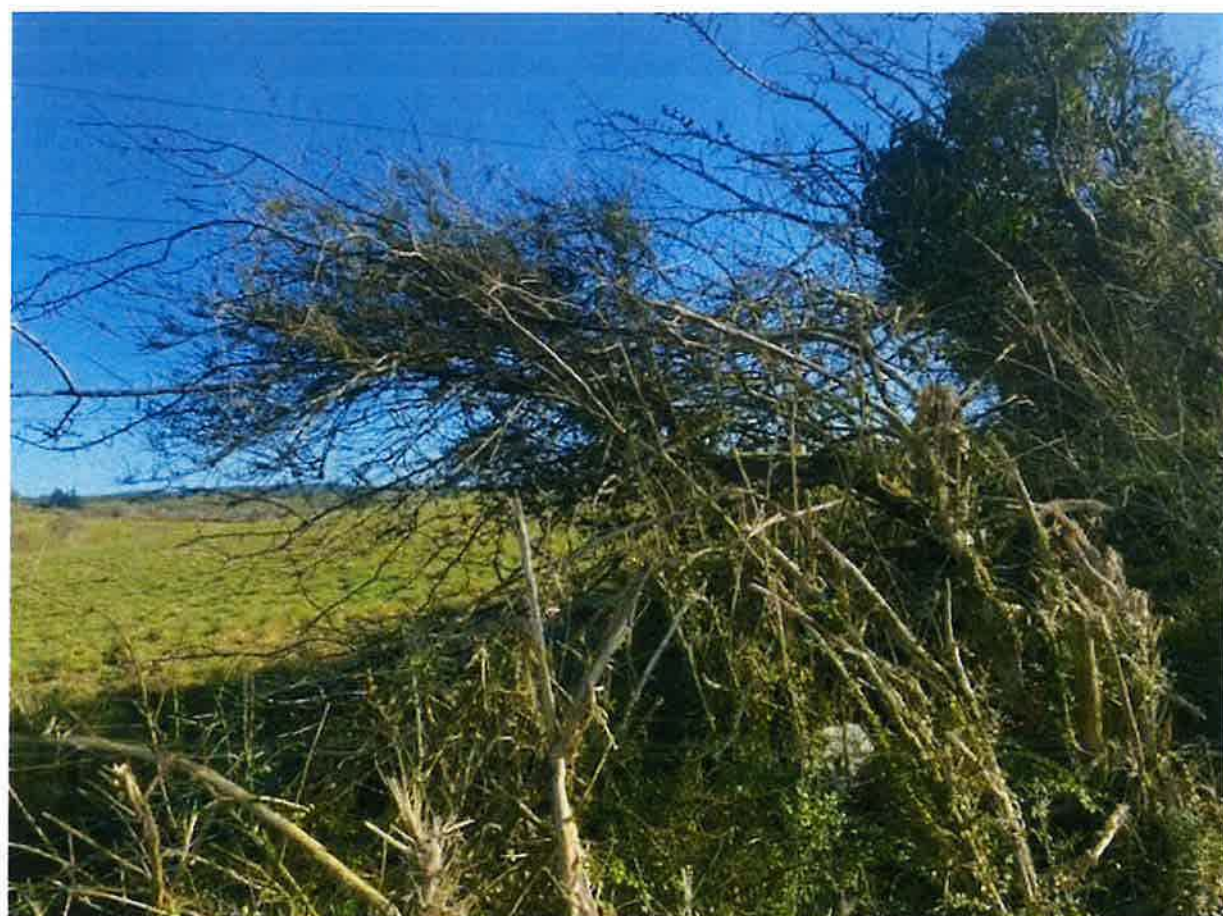
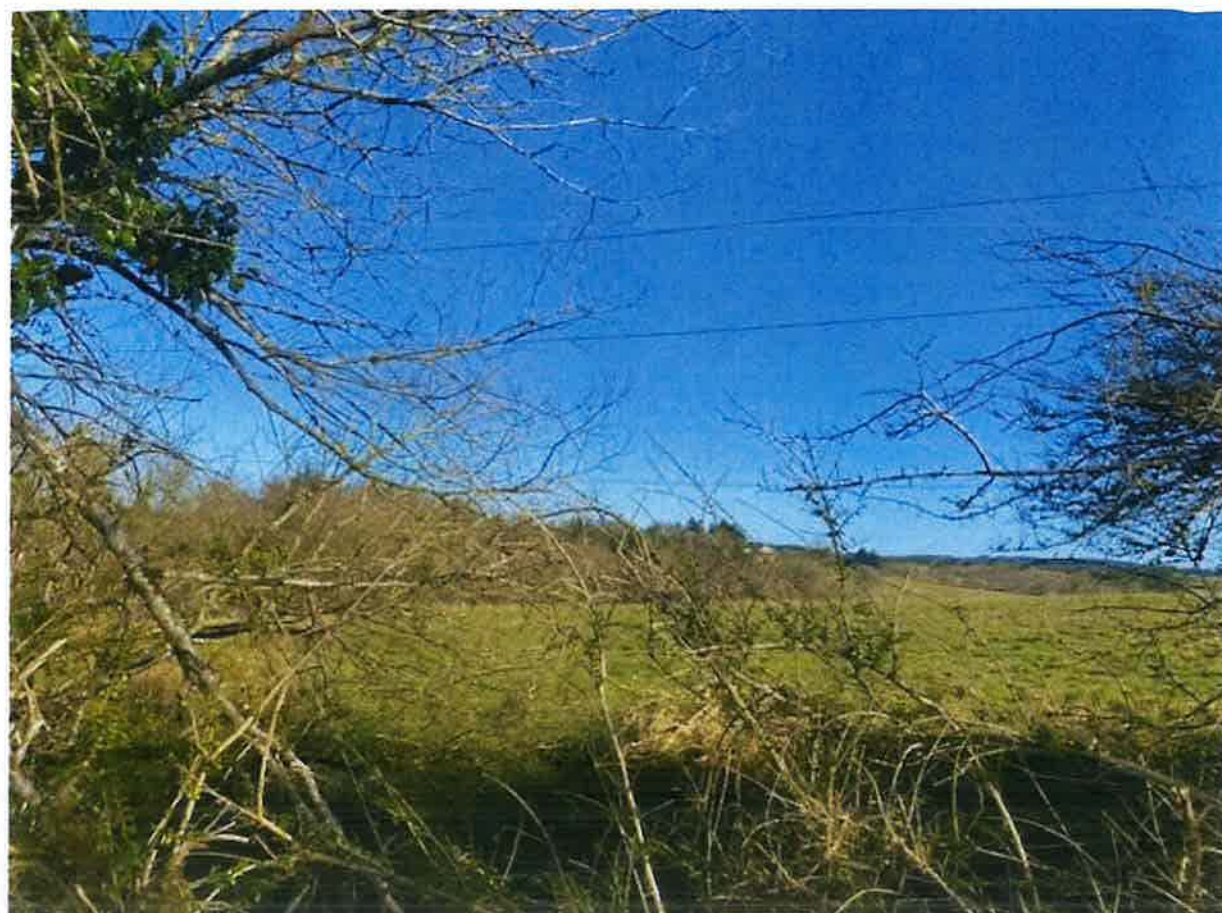
⁵ The proposed development must either by refused planning permission or alternatively an 'Appropriate Assessment' (AA) should be carried out by the Planning Authority. In order to facilitate the preparation of an AA the applicant should be requested to submit a Natura Impact Statement (NIS) in accordance 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.

R25-15
27/02/2025

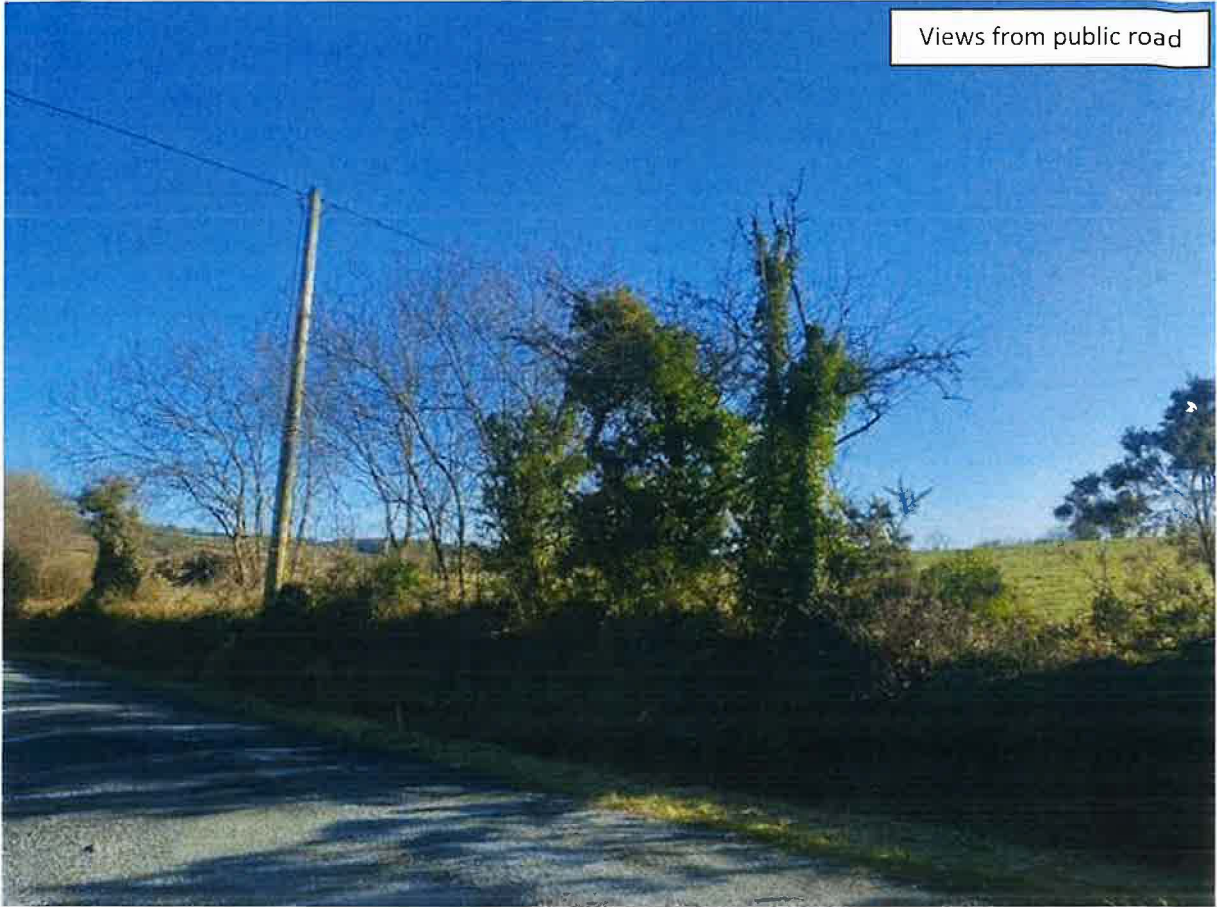
Views from public road



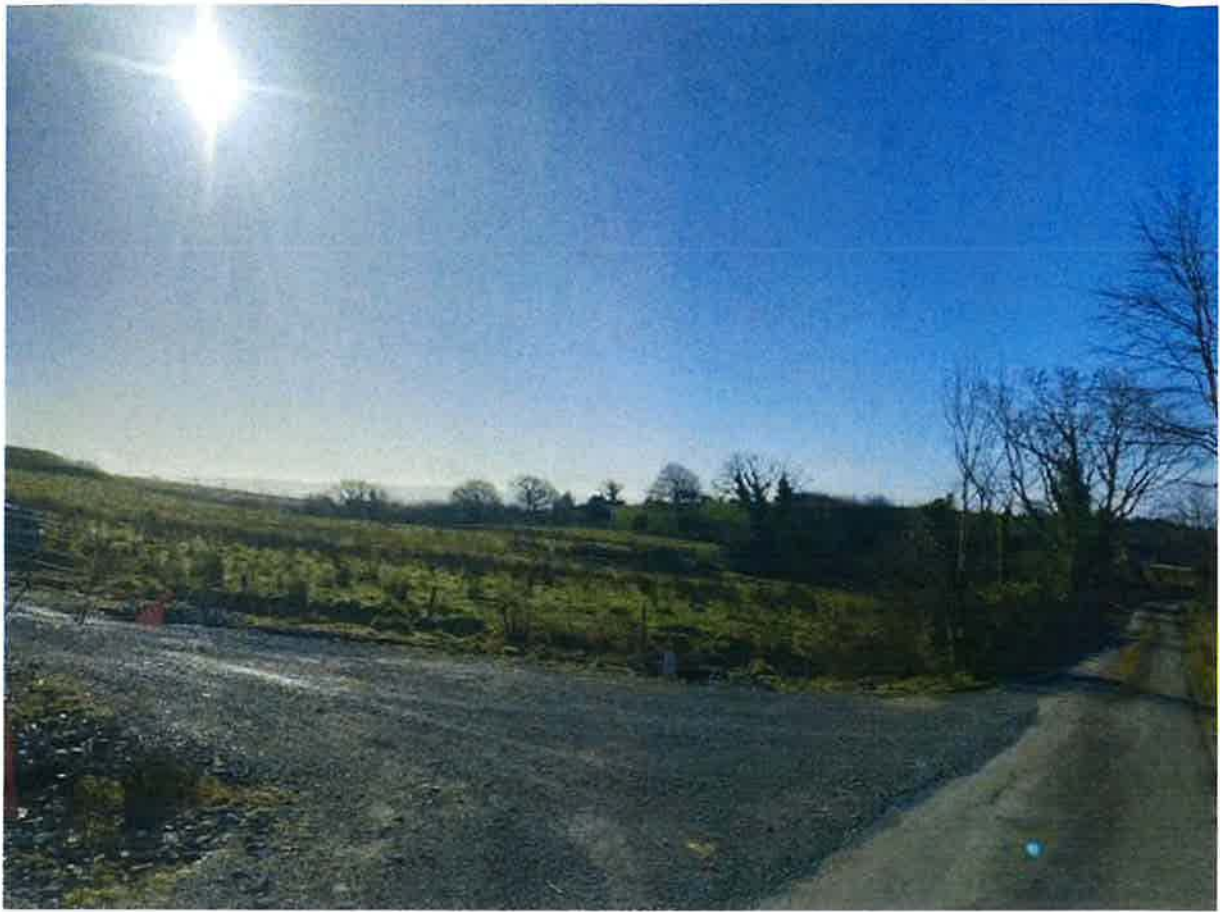


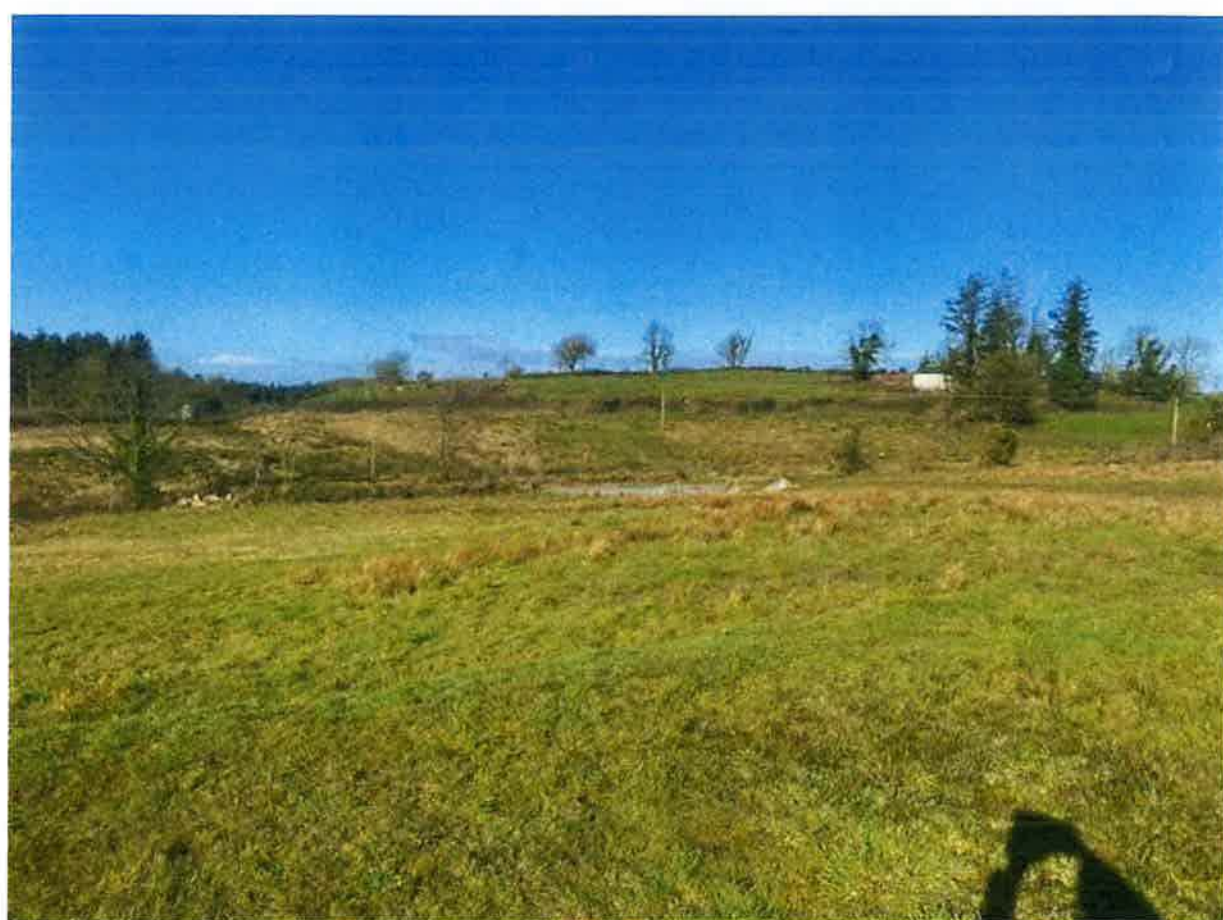


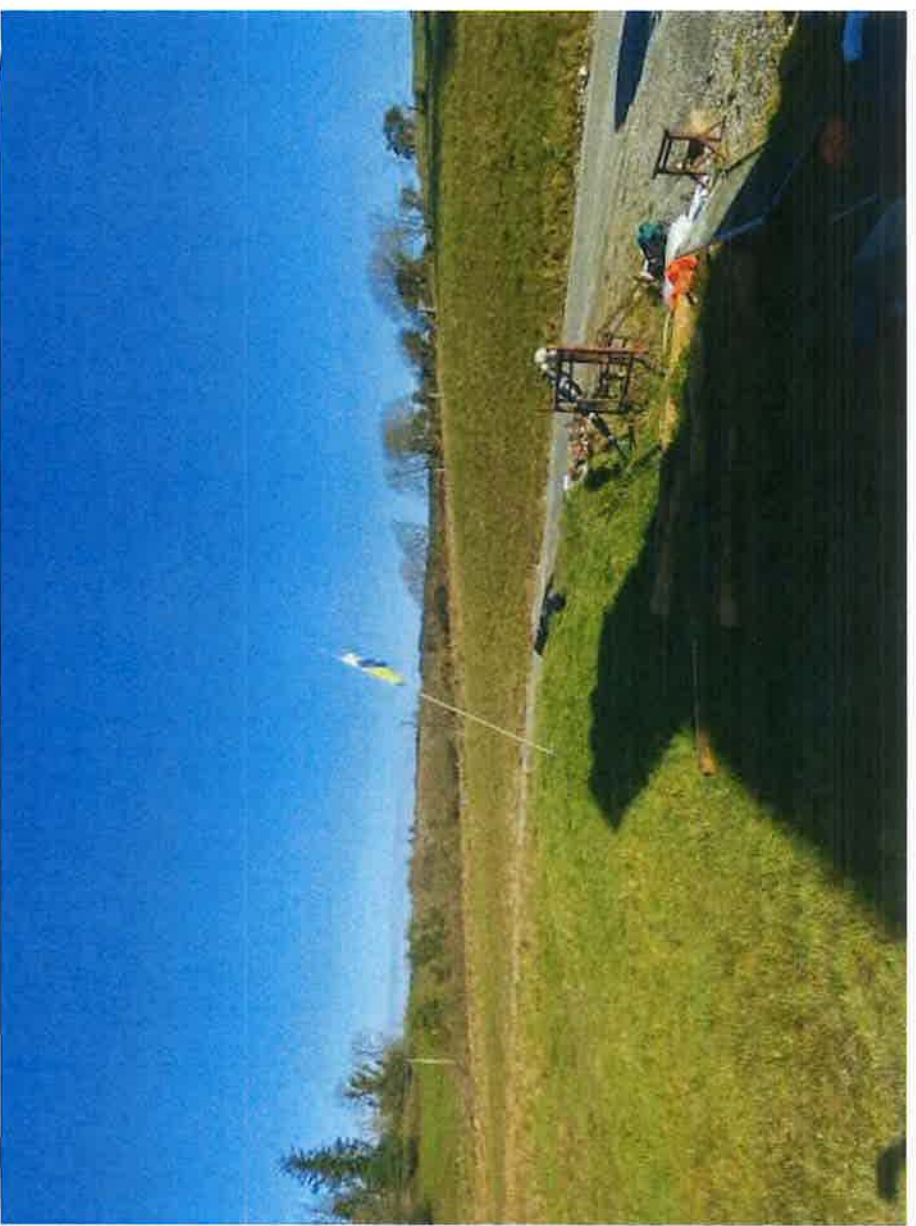
Views from public road













COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Michael Lynch
Tyredagh Upper
Tulla
Co. Clare
V95 N97F

24/02/2025

Section 5 referral Reference R25-15 – Michael Lynch

Are agricultural / stock fencing works on my farm at Tyredagh Upper, Tulla development and if so, are they exempted development?

A Chara,

I refer to your application received on 21st February 2025 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 Stiúthóireacht Forbairt Gheilleagrach

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

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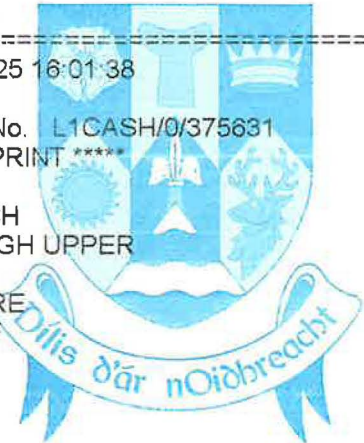


CLARE
AN CHLÁIR
Clare County Council
Aras Contae an Chlair
New Road
Ennis
Co Clare

21/02/2025 16:01:38

Receipt No. L1CASH/0/375631
***** REPRINT *****

ML LYNCH
TYREDAGH UPPER
TULLA
CO CLARE
V95N47F



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

Total : 80.00 EUR

Tendered :
CREDIT CARDS 80.00

Change : 0.00

Issued By : L1CASH - Rachael Barrett
From : MAIN CASH OFFICE LODGEMENT AF
Vat reg No.0033043E

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

CLARE
COUNTY COUNCIL

21 FEB 2025

Received
Planning Section



Comhairle Contae an Chláir
Clare County Council

R25-15

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	MICHAEL LYNCH TYREDAGH UPPER Tulla Co. CLARE V95N97F
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	<div style="text-align: center;"> N A </div>

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?

ARE AGRICULTURAL / Stock Fencing Works planning
 Exempt on my Farm @ Tyrone Upper Tulla
 Co. Clare ?

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

I have recently purchased land at this address
 and my agri-advisor (this is a working farm) has
 instructed me to request the planning exemption
 for the erection of post & wire stock fencing
 (Basic Agricultural Fencing for livestock control.)
 My Farm is included in the SAC (Slieve Aughty
 Special Area of Conservation) and requires this
 Local Council agreement / exemption for these
 works.

These works are for the sole purpose of
 increasing safety by erecting correct stock proof
 fencing to the local public roadway and
 adjacent members of the public.

- (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)

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	<u>TYREDAUGH UPPER</u> <u>Tulla</u> <u>Co. CLARE</u> <u>V95N97F</u>
(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?	<u>NO.</u>
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	<u>OWNER / LANDOWNER / FARMER.</u>
(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>	<u>N/A - See 'c' Above.</u>
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	<u>YES.</u>
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	<u>NO.</u>
(g) Were there previous planning application/s on this site? If so please supply details:	<u>NO.</u>
(h) Date on which 'works' in question were completed/are likely to take place:	<u>AS SOON AS POSSIBLE</u>

SIGNED:



DATE:

18/FEB/2025.

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:	



**An Roinn Talmhaíochta,
Bia agus Mara
Department of Agriculture,
Food and the Marine**

**For Basic Payment Income Support for Sustainability, Areas
of Natural Constraint Scheme and other Area Based Scheme
purposes only**

Year: 2025

Name: MICHAEL LYNCH
Address: ENNIS ROAD
TULLA
CO. CLARE
V95 T6H6

Herd Nos:

Townland Code : C23901

Townland Name: AFFICK

Parcel	Digitised	Eligible Hectare	Claimed
C2390100075	1.18	0.47	0.47

Exclusions	Parcel	Excl	Area	Red%	Elig	Type
C2390100075	0108	1.18	60	0.47	Scrub	

Townland Code : C23906

Townland Name: TYREDAGH UPPER

Parcel	Digitised	Eligible Hectare	Claimed
C2390600040	0.41	0	0
C2390600041	0.19	0	0
C2390600082	1.69	1.69	1.4
C2390600105	1.39	1.39	1.39
C2390600106	18.07	17.83	17.83
C2390600165	0.16	0	0
C2390600166	0.58	0	0
C2390600167	1.12	1.12	1.12
C2390600169	0.04	0	0

Exclusions	Parcel	Excl	Area	Red%	Elig	Type
C2390600082	0067	0.09	100	0	Trees	
C2390600082	0068	0.47	100	0	Scrub	
C2390600082	0069	0.16	100	0	Scrub	
C2390600082	0070	0.06	100	0	Scrub	
C2390600082	0071	0.04	100	0	Scrub	
C2390600105	1322	0.16	100	0	Scrub	
C2390600106	1323	0.05	100	0	Trees	
C2390600106	1324	0.08	100	0	Farm Road	
C2390600106	1325	0.11	100	0	Scrub	
C2390600106	1327	0.01	100	0	Building	
C2390600106	1328	2.23	60	0.89	Scrub	
C2390600106	1329	1.35	100	0	Trees	
C2390600106	1330	0.04	100	0	Scrub	
C2390600106	1331	0.02	60	0.01	Scrub	
C2390600106	1332	1.12	60	0.45	Scrub	
C2390600106	1333	0.58	100	0	Scrub	
C2390600106	1334	0.1	100	0	Farm Road	
C2390600106	1335	0.2	100	0	Trees	
C2390600106	1336	0.31	100	0	Scrub	
C2390600106	1352	0.05	100	0	Farm Road	

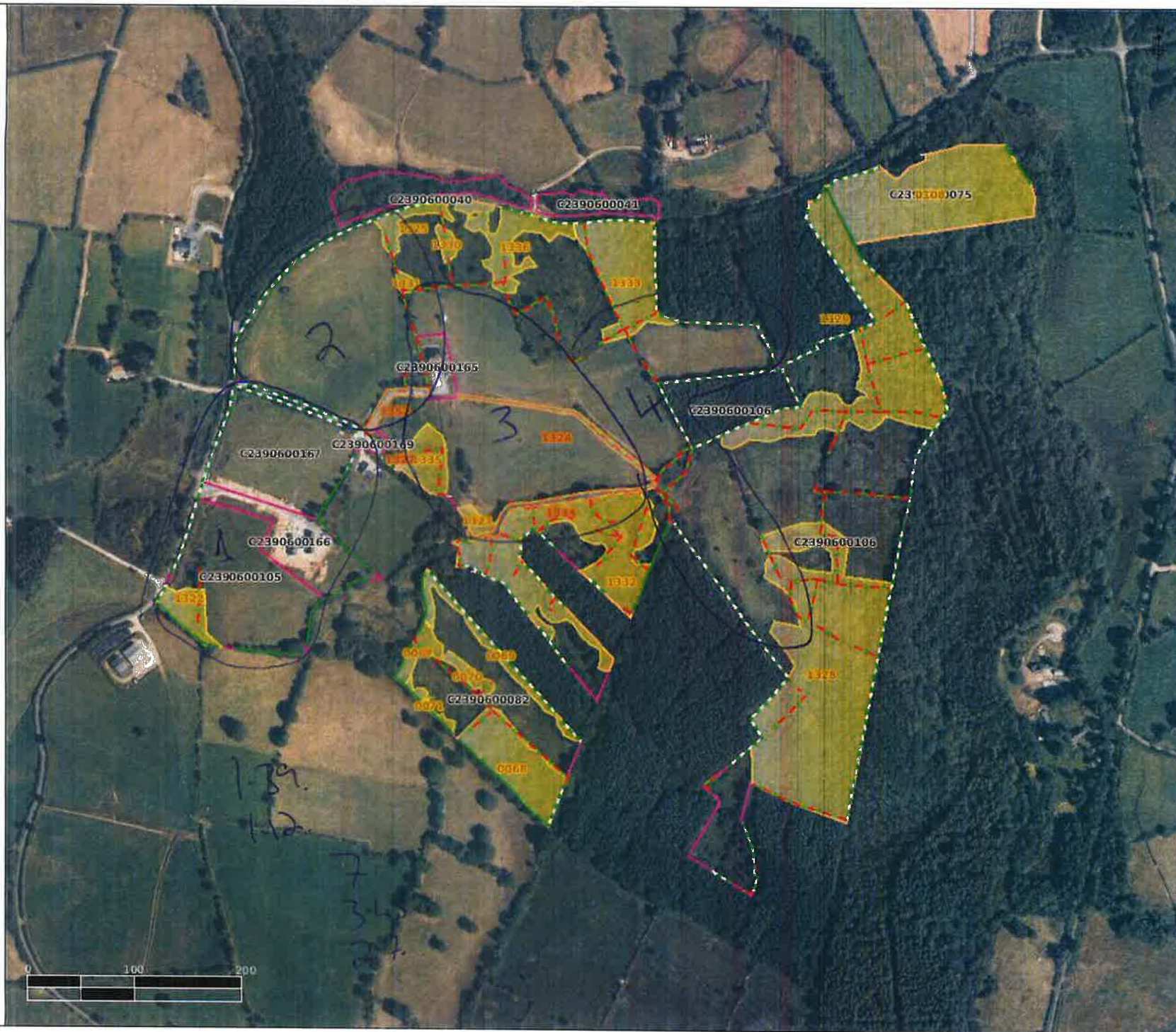
Ortho Used: ColOrthoFullCov:WMS:Imagery

All areas displayed above are in hectares

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Imagery Dates: 12/08/2022

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Select Feature

Deselect All

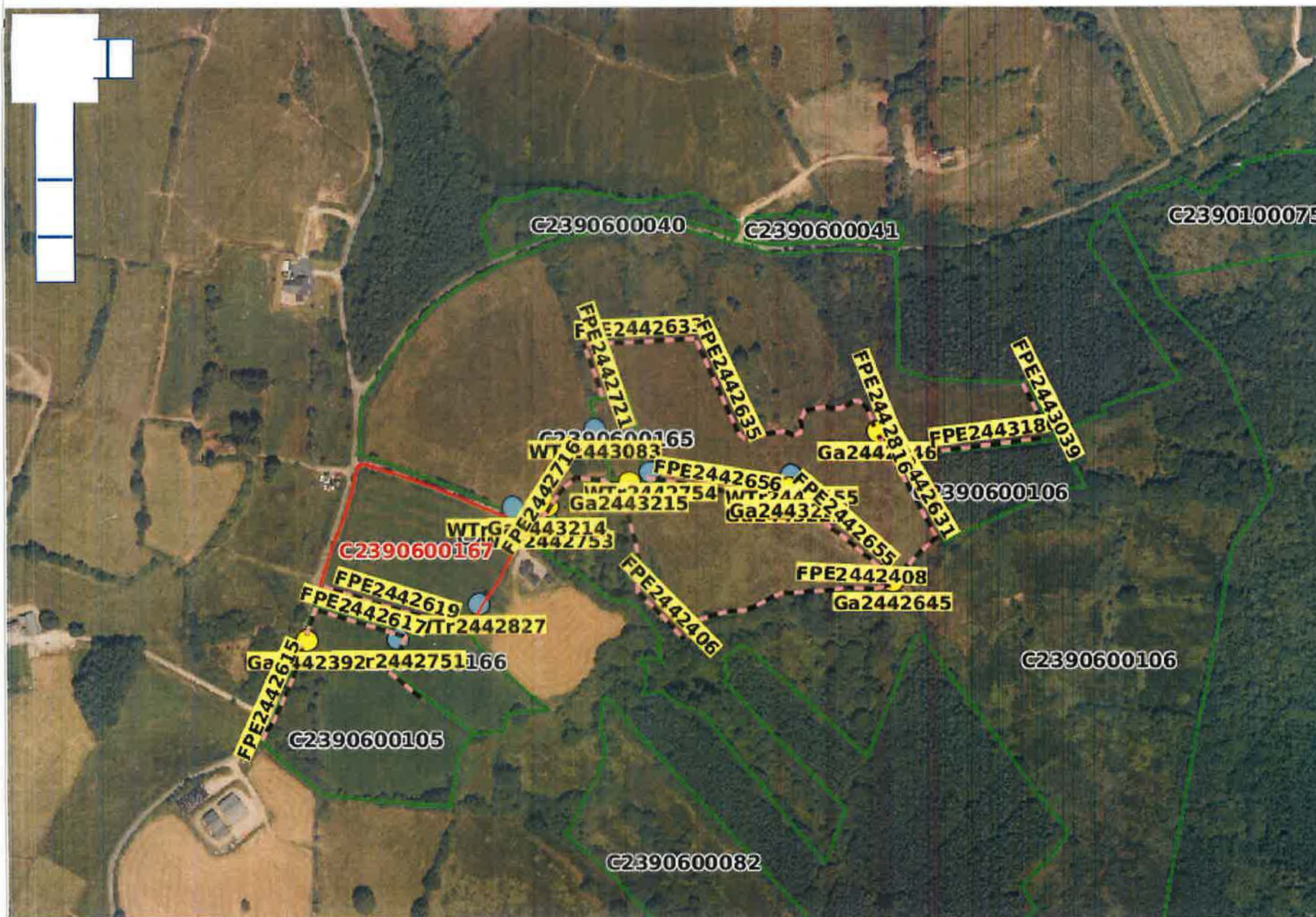
▼ Measure

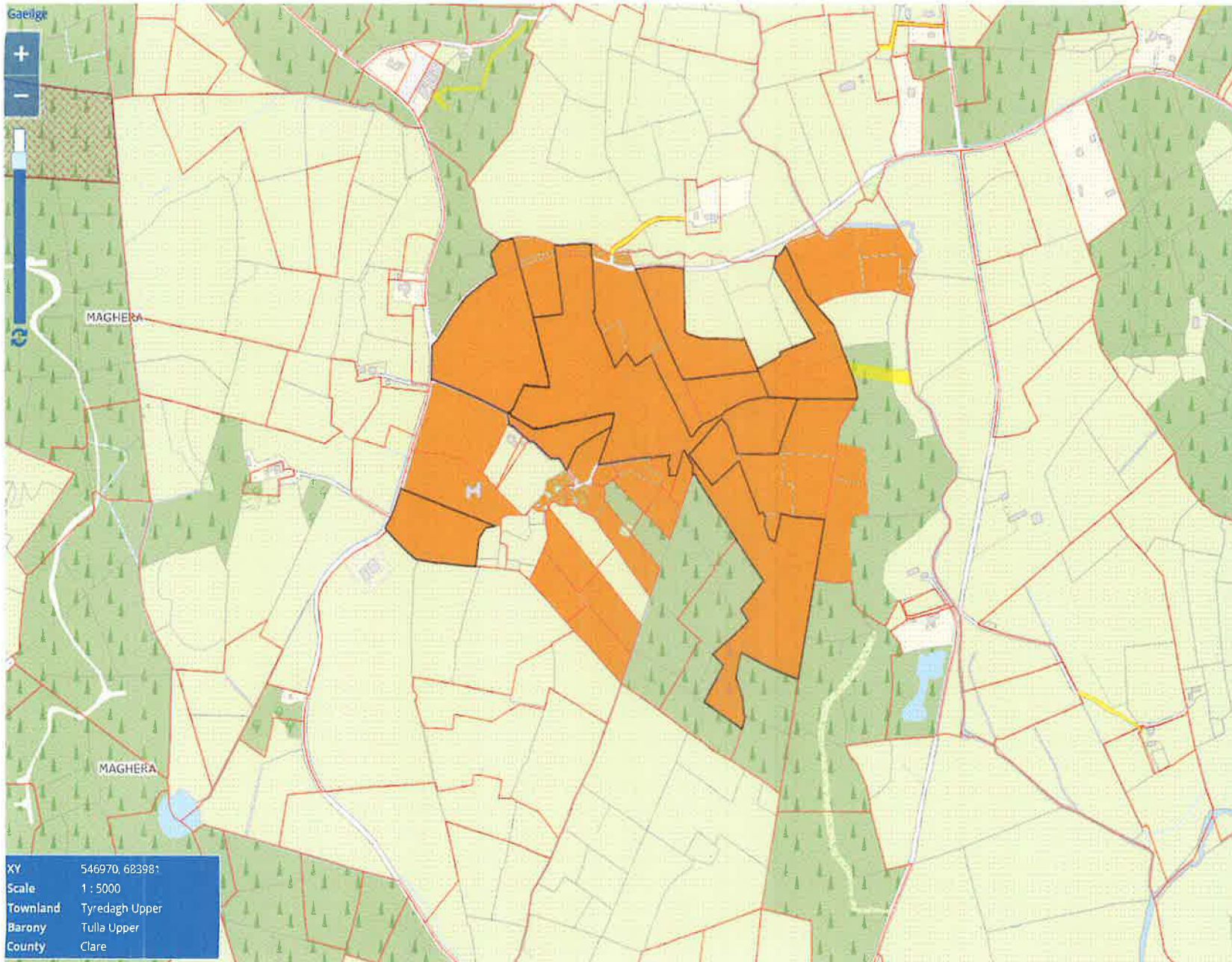
Measure

▼ **Navigation**

Toggle Legend

[Return to Land Details](#)





Property Details

> Back

Folio Number CE62610F
Title Level Freehold
Plan Number 20F
Property Number 1
Area of selected plans 13.95 hectares.
Number of Plans on this folio: 6
Address Not Available

Add to Basket

Create Alert

The following Applications are Pending on this Folio

D2024LR079536K Awaiting Attention

*Tailte Éireann Registration Boundaries and Plan Area are not conclusive. See [Section 62\(2\) of Registration of Title Act 2006](#) and [Rule 8\(3\) of the Land Registration Rules 2012](#).

View Basket

Print Current View

Help