



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

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**Michelle Quigley
Three Bridges
Ballycar,
Newmarket on Fergus
Co. Clare
V95 VF98**

4th May, 2021

Section 5 referral Reference R21-21 – Michelle Quigley

Whether the construction of bathroom measuring 3.20m x 2.8m and hallway 1.55m x 3.2m at the rear of the property at Three Bridges, Ballycar, New Market on Fergus Co. Clare is considered development and if so, is it exempted development.

A Chara,

I refer to your application received on 8th April, 2021 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

**Josephine Connors
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**



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

Reference No.: R21-21



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R21-21

Whether the construction of bathroom measuring 3.20m x 2.8m and hallway 1.55m x 3.2m at the rear of the property at Three Bridges, Ballycar, New Market on Fergus Co. Clare is considered development and if so, is it exempted development.

AND WHEREAS, Michelle Quigley 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 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The works as indicated in submitted documents from the referrer.

And whereas Clare County Council has concluded:

- (a) The construction of a bathroom measuring 3.2m x 2.8m and hallway 1.55m x 3.2m at the rear of the property at Three Bridges, Ballycar, Newmarket-on-Fergus, Co. 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 construction of a bathroom measuring 3.2m x 2.8m and hallway 1.55m x 3.2m at the rear of the property at Three Bridges, Ballycar, Newmarket-on-Fergus, Co. Clare is exempted development by virtue of Class 1 of Part 1, Schedule 2 of the Planning and Development Regulations 2001.

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 that the construction of a bathroom measuring 3.2m x 2.8m and hallway 1.55m x 3.2m at the rear of the property at Three Bridges, Ballycar, Newmarket-on-Fergus, Co. Clare constitutes development which is exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.



Josephine Connors
Staff Officer
Planning Department
Economic Development Directorate

4th May, 2021

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:

77548

Reference Number:

R21-21

Date Referral Received:

8th April 2021

Name of Applicant:

Michelle Quigley

Location of works in question:

**Three Bridges, Ballycar, New Market on
Fergus Co. Clare**

Section 5 referral Reference R21-21 – Michelle Quigley

Whether the construction of bathroom measuring 3.20m x 2.8m and hallway 1.55m x 3.2m at the rear of the property at Three Bridges, Ballycar, New Market on Fergus Co. Clare is considered development and if so, is it exempted development.

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended
- (c) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The works as indicated in submitted documents from the referrer.

AND WHEREAS Clare County Council has concluded:

- (a) The construction of a bathroom measuring 3.2m x 2.8m and hallway 1.55m x 3.2m at the rear of the property at Three Bridges, Ballycar, Newmarket-on-Fergus, Co. 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 construction of a bathroom measuring 3.2m x 2.8m and hallway 1.55m x 3.2m at the rear of the property at Three Bridges, Ballycar, Newmarket-on-Fergus, Co. Clare is exempted development by virtue of Class 1 of Part 1, Schedule 2 of the Planning and Development Regulations 2001.

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 Garreth 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, Garreth Ruane, Senior Executive Planner, hereby declare that the construction of a bathroom measuring 3.2m x 2.8m and hallway 1.55m x 3.2m at the rear of the property at Three Bridges, Ballycar, Newmarket-on-Fergus, Co. Clare is considered development which is exempted development

Signed:



GARRETH RUANE
SENIOR EXECUTIVE PLANNER *GR*

Date:

4th May 2021

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION

FILE REF:	R21-21
APPLICANT(S):	Michelle Quigley
REFERENCE:	Whether the construction of a bathroom measuring 3.2m x 2.8m and hallway 1.55m x 3.2m at the rear of the property is or is not development and is or is not exempted development.
LOCATION:	Three Bridges, Ballycar, Newmarket-on-Fergus, Co. Clare
DUE DATE:	9 th May 2021

Site Location

The site is located to the southeast side of the L-3151 within the Ballycar Cluster. The site comprises a detached 1.5 storey dwelling and a detached garage located within an extensive garden area. The dwelling house is located at a lower level than the public road. The Galway – Limerick railway line runs along the northeast boundary of the site and a small river runs along the southern side of the garden.

Planning History

P00/1643 – GRANTED – erect a dwellinghouse with septic tank on site

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Michelle Quigley. She states that she is the owner of the dwelling which is the subject of this referral.

The applicant is seeking a Section 5 Declaration as to whether the construction of a bathroom measuring 3.2m x 2.8m and hallway 1.55m x 3.2m at the rear of the property at Three Bridges, Ballycar, Newmarket-on-Fergus is or is not development and is or is not exempted development

Statutory Provisions

Planning and Development Act, 2000 (as amended)

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

S.3.(1) In this Act, “development” means, except where the context otherwise requires, **the carrying out of any works on, in, over or under land** or the making of any material change in the use of any structures or other land.

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

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

Planning & Development Regulations, 2001, as amended

Article 6 refers to Exempted Development and states that subject to Article 9, development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 1

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

1. (a)

Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

(b)

Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

(c)

Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

2. (a)

Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

(b)

Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

(c)

Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

3. *Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.*

4. (a)

Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

(b)

Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

(c)

The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

5. *The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.*

6. (a)

Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

(b)

Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

(c)

Where the house is detached and the floor area of the extension aboveground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

7. *The roof of any extension shall not be used as a balcony or roof garden.*

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,

(iv) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

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

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

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

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

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

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

(xi) obstruct any public right of way,

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

Assessment

Basis of Referral

The applicant is seeking a Section 5 Declaration as to whether the construction of a bathroom measuring 3.2m x 2.8m and hallway 1.55m x 3.2m at the rear of the property at Three Bridges, Ballycar, Newmarket-on-Fergus, Co. Clare is or is not development and is or is not exempted development

Particulars of the Development

- Floor Area 13.95m²
- Height Single storey. Below the eaves level of the existing dwelling.
- Location To the rear (east side) of the dwelling
- Status Complete – stated to have been built in 2018

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 1

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

The extension is located to the rear of the existing dwelling house.

1. (a)

Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

The floor area of the extension does not exceed the 40m² threshold.

(b)

Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

The house is detached.

(c)

Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

The extension is located on the ground floor.

2. (a)

Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

The house has not been previously extended.

(b)

Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

The house is detached.

(c)

Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

Not applicable in this instance – detached dwelling with no previous extensions.

3. *Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.*

Not applicable – extension is at ground floor level.

4. (a)

Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

Not applicable.

(b)

Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

Not applicable.

(c)

The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

This is complied with.

5. *The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.*

In excess of 25m² remains.

6. (a)

Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

This is complied with.

(b)

Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

Not applicable.

(c)

Where the house is detached and the floor area of the extension aboveground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

Not applicable.

7. *The roof of any extension shall not be used as a balcony or roof garden.*

Not applicable.

Conclusion

Having regard to the above I consider that the existing extension constitutes works that benefit from exempted development status under Part 1, Class 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

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:

- (i) *contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act*

Examination of the conditions has demonstrated that same are not contravened in this instance.

- (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,*

No alterations to the existing access point are proposed.

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

Not applicable in this instance.

- (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.*

It is considered that same does not interfere with the character of the landscape or views in the area. The extension is located to the rear of the dwelling and is not visible from the public road.

- (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,

This is not applicable in this instance.

- (vi) *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,*

This is not applicable in this instance.

(vii)

- a. *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,*

This is not applicable in this instance.

- b. *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,*

No likely significant effects on European Sites. An Appropriate Assessment Screening Report and Determination has been carried out and is attached to this report. An appropriate assessment is not required.

- c. *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."*

These are not applicable in this instance.

- (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,*

This is not applicable in this instance.

- (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,*

This is not applicable in this instance.

- (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,*

This is not applicable in this instance.

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

This is not applicable in this instance.

- (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.*

This is not applicable in this instance.

Conclusions

The following question has been referred to the Planning Authority:

Whether the construction of a bathroom measuring 3.2m x 2.8m and hallway 1.55m x 3.2m at the rear of the property at Three Bridges, Ballycar, Newmarket-on-Fergus, Co. Clare is or is not development and is or is not exempted development

The Planning Authority in considering this referral had regard to:

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended
- (c) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The works as indicated in submitted documents from the referrer.

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

- (a) The construction of a bathroom measuring 3.2m x 2.8m and hallway 1.55m x 3.2m at the rear of the property at Three Bridges, Ballycar, Newmarket-on-Fergus, Co. 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 construction of a bathroom measuring 3.2m x 2.8m and hallway 1.55m x 3.2m at the rear of the property at Three Bridges, Ballycar, Newmarket-on-Fergus, Co. Clare is exempted development by virtue of Class 1 of Part 1, Schedule 2 of the Planning and Development Regulations 2001.

Now therefore Clare County Council (Planning Authority), hereby decides that the construction of a bathroom measuring 3.2m x 2.8m and hallway 1.55m x 3.2m at the rear of the property at Three Bridges, Ballycar, Newmarket-on-Fergus, Co. Clare is development and is exempted development.



Executive Planner

Date: 30/04/2021



Senior Executive Planner

Date: 04/05/21

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	R21-21
Applicant Name	Michelle Quigley
Development Location	Three Bridges, Ballycar, Newmarket-on-Fergus, Co Clare
Application accompanied by an EIS	No
Application accompanied by an NIS	No
Description of the project (To include a site location map):	
Whether construction of a bathroom measuring 3.2m x 2.8m and hallway 1.55m x 3.2m at the rear of the property is or is not development and is or is not exempted development	
	

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.

Having regard to the nature and scale of development, which relates to an extension to an existing permitted dwelling, I consider the likely zone of impact of the proposed development to be no greater than 1km.

Table 2 (a): European Sites within 1km of Applicant Site

There are no European Sites within 1km of the applicant site.

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.

Appropriate Assessment Screening Determination	
Planning File Reference	R21-21
Proposed Development	Whether the construction of a bathroom measuring 3.2m x 2.8m and hallway 1.55m x 3.2m at the rear of the property a is or is not development and is or is not exempted development
Development Location	at Three Bridges, Ballycar, Newmarket-on-Fergus, Co Clare
European sites within impact zone	None
Description of the project:	
Whether the construction of a bathroom measuring 3.2m x 2.8m and hallway 1.55m x 3.2m at the rear of the property at Three Bridges, Ballycar, Newmarket-on-Fergus, Co. Clare is or is not development and is or is not exempted development	
Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site	
N/A	
Describe how the project or plan (alone or in combination) is likely to affect the European site(s).	
No likely direct or indirect effects due to the nature and scale of the development and the lack of connectivity or proximity to European sites.	
If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?	
N/A	
Documentation reviewed for making this statement	
<ul style="list-style-type: none"> - County Development Plan (including Flood Maps, SEA & AA) - NPWS website - Documents received as part of the referral 	
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)²	
(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	
(d) Significant effects to European sites are certain or likely or where potential for significant effects to European sites remains following receipt of Further Information requested under S177U of the Planning and Development (Amendment) Act 2010⁵	
Completed By	Caroline Balfe
Date	29/04/2021

² Appropriate Assessment is not required and therefore Planning permission may be granted at this stage subject to all other planning considerations. However, no material 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.

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.

R21-21







COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Michelle Quigley
Three Bridges
Ballycar,
Newmarket on Fergus
Co. Clare
V95 VF98

9th April 2021

Section 5 referral Reference R21-21 – Michelle Quigley

Whether the construction of bathroom measuring 3200 x 2800 and hallway 1555 x 3200 at the rear of the property at Three Bridges, Ballycar, New Market on Fergus Co. Clare considered development and if so, is it exempted development.

A Chara,

I refer to your application received on 8th April 2021 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

Mark Kerin
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



00-1643,

P07 Request for a Declaration on Development and Exempted Development (January 2018)

P07

**CLARE COUNTY COUNCIL
COMHAIRLE CONTAE AN CHLAIR**

Planning Department,
Economic Development Directorate,
Clare County Council,
New Road, Ennis,
Co. Clare.
V95DAP2

Telephone No. (065) 6821616
Fax No. (065) 6892071
Email: planning@clarecoco.ie
Website: www.clarecoco.ie



COMHAIRLE CONTAE AN CHLAIR
CLARE COUNTY COUNCIL

**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

Michelle Dugley
Three Bridges
Ballycar Newmarket-on-Fergus
Co. Clare Eircode: V95 VF98

(b) Telephone No.:

(c) Email Address:

(d) Agent's Name and address:

n/a

EIRCODE:



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 an bathroom measuring
 3200mm x 2500mm and hallway 1555 x 3200
 at the rear of the property Exempt from Planning

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

Bathroom 3200 x 2500
 Hallway 3200 x 1555
 Extension built in 2015 - for disabled access
 under

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

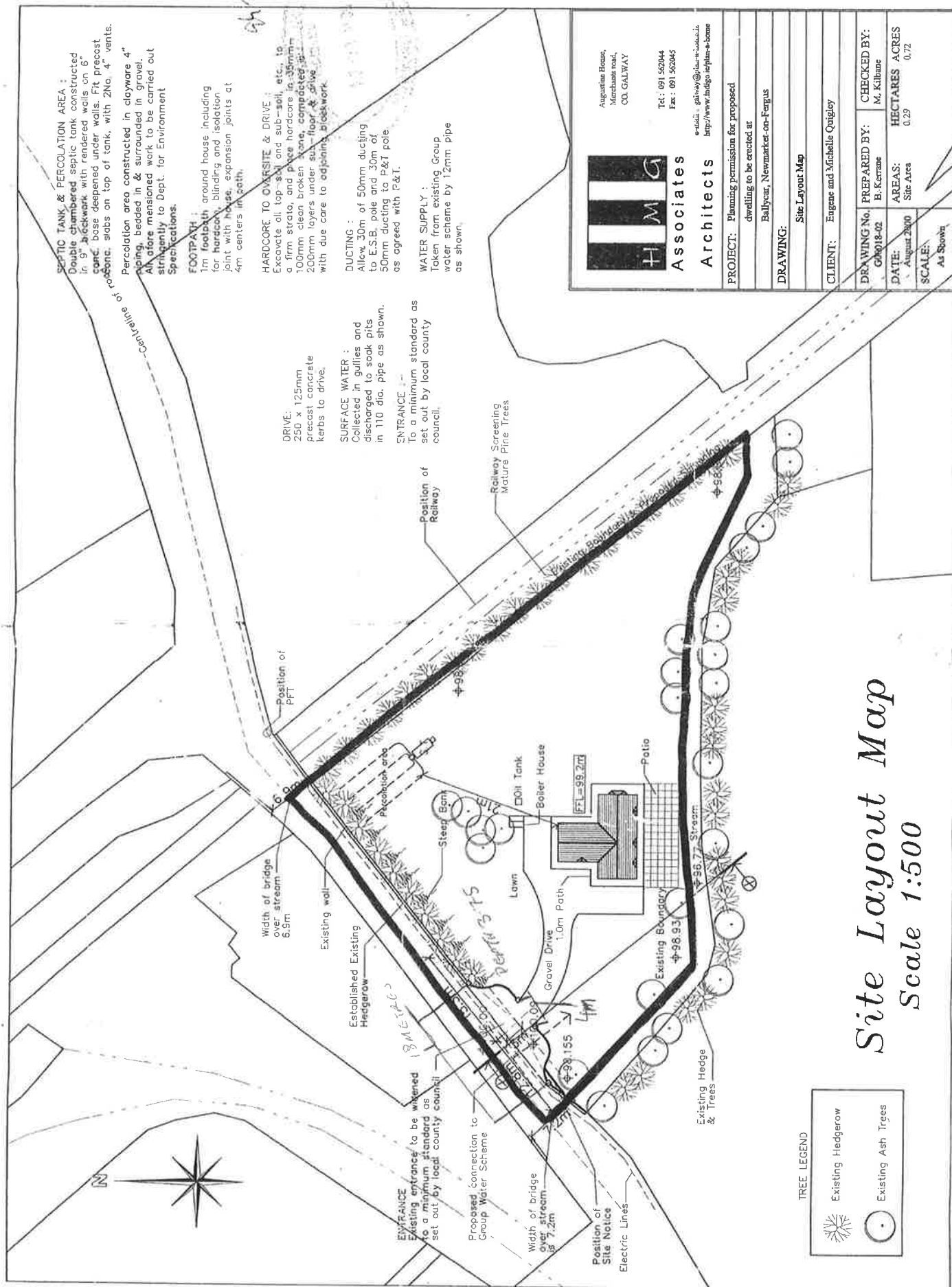
(Note: Please provide a site location map to a scale of not less than 1:2500 based on Ordnance Survey map for the areas, to identify the lands in question)

On Email 7/4/21

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	Three Bridges Ballycree Newmarket-on-Fergus Co Clare V95 VF 98
(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):	Owned
(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)?:	N/A
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	No
(g) Were there previous planning application/s on this site? If so please supply details:	Yes - P00/1643
(h) Date on which 'works' in question were completed/are likely to take place:	Sept 2018

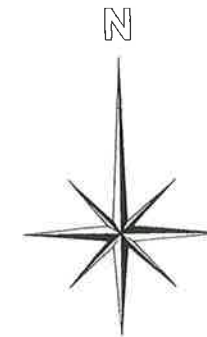
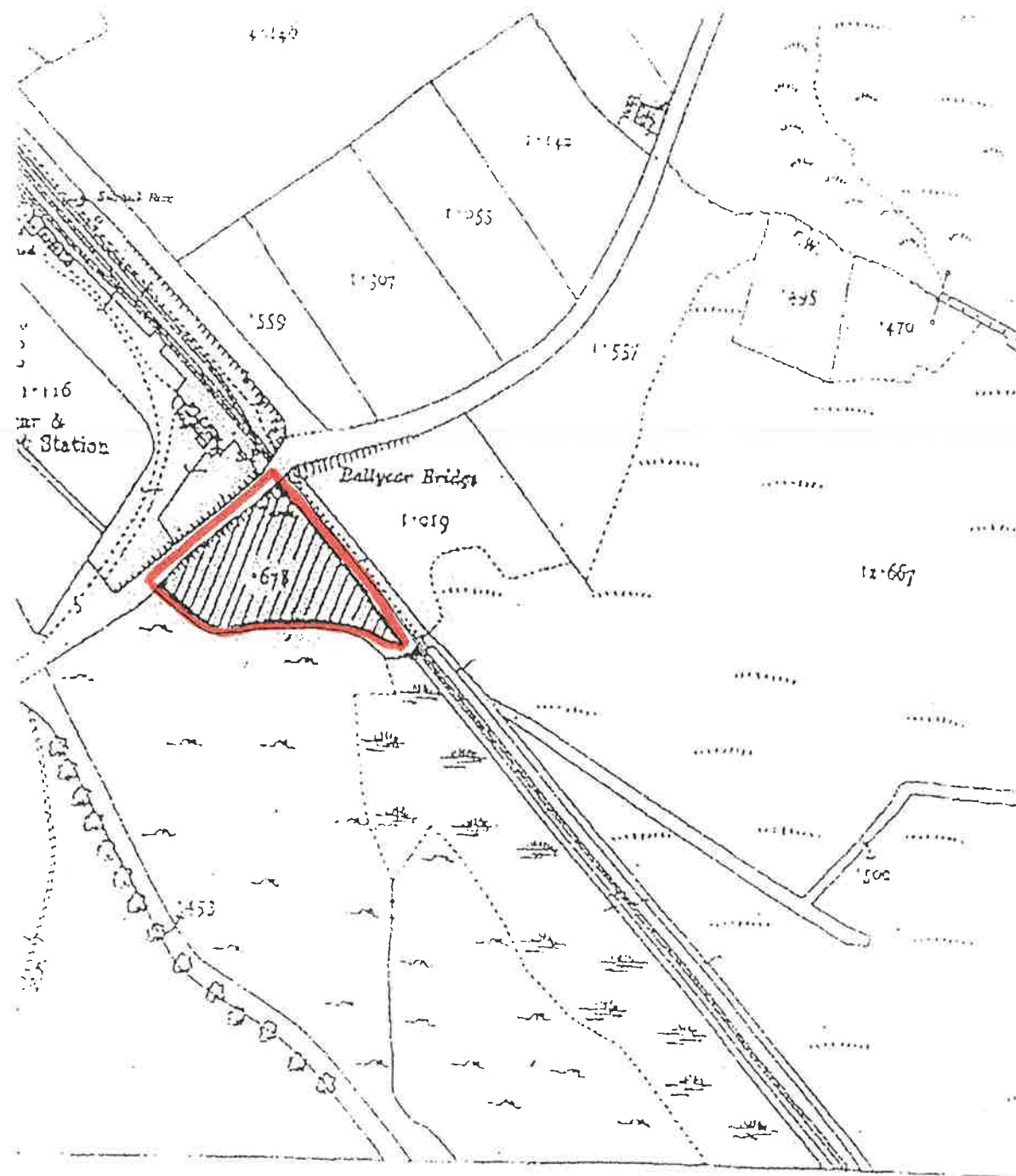
SIGNED: Michelle Aughey

DATE: 4/4/31



Site Layout Map
Scale 1:500

Scale 1:500



Site Location Map
Scale 1:2500

H M G
Associates
Architects

Augustine House,
 Merchants road,
 CO. GALWAY

Tel : 091 562044
 Fax : 091 562045

e-mail : galway@plan-a-home.ie
<http://www.indigo.ie/plan-a-home>

PROJECT: Planning permission for proposed dwelling to be erected at Ballycar, Newmarket-on-Fergus		
DRAWING: Site Location Map		
CLIENT: Eugene & Michelle Quigley		
DRAWING No. G00018-01	PREPARED BY: Brenda Kerrane	CHECKED BY: Mari Kilbane
DATE: August 2000	AREAS:	SQ.M SQ.FT
SCALE: As Shown		

Clare County Council
Aras Contae an Chláir
New Road
Ennis
Co Clare

08/04/2021 15:37:49

Receipt No. : LICASH/0/314898

REPRINT

MICHELLE QUIGLEY
THREE BRIDGES
BALLYCAR
NEWMARKET ON FERGUS
CO. CLARE

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 : LICASH - Patricia Quinlivan