



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Registered Post**

Patrick Lacey  
Ballyvorda,  
Liscannor,  
Co Clare

1<sup>st</sup> September, 2021

**Section 5 referral Reference R21-48 – Patrick Lacey**

**Whether the construction of an under slat tank in existing silage slab/ concrete yard at Ballyvorda, Liscannor, Co Clare is considered development and if so, is it exempted development.**

A Chara,

I refer to your application received on 6th August, 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](http://www.pleanala.ie)

Mise, le meas

  
Anne O'Gorman  
Staff Officer  
Planning Department  
Economic Development Directorate

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

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



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

**Reference No.: R21-48**



Comhairle Contae an Chláir  
Clare County Council

**Section 5 referral Reference R21-48**

**Whether the construction of an under slat tank in existing silage slab/ concrete yard at Ballyvorda, Liscannor, Co Clare is considered development and if so, is it exempted development.**

**AND WHEREAS, Patrick Lacey** has requested a declaration from Clare County Council on the said question.

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

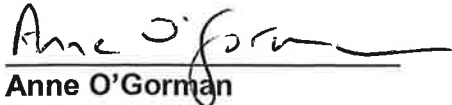
(a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended, (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended (c) Class 6, Class 7, Class 8 and Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended. (d) The works as indicated in submitted documents from the referrer.

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

- (a) The construction of an under slat tank at Ballyvorda, Liscannor, 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 under slat tank at Ballyvorda, Liscannor, Co Clare does not fall under the scope of the exempted development provisions for Agricultural Structures as set out in Part 3 of Schedule 2, of the Planning and Development Regulations 2001, as amended, and therefore is not exempted 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 an under slat tank in existing silage slab/concrete yard at Ballyvorda, Liscannor, Co. Clare constitutes development which is not exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.



Anne O'Gorman  
Staff Officer  
Planning Department  
Economic Development Directorate

15<sup>th</sup> September, 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:**

78306

**Reference Number:**

**R21-48**

**Date Referral Received:**

**6th August, 2021**

**Name of Applicant:**

**Patrick Lacey**

**Location of works in question:**

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**Section 5 referral Reference R21-48 – Patrick Lacey**

**Whether the construction of an under slat tank in existing silage slab/ concrete yard at Ballyvorda, Liscannor, 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 6, Class 7, Class 8 and Class 9 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.

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

- (a) The construction of an under slat tank at Ballyvorda, Liscannor, 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 under slat tank at Ballyvorda, Liscannor, Co Clare does not fall under the scope of the exempted development provisions for Agricultural Structures as set out in Part 3 of Schedule 2, of the Planning and Development Regulations 2001, as amended, and therefore is not exempted development.

**ORDER:** Whereas by Chief Executive's Order No. HR 152 dated 9<sup>th</sup> April 2021, Pat Dowling, Chief Executive for Clare County Council, did, pursuant to the

powers conferred on him by Section 154 of the Local Government Act 2001, delegate to 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, Gareth Ruane, Senior Executive Planner, hereby declare that the construction of an under slat tank in existing silage slab/concrete yard at Ballyvorda, Liscannor, Co. Clare is considered development which is not exempted development

Signed:

  
\_\_\_\_\_  
**GARRETH RUANE**  
**SENIOR EXECUTIVE PLANNER** *A.C.*

Date:

15<sup>th</sup> September, 2021

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

<b>FILE REF:</b>	<b>R21/ 48</b>
<b>APPLICANT(S):</b>	<b>Patrick Lacey</b>
<b>REFERENCE:</b>	<b>Whether the construction of an under slat tank in existing silage slab/ concrete yard at Ballyvorda ,Liscannor Co. Clare is or is not development and is or is not exempted development.</b>
<b>LOCATION:</b>	<b>Ballyvorda ,Liscannor Co. Clare</b>
<b>DUE DATE:</b>	<b>1<sup>st</sup> September 2021</b>

**Site Location**

The subject site is located in Ballyvorda and is to be situated adjacent to other farm buildings.

**Planning History on site**

There is no record of planning permission having been granted in the farm yard complex

**Planning History Nearby**

99/ 1114 Terri and Patricia Lacey Permission granted to Construct a dwellinghouse and septic tank

**Details submitted with the application**

- Plan and cross section of the under slat tank 1: 100 ( 22.2m by 4.42m= *48.12sqm*)
- Site location map scale 1: 2500.
- Site layout map scale 1: 500
- Landholding map outlined in blue showing spread lands in green
- Written description explaining the requirement for the proposed development , namely the silage slab is no longer required for storage of silage because silage is now baled. The tank is for cleaning the yard after cows during milking and effluent seepage coming from adjacent loose house.
- Floor area of other farm buildings as per site layout plan.

**Background to Referral**

**Statutory Provisions**

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

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

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

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

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

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

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

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

##### *Part 3 Exempted Development Rural- Article 6*

*Class 6 refers to roofed structures for the housing of cattle and other livestock not exceeding 200 sq.m .*

*Class 7 also refers to roofed structures for the housing of pigs mink or poultry not exceeding 75 sq.m.*

*Class 8 refers to roofless cubicles, open loose yard , silage areas, feeding aprons and milking parlours not exceeding 200 sq.m.*

*Class 9 refers to buildings used for agricultural storage ( not being class 6 7 or 8*

*Class 10 relates to unroofed areas for training horses.*

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 an under slat tank in existing silage slab/ concrete yard at Ballyvorda ,Liscannor .



Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Article 6 Rural – Agricultural Development .

I refer to the classes of development 6 to 10 inclusive relating to agricultural development set out above. The proposed development is for an underground slat tank only with no building constructed over it. The Exempted Development Regulations make no provision for such a structure .

I note that the farm yard has an existing slated shed of total floor area 224 sq.m ( items 12,13 and 14 in the site layout). I do not consider that the proposed tank is a similar structure to the slated shed and in any event even if it was considered similar , the limit on the floor area being 200 sq.m. is already exceeded by the existing structure. The proposed development therefore cannot be considered exempted development .

### **Conclusion**

Having regard to the foregoing assessment it is considered that the construction of an underground slat tank in existing silage slab/ concrete yard area constitutes development which is not exempted development .

### **Recommendation**

I recommend that the following is issued to the applicant by the Planning Authority in this instance:

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

Whether the construction of an underground slat tank in existing silage slab/ concrete yard is or is not development and is or is not exempted development

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended
- (c) Class 6, Class 7, Class 8 and Class 9 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.

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

- (a) the construction of an underground slat tank at Ballyvorda, Liscannor, 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 underground slat tank at Ballyvorda, Liscannor, Co Clare does not fall under the scope of the exempted development provisions for Agricultural Structures as set out in Part 3 of Schedule 2, of the Planning and Development Regulations 2001, as amended, and therefore is not exempted development.

Now therefore Clare County Council (Planning Authority), hereby decides that the construction of an underground slat tank in the existing silage slab/concrete yard of the existing farm yard complex at Ballyvorda, Liscannor, Co Clare is development and is not exempted development.

Ellen Carey

Ellen Carey  
Executive Planner

Date: 27/08/21

Garreth Ruane

Garreth Ruane  
Senior Executive Planner

Date: 31/08/21

**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**

<b>Planning File Reference</b>	R 21/48
<b>Applicant Name</b>	Patrick Lacey
<b>Development Location</b>	Ballyvorda Liscanor
<b>Application accompanied by an EIS</b>	
<b>Application accompanied by an NIS</b>	
<b>Description of the project (To include a site location map):</b>	
<p>Section 5 referral</p> <p>Whether the construction of an under slat tank in existing silage slab/ concrete yard at Ballyvorda ,Liscannor is or is not development and is or is not exempted development .</p>	

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

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

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

European Sites <sup>2</sup>	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on <a href="http://www.npws.ie/protectedsites">www.npws.ie/protectedsites</a> ) or through Intranet.	Distance to Applicant Site (km)
Inagh River estuary SAC	Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritimae</i> ) [1330] Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	

1	Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.	<i>Is the development in the catchment of or immediately upstream of a watercourse that has been designated as a European site?</i>	Unknown
2	Impacts on terrestrial habitats & species.	<i>Is the development within 1km of a European site with terrestrial based habitats or species?</i>	no
3	Impacts on designated marine habitats & species.	<i>Is the development located within marine or intertidal areas and within 5 km of a European site whose qualifying habitats or species include the following: Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs</i>	no
4	Impacts on birds in SPAs	<i>Is the development within 1km of a</i>	no

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

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

		<b>Special Protection Area</b>	
<b>5</b>	<b>Indirect effects</b>	<i>Is the development, in combination with other existing or proposed developments likely to impact on an adjacent European site?</i> <i>Is any emission from the development (including noise) likely to impact on an adjacent habitat or species?</i>	No

**Conclusion:**

- If the answer to all of the above is *no*, significant impacts on European sites are unlikely. No further assessment is required; go directly to the conclusion statement.
- If the answer is *unknown* or *yes* proceed to Table 3 and refer to the relevant sections of Table 3.

**Table 3: Identification of potential impacts.**

<b>1</b>	<b>Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.</b> <i>Please answer the following if the answer to question 1 in table 2 was "yes" or "unknown".</i> <i>Does the development involve any of the following:</i>	
1.1	Removal of or interference with habitat within a European site. This may include any element of a project liable to interfere with breeding, nesting or roosting sites of birds, bats, water based species	NA
1.2	Discharges either directly (via pipe from the development) or indirectly (via sewer) to surfacewater or groundwater What is the likely volume of the discharge?	Discharge to effluent tank and organic matter spread on land
1.3	Abstraction from surfacewater or groundwater in or adjacent to a European site, where hydrology is a critical element in the protection of habitat and species at the site? What is the likely volume of the abstraction?	NA
1.4	Is removal of topsoil proposed within 500m of watercourses? What transportation requirements are provided? Does the removal involve reduction in area, population density or fragmentation of area of any habitat or species?	NA
1.5	Infilling or raising of ground levels within 500m of watercourses? What transportation requirements are provided? Does the infilling or raising involve interference with area, population density or fragmentation of area of any habitat or species?	NA
1.6	Construction of drainage ditches - (scale?) Where the run off is directed to? Is the drainage run off directed to a European site where species are identified and whose conservation status may be impacted by this drainage?	NA
1.7	Installation of waste water treatment systems; percolation areas; septic tanks within 500m of watercourses?	NA
1.8	Construction within a floodplain or within an area liable to flood (See <a href="http://www.floodmaps.ie">www.floodmaps.ie</a> , internal flood risk maps, County Development Plan SFRA and <a href="http://www.cframes.ie">www.cframes.ie</a> )	NA
1.9	Crossing or culverting of rivers or streams, installation of weirs, temporary watercourse crossings or any interference with a watercourse.	NA

1.10	Storage of chemicals or hydrocarbons (including oils and fuels) within 500m of a watercourse	NA
1.11	Development within catchment of a European site of a scale or type which involves the production of an EIS	NA
1.12	Consideration of effects in combination with existing development?	NA
2	<p align="center"><b>Impacts on terrestrial habitats and species.</b>  <i>Please answer the following if the answer to question 2 in table 2 was yes.</i>  <i>Does the development involve any of the following:</i></p>	
2a	Removal of or interference with habitat within the European site. This includes reduction in habitat area or fragmentation of habitat. Is the timing of this interference liable to impact on the nesting or breeding period of any protected species?	NA
2b	Construction of roads or other infrastructure on peat habitats within 1km of bog, marsh, fen or heath habitat within a European site	NA
2c	Is the development liable to impact on water quality in the European site, or liable to give rise to any change in a key indicator of water quality, including salinity. If yes, is the site designated for any bird species or other plant species whose feeding ground or life cycle may be affected by changes in water quality?	NA
2d	Development within 1km of terrestrial European site of a scale or type which involves the production of an EIS.	NA
3	<p align="center"><b>Impacts on designated marine habitats and species.</b>  <i>Please answer the following if the answer to question 3 in table 2 was yes.</i>  <i>Does the development involve any of the following:</i></p>	
3a	Removal of or interference with habitat within the European site. This includes timing of the project if there is potential to interfere with nesting or breeding periods, either directly or indirectly (e.g. by noise emission) or any aspect of the life cycle of a protected species. This also includes potential fragmentation, size reduction of habitat, or reduction in species density.	NA
3b	Coastal protection works on intertidal or marine habitats within 5km of a European site supporting coastal or marine habitats or species. This includes any works which may give rise to potential changes in hydrology or salinity of these areas.	NA

3c	Development of piers, slipways, marinas, pontoons or any other infrastructure within 5km of a European site that was designated because it supports marine habitats and/or species.	NA
3d	Dredging within 5km of a European site supporting coastal or marine habitats or species.	NA
3e	Removal of topsoil or infilling within 100m of marine habitats within the designated site.	NA
3f	Land based development within 1km of a European site of a scale or type which involves the production of an EIS.	NA
3g	Marine or intertidal based development within 5km of a European site of a scale or type which involves the production of an EIS.	NA



4	<b>Impacts on birds in SPAs</b> <i>Please answer the following if the answer to question 5 in table 2 was yes.</i> <i>Does the development involve any of the following:</i>	
4a	Removal of or interference with habitats within an SPA. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA
4b	Erection of wind turbines within 1km of an SPA.	NA
4c	All construction works within 100m of intertidal areas – Coastal SPAs, including indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA
4d	Infilling of coastal habitats within 500m of SPA, including indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA
4e	Discharges to coastal SPA, including any element of a discharge liable to give rise to disturbance of this habitat, either by direct, indirect, or in combination effects	NA
4f	Development of cycleways or walking routes within 100m of intertidal areas. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA
4g	Development within 1km of SPA of a scale or type which involves the production of an EIS. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA

**Conclusion:**

- If the answer to all of the above is *no*, significant impacts on European sites are unlikely. No further assessment is required; go directly to the conclusion statement.
- If the answer to any of the above is *yes*, or *unknown* effects on the European sites need to be assessed and a Natura Impact Statement will be required

Appropriate Assessment Screening Determination	
Planning File Reference	R21/48
Proposed Development	Section 5 referral
Development Location	Ballyvorda Liscannor
European sites within impact zone	Inagh River estuary SAC Cliff of Moher SPA
Description of the project:	
Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site	
Describe how the project or plan (alone or in combination) is likely to affect the European site(s).	
Not likely to affect European. Spreading of effluent to be in accordance with Best Practice	
If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?	
Not significant	
Documentation reviewed for making this statement	
<ul style="list-style-type: none"> <li>- County Development Plan (including Flood Maps, SEA &amp; AA)</li> <li>- NPWS website</li> <li>- Documents received as part of the planning application</li> <li>- EPA Code of Practice</li> </ul>	
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) <sup>3</sup>	No
(b) There is no potential for significant effects to European Sites <sup>3</sup>	There is no potential for significant effects to European Sites <sup>3</sup>
(c) The potential for	The potential for significant effects to European

<sup>3</sup> Appropriate Assessment is not required and therefore Planning permission may be granted at this stage subject to all other planning considerations. However, no 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.

<b>significant effects to European Site(s) cannot be ruled out<sup>4</sup></b>	<b>Site(s) can be ruled out<sup>4</sup></b>
<b>(d) Significant effects to European sites are certain or likely or where potential for significant effects to European sites remains following receipt of Further Information requested under S177U of the Planning and Development (Amendment) Act 2010<sup>5</sup></b>	N/A
<b>Completed By</b>	Ellen Carey
<b>Date</b>	27 <sup>th</sup> August 2021

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

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

<sup>5</sup> 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.



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Patrick Lacey**  
**Ballyvorda,**  
**Liscannor,**  
**Co Clare**

**13<sup>th</sup> August, 2021**

**Section 5 referral Reference R21-48 – Patrick Lacey**

**Whether the construction of an under slat tank in existing silage slab/ concrete yard at Ballyvorda, Liscannor, Co Clare is considered development and if so, is it exempted development.**

A Chara,

I refer to your application received on 6th August, 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

**Siobhan Mungovan**  
**Planning Department**  
**Economic Development Directorate**

**An Roinn Pleanála**  
**An Stiúrtóireacht 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

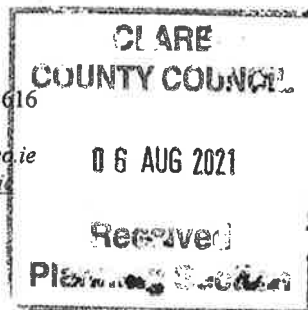


P07

**CLARE COUNTY COUNCIL**  
**COMHAIRLE CONTAE AN CHLÁIR**

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

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



Comhairle Contae an Chláir  
 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*

<b>1. CORRESPONDENCE DETAILS.</b>	
(a) Name and Address of person seeking the declaration	PATRICK LACEY BALLYVORDA LISCANNOR Co. CLARE.
(b) Telephone No.:	
(c) Email Address:	NONE
(d) Agent's Name and address:	NIALL GEOGHEGAN BALLYBEG ENNIS Co. CLARE

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 UNDERSLAT TANK IN EXISTING  
 SILAGE SLAB / CONCRETE YARD AT BALLYVORRA, LISCANNER  
 DEVELOPMENT, IF SO IS IT EXEMPTED DEVELOPMENT.

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

THE APPLICANT IS LOOKING TO BUILD AN UNDERSLAT  
 TANK IN HIS EXISTING SILAGE SLAB WHICH IS  
 NOT BEING USED FOR STORING SILAGE ANY LONGER.  
 THE NEW SILAGE IS BEING MADE USING BALES  
 THE PURPOSE OF THE NEW PROPOSED UNDERSLAT TANK  
 IS FOR CLEANING UP THE YARD AFTER THE COWS  
 DURING MILKING AND EFFLUENT SEEPAGE  
 COMING FROM THE ADJACENT LOOSE HOUSE.

THE APPLICANT HAS 30.4 HECTARES OF FARMLAND  
 " " " 30 DAIRY COWS  
 " " " 8 CALVES  
 FOR THE WINTER PERIOD

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

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

- 1) PLAN SECTION OF PROPOSED UNDERSLAT TANK  
 2) FARMYARD PLAN 1:500 (SITE PLAN) 3) SITE MAPS 1:2500  
 3) LAND MAPS SHOWING LAND + SPREADLANDS

**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>BALLYVORRA</u> <u>LISCANWOR</u> <u>Co. CLARE</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>APPLICANT IS OWNER</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>APPLICANT IS OWNER</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>APPLICANT IS OWNER</u>
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	<u>No.</u>
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	<u>N/A</u>
(h) Date on which 'works' in question were completed/are likely to take place:	<u>NOVEMBER 2021</u>

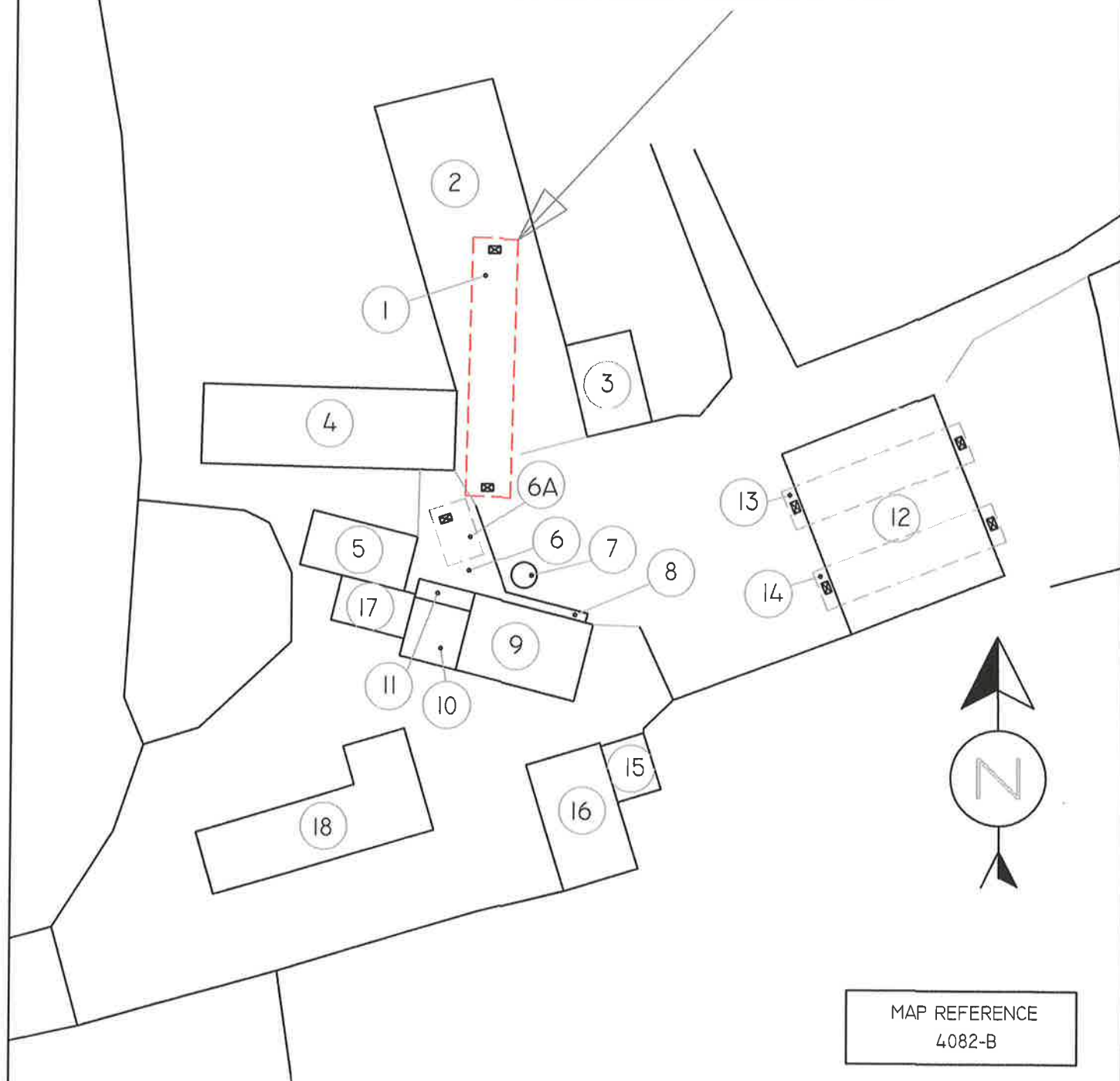
SIGNED:



DATE:

06/08/2021

NEW PROPOSED UNDERSLAT TANK  
TO BE CONSTRUCTION WITHIN EXISTING  
SILAGE SLAB / CONCRETE YARD



MAP REFERENCE  
4082-B

- 1 = NEW PROPOSED UNDERSLAT TANK FOR 22.0x2.4x4.12 = VOLUME 217.54 CUBIC METERS  
 2 = SILAGE SLAB NOT IN USE 31.5x10.2 = AREA 321.3 SQ. METERS  
 4 = ROOFED DUNGSEAD 8.0x5.7 = AREA 45.6 SQ. METERS  
 4 = LOOSE HOUSE 6.1x21.2 = AREA 129.3 SQ. METERS  
 5 = CUBICLE HOUSE 9.0x3.4 = AREA 30.6 SQ. METERS  
 6 = COLLECTION YARD 9.3x8.4VARIES = AREA 42.0 SQ. METERS  
 6A = UNDERSLAT TANK FOR COLLECTION YARD 2.9x1.5x5.0 = VOLUME 21.75 CUBIC METERS  
 7 = MEAL SILO  
 8 = CATTLE CRUSH  
 9 = MILKING PARLOUR 9.9x4.5 = AREA 44.6 SQ. METERS  
 10 = DAIRY 2.9x3.2 = AREA 9.3 SQ. METERS  
 11 = PLANT ROOM 1.4x3.2 = AREA 4.5 SQ. METERS  
 12 = SLATTED UNIT 16.5x14.0 = AREA 231.0 SQ. METERS  
 13 = UNDERSLAT TANK FOR (No. 12) 3.2x2.4x16.9 = VOLUME 129.8 CUBIC METERS  
 14 = UNDERSLAT TANK FOR (No. 12) 3.2x2.4x16.9 = VOLUME 129.8 CUBIC METERS  
 15 = CALF HOUSE 5.1x3.1 = AREA 15.8 SQ. METERS  
 16 = WORKSHOP 8.1x11.0 = AREA 89.9 SQ. METERS  
 17 = DOMESTIC STORAGE 6.2x3.7 = AREA 22.9 SQ. METERS  
 18 = APPLICANTS DWELLING

PATRICK LACEY

PROPOSED NEW CONSTRUCTION OF  
UNDERSLAT TANKS WITHIN EXISTING  
SILAGE SLAB / CONCRETE YARD  
& ASSOCIATED SITE WORKS.

AT BALLYVORDA,  
LISCANNOR, CO. CLARE.

SCALE: 1 : 500  
DATE: JUNE 2021

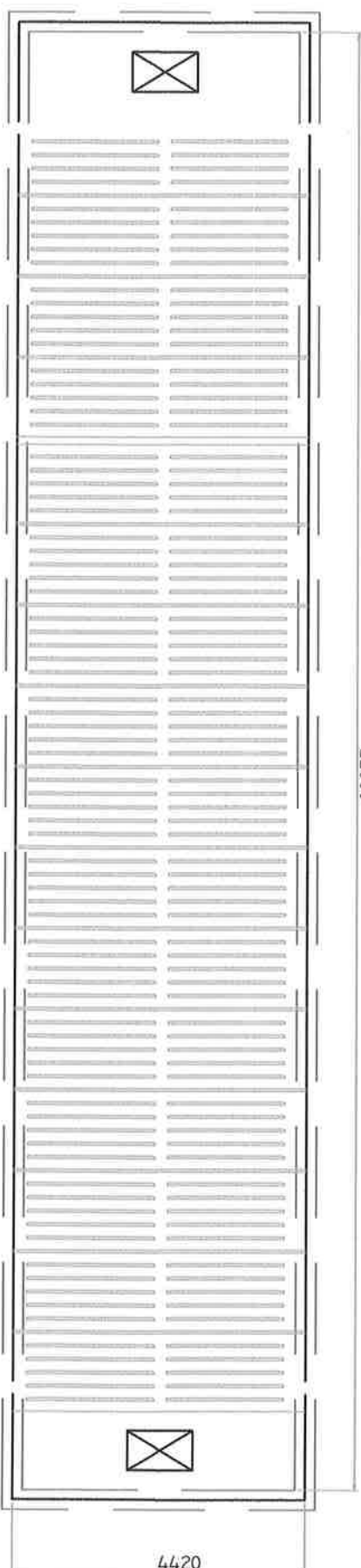
ALL DIMENSIONS IN MILLIMETERS  
UNLESS OTHERWISE STATED

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



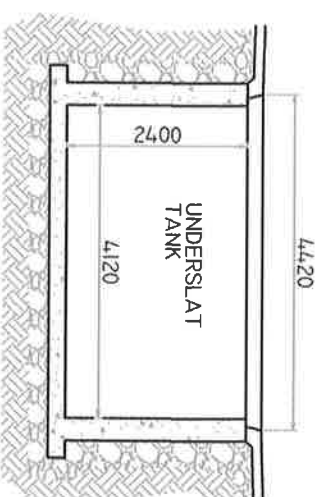


22000



PLAN

TO COMPLY WITH DEPT OF AGRICULTURE  
S.123



SECTION

PATRICK LACEY

PROPOSED NEW CONSTRUCTION OF  
UNDERSLAT TANKS WITHIN EXISTING  
SILAGE SLAB / CONCRETE YARD  
& ASSOCIATED SITE WORKS.

AT BALLYVORDA,  
LISCANNOR, CO. CLARE.

SCALE: 1 : 100

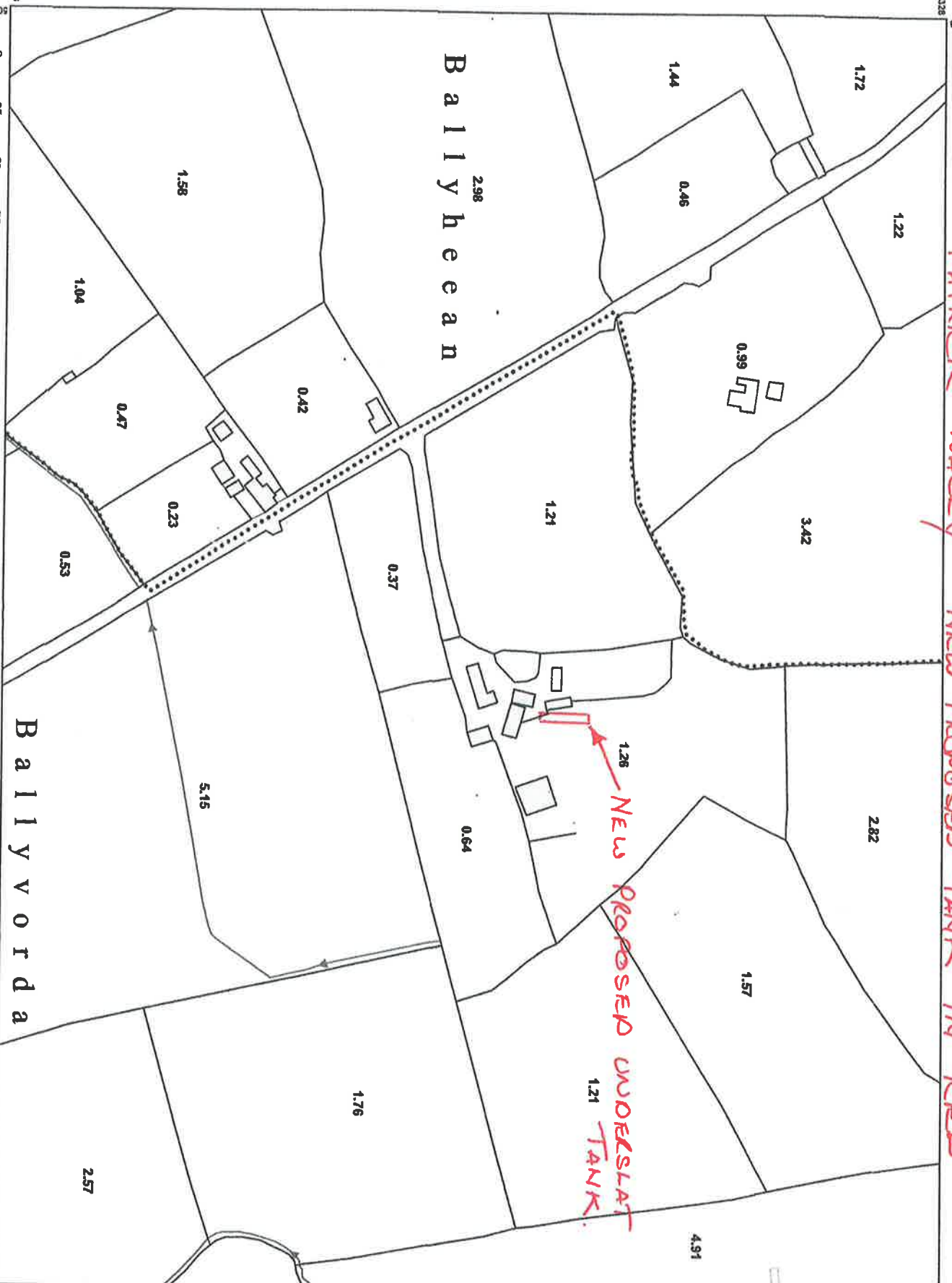
DATE: JUNE 2021

ALL DIMENSIONS IN MILLIMETERS  
UNLESS OTHERWISE STATED

DRAWN BY : NIAL GEORGEHAN  
ADDRESS: BALLYBEG, ENNIS.  
MOBILE : 087 2061697

# Planning Pack Map

PATRICK LACEY NEW PROPOSED TANK IN RED



0 25 50 75 100 metres  
0 50 100 150 200 250 Feet

OUTPUT SCALE: 1:2,500

**CAPTURE RESOLUTION:**  
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: <http://www.osi.ie/search/CaptureResolution>

Ballyvorda

Ballyheean



National Mapping Agency

**CENTRE COORDINATES:**  
ITM 506440,690113  
**PUBLISHED:** 03/08/2021  
**ORDER NO.:** 50210993\_1  
**MAP SERIES:** 1:5,000  
**MAP SHEETS:** 4023 1:2,500 4082-B

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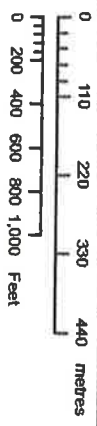
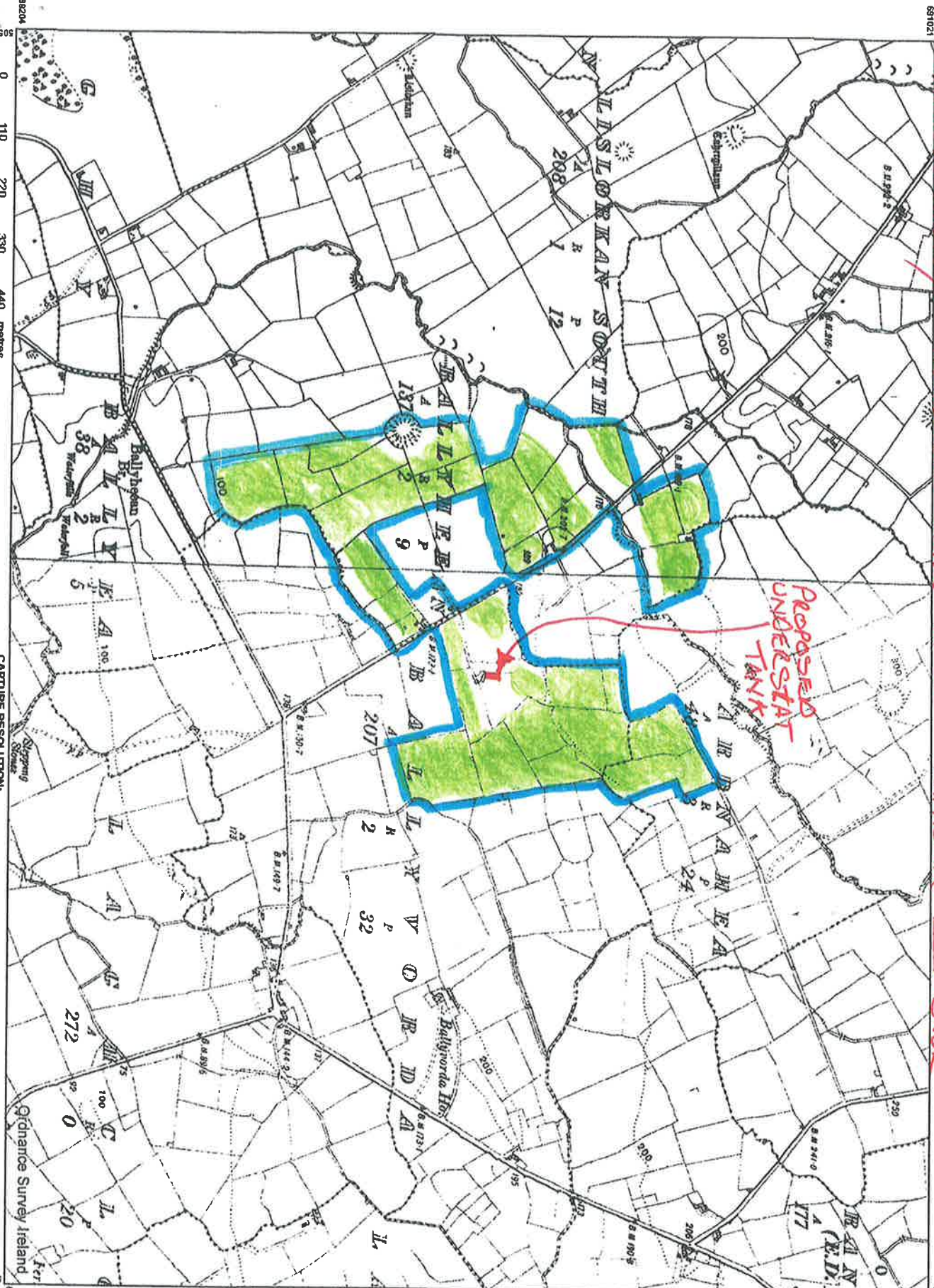
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**LEGEND:**  
<http://www.osi.ie/search/LargeScaleLegend>



# Site Location Map

PATRICK LACEY PROPOSED TANK IN RED LAND IN BLUE



OUTPUT SCALE: 1:10,560

**CAPTURE RESOLUTION:**  
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: <http://www.osi.ie>, search 'Capture Resolution'



National Mapping Agency

**CENTRE COORDINATES:**  
ITM 506440, 690113

**PUBLISHED:** 03/08/2021 **ORDER NO.:** 50210993\_1

**MAP SERIES:** 6 Inch Raster  
6 Inch Raster  
CE014+008A  
CE015

**MAP SHEETS:**

**SPREADSHEETS IN GREEN**

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search 'Large Scale Legend'

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New Road  
Ennis  
Co Clare

06/08/2021 12:52:53

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PATRICK LACEY  
BALLYVORDA  
LISCANNOR  
CO. CLARE

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