



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**Bodyke GAA c/o Ray Hogan
Oakwood House
Bodyke Village
Bodyke
Co. Clare**

RL5660 3336 51E

19th July, 2022

Section 5 referral Reference R22-42 – Bodyke GAA c/o Ray Hogan

Is the construction of a spectator fence at Bodyke GAA pitch, Callahy, Tuamgraney, Co. Clare, considered to be development and if so, is it exempted development?

A Chara,

I refer to your application received on 24th June 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

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.: R22-42



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R22-42

Is the construction of a spectator fence at Bodyke GAA pitch, Callahy, Tuamgraney, Co. Clare, considered to be development and if so, is it exempted development?

AND WHEREAS, Bodyke GAA c/o Ray Hogan 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 11 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.

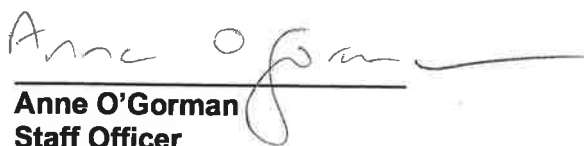
And whereas Clare County Council has concluded:

- (a) The construction of a spectator fence, incorporating a 40m sideline fence, a c.25m end line fence of 1200mm spectator rail with 8-6-8 mesh panel in green colour and the provision of 3.no associated double leaf gates of 4m, 3m and 1m width respectively 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 spectator fence, incorporating a 40m sideline fence, a c.25m end line fence of 1200mm spectator rail with 8-6-8 mesh panel in green colour and the provision of 3.no associated double leaf gates of 4m, 3m and 1m width respectively is exempted development having regard to Class 11 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

THEREFORE: The Planning Authority in exercise of the powers conferred on it by Section 5 of the Planning and Development Act, 2000 (as amended), hereby decides that:

The proposed development consisting of the construction of a spectator fence, incorporating a 40m sideline fence, a c.25m end line fence of 1200mm spectator rail with 8-6-8 mesh panel

in green colour and the provision of 3.no associated double leaf gates of 4m, 3m and 1m width respectively is development and is 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

19th July, 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: 80153

Reference Number: R22-42

Date Referral Received: 24th June 2022

Name of Applicant: Bodyke GAA c/o Ray Hogan

Location of works in question: Bodyke GAA pitch, Callahy, Tuamgraney, Co. Clare

Section 5 referral Reference R22-42 – Bodyke GAA c/o Ray Hogan

Is the construction of a spectator fence at Bodyke GAA pitch, Callahy, Tuamgraney, Co. Clare, 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 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 11 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 spectator fence, incorporating a 40m sideline fence, a c.25m end line fence of 1200mm spectator rail with 8-6-8 mesh panel in green colour and the provision of 3.no associated double leaf gates of 4m, 3m and 1m width respectively 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 spectator fence, incorporating a 40m sideline fence, a c.25m end line fence of 1200mm spectator rail with 8-6-8 mesh panel in green colour and the provision of 3.no associated double leaf gates of 4m, 3m and 1m width respectively is exempted development having regard to Class 11 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

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 Candace Ingram, Acting 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, Candace Ingram, Acting Senior Executive Planner, hereby declare that the construction of a spectator fence, incorporating a 40m sideline fence, a c.25m end line fence of 1200mm spectator rail with 8-6-8 mesh panel in green colour and the provision of 3.no associated double leaf gates of 4m, 3m and 1m width respectively is development and is exempted development.

Signed:



CANDACE INGRAM
ACTING SENIOR EXECUTIVE PLANNER 

Date: 19th July, 2022

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF: R22-42
APPLICANT(S): Ray Doyle on behalf of Bodyke GAA
REFERENCE: Whether the construction of a spectator fence is or is not development and is or is not exempted development.
LOCATION: Bodyke GAA Pitch, Callahy, Tuamgraney, Co Clare
DUE DATE: 19th July 2022

Site Location

The proposal site is located on the southwest periphery of Tuamgraney, on lands zoned 'Recreation'. The site comprises an existing playing pitch with spectator stand. At the eastern end of the site there is a club house/changing rooms buildings, hurling wall and astroturf pitch. The roadside boundary of the site is set back from the public road and there is a roadside pull in / parking area parallel to the public road.

Recent Planning History

P09/168 – GRANTED - to construct: a) Flood lit all weather pitch, b) a hurling wall, c) toilet extension to the clubhouse and d) all associated site works.

P14/233 – GRANTED - to Extend the Appropriate Period of Planning Permission P09-168 for a flood lit all weather pitch, hurling wall, toilet extension to clubhouse and all associated site works

Background to Referral

This referral under Section 5(1) of the Planning and Development Act 2000 (as amended) has been made by Ray Doyle, Treasurer of Bodyke GAA.

The applicant is seeking a Section 5 Declaration as to whether the construction of a spectator fence is or is not development and is or is not exempted development.

The applicant has stated that the proposal includes the provision of a 40m sideline fence and a c.25m endline fence of 1.2m spectator rail with 8-6-8 mesh panel in green colour. The works also include a 4m double leaf gate to match the fence and further 3m and 1m gates.

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 1 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 1 opposite the mention of that class in the said column 1.

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 11

Development consisting of the construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house, of –

- (a) any fence (not being a hoarding or sheet metal fence), or
- (b) any wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.

Conditions and Limitations of Class 11:

1. The height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, whichever is the greater, and in any event shall not exceed 2 metres.
2. Every wall, other than a dry or natural stone wall, constructed or erected bounding a road shall be capped and the face of any wall of concrete or concrete blocks (other than blocks of a decorative finish) which will be visible from any road, path or public area, including a public open space, shall be rendered or plastered.

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 spectator fence is or is not development and is or is not exempted development.

Particulars of Proposal

The applicant has stated that the proposal includes the provision of a 40m sideline fence and a c.25m endline fence of 1.2m spectator rail with 8-6-8 mesh panel in green colour. The works also include a 4m double leaf gate to match the fence and a 3m and 1m gate.

Based on the details provided by the application, I am satisfied that the proposal constitutes both 'works' and 'development' as defined in Sections 2 and 3 respectively of the Planning and Development Act, 2000 (as amended)

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 11

Development consisting of the construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house, of –

- (a) any fence (not being a hoarding or sheet metal fence), or
- (b) any wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.

The applicant proposes new fencing and ancillary gates located within an established sportground. The height of the proposed fencing is 1.2m. The proposal does not exceed the conditions and limitations of Class 11.

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*

The proposal does not contravene a condition of any previous permission.

- (ii) *consist of or compromise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,*

Not applicable – the site is located within existing GAA grounds and no alterations to parking or access are proposed.

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

Not applicable – the site is located within existing GAA grounds and no alterations to parking or access are proposed.

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

of a new development plan, in the draft variation of the development plan or the draft development plan.

The site is located on zoned land within a settlement and will largely be screened from view by the existing structures on the site. The development will not have a negative impact on the visual amenities of 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,*

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,*

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."*

This is 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.

Recommendation

The following questions have been referred to the Planning Authority:

Whether the construction of a spectator fence, incorporating a 40m sideline fence, a c.25m end line fence of 1200mm spectator rail with 8-6-8 mesh panel in green colour and the provision of 3.no associated double leaf gates of 4m, 3m and 1m width respectively at Bodyke GAA Pitch, Callahy, Tuamgraney 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 11 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 spectator fence, incorporating a 40m sideline fence, a c.25m end line fence of 1200mm spectator rail with 8-6-8 mesh panel in green colour and the provision of 3.no associated double leaf gates of 4m, 3m and 1m width respectively 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 spectator fence, incorporating a 40m sideline fence, a c.25m end line fence of 1200mm spectator rail with 8-6-8 mesh panel in green colour and the provision of 3.no associated double leaf gates of 4m, 3m and 1m width respectively is exempted development having regard to Class 11 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

Now therefore Clare County Council (Planning Authority), hereby decides that the construction of a spectator fence, incorporating a 40m sideline fence, a c.25m end line fence of 1200mm spectator rail with 8-6-8 mesh panel in green colour and the provision of 3.no associated double leaf gates of 4m, 3m and 1m width respectively is development and is exempted development.


Executive Planner

Date: 14/07/2022


Exec
A/Senior Planner
Date: 15/7/22.

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

Planning File Reference	R22-42
Applicant Name	Ray Doyle on behalf of Bodyke GAA
Development Location	at Callahy, Tuamgraney, Co. Clare
Application accompanied by an EIS	No
Application accompanied by an NIS	No

Description of the project (To include a site location map):

The installation of a spectator fence at Bodyke GAA Pitch, Callahy, Tuamgraney, Co. Clare



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 the proposed development, the established use of the site, the location on zoned land within an existing settlement, I am satisfied that the likely zone of impact of the proposed development is no greater than 1km.

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

There are no European sites within 1km of the proposal 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	R22-42
Proposed Development	The installation of a spectator fence
Development Location	at Bodyke GAA Pitch, Callahy, Tuamgrany, Co. Clare
European sites within impact zone	Lower River Shannon SAC
Description of the project:	
the construction of a spectator fence, incorporating a 40m sideline fence, a c.25m end line fence of 1200mm spectator rail with 8-6-8 mesh panel in green colour and the provision of 3. no associated double leaf gates of 4m, 3m and 1m width respectively	
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 proposed development, the established use of the site, the location on zoned land within a settlement 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 – no likely effects	
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 planning application 	
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 Sites ³	Yes
(c) The potential for significant effects to European Site(s) cannot be ruled out ⁴	

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

(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	14/07/2022

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.

R22-42









COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Bodyke GAA c/o Ray Hogan
Oakwood House
Bodyke Village
Bodyke
Co. Clare**

24/06/2022

Section 5 referral Reference R22-42 – Bodyke GAA c/o Ray Hogan

Is the construction of a spectator fence at Bodyke GAA pitch, Callahy, Tuamgraney, Co. Clare, considered to be development and if so, is it exempted development?

A Chara,

I refer to your application received on 24th June 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

Tadhg Holmes
Tadhg Holmes
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stiúarthóireacht 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: planojf@clarecoco.ie
Website: 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

1. CORRESPONDENCE DETAILS.

(a) Name and Address of person seeking the declaration	Ray Hogan 46 Bodylke Coosa Oakwood house, Bodylke village Bodylke Clare
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	Ray Hogan 46 Bodylke Coosa Oakwood house Bodylke village Bodylke 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 a Spectator Fence at
 Ballyvaughan pitch exempted development?

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

To provide a 110 metre Side Line Fence
 and a 25 metre end Line Fence of
 1200mm Spectator rail with 8-6-8 mesh panel
 green in colour

To provide a 4 metre double leaf gate to
 match Fence

To provide a 3 metre and 1 metre double
 leaf gate

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

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

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	Bodyside Gaa Hurlers Ca Raby Traungorey Co Clare
(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	NO
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	Club Treasurer
(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:	N/A
(g) Were there previous planning application/s on this site? If so please supply details:	Yes P14/233 + P07/168 Astro turf + Wall Ball
(h) Date on which 'works' in question were completed/are likely to take place:	Nov 22

SIGNED: Dag Hogg

DATE: 21/6/22

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:.....			

BIDYKE GAA

Sports Ground

45.5

Scarriff
Union Workhouse
Burial Ground

45.5

44.0

45.5

46.0

48.0

100m

0 50 100 150 200 Meters

General Notes

Output Format:
DWG, 35, LEVEL

Output File:
V:\00_01337990_00000001.DWG

Map Series:
1:2500

4210-B
REVISION DATE = 01-Jun-2006
SURVEY DATE = 29-Feb-2009

Clip Extent:
LLX,LLY = 162608,182956
LRX,LRY = 163190,182956
ULX,ULY = 162608,182956
URX,URY = 163190,182956

Projection:
IG

ITM Centre Point Coordinates:
X,Y = 562459,632810

Extraction Date:
29-Mar-2009

Copyright:
Sukshobhrajit Ordanais Eireann,
2008
Ordnance Survey Ireland, 2008

No.	Revison/Issue	Date

Firm Name and Address

Michael O'Grady
Ballynaban,
Scarriff,
Co. Clare

Project Name and Address

Bidyke GAA Grounds
Ordnance Survey Map

Dwg	Site Map	Sheet
Date	03/11/08	1
Scale	1:2500	

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



24/06/2022 11:09:32

Receipt No. L1CASH/0/334408
***** REPRINT *****

BODYKE GAA
C/O RAY HOGAN
OAKWOOD HOUSE
BODYKE VILLAGE
BODYKE
CO. CLARE
R22/42

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

Total : 80.00 EUR

Tendered :
CHEQUES 80.00

Change : 0.00

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

