



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Registered Post**

Flan Barry  
c/o Niall Geoghegan  
Ballybeg  
Ennis  
Co. Clare  
V95 H796

7th December 2022

**Section 5 referral Reference R22-81 – Flan Barry**

Is the construction of a slatted unit for the housing of cattle at Drumanure, Mauricesmills, Co. Clare development and if so, is it exempted development?

A Chara,

I refer to your application received on 29th November 2022 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

The Planning Authority has considered the matter and I attach herewith the Council's findings in this matter.

Where a declaration is issued by the Planning Authority, any person issued with a declaration, may on payment to an Bord Pleanála of the required fee, refer a declaration for review by An Bord Pleanála within 4 weeks of the date of the issuing of the declaration. Details on making such appeal are available on the Board's website at [www.pleanala.ie](http://www.pleanala.ie)

Mise, le meas

Anne O'Gorman  
Staff Officer  
Planning Department  
Economic Development Directorate

An Roinn Pleanála  
An Stiúthóireacht 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



**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: 80909

Reference Number: R22-81

Date Referral Received: 29th November 2022

Name of Applicant: Flan Barry

Location of works in question: Drumanure, Maurice's Mills, Co. Clare

**Section 5 referral Reference R22-81 – Flan Barry**

Is the construction of a slatted unit for the housing of cattle at Drumanure, Mauricesmills, Co. Clare 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, and 3 of the Planning and Development Act 2000, as amended,
- (b) Class 6, Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (c) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended
- (d) The details and drawing as indicated in submitted documents from the referrer.

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

- (a) the development consisting of the construction of a slatted unit for the housing of cattle constitutes "works" and "development" which come within the scope of sections 2 and 3 of the Planning and Development Act 2000, as amended.
- (b) The said development, consisting of a slatted unit for the housing of cattle, is exempted development having regard to Class 6 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended, and Article 9 of said regulation including the conditions and limitations therein.

**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 construction of a slatted shed for the housing of cattle at Drumanure, Maurice's Mills, Co. Clare is considered development which is exempted development.

**Signed:**

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

**Date:**

**7th December 2022**

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

**Reference No.: R22-81**



Comhairle Contae an Chláir  
Clare County Council

**Section 5 referral Reference R22-81**

**Is the construction of a slatted unit for the housing of cattle at Drumanure, Mauricesmills, Co. Clare development and if so, is it exempted development?**

**AND WHEREAS**, Flan Barry 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, and 3 of the Planning and Development Act 2000, as amended,
- (b) Class 6, Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (c) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended.
- (d) The details and drawing as indicated in submitted documents from the referrer.

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

- (a) the development consisting of the construction of a slatted unit for the housing of cattle constitutes "works" and "development" which come within the scope of sections 2 and 3 of the Planning and Development Act 2000, as amended.
- (b) The said development, consisting of a slatted unit for the housing of cattle, is exempted development having regard to Class 6 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended, and Article 9 of said regulation including the conditions and limitations therein.

**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 slatted shed for the housing of cattle at Drumanure, Maurice's Mills, Co. Clare constitutes development which 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**

**7th December 2022**

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

**FILE REF:** R22/ 81 Flan Barry

**APPLICANT(S):**

**REFERENCE:** Whether the construction of slatted unit for the housing of cattle at Drumanure Maurice's Mills, Co. Clare is or is not development and is or is not exempted development.

**LOCATION:** Maurice's Mills Co. Clare

**DUE DATE:** 4 Jan 22

**Site Description.**

The site is located in Drumanure Townland. There is a cow shed and cattle crush on site.

The applicant's dwelling is located on the northern side of the public road. There is a neighbouring dwelling unit to the northeast on the opposite side of the public road.

There is a dwelling in the ownership of the applicant to the east of the subject site which would appear to be the original family dwelling.

**Planning History on site**

None

**Planning history to the north**

06/ 2331 Flan Barry planning permission granted for a dwelling house, garage and effluent treatment unit.

**Details submitted with the application**

- Site location and land holding map scale 6 inch .
- Landholding map outlined in blue with spread lands in green.
- Site layout map scale 1: 2,500 with the site outlined in red.
- Site layout plan showing 1:500 showing the foot print ( floor area in sq.m. ) of existing farm buildings and the proposed layout of the new slatted shed.
- Floor plans, sections, elevations and cross sections of the proposed slatted shed
- Dimensions of the slatted shed: overall height is 6.43 m to ridge, and 3.78m to eaves, total length 14.11 m, width 9.2m
- Floor area 129.90 sq.m.
- Distance from the public road to the north (50m ).
- Distance from the nearest neighbour's dwelling (73m to the north). Gordon and Noreen Lucas have consented in writing to the proposed development. Letter of consent on file.
- Details of the ages and numbers of livestock to be housed.
- Floor area of existing cow shed 36.00sq.m

## Background to Referral

### Statutory Provisions

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

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

‘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.*

‘Development’ are defined in Section 3 of the *Planning and Development Act 2000, as amended* as follows:

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.

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

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

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

*Part 3 Exempted Development Rural- Article 6*

***Class 6***

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 6

*Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.*

- 1. No such structure shall be used for any purpose other than the purpose of agriculture.*
- 2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.*
- 3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution*
- 4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.*
- 5. No such structure within 100 metres of any public road shall exceed 8 metres in height.*
- 6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.*
- 7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.*

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,*
- (iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,*
- (iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which 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, comprise the construction,*



erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line 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,

(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,

(vii) 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 slatted unit for housing of cattle is development and is or is not exempted development.

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

#### Class 6

*Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.*

1. *No such structure shall be used for any purpose other than the purpose of agriculture. **This is the case.***
2. *The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate. **The gross floor space of the proposed structure is to be 129.9sq.m. The proposal therefore does not exceed any aggregate floor are threshold ( 300 sq.m) for units required for housing of livestock.***
3. *Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution. **The effluent storage facilities adequate to serve the structure are proposed to be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements. The development therefore complies with this condition/ limitation.***
4. *No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road. **The structure including the proposed***

underground tank is set back 50m from the public road thus complying with this condition/limitation

5. *No such structure within 100 metres of any public road shall exceed 8 metres in height. **The structure is 6.43 m height and as such complies with this height limitation.***
6. *No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof. **The structure complies with this requirement as the residents of the dwelling within 100m have consented in writing to the slatted shed being located as proposed ( within 100m of their residence).***
7. *No unpainted metal sheeting shall be used for roofing or on the external finish of the structure. **External finishes are shown as complying with minimum specification for Agricultural buildings.***

Article 9 of the Planning and Development Regulations 2001, as amended

Article 9 of the Planning and Development Regulations 2001, as amended outlines restrictions on exempted development, and these are assessed below:

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

**There are no previous planning permissions on site.**

- (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,*

**N/A.**

*(iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,*

**N/A.**

- (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.*

**N/A**

- (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,*

**N/A 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,*

**N/A 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,*

**N/A 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,*

**n/A**

- 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 as the subject site is not located in a NHA or p NHA.**

- (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.**

## **Conclusion**

Having regard to the above it is considered that the proposed development constitutes both 'works' and 'development' which are exempted development. Regard has been had to Class 6, of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended and Article 9 as amended of the same Regulations.

## Recommendation

The following questions have been referred to the Planning Authority:

Whether the construction of whether the construction of a slatted unit for housing of cattle at Drumanure, Maurice's Mills 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, and 3 of the Planning and Development Act 2000, as amended,
- (b) Class 6, Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (c) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended
- (d) The details and drawing as indicated in submitted documents from the referrer.

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

- (a) the development consisting of the construction of a slatted unit for the housing of cattle constitutes "works" and "development" which come within the scope of sections 2 and 3 of the Planning and Development Act 2000, as amended.
- (b) The said development, consisting of a slatted unit for the housing of cattle, is exempted development having regard to Class 6 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, ~~and Article 9~~ as amended, including the conditions and limitations therein, *and Article 9 of said Regulations.*

Now therefore Clare County Council (Planning Authority), hereby decides that construction of a slatted shed for the housing of cattle at Drumanure, Maurice's Mills is development and is exempted development.



Ellen Carey  
Executive Planner

Date: 6/12/22



Garreth Ruane  
Senior Executive Planner

Date: 07/12/22

### Appropriate Assessment & Determination

STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	Section 5 R22/ 81
(b) Brief description of the project or plan:	slatted shed with underground effluent tank
(c) Brief description of site characteristics:	Agricultural grassland
(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

Bllycullinan lake sac 00016	Annex I habitats: • Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210	5.96km	none	no

- <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.

- Direct emission to air and water
- Surface water runoff containing contaminant or sediment
- 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

none

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.

**Conclusion:** having regard to the separation distance between the subject site and the SAC, and the lack of hydrological connection the proposed development is **not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

	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:	06/ 12/ <del>12</del>	

Ellen Carey.  
**Name: Ellen Carey E.P.**

**Signature and Date of the  
Decision Maker:**

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

29/11/2022 15:04:01

Receipt No. : L1CASH/0/341876  
\*\*\*\*\* REPRINT \*\*\*\*\*

FLAN BARRY  
C/O NIAL GEORGHEGAN  
BALLYBEG  
ENNIS  
CO. CLARE

R22 J1

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

Total : 80.00 EUR

Tendered :  
Cash

Change : 20.00

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

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)



**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	<p>FLAN BARRY DRUMANURE, MAURICESMILLS, Co. CLARE V95X384</p>
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	<p>NIALL GEOGHEGAN BALLYBEG, ENNIS Co. CLARE V95 H796</p>



## 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 SLATTED UNIT FOR THE HOUSING OF CATTLE @ DRUMANURE, MAURICESMILLS, CO. CLARE DEVELOPMENT AND IF SO IS IT EXEMPTED DEVELOPMENT

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

THE APPLICANT IS LOOKING TO BUILD A SLATTED UNIT FOR THE HOUSING OF 16 WEANLON 1 TO 2 YEAR OLD FOR THE WINTER PERIOD. THE APPLICANT IS FARMING 22.2 HECTARE SO IS VERY LOW STOCKING RATIO

THE NEW SLATTED UNIT WILL BE 129.9 SQ. METER FLOOR AREA

HIS EXISTING COW SHED IS 36.0 SQ. METER

PLEASE SEE ATTACHED LETTER OF CONSENT FROM NEIGHBOURING HOUSE WITHIN 100 METERS FROM PROPOSED SLATTED UNIT

- (c) List of plans, drawings etc. submitted with this request for a declaration:  
*(Note: Please provide a site location map to a scale of not less than 1:2500 based on Ordnance Survey map for the areas, to identify the lands in question)*

- ① DRAWINGS OF SLATTED UNIT 1:100
- ② SITE LAYOUT 1:500
- ③ SITE MAP 1:2500
- ④ LAND MAP 1:10560
- ⑤ LETTER OF CONSENT.

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

(a) Postal Address of the Property/Site/Building for which the declaration sought:	<u>DRUMANURE</u> <u>MAURICES MILLS</u> <u>CO. CLARE.</u>
(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	<u>No.</u>
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	<u>APPLICANT IS OWNER</u>
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question:  <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	<u>APPLICANT IS OWNER</u>
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	<u>APPLICANT IS OWNER</u>
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	<u>NO ENFORCEMENT PROCEEDINGS</u>
(g) Were there previous planning application/s on this site? If so please supply details:	<u>No</u>
(h) Date on which 'works' in question were completed/are likely to take place:	<u>APRIL 2023</u>

SIGNED:

Niall Geoghegan  
 NIALL GEOGHEGAN  
 AGENT.

DATE:

25/11/22

### **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:.....			



Drumanure,  
Mauricesmills,  
Co. Clare.  
V95 E5WR

To whom it may concern,

We, Gordan & Noreen Lucas give permission to my Neighbour Flan  
Barry to build a small slatted unit behind their cow shed

Regards,

Gordan Lucas  
Gordan & Noreen Lucas

Date: 26/11/2022

Noreen Lucas

# Site Location Map

FLAN BARRY PROPOSED

SLATED UNIT IN RED

LANDHOLDING IN BLUE



National Mapping Agency

**CENTRE**  
COORDINATES:  
ITM 522146,684192

**PUBLISHED:** ORDER NO.:  
24/11/2022 50304391\_1

**MAP SERIES:** MAP SHEETS:  
6 Inch Raster CE024

**SPREAD LANDS**  
**IN GREEN**

**COMPILED AND PUBLISHED BY:**  
Ordnance Survey Ireland,  
Phoenix Park,  
Dublin 8,  
Ireland.

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

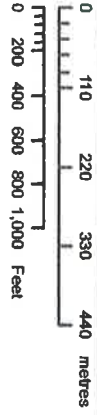
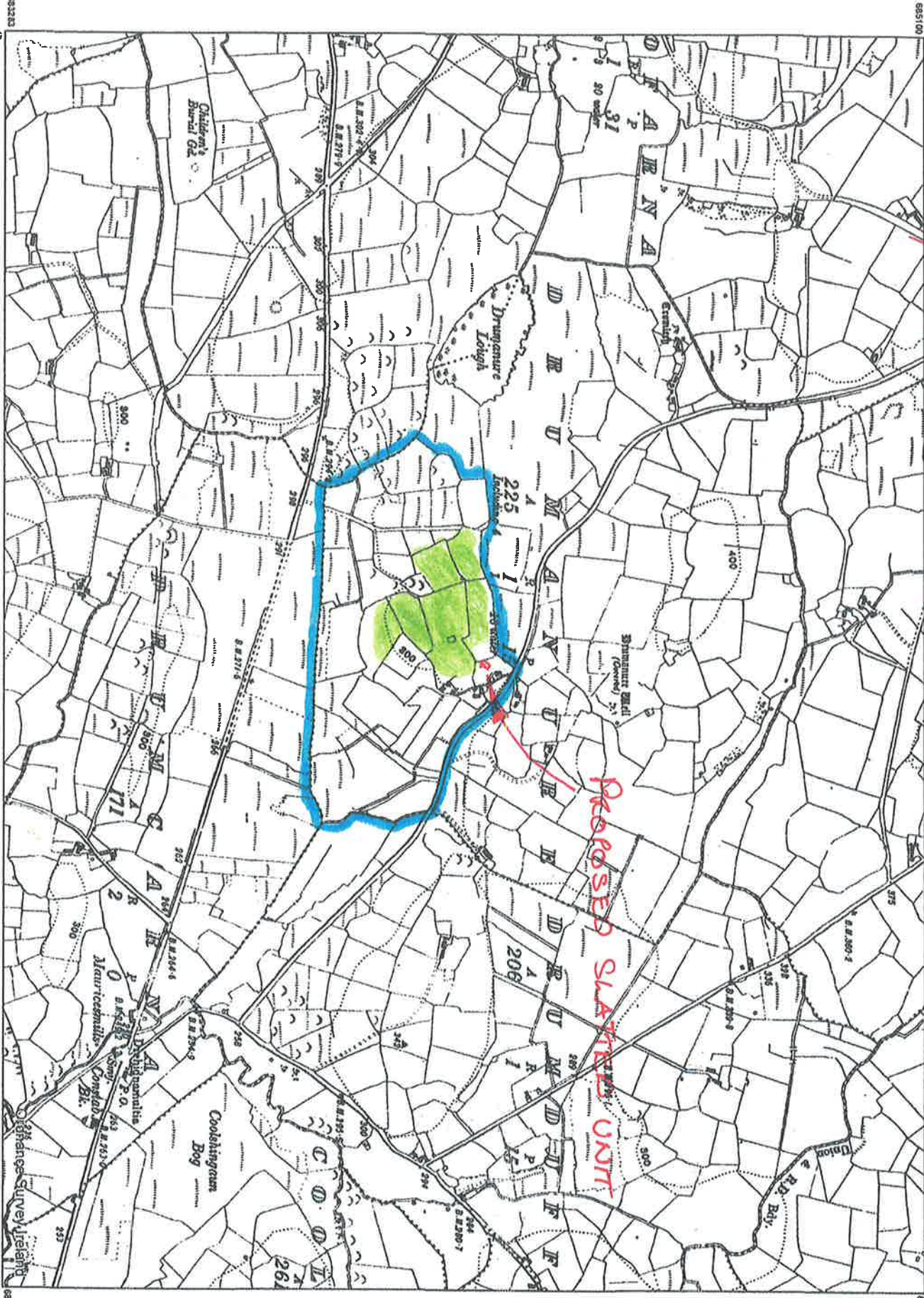
All rights reserved.  
No part of this publication may  
be copied, reproduced  
or transmitted in any form  
or by any means without the prior  
written permission of  
the copyright owners.

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.

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

**LEGEND:**  
<http://www.osi.ie>  
search 'Large Scale Legend'



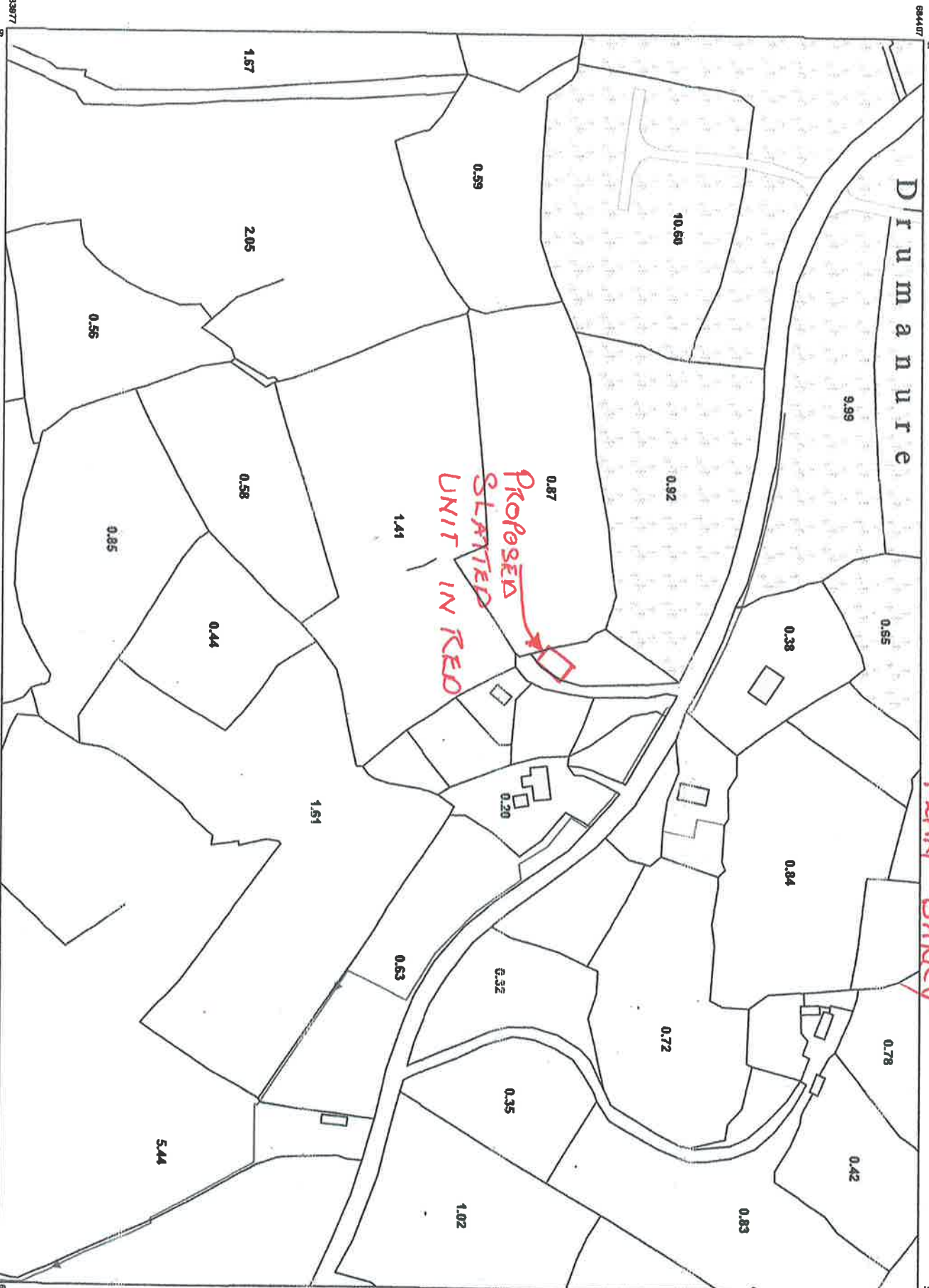
OUTPUT SCALE: 1:10,560

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



# Planning Pack Map

PLAN BARRY



OUTPUT SCALE: 1:2,500



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



National Mapping Agency

**CENTRE COORDINATES:**  
ITM 522146,684192  
**PUBLISHED:** 24/11/2022  
**ORDER NO.:** 50304391\_1  
**MAP SERIES:** 1:5,000  
**MAP SHEETS:** 4145, 4203

**COMPILED AND PUBLISHED BY:**  
Ordnance Survey Ireland,  
Phoenix Park,  
Dublin 8,  
Ireland.

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

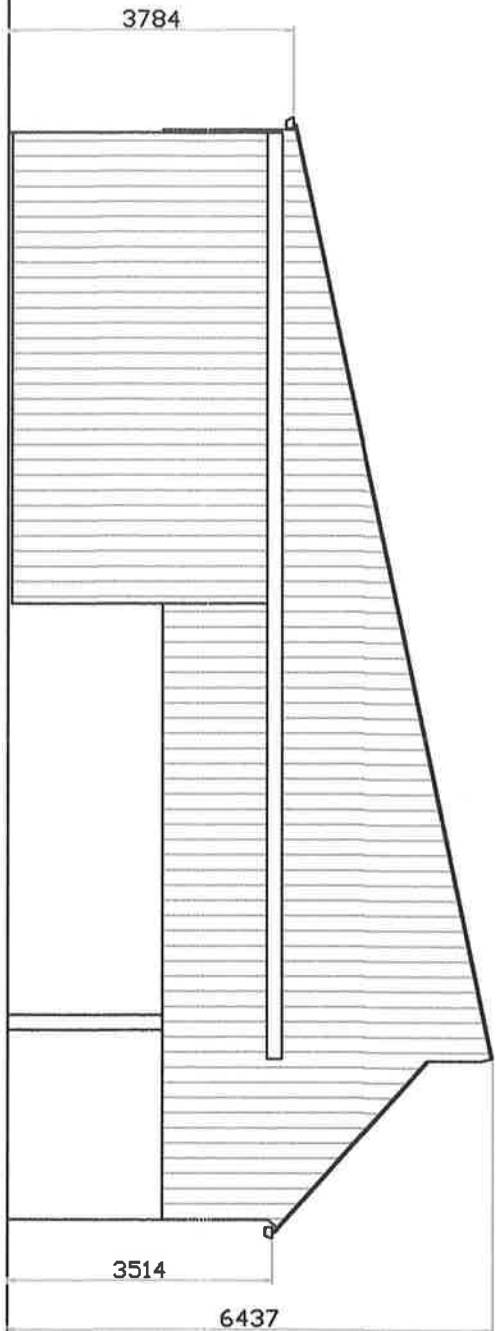
All rights reserved. No part of this publication may be copied, reproduced or translated in any form or by any means without the prior written permission of the copyright owners.

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

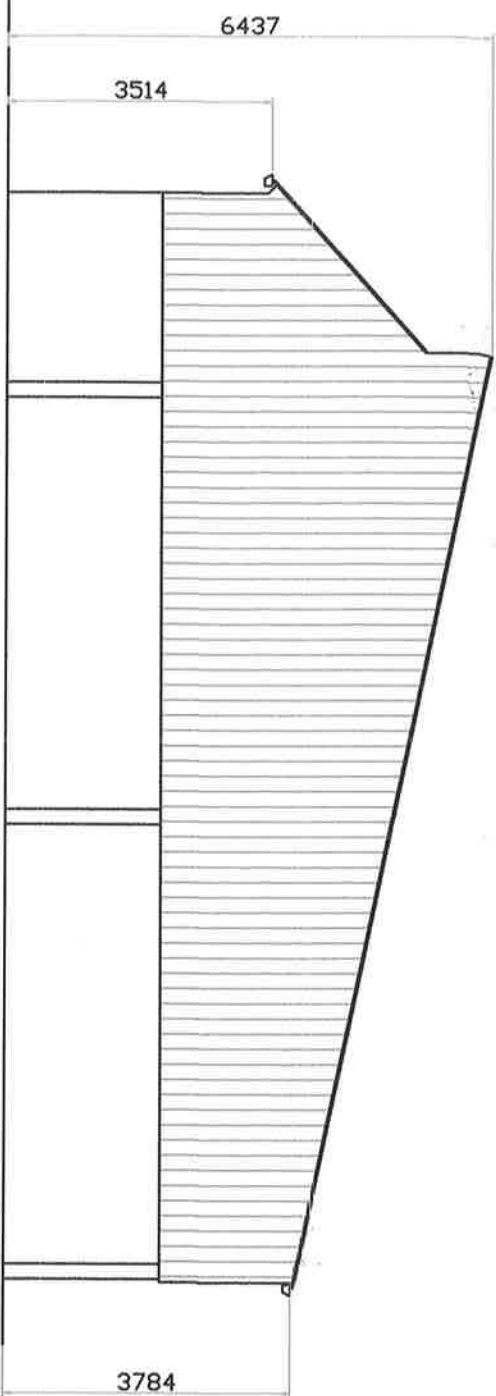
Ordnance Survey maps never show legal property boundaries, nor do they show ownership of physical features.

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

**LEGEND:**  
<http://www.osi.ie>,  
search 'Large Scale Legend'



SOUTH EASTERN ELEVATION



NORTH WESTERN ELEVATION

#### ROOF

\*TEGRAL AGRIBUILD 2000\* STEEL CLADDING OR FIBRE-CEMENT CLADDING ON 150mm x 75mm TREATED TIMBER PURLINES WITH D.P.C. STRIP COVERING ON DIPPED STEEL STANCHIONS TO COMPLY WITH DEPT OF AGRICULTURE SPECIFICATION S.123, S.101 & 102

#### WALLS

TO CONSIST OF EITHER 225mm CONC BLOCK WALL CONSTRUCTION PLASTERED BOTH INTERNALLY & EXTERNALLY OR OF 225mm SHUTTERED SOLID CONC WALL WITH 28 DAY CRUSHING STRENGTH OF 37 N/mm<sup>2</sup> TO COMPLY WITH DEPT OF AGRICULTURE S.101, S.102 & S.123

#### FLOOR

125mm CONC SLAB WITH 28 DAY CRUSHING STRENGTH OF 37 N/mm<sup>2</sup> ON 50mm SAND/DUST BLINDING ON 150mm HARDCORE, TO COMPLY WITH DEPT OF AGRICULTURE S.101, S.123 FOUNDATIONS TO DEPARTMENT SPEC. S.101 & S.123

#### FLAN BARRY

PROPOSED NEW CONSTRUCTION OF A SLATTED UNIT & ASSOCIATED SITE WORKS.

AT DRUMANURE, MAURICESMILLS, CO. CLARE.

SCALE: 1 : 100

DATE: NOV 2022

ALL DIMENSIONS IN MILLIMETERS UNLESS OTHERWISE STATED

DWG'S PREP. BY : NIAL GEORGEHAN  
ADDRESS: BALLYBEG, ENNIS,  
MOBILE : 087 2061697

**ROOF**

"TEGRAL AGRIBUILD 2000" STEEL CLADDING OR  
FIBRE-CEMENT CLADDING ON 150mm x 75mm TREATED TIMBER  
PURLINES WITH D.P.C. STRIP  
COVERING ON DIPPED STEEL STANCHIONS TO COMPLY  
WITH DEPT OF AGRICULTURE SPECIFICATION S.123, S.101 & 102

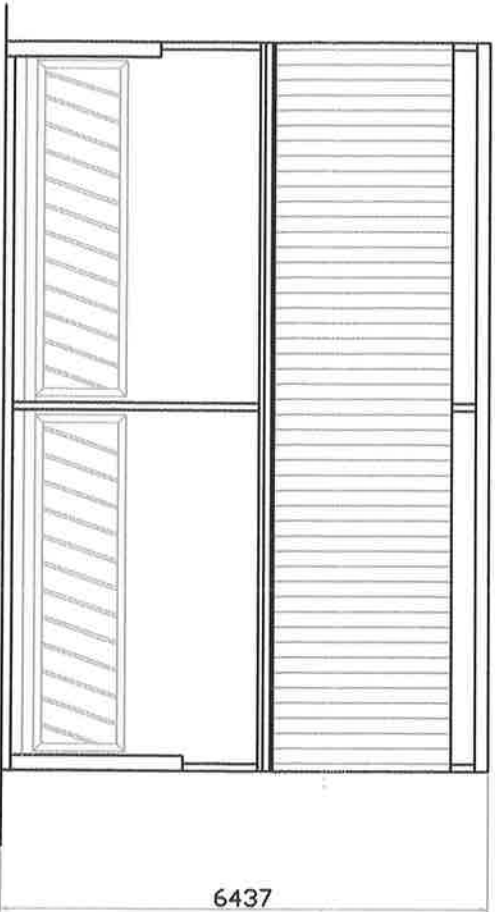
**WALLS**

TO CONSIST OF EITHER 225mm CONC BLOCK WALL CONSTRUCTION  
PLASTERED BOTH INTERNALLY & EXTERNALLY OR OF 225mm  
SHUTTERED SOLID CONC WALL WITH 28 DAY CRUSHING  
STRENGTH OF 37 N/mm<sup>2</sup> TO COMPLY WITH DEPT OF AGRICULTURE  
S.101, S.102 & S.123

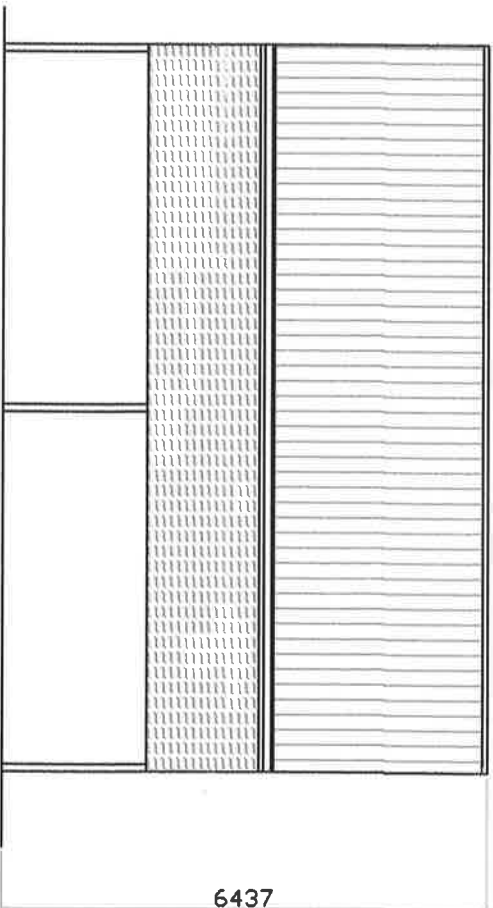
**FLOOR**

125mm CONC SLAB WITH 28 DAY CRUSHING STRENGTH OF 37 N/mm<sup>2</sup>  
ON 50mm SAND/DUST BLINDING ON 150mm HARDCORE.  
TO COMPLY WITH DEPT OF AGRICULTURE S.101, S.123

FOUNDATIONS TO DEPARTMENT SPEC. S.101 & S.123



NORTH EASTERN ELEVATION



SOUTH WESTERN ELEVATION

FLAN BARRY

PROPOSED NEW CONSTRUCTION OF  
A SLATED UNIT  
& ASSOCIATED SITE WORKS.

AT DRUMANURE,  
MAURICESMILLS, CO. CLARE.

SCALE: 1 : 100

DATE: NOV 2022

ALL DIMENSIONS IN MILLIMETERS  
UNLESS OTHERWISE STATED

DRG'S PREP. BY : NIALL GEOGHEGAN  
ADDRESS: BALLYBEG, ENNIS.  
MOBILE : 087 2061697

**ROOF**

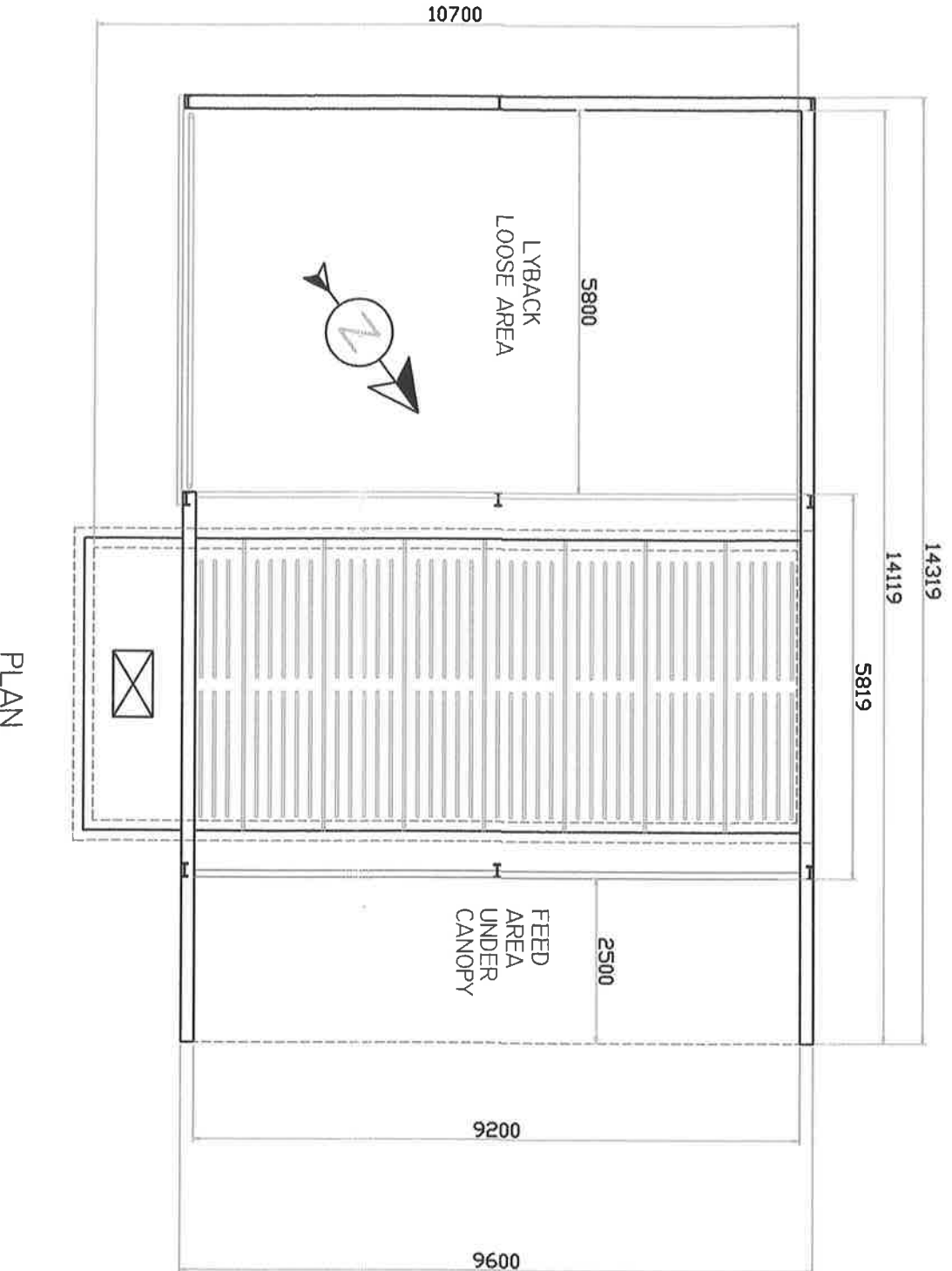
"TEGRAL AGRIBUILD 2000" STEEL CLADDING OR  
FIBRE-CEMENT CLADDING ON 150mm x 75mm TREATED TIMBER  
PURLINES WITH D. P. C. STRIP  
COVERING ON DIPPED STEEL STANCHIONS TO COMPLY  
WITH DEPT OF AGRICULTURE SPECIFICATION S.123, S.101 & 102

**WALLS**

TO CONSIST OF EITHER 225mm CONC BLOCK WALL CONSTRUCTION  
PLASTERED BOTH INTERNALLY & EXTERNALLY OR OF 225mm  
SHUTTERED SOLID CONC WALL WITH 28 DAY CRUSHING  
STRENGTH OF 37 N/mm<sup>2</sup> TO COMPLY WITH DEPT OF AGRICULTURE  
S.101, S.102 & S.123

**FLOOR**

125mm CONC SLAB WITH 28 DAY CRUSHING STRENGTH OF 37 N/mm<sup>2</sup>  
ON 50mm SAND/DUST BLINDING ON 150mm HARD CORE.  
TO COMPLY WITH DEPT OF AGRICULTURE S.101, S.123  
FOUNDATIONS TO DEPARTMENT SPEC. S.101 & S.123



PLAN

**FLAN BARRY**

PROPOSED NEW CONSTRUCTION OF  
A SLATTED UNIT  
& ASSOCIATED SITE WORKS.

AT DRUMANURE,  
MAURICESMILLS, CO. CLARE.

SCALE: 1 : 100

DATE: NOV 2022

ALL DIMENSIONS IN MILLIMETERS  
UNLESS OTHERWISE STATED

DRG'S PREP. BY : NIAL GEORGEAN  
ADDRESS: BALLYBEG, ENNIS,  
MOBILE : 087 2061697

**ROOF**

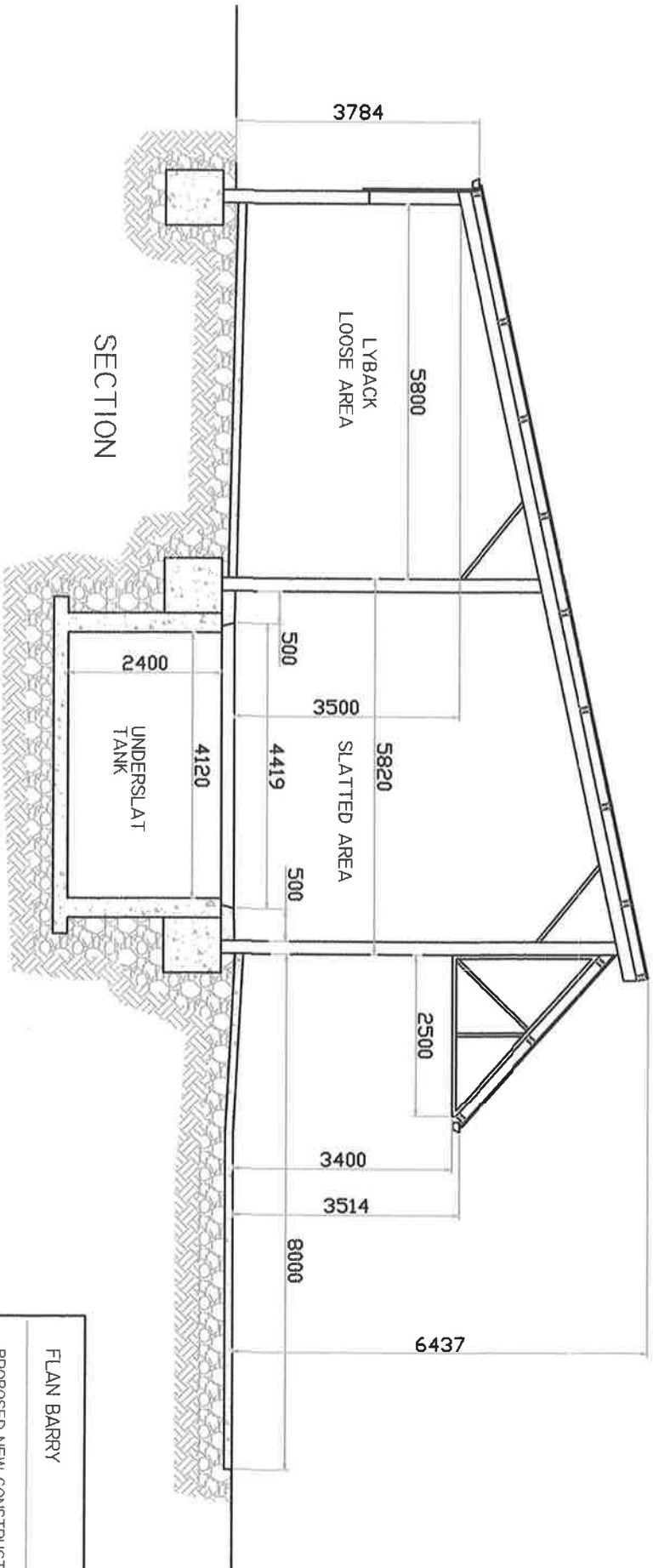
TERRAL AGRIBUILD 2000" STEEL CLADDING OR  
FIBRE-CEMENT CLADDING ON 150mm x 75mm TREATED TIMBER  
PURLINES WITH D.P.C. STRIP  
COVERING ON DIPPED STEEL STANCHIONS TO COMPLY  
WITH DEPT OF AGRICULTURE SPECIFICATION S.123, S.101 & 102

**WALLS**

TO CONSIST OF EITHER 225mm CONC BLOCK WALL CONSTRUCTION  
PLASTERED BOTH INTERNALLY & EXTERNALLY OR OF 225mm  
SHUTTERED SOLID CONC WALL WITH 28 DAY CRUSHING  
STRENGTH OF 37 N/mm<sup>2</sup> TO COMPLY WITH DEPT OF AGRICULTURE  
S.101, S.102 & S.123

**FLOOR**

125mm CONC SLAB WITH 28 DAY CRUSHING STRENGTH OF 37 N/mm<sup>2</sup>  
ON 50mm SAND/DUST BLINDING ON 150mm HARDCORE.  
TO COMPLY WITH DEPT OF AGRICULTURE S.101, S.123  
FOUNDATIONS TO DEPARTMENT SPEC. S.101 & S.123  
TO ENGINEERS DETAIL.



**FLAN BARRY**

PROPOSED NEW CONSTRUCTION OF  
A SLATTED UNIT  
& ASSOCIATED SITE WORKS.

AT DRUMANURE,  
MAURICESMILLS, CO. CLARE.

SCALE: 1 : 100

DATE: NOV 2022

ALL DIMENSIONS IN MILLIMETERS  
UNLESS OTHERWISE STATED

DWG'S PREP. BY : WALL GEOGHEGAN  
ADDRESS: BALLYBEG, ENNIS.  
MOBILE : 087 2061697

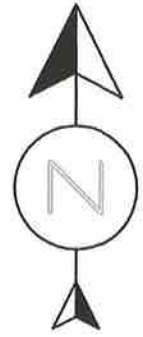
APPLICANTS  
DWELLING (RESIDENCE)

TO NEIGHBOURING  
DWELLING

FARM BUILDING SCHEDULE:

- 1 = PROPOSED SLATTED UNIT 14.119x9.2 = AREA 129.9 SQ. METERS
- 2 = UNDERSLAT TANKS FOR (No.1) 4.12x2.4x10.7 = VOLUME 105.8 CUBIC METERS
- 3 = CATTLE CRUSH
- 4 = EXISTING COW SHED 8.0x4.5 = AREA 36.0 SQ. METERS

73078



PROPOSED SLATTED UNIT  
IN RED

DWELLING BELONGING  
TO APPLICANT

MAP REFERENCE  
4145 / 4203

FLAN BARRY

PROPOSED NEW CONSTRUCTION OF  
A SLATTED UNIT  
& ASSOCIATED SITE WORKS.

AT DRUMANURE,  
MAURICESMILLS, Co. CLARE.

SCALE: 1 : 500

DATE: NOV 2022

ALL DIMENSIONS IN MILLIMETERS  
UNLESS OTHERWISE STATED

DRG'S PREP. BY : NIALl GEOGHEGAN  
ADDRESS: BALLYBEG, ENNIS.  
MOBILE : 087 2061697

DOMESTIC STORE