



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Registered Post**

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RL 5660 3327 7IE

**Your Client: Sinead Carroll**

**14th June, 2022**

**Section 5 referral Reference R22-35 – Sinead Carroll, Carrowmore, Doonbeg, Co. Clare V15 HW83**

Is the construction of an access/entrance onto public road with width less than 3m wide and gravel areas/path/drainage area at Carrowmore, Doonbeg, Co. Clare V15 HW83 considered to be development and if so, is it exempted development?

A Chara,

I refer to your application received on 19th May 2022 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 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.: R22-35**



Comhairle Contae an Chláir  
Clare County Council

**Section 5 referral Reference R22-35**

**Is the construction of an access/entrance onto public road with width less than 3m wide and gravel areas/path/drainage area at Carrowmore, Doonbeg, Co. Clare V15 HW83 considered to be development and if so, is it exempted development?**

**AND WHEREAS, Sinead Carroll, Carrowmore, Doonbeg, Co. Clare V15 HW83** 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, 4 and 40 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended, and
- (c) Class 11 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 19<sup>th</sup> May 2022.

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

- (a) the construction of an access/entrance onto public road with width less than 3 metres wide and gravel areas/paths/drainage areas to side and rear of existing dwelling at Carrowmore, Doonbeg, 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 comprising of the construction of an access/entrance onto public road with width less than 3 metres wide and gravel areas/paths/drainage areas to side and rear of existing dwelling is not exempted development having regard to *Class 11 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended and Article 9 sections (iii), (iv) and (viii) of the Planning and Development Regulations 2001, (as amended)*, as the development does not constitute the reclamation of a wetland, it endangers public safety by reason of traffic hazard, and it interferes with character of a designated "*Heritage Landscape*" (Clare County Development Plan 2027-2023 (as varied))

**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 access/entrance onto a public road with width less than 3 metres wide and gravel areas/paths/drainage areas to side and rear of existing dwelling at Carrowmore, Doonbeg, County Clare is development and 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**

**14th June, 2022**

**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:

79960

Reference Number:

R22-35

Date Referral Received:

19th May 2022

Name of Applicant:

Sinead Carroll

Location of works in question:

Carrowmore, Doonbeg, Co. Clare V15 HW83

**Section 5 referral Reference R22-35 – Sinead Carroll, Carrowmore, Doonbeg, Co. Clare V15 HW83**

Is the construction of an access/entrance onto public road with width less than 3m wide and gravel areas/path/drainage area at Carrowmore, Doonbeg, Co. Clare V15 HW83 considered to be 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, 4 and 40 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended, and
- (c) Class 11 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 19<sup>th</sup> May 2022.

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

- (a) the construction of an access/entrance onto public road with width less than 3 metres wide and gravel areas/paths/drainage areas to side and rear of existing dwelling at Carrowmore, Doonbeg, 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 comprising of the construction of an access/entrance onto public road with width less than 3 metres wide and gravel areas/paths/drainage areas to side and rear of existing dwelling is not exempted development having regard to *Class 11 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended* and Article 9 sections (iii), (iv) and (viii) of the Planning and Development Regulations 2001, (as amended), as the development does not constitute the reclamation of a wetland, it endangers public safety by reason of traffic hazard, and it interferes with character of a designated "Heritage Landscape" (Clare County Development Plan 2027-2023 (as varied))

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

**NOW THEREFORE** pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the referral described above, I, Gareth Ruane, Senior Executive Planner, hereby declare that the construction of an access/entrance onto a public road with width less than 3 metres wide and gravel areas/paths/drainage areas to side and rear of existing dwelling at Carrowmore, Doonbeg, County Clare is development and is not exempted development.

**Signed:**

  
\_\_\_\_\_  
**GARETH RUANE**  
**SENIOR EXECUTIVE PLANNER** 

**Date:**

**14th June, 2022**

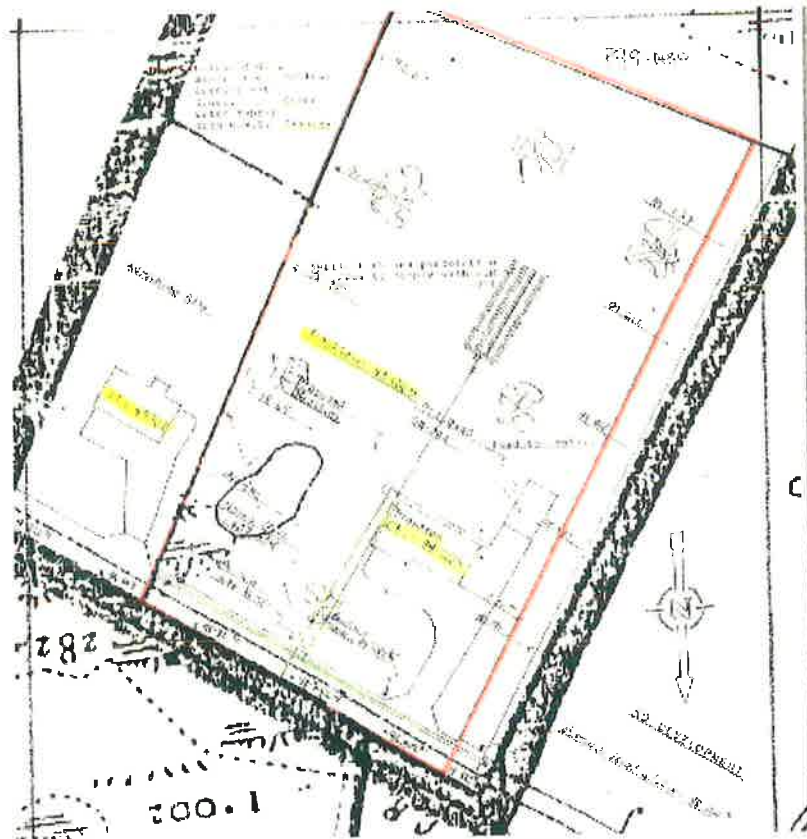
CLARE COUNTY COUNCIL SECTION 5 DECLARATION OF EXEMPTION APPLICATION PLANNERS REPORT	
FILE REF:	R22-35
APPLICANT(S):	Sinead Carroll
REFERENCE:	Whether the construction of an access/entrance onto public road with width less than 3 metres wide and gravel areas/paths/drainage areas to side and rear of existing dwelling is or is not development and is or is not exempted development.
LOCATION:	Carrowmore, Doonbeg, County Clare
DUE DATE:	15 <sup>th</sup> June 2022

### Site Location

The site is located in a rural area to the east of Dougmore Beach and Doonbeg Golf Course. It is to the south of the LT61041 local tertiary road and is accessed from same. The site accommodates a storey and a half dormer style dwelling, sheds, 2 access points, a gravelled road and open air storage area. The works are not within the physical curtilage of the house but rather are adjacent to same (however they are within the original red line boundary). This area appears to be being used for the dismantling/repair of vehicles. It is a relatively level site that is located within an open and level landscape. The views towards the site are in the range of local range views. The site is located within a "Heritage Landscape". It is also within designated Flood Risk Zone A.

### Recent Onsite Planning History

99-1480 – Granted - Chris & Sinead Carroll - to construct dwellinghouse & private garage with sewerage & water facilities.



Site Layout Plan (09-1480)

### Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Sinead Carroll who is the stated owner of the site. The applicant is seeking a Section 5 Declaration as to whether the construction of an access/entrance onto public road with width less than 3 metres wide and gravel areas/paths/drainage areas to side and rear of existing dwelling 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.

CLASS 11 Part 3 Exempted Development Rural

*Development consisting of the carrying out of drainage and/or reclamation of wetlands:*

- 1. The area to be affected shall not exceed 0.1 hectares.*
- 2. Where development has been carried out within a farm holding under this class, the total area of any such development taken together with the area of any previous such development within the farm holding shall not exceed the limits set out in 1. above.*

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

### Particulars of the Development

On the date of the site visit on the 27<sup>th</sup> May 2022 I noted that the access and gravelled area remains in place. Also there was the open air storage of vehicles which appear to be related to mechanical repair/dismantling. The tarred surface of the road is less than 4 metres in width.

### Planning Exemption Assessment

#### CLASS 11 Part 3 Exempted Development Rural

*Development consisting of the carrying out of drainage and/or reclamation of wetlands:*

The works as carried out include a gravelled area, the materials for which were imported into the site. In addition the works that are for purposes beyond the reclamation and the drainage of any wetland and therefore this exemption does not apply.

1. *The area to be affected shall not exceed 0.1 hectares.*

The exact area of the gravelled area is unclear. However same would appear to be approximately 0.1 hectares.

2. *Where development has been carried out within a farm holding under this class, the total area of any such development taken together with the area of any previous such development within the farm holding shall not exceed the limits set out in 1. above.*

The extent of any farm holding in the ownership of the applicant is unknown.

#### 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 (for both the dwelling extension and the garage):

- (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,*

The road is less than 4 metres in width.

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

Visibility at the access in line with the requirements of the Clare County Development Plan 2017-2023 (as varied) are not demonstrated on the information received. The sightlines are restricted by the existing roadside boundaries. As the entrance is substandard in terms of sightline availability it constitutes a traffic hazard.

- (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 the onsite works which includes the open air storage of vehicles does interfere with the character of this Heritage Landscape or views in the area.

- (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,*

The site is located within the Carrowmore Marsh Proposed Natural Heritage Area and excavation and alteration works have taken place within this proposed designation.

- (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,*

The site is located outside of any European Site designation. This is not applicable in this instance. See attached AA Screening Report.

- 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."*

The site is located within the Carrowmore Marsh Proposed Natural Heritage Area and excavation and alteration works have taken place within this proposed designation. However, proposed Natural Heritage Areas do not have a statutory basis.

- (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,*

There are a number of onsite sheds that do not appear to have the benefit of planning permission and do not constitute exempted development. No alterations are proposed to same.

- (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.

### **Recommendation**

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

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

- (a) Sections 2, 3, 4 and 40 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended, and
- (c) Class 11 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 19<sup>th</sup> May 2022.


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

- (a) the construction of an access/entrance onto public road with width less than 3 metres wide and gravel areas/paths/drainage areas to side and rear of existing dwelling at Carrowmore, Doonbeg, 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 comprising of the construction of an access/entrance onto public road with width less than 3 metres wide and gravel areas/paths/drainage areas to side and rear of existing dwelling is not exempted development having regard to *Class 11 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended* and Article 9 sections (iii), (iv) and (viii) of the Planning and Development Regulations 2001, (as amended), as the development does not constitute the reclamation of a wetland, it endangers public safety by reason of traffic hazard, and it interferes with

character of a designated "Heritage Landscape" (Clare County Development Plan 2027-2023 (as varied))

Now therefore Clare County Council (Planning Authority), hereby decides that the construction of an access/entrance onto public road with width less than 3 metres wide and gravel areas/paths/drainage areas to side and rear of existing dwelling at Carrowmore, Doonbeg, County Clare *is development and is not exempted development.*

  
A/Executive Planner  
Date: 13<sup>th</sup> June 2022

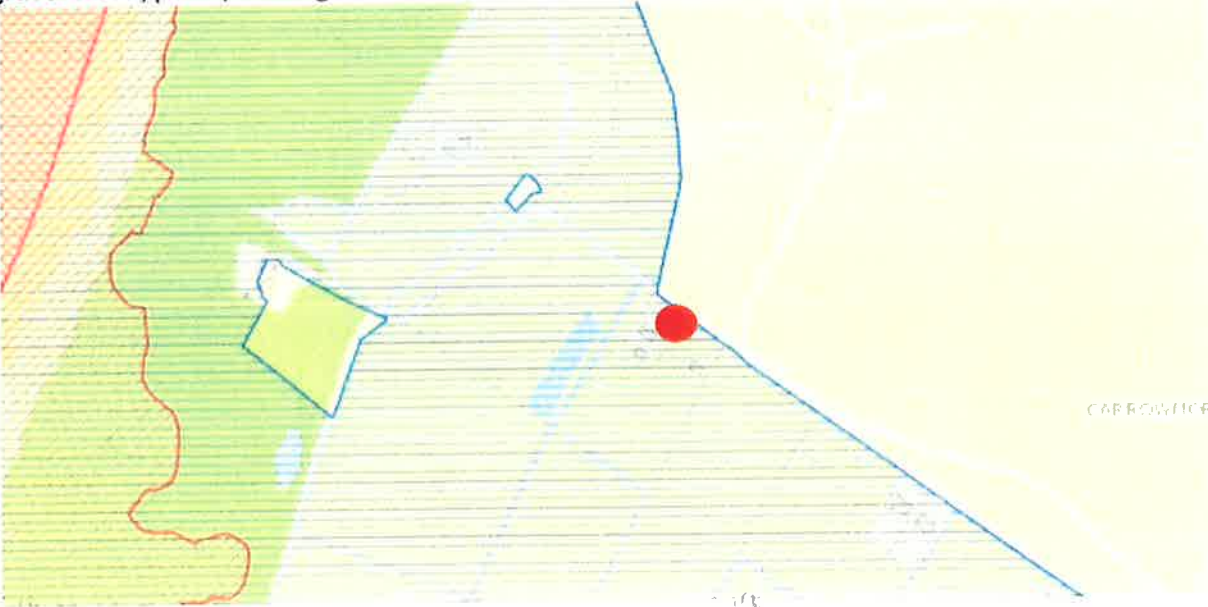
  
Senior Executive Planner  
Date: 14/06/22.

## 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>	R22-35
<b>Applicant Name</b>	Carroll
<b>Development Location</b>	Carrowmore Doonbeg
<b>Application accompanied by an EIS</b>	No
<b>Application accompanied by an NIS</b>	No
<b>Description of the project (To include a site location map):</b>	
The construction of an access/entrance onto public road with width less than 3 metres wide and gravel areas/paths/drainage areas to side and rear of existing dwelling	
	

**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)
Mid Clare Coast SPA	Cormorant ( <i>Phalacrocorax carbo</i> ) [A017] Barnacle Goose ( <i>Branta leucopsis</i> ) [A045] Ringed Plover ( <i>Charadrius hiaticula</i> ) [A137] Sanderling ( <i>Calidris alba</i> ) [A144] Purple Sandpiper ( <i>Calidris maritima</i> ) [A148] Dunlin ( <i>Calidris alpina</i> ) [A149] Turnstone ( <i>Arenaria interpres</i> ) [A169] Wetland and Waterbirds [A999]	0.56
Carrowmore Dunes SAC	Reefs [1170] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]	0.42

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	Is the development located	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>habitats and species.</b>	<i>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>	
<b>4</b>	<b>Impacts on birds in SPAs</b>	<i>Is the development within 1km of a Special Protection Area</i>	Yes
<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? Is any emission from the development (including noise) likely to impact on an adjacent habitat or species?</i>	No – minor nature of works, distance from designation and no direct hydrological link

**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**

<b>2</b>	<b>Impacts on terrestrial habitats and species.</b> <i>Please answer the following if the answer to question 2 in table 2 was yes. Does the development involve any of the following:</i>	
<b>2a</b>	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?	No
<b>2b</b>	Construction of roads or other infrastructure on peat habitats within 1km of bog, marsh, fen or heath habitat within a European site	No
<b>2c</b>	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?	No direct hydrological link.
<b>2d</b>	Development within 1km of terrestrial European site of a scale or type which involves the production of an EIS.	No

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	No
4b	Erection of wind turbines within 1km of an SPA.	No
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	No
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	No – site is 560 metres from the SPA
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	No
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	No
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	No

Appropriate Assessment Screening Determination	
Planning File Reference	R22-35
Proposed Development	Access, road and gravelled yard
Development Location	Carrowmore Doonbeg
European sites within impact zone	As per report
Description of the project	
Access, road and gravelled yard	
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).	
No impacts envisaged.	
If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?	
minor nature of works, distance from designation and no direct hydrological link	
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) <sup>3</sup>	
(b) There is no potential for significant effects to European Sites <sup>3</sup>	Yes
(c) The potential for significant effects to European Site(s) cannot be ruled out <sup>4</sup>	
(d) 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 changes may be made to the proposed development after this conclusion has been reached as this would invalidate the findings of the screening exercise.

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

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

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>	
Completed By	John O'Sullivan
Date	13 <sup>th</sup> June 2022

<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

**Sinead Carroll**  
c/o Gerry Malone  
Crossbeg,  
Cross,  
Kilrush,  
Co. Clare

**19<sup>th</sup> May 2022**

**Section 5 referral Reference R22-35 – Sinead Carroll, Carrowmore, Doonbeg, Co. Clare V15 HW83**

Is the construction of an access/entrance onto public road with width less than 3m wide and gravel areas/path/drainage area at Carrowmore, Doonbeg, Co. Clare V15 HW83 considered to be development and if so, is it exempted development?

A Chara,

I refer to your application received on 19th May 2022 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 Stiúirtheoireacht 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 COUNCILREQUEST 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	SINEAD CARROLL CARROWMORE, DOONBEG, Co. CLARE Eircode: V15 HW83
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address: ALL CORRESPONDENCE RE: THIS APPLICATION TO AGENT	GERRY MALONE CROSSBEG, CROSS, KILRUSH, Co. CLARE EIRCODE: V15 VA07

## 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 CONSTRUCT OF AN ACCESS/ENTRANCE ONTO PUBLIC ROAD WITH WIDTH LESS THAN 3M WIDE AND GRAVEL AREAS/PATHS/DRAINAGE AREAS TO SIDE & REAR OF EXISTING DWELLING EXEMPT DEVELOPMENT.

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

CONSTRUCTION OF AN ACCESS (GRAVEL SURFACE) WITH GATE OUT ONTO A PUBLIC ROAD WHICH IS ONLY 3M WIDE. PLUS OTHER HARD SURFACE/ GRAVELLED AREA TO REAR WHICH IS NOT OVER 1M ABOVE GROUND AROUND IT AND IS PERMEABLE TO ALLOW RAINWATER TO SOAK INTO THE GROUND. GRAVELLED AREA COULD ALSO BE SAID TO BE PART OF WETLAND RECLAMATION? ALL HARD SURFACED GRAVEL AREAS ARE INCIDENTAL TO THE ENJOYMENT OF THE HOUSE AND ARE TO THE REAR AND THEREFORE EXEMPT DEVELOPMENT.

- (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)*

SITE MAP SCALE 1:500 PLUS N.T.S. IDENTIFICATION MAP.

**3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT**

(a) Postal Address of the Property/Site/Building for which the declaration sought:	CARRONMORE, DOONBEG, Co. CLARE V15 HW83
(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):	Full OWNER.
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question:  <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	N A
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	YES.
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	YES
(g) Were there previous planning application/s on this site? If so please supply details:	P99-1480
(h) Date on which 'works' in question were completed/are likely to take place:	

SIGNED: Dinead CarrollDATE: 16/5/2022

### **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:

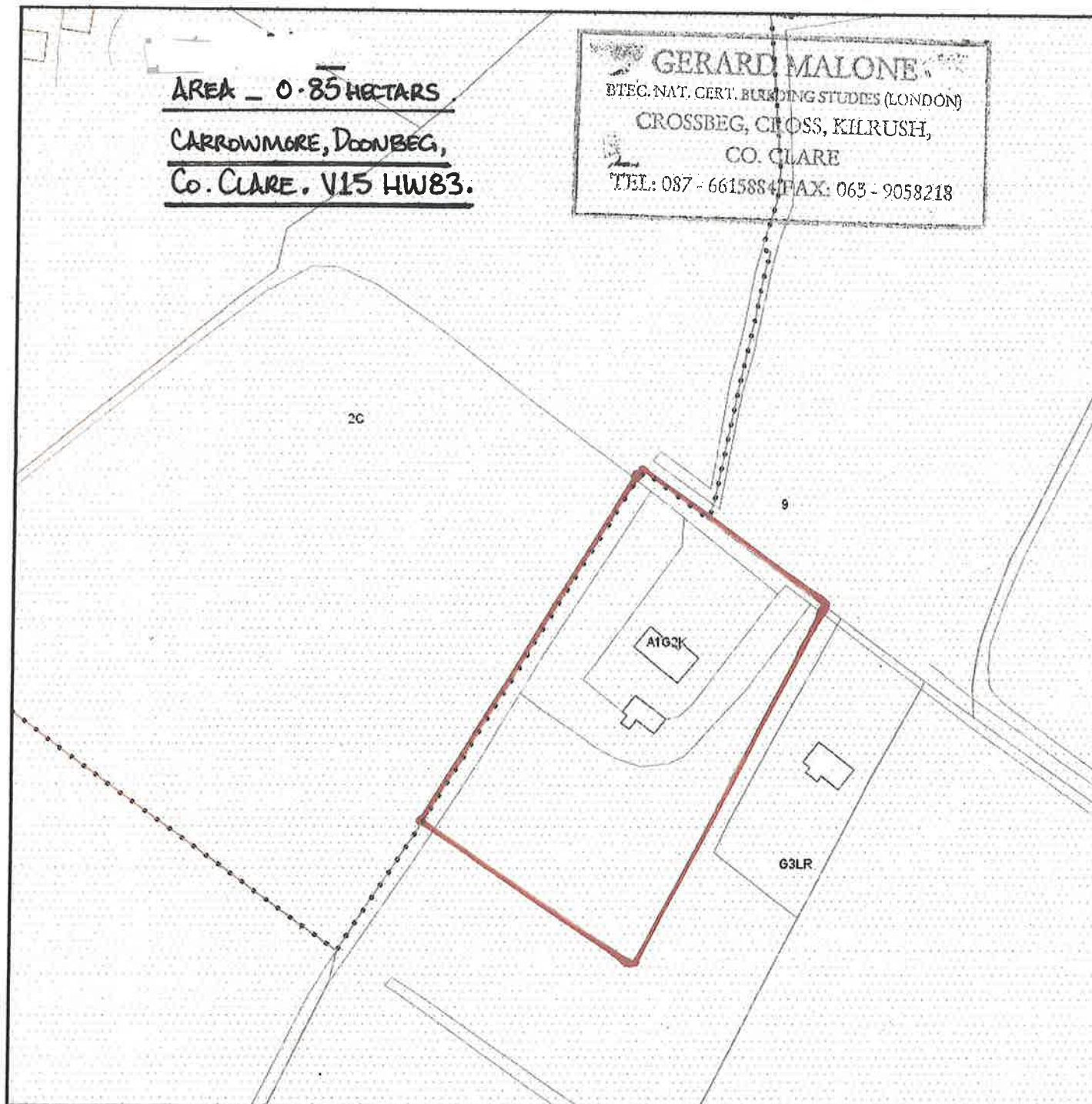
Planning Department,  
Economic Development Directorate,  
Clare County Council  
Aras Contae an Chlair,  
New Road,  
Ennis,  
Co. Clare  
V95DXP2

- (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: .....	





Creation Date: 08 April 2022 08:55:35

## The Property Registration Authority An tÚdarás Clárúcháin Maoine



Official Property Registration Map

This map should be read in conjunction with the folio.

Registry maps are based on OSI topographic mapping. Where registry maps are printed at a scale that is larger than the OSI published scale accuracy is limited to that of the original OSI Map Scale.

For details of the terms of use, and limitations as to scale, accuracy and other conditions relating to Land Registry Maps, see [www.pra.ie](http://www.pra.ie).

This map incorporates Ordnance Survey Ireland (OSI) mapping data under a licence from OSI. Copyright © OSI and Government of Ireland.

(centre-line of parcel(s) edged)

Freehold

Leasehold

SubLeasehold

'S' Register

(see Section 8(b)(II) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

Burdens (may not all be represented on map)

Right of Way / Wayleave

Turbary

Pipeline

Well

Pump

Septic Tank

Soak Pit

A full list of burdens and their symbology can be found at: [www.landdirect.ie](http://www.landdirect.ie)

The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent.

(see Section 85 of the Registration of Title Act, 1964). As Inserted by Section 62 of the Registration of Deed and Title Act 2006.







PUBLIC ROAD 3.0m WIDE.  
(COLOURED BLUE)

PUBLIC ROAD

E.S.B. POLE

GATE

ENTRANCE/EXIT.

FARM ACCESS TO  
FARM LANDS TO REAR.

LAWN.

LAWN.

EXISTING  
HEDGEROW  
BOUNDARY.

ACCESS GATE.

HEDGEROW  
&  
BUSHES.

EXISTING FENCE  
BOUNDARY.

TARMAC.

APPLICANTS HOUSE.

TARMAC.  
(COLOURED YELLOW)

DOMESTIC  
SHED.

GRAVEL AREAS.  
(COLOURED GREEN)

TREATMENT PLANT.

DOMESTIC SHED.

PERCOLATION AREA.

MOUND BOUNDARY.

EXISTING BOUNDARY.

REAR GARDEN.

SITE AREA - 0.8 HECTARES

GERARD MALONE

BTEC. NAT. CERT. BUILDING STUDIES (LONDON)

CROSSBEG, CROSS, KILRUSH,

CO. CLARE

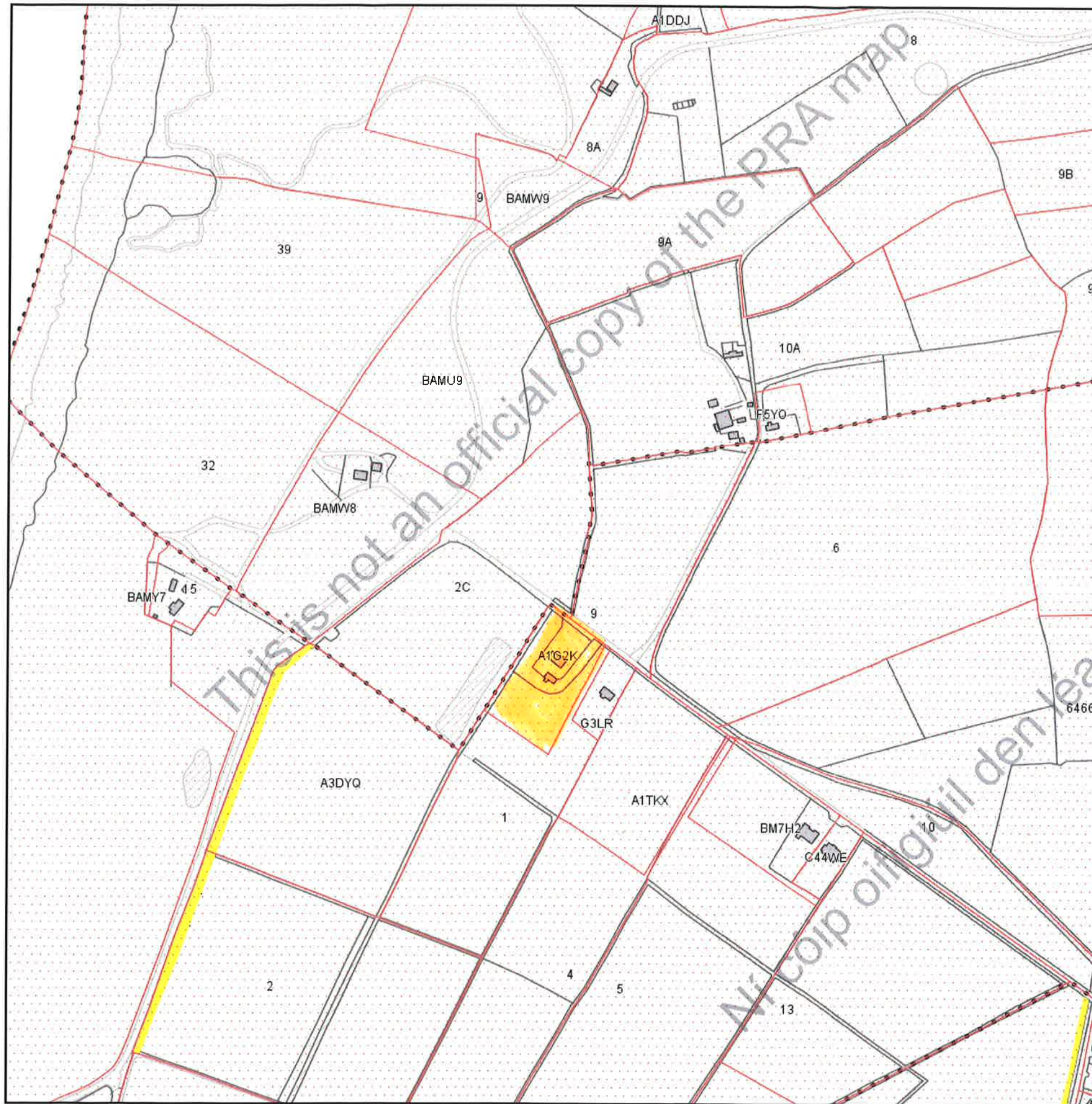
TEL: 087 - 6615884 FAX: 065 - 9058218

SITE MAP SCALE 1-500

REAR BOUNDARY LINE.

SINEAD CARROW (O'DONNELL), CARROWMORE, DOONBEG, CO. CLARE. V15 HW83.





Creation Date: 20 May 2022 08:32:58

# The Property Registration Authority An tÚdarás Clárúcháin Maoine



Official Property Registration Map

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(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- SubLeasehold
- 'S' Register

(see Section 8(b)(II) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
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- Pump
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Clare County Council  
Aras Contae an Chláir  
New Road  
Ennis  
Co Clare

COMHAIRLE

CONTAE

19/05/2022 13:22:28

Receipt No : L1CASH/0/332819  
\*\*\*\*\* REPRINT \*\*\*\*\*

AN CHLÁIR

SINEAD CARROLL  
C/O GERRY MALONE  
CROSSBEG  
CROSS  
KILRUSH  
CO CLARE



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

Total : 80.00 EUR

Tendered :  
Cash 80.00

Change 0.00

COMHAIRLE

Issued By : L1CASH- Noilin Hayes  
From : MAIN CASH OFFICE/LODGEMENT AF  
Vat reg No.0033043E

CONTAE