



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Registered Post**

**Shane Nolan  
Finavara  
Burren  
Co. Clare  
H91 NXT7**

**16th December 2022**

**Section 5 referral Reference R22-66 – Shane Nolan**

Is the renovation of a stone shed in disrepair in front of house considered to be development and if so, is it exempted development?

A Chara,

I refer to your application received on 13th October 2022 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above, and the further information received by the Planning Authority on 29<sup>th</sup> November 2022

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.: R22-66**



**Comhairle Contae an Chláir  
Clare County Council**

**Section 5 referral Reference R22-66**

**Is the renovation of a stone shed in disrepair in front of house considered to be development and if so, is it exempted development?**

**AND WHEREAS, Shane Nolan** 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 –**

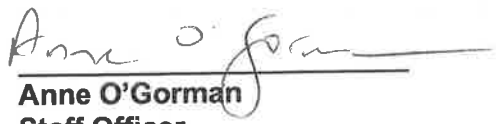
- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) The works as indicated in submitted documents from the referrer as received by the Planning Authority on the 13<sup>th</sup> October 2022 and the 29<sup>th</sup> November 2022.

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

- (a) The renovation of a stone shed in disrepair at Finnvarra, 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 development, consisting of renovation of a stone shed which includes demolition of two walls and reconfiguring of the gables and roof profile, is not exempted development having regard to Section 4 (1)(h) of the Planning and Development Act 2000, as amended whereby the Planning Authority considers that the proposed works materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure as existing.

**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 renovation of a stone shed in disrepair at Finnvarra, Co. Clare constitutes development which is not exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

A handwritten signature in black ink, appearing to read 'Anne O'Gorman', is written over a horizontal line.

**Anne O'Gorman**  
**Staff Officer**  
**Planning Department**  
**Economic Development Directorate**

**16th December 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: 80994

Reference Number: R22-66

Date Referral Received: 13th October 2022

Further Information Received: 29<sup>th</sup> November 2022

Name of Applicant: Shane Nolan

Location of works in question: Finvarra, Burren, Co. Clare

**Section 5 referral Reference R22-66 – Shane Nolan**

Is the renovation of a stone shed in disrepair in front of house 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) The works as indicated in submitted documents from the referrer as received by the Planning Authority on the 13<sup>th</sup> October 2022 and the 29<sup>th</sup> November 2022.

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

- (a) The renovation of a stone shed in disrepair at Finnvarra, 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 development, consisting of renovation of a stone shed which includes demolition of two walls and reconfiguring of the gables and roof profile, is not exempted development having regard to Section 4 (1) (h) of the Planning and Development Act 2000, as amended whereby the Planning Authority considers that the proposed works materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure as existing.

**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 renovation of a stone shed in disrepair at Finvarra, Co. Clare is considered development which is not exempted development.

**Signed:**

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

**Date:**

**16th December 2022**

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

<b>FILE REF:</b>	22/ 66
<b>APPLICANT(S):</b>	Shane Nolan
<b>REFERENCE:</b>	Whether the renovation ( i.e. knock and rebuild) of a stone shed in disrepair in front of house is or is not development and is or is not exempted development.
<b>LOCATION:</b>	Finavarra Burrin , County Clare
<b>DUE DATE:</b>	19 <sup>th</sup> Dec 22

In accordance with Section 5 (2) (b) of the Planning & Development Act, 2000, as amended, the following further information was requested by the Planning Authority on the 1<sup>st</sup> Nov 22:

The Planning Authority has requested the following Further Information:

1. The Planning Authority notes that the shed in question comprises a stone 'lean- to' style shed with sheet galvanized roofing. The query refers to renovation of the structure, but also refers to proposals to knock and rebuild. In order for the Planning Authority to address this query please arrange to submit scaled drawings of the existing shed and scaled drawings of the proposed development. The drawings should clarify whether:
  - A) renovation is proposed or
  - B) whether it is proposed to demolish the existing shed and reconstruct a new shed to match the dimensions and design of the existing or
  - C) whether a shed of different size and design is proposed.

**Summary of Applicant's Response**

- It is proposed to renovate the shed by replacing the walls to the right and the rear which are in poor condition , with double leaf concrete block work. The footprint of the shed will remain the same.
- It is also proposed to restore the roof to its original pitched roof profile by rebuilding the old gables.
- The shed will be used for storage purposes ancillary to the enjoyment of the dwelling.
- Plans showing views and section along with images of the original shed are submitted.

## Assessment

1. Having regard to the response received, it is now clear that two walls of the shed will require to be demolished in order to construct double leaf concrete block work and the gable walls will require to be reconfigured to change the roof from lean- to, to an 'A' pitch. Essentially half of the existing shed structure will require to be demolished and replaced with new build. I refer to Section 4 (1) (h) of the Planning and Development Act 2000 which states that *development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures* can be considered exempted development for the purposes of this Act.

I do not consider that the proposed works can be reasonably described as falling under the scope of maintenance, improvement or alteration because they also include demolition of half of the shed and reconfiguration of existing gables, and because the new works comprising concrete block are different to the original walls which are stone and painted stone.

In this instance the applicant has not specified the external finishes. It appears that the shed will be a mixture of stone and concrete block which would materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure. The roof finish is not specified.

2. It is proposed to alter the roof profile from lean to style to an 'A' pitch. While it is acknowledged that the applicant advises that the shed was an 'A' roof originally, the proposed alteration requires the benefit of planning permission because it is materially different from the roof design currently in place.

The shed is located at the front of the house near the public road and would appear to be in place before 1963. I do not consider that the provisions of Class 3 (Schedule 2 part 1) of the Planning and Development Regulations apply because this relates to newly constructed shed to rear of, or behind the front building line of the house on site.

## Recommendation

The following question has been referred to the Planning Authority:

Whether the renovation ( i.e. knock and rebuild) of a stone shed in disrepair at Finnvarra, County 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) The works as indicated in submitted documents from the referrer as received by the Planning Authority on the 13<sup>th</sup> October 22 and the 29<sup>th</sup> Nov 2022.

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

- (a) The renovation of a stone shed in disrepair at Finnvarra , 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, consisting of renovation of a stone shed which includes demolition of two walls and reconfiguring of the gables and roof profile, is not exempted development having regard to Section 4 (1) (h) of the Planning and Development Act 2000, as amended whereby the Planning Authority considers that the proposed works materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure as existing.

Now therefore Clare County Council (Planning Authority), hereby decides renovation of a stone shed in disrepair at Finnvarra County Clare for is development and is not exempted development.

Signed Ellen Coery

E.P.

Date 15/12/22

Signed [Signature]

S.E.P.

Date 15/12/22



REVISED Appropriate Assessment & Determination

STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	Section 5 R 22/ 66 Shane Nolan
(b) Brief description of the project or plan:	Renovation of shed in disrepair.
(c) Brief description of site characteristics:	Shed on domestic site .
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.				
European Site (code)	List of Qualifying Interest/Special Conservation Interest <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Galway Bay Complex SAC 000268	Annex I habitats: <input checked="" type="checkbox"/> Mudflats and sandflats not covered by seawater at low tide [1140] <input checked="" type="checkbox"/> *Coastal lagoons [1150] <input checked="" type="checkbox"/> Large shallow inlets and bays [1160] <input checked="" type="checkbox"/> Reefs [1170] <input checked="" type="checkbox"/> Perennial vegetation of stony banks [1220]	380m	None	Yes

	<p>☐ <i>Salicornia</i> and other annuals colonising mud and sand [1310]</p> <p>☐ Atlantic salt meadows (Glauco-Puccinetalia maritimae) [1330]</p> <p>☐ Mediterranean salt meadows (Juncetalia maritime) [1410]</p> <p>☐ *Turloughs [3180]</p> <p>☐ <i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>☐ Semi-natural dry grasslands and scrubland facies on calcareous grasslands (Festuco-Brometalia)(*Important orchid sites) [6210]</p> <p>☐ Calcareous fens with <i>Cladium mariscus</i> and species of the Caricion davallianae [7210]</p>			
	<p>☐ Alkaline fens [7230]</p> <p>Annex II Species</p> <p>☐ Otter <i>Lutra lutra</i> [1355]</p> <p>☐ Harbour seal <i>Phoca vitulina</i> [1365]</p>			
Inner Galway Bay site code 40331	<p>Great northern diver <i>Gavia immer</i> [A003] wintering</p> <p>☐ Cormorant <i>Phalacrocorax carbo</i> [A017] wintering + breeding</p> <p>☐ Grey heron <i>Ardea cinerea</i> [A028]</p>	380	None	Yes

☐ Light-bellied brent  
goose *Branta*  
*bernicle hrota* [A046]  
wintering

☐ Wigeon *Anas*  
*Penelope* [A050] -  
wintering

☐ Teal *Anas crecca*  
[A052] wintering

☐ Shoveler *Anas*  
*clypeata* [A056]  
wintering

☐ Red-breasted  
merganser *Mergus*  
*serrator* [A069]  
wintering

☐ Ringed plover  
*Charadrius hiaticula*  
[A137] wintering

☐ Golden plover  
*Pluvialis apricaria*  
[A140] wintering

☐ Lapwing *Vanellus*  
*vanellus* [A142]  
wintering

☐ Dunlin *Calidris alpina*  
[A149]  
wintering

☐ Bar-tailed godwit  
*Limosa lapponica*  
[A157] wintering

☐ Curlew *Numenius*  
*arquata* [A160]  
wintering

☐ Redshank *Tringa*  
*tetanus* [A162]  
wintering

Black-headed gull  
*Chroicocephalus*  
*ridibundus* [A179]  
wintering

☐ Common gull *Larus*  
*canus* [A182]  
wintering

☐ Sandwich tern *Sterna*  
*sandvicensis*

	[A191] breeding Common tern <i>Sterna</i> <i>hirundo</i> [A193] Breeding Wet land and water birds			

- <sup>1</sup> Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.
- <sup>2</sup> If the site or part thereof is within the European site or adjacent to the European site, state here.

STEP 3. Assessment of Likely Significant Effects	
(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:	
Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	None
Operational phase e.g. <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> </ul>	None

- Lighting disturbance
- Noise/vibration
- Changes to water/groundwater due to drainage or abstraction
- Presence of people, vehicles and activities
- Physical presence of structures (e.g. collision risks)
- Potential for accidents or incidents

In-combination/Other

None

**(b) Describe any likely changes to the European site:**

Examples of the type of changes to give consideration to include:

- Reduction or fragmentation of habitat area
- Disturbance to QI species
- Habitat or species fragmentation
- Reduction or fragmentation in species density
- Changes in key indicators of conservation status value (water or air quality etc.)
- Changes to areas of sensitivity or threats to QI
- Interference with the key relationships that define the structure or ecological function of the site

None

**(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?**

☐ Yes ☒ No


**Step 4. Screening Determination Statement**

The assessment of significance of effects:

Describe how the proposed development (alone or in-combination) is/is **not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

The proposed works relate to renovation of an existing stone shed. Standard construction practices are sufficient to prevent significant effects on the European site.

Conclusion: There is no risk of significant effects on the Conservation Objectives of the nearby European sites either alone or in-combination with any other European site

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is <b>no likelihood</b> of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is <b>uncertain</b> whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) <b>Significant effects</b> are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	<div> <b>Name: Ellen Carey E.P.</b></div> 15/12/22	
Signature and Date of the Decision Maker:		





Deirdre Foran, B.Eng. (Civil), M.E.I., Chartered Building Engineer,  
Lisdoonvarna, Co Clare. [dforandesign@gmail.com](mailto:dforandesign@gmail.com) 087 675 0327



ENGINEERS  
IRELAND



26-11-2022

Planning Section,

Ennis,

Co Clare.



Ref: R22-66; Shane Nolan, Finnvarra, Kinvara.

A Chara,

In response to your recent correspondence to Shane Nolan, please accept the following:

It is proposed to renovate the shed by replacing the walls to the right and rear, which are in poor condition, with double leaf concrete blockwork. The footprint of the shed will remain the same.

It is also proposed to restore the roof to its original pitched roof profile by rebuilding the old gables.

The shed will be used for storage purposes ancillary to the enjoyment of the dwelling on site.

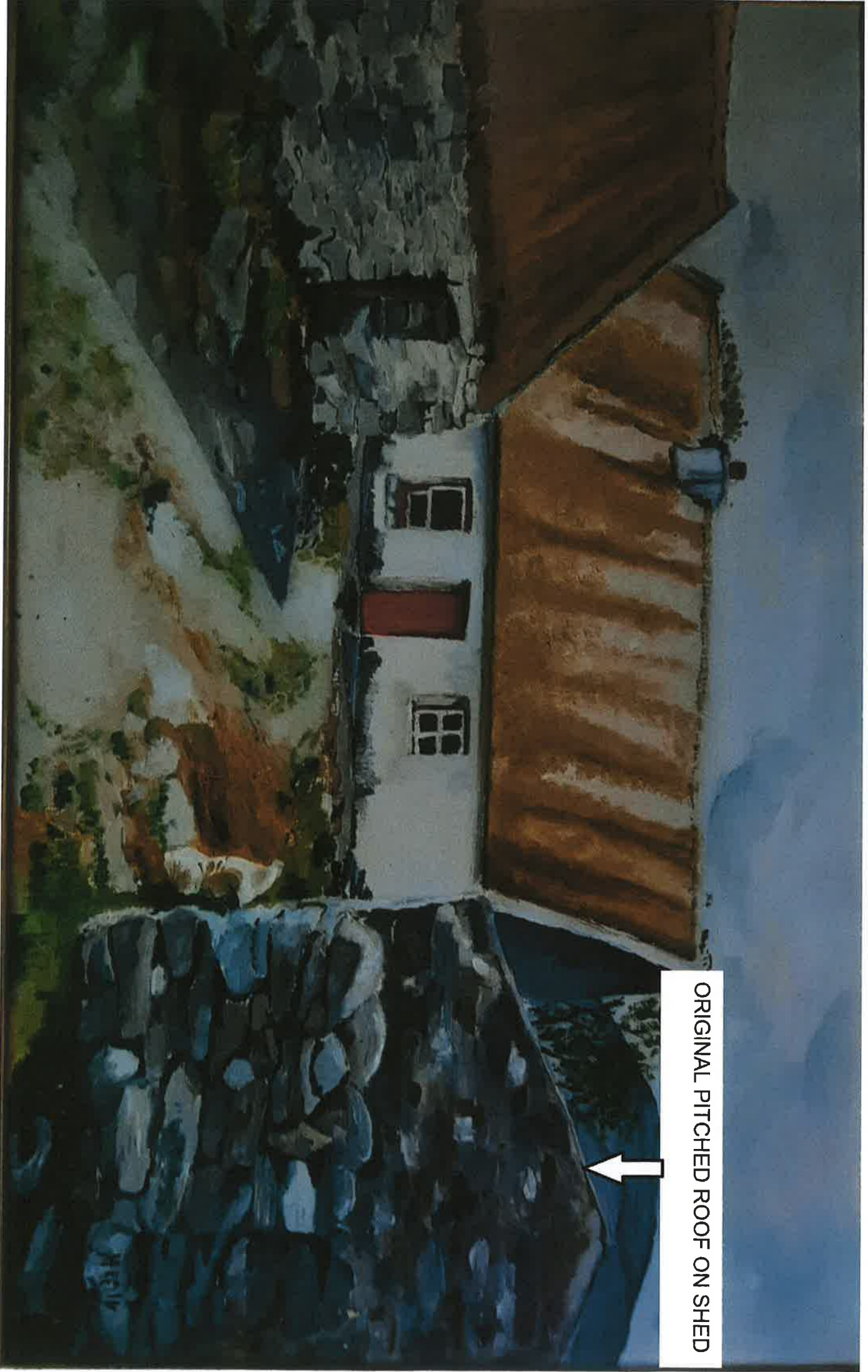
I enclose plan, views and section of the works, along with an image of the original shed.

I hope this is satisfactory.

Mise, le meas

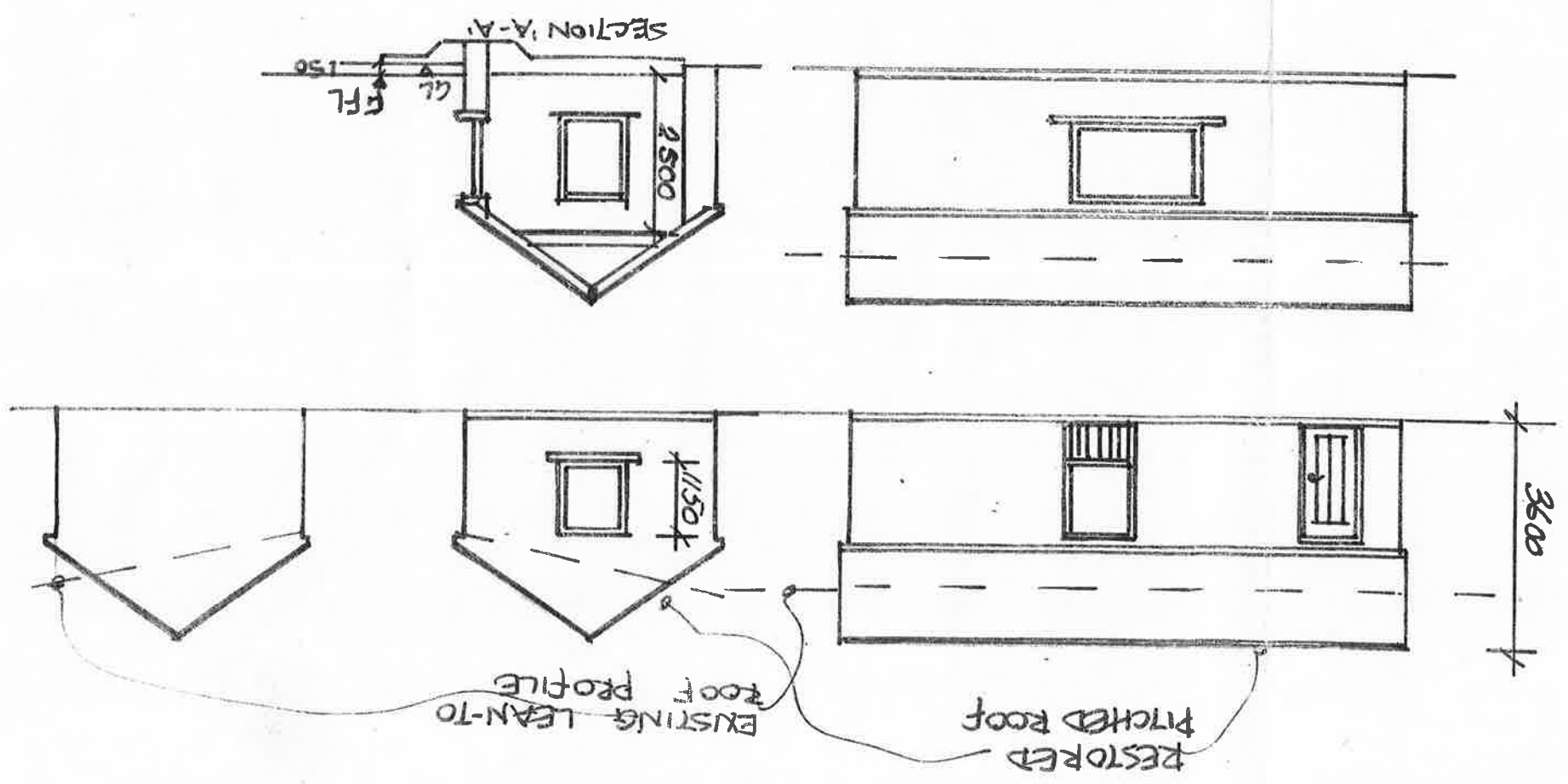
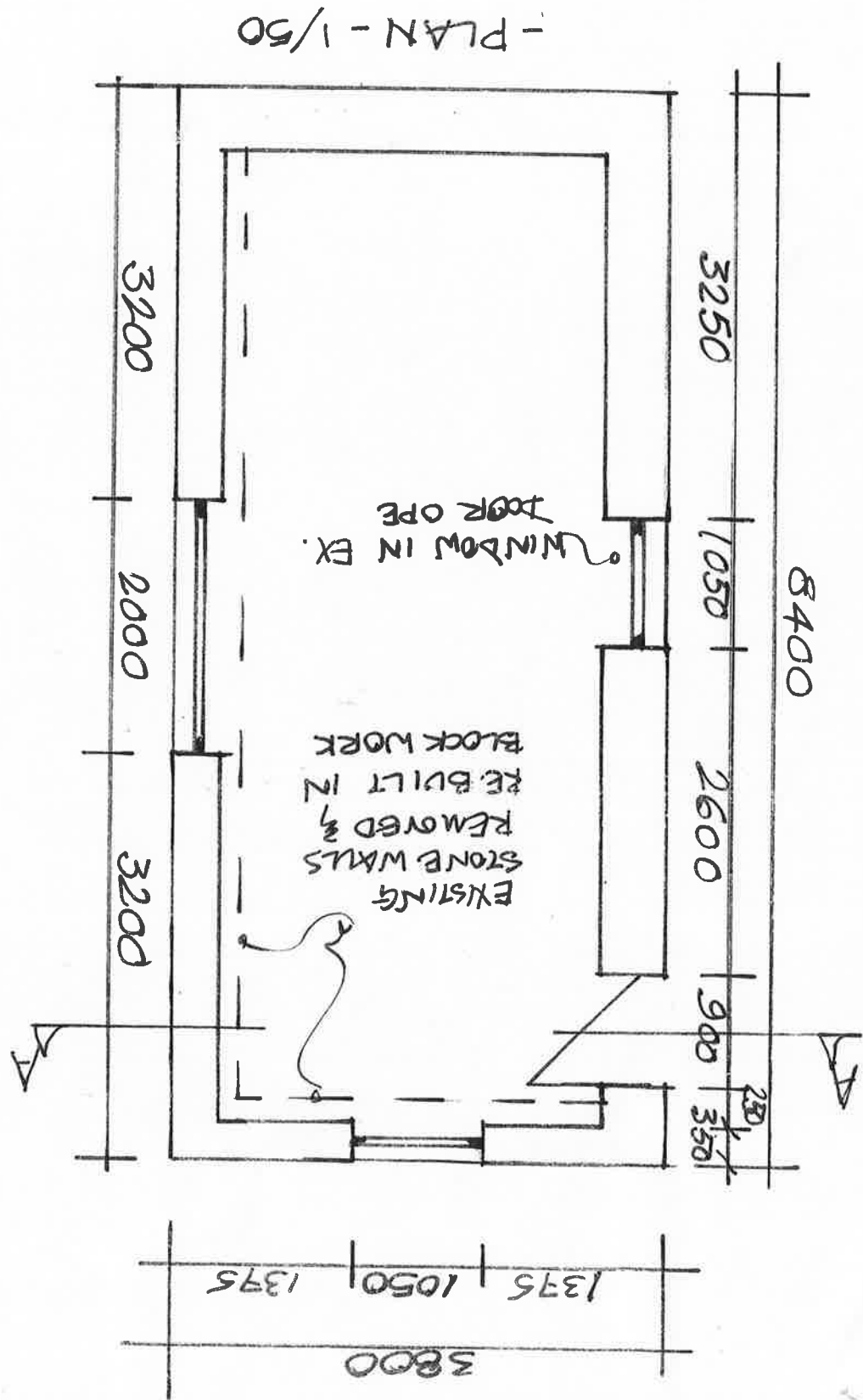
*Deirdre Foran*





ORIGINAL PITCHED ROOF ON SHED

SHANE NOLAN  
FINNAVARRA  
NEW QUAY



SHANE NOLAN  
FINNAVARRA  
NEW QUAY  
PLAN & VIEWS & SECTION  
1/50 1/100 1/100  
D. FORAN B. ENG.  
LISTOONVARRA

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

**FILE REF:** 22/ 66  
**APPLICANT(S):**  
**REFERENCE:** Whether the renovation ( i.e. knock and rebuild) of a stone shed in disrepair in front of house is or is not development and is or is not exempted development.  
**LOCATION:** Finavarra Burrin , County Clare  
**DUE DATE:** 4<sup>th</sup> Nov 22

**Site Location**

The site is located at Finavarra cluster . It is occupied by a single storey dwelling and shed.

**Recent Planning History**

None

**Background to Referral**

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Shane Nolan. The applicant's legal interest in the site is stated as owner of the property.

The applicant is seeking a Section 5 Declaration as to whether the renovation ( i.e. knock and rebuild) of a stone shed in disrepair in front of house or is not development and is or is not exempted development. The applicant advises that the shed in the front of the property is in disrepair in need of renovation to make safe and modernise.

**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.*

**Exempted Development**

**4.—(1)** *The following shall be exempted developments for the purposes of this Act—*

*(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;*

Planning & Development Regulations, 2001, as amended

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

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 3

The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.

Conditions and Limitations

- 1. No such structure shall be constructed, erected or placed forward of the front wall of a house.*
- 2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.*
- 3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.*
- 4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.*
- 5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.*
- 6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.*

Class 50

(a) The demolition of a building or buildings within the curtilage of a house .

Limitations and conditions

1. No such building or buildings shall abut another building in separate ownership .
2. The cumulative floor area of any building or buildings shall not exceed, in the case of a building or buildings within the within the curtilage of a house 40 sq.m.

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

The applicant has submitted :

- A site location map scale 1:2,500 showing the location of a shed within the curtilage of a dwelling.
- Date on which works in question were completed/ are likely to take place late 22/ early 23.
- The applicant queries whether the renovation of a stone shed i.e. knock and rebuild is or is not development and is or is not exempted development .
- The applicant advised by phone 27<sup>th</sup> October that the works are not done. He is unclear about the nature of the works he wishes to carry out i.e. renovation of the existing shed or demolition of same and reconstruction of a new shed , ( the design of which has not been submitted by the applicant ). He is unclear whether he wishes to keep the lean to style of roof or convert it back to an A roof. He is not clear if it will be an slate to match the house or galvanised.

### Planning Exemption Assessment

#### Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 3

The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.

#### Conditions and Limitations

1. *No such structure shall be constructed, erected or placed forward of the front wall of a house.*

***The existing shed is forward of the front wall of the house.***

2. *The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.*

**No details have been submitted regarding the size of the existing shed or the size of any replacement shed**

3. *The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.*

**The remaining garden space exceeds 25 sq.m.**



4. *The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.*

***No details submitted in this regard***

5. *The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.*

***No detail submitted in this regard***

6. *The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.*

***The shed is used for domestic storage.***

Class 50

(a) The demolition of a building or buildings within the curtilage of a house .

Limitations and conditions

1.No such building or buildings shall abut another building in separate ownership .

**The shed in question does not abut another building in separate ownership**

2.The cumulative floor area of any building or buildings shall not exceed, in the case of a building or buildings within the within the curtilage of a house 40 sq.m.

**The shed in question is under 40 sq.m.**

**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,*

**No alterations to the existing access point are proposed.**

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

**Not applicable in this instance.**

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

**It is considered that same does not interfere with the character of the landscape or views in the area.**

- (v) *consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,*

**This is not applicable in this instance.**

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

**This is not applicable in this instance.**

(vii)

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

**This is not applicable in this instance.**

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

**This is not applicable in this instance.**



- 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**

I recommend requesting additional information as follows :

1. The Planning Authority notes that the shed in question comprises a stone 'lean- to' style shed with sheet galvansied roofing. The query refers to renovation of the structure, but also refers to proposals to knock and rebuild. In order for the Planning Authority to address this query please arrange to submit scaled drawings of the existing shed and scaled drawings of the proposed development. The drawings should clarify whether:  
A)renovation is proposed or  
B) whether it is proposed to demolish the existing shed and reconstruct a new shed to match the dimensions and design of the existing or  
C) whether a shed of different size and design is proposed.

  
**Ellen Carey**  
**Executive Planner**  
**Date:** 28/10/22.

  
**Garreth Ruane**  
**Senior Executive Planner**  
**Date:** 28/10/22.

**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>	R 22/66
<b>Applicant Name</b>	Shane Nolan
<b>Development Location</b>	Finvarra
<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>	
 Section 5 referral   Whether the is or is not development and is or is not exempted development.	

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

This section identifies the European Sites within the likely zone of impact of the plan or project. For plans an initial 15km zone of influence (NPWS-DAHG)<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)
Galway Bay Complex SAC 000268	<p>Annex I habitats:</p> <ul style="list-style-type: none"> <li>☐ Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>☐ *Coastal lagoons [1150]</li> <li>☐ Large shallow inlets and bays [1160]</li> <li>☐ Reefs [1170]</li> <li>☐ Perennial vegetation of stony banks [1220]</li> <li>☐ <i>Salicornia</i> and other annuals colonising mud and sand [1310]</li> <li>☐ Atlantic salt meadows (<i>Glaucopuccinellia maritima</i>) [1330]</li> <li>☐ Mediterranean salt meadows (<i>Juncetalia maritima</i>) [1410]</li> <li>☐ *Turloughs [3180]</li> <li>☐ <i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</li> <li>☐ Semi-natural dry grasslands and scrubland facies on calcareous grasslands (<i>Festuco-Brometalia</i>)(*Important orchid sites) [6210]</li> <li>☐ Calcareous fens with <i>Cladium mariscus</i> and species of the Caricion <i>davalliana</i> [7210]</li> <li>☐ Alkaline fens [7230]</li> </ul> <p>Annex II Species</p> <ul style="list-style-type: none"> <li>☐ Otter <i>Lutra lutra</i> [1355]</li> <li>☐ Harbour seal <i>Phoca vitulina</i> [1365]</li> </ul>	380m

<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.

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)
Inner Galway Bay SPA 04031	<p>Great northern diver <i>Gavia immer</i> [A003] wintering</p> <p>☐ Cormorant <i>Phalacrocorax carbo</i> [A017] wintering + breeding</p> <p>☐ Grey heron <i>Ardea cinerea</i> [A028]</p> <p>☐ Light-bellied brent goose <i>Branta bernicla hrota</i> [A046] wintering</p> <p>☐ Wigeon <i>Anas Penelope</i> [A050] - wintering</p> <p>☐ Teal <i>Anas crecca</i> [A052] wintering</p> <p>☐ Shoveler <i>Anas clypeata</i> [A056] wintering</p> <p>☐ Red-breasted merganser <i>Mergus serrator</i> [A069] wintering</p> <p>☐ Ringed plover <i>Charadrius hiaticula</i> [A137] wintering</p> <p>☐ Golden plover <i>Pluvialis apricaria</i> [A140] wintering</p> <p>☐ Lapwing <i>Vanellus vanellus</i> [A142] wintering</p> <p>☐ Dunlin <i>Calidris alpina</i> [A149] wintering</p> <p>☐ Bar-tailed godwit <i>Limosa lapponica</i> [A157] wintering</p> <p>☐ Curlew <i>Numenius arquata</i> [A160] wintering</p> <p>☐ Redshank <i>Tringa tetanus</i> [A162] wintering</p> <p>☐ Black-headed gull <i>Chroicocephalus ridibundus</i> [A179] wintering</p> <p>☐ Common gull <i>Larus canus</i> [A182] wintering</p> <p>☐ Sandwich tern <i>Sterna sandvicensis</i> [A191] breeding</p> <p>☐ Common tern <i>Sterna hirundo</i> [A193] Breeding</p> <p>Wet land and water birds</p>	380m

1	Impacts on designated rivers, streams, lakes and	Is the development in the catchment of or immediately upstream of a	no
---	--	---	----

	<b>fresh water dependant habitats and species.</b>	<i>watercourse that has been designated as a European site</i>	
<b>2</b>	<b>Impacts on terrestrial habitats &amp; species.</b>	<i>Is the development within 1km of a European site with terrestrial based habitats or species?</i>	no
<b>3</b>	<b>Impacts on designated marine habitats &amp; species.</b>	<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
<b>4</b>	<b>Impacts on birds in SPAs</b>	<i>Is the development within 1km of a Special Protection Area</i>	no
<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".  Does the development involve any of the following:</i>	
<b>1.1</b>	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
<b>1.2</b>	Discharges either directly (via pipe from the development) or indirectly (via sewer) to surfacewater or groundwater What is the likely volume of the discharge?	NA
<b>1.3</b>	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
<b>1.4</b>	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
<b>1.5</b>	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
<b>1.6</b>	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
<b>1.7</b>	Installation of waste water treatment systems; percolation areas; septic tanks within 500m of watercourses?	NA
<b>1.8</b>	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
<b>1.9</b>	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	<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>	
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	<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>	
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	<p align="center"><b>Impacts on birds in SPAs</b></p> <p align="center"><i>Please answer the following if the answer to question 5 in table 2 was yes.</i></p> <p align="center"><i>Does the development involve any of the following:</i></p>	
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	R22/66
Proposed Development	Section 5 referral
Development Location	Finvarra
European sites within impact zone	Galway Bay Complex SAC Inner Galway Bay SPA
Description of the project:	
Whether the renovation ( i.e. knock and rebuild) of a stone shed in disrepair in front of house	
Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site	
As above	
Describe how the project or plan (alone or in combination) is likely to affect the European site(s).	
Extent of works are unknown	
If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?	
Unknown – extent of works have not been specified by the applicant.	
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

<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) <b>There is no potential for significant effects to European Sites<sup>3</sup></b>	Unknown
(c) <b>The potential for significant effects to European Site(s) cannot be ruled out<sup>4</sup></b>	Unknown
(d) <b>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>	Further information to be requested re nature and extent of works
<b>Completed By</b>	Ellen Carey
<b>Date</b>	28 <sup>th</sup> October 22

<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

**Registered Post**

Shane Nolan  
Finavara  
Burren  
Co. Clare  
H91 NXT7

**1st November 2022**

**Section 5 referral Reference R22-66 – Shane Nolan**

Is the renovation of a stone shed in disrepair in front of house considered to be development and if so, is it exempted development?

A Chara,

I refer to your application received on 13th October 2022 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

I wish to advise that in accordance with Section 5 (2) (b) of the Planning & Development Act, 2000, as amended, the following further information is requested by the Planning Authority:

The Planning Authority has requested the following Further Information:

1. The Planning Authority notes that the shed in question comprises a stone 'lean-to' style shed with sheet galvanized roofing. The query refers to renovation of the structure, but also refers to proposals to knock and rebuild. In order for the Planning Authority to address this query please arrange to submit scaled drawings of the existing shed and scaled drawings of the proposed development. The drawings should clarify whether:
  - A) renovation is proposed or
  - B) whether it is proposed to demolish the existing shed and reconstruct a new shed to match the dimensions and design of the existing or
  - C) whether a shed of different size and design is proposed.

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



# Land Registry Compliant Map



National Mapping Agency

**CENTRE**  
COORDINATES:

ITM 526166,711639

**PUBLISHED:**  
29/09/2022

**ORDER NO.:**  
50294152\_1

**MAP SERIES:**  
1:5,000

**MAP SHEETS:**  
3623

## COMPILED AND PUBLISHED BY:

Ordnance Survey Ireland,  
Phoenix Park,  
Dublin 8,  
Ireland.

Unauthorised reproduction  
infringes Ordnance Survey Ireland  
and Government of Ireland  
copyright.

All rights reserved.  
No part of this publication may  
be copied, reproduced  
or transmitted in any form  
or by any means without the prior  
written permission of  
the copyright owners.

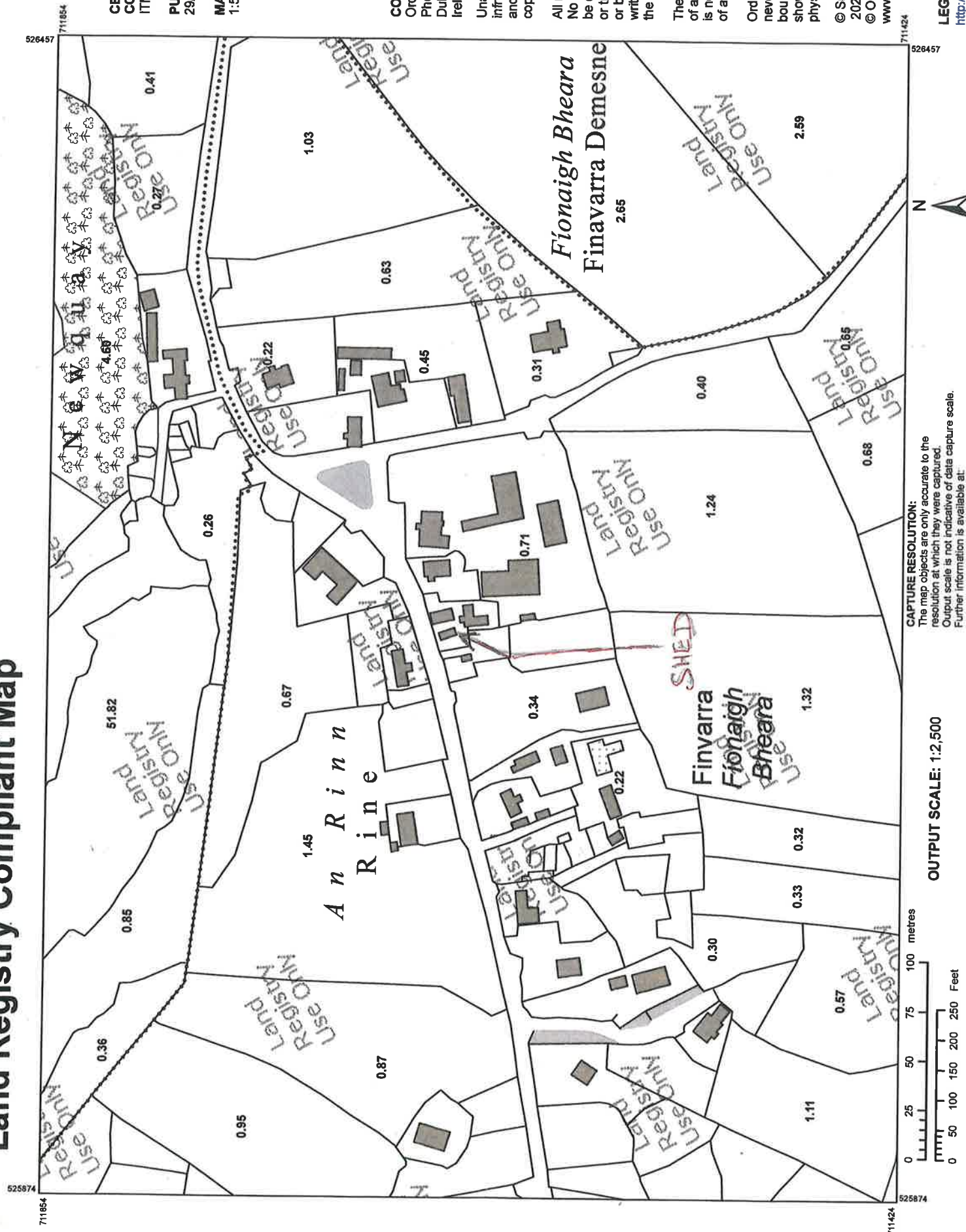
The representation on this map  
of a road, track or footpath  
is not evidence of the existence  
of a right of way.

Ordnance Survey maps  
never show legal property  
boundaries, nor do they  
show ownership of  
physical features.

© Suirbhéireacht Ordnáis Éireann,  
2022  
© Ordnance Survey Ireland, 2022  
[www.osi.ie/copyright](http://www.osi.ie/copyright)

## LEGEND:

<http://www.osi.ie>



**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:

**OUTPUT SCALE: 1:2,500**



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

13/10/2022 12:03:16

Receipt No. : L1CASH/0/339785  
\*\*\*\*\* REPRINT \*\*\*\*\*

SHANE NOLAN  
FINAVARA  
BURRIN  
CO. CLARE

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

Total : 80.00 EUR

Tendered  
CREDIT CARDS 80.00

Change : 0.00

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

R22-66

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)



**CLARE  
COUNTY COUNCIL**

**13 OCT 2022**

Received

Planning Section

**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

SHANE NOLAN

FINAVARA

BURRIN

Co. CLARE

Eircode: H91 NXT7

(b) Telephone No.:

(c) Email Address:

(d) Agent's Name and address:

EIRCODE:



## 2. DETAILS REGARDING DECLARATION BEING SOUGHT

- (a) PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT  
*Note: only works listed and described under this section will be assessed.*

Sample Question: Is the construction of a shed at 1 Main St., Ennis development and if so is it exempted development?

Is the renovation of a stone shed in disrepair in front of house in need of planning permission. ie knock and rebuild.

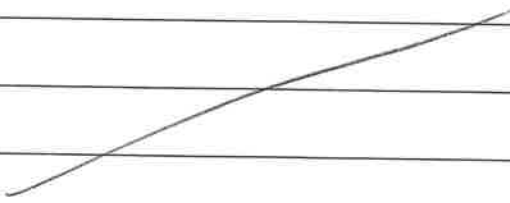
- (b) Provide a full description of the question/matter/subject which arises wherein a declaration of the question is sought.

STONE SHED AT THE FRONT OF THE PROPERTY IN DISREPAIR IN NEED OF RENOVATION TO MAKE SAFE AND MODERNIZE.

- (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:	FINAVARA BURRIN CO. CLARE H91 NX17
(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):	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>	
(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:	NO
(g) Were there previous planning application/s on this site? If so please supply details:	NO
(h) Date on which 'works' in question were completed/are likely to take place:	LATE 2022 / EARLY 2023

SIGNED: Gae NolaDATE: 11-10-22

### **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:.....