



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**Mark Quinton
2 Gleann an Oir
Shannon
Co. Clare
V14 D215**

26th April 2023

Section 5 referral Reference R23-22 – Mark Quinton

Is the sunroom / extension built onto my property at 2 Gleann an Oir, Tullyvarraga, Shannon, Co. Clare, V14 D215 development, and if so, is it considered exempted development?

A Chara,

I refer to your application received on 31st March 2023 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

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

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

Mise, le meas

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

**An Roinn Pleanála
An Stiúirtheacht 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.: R23-22



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R23-22

Is the sunroom / extension built onto my property at 2 Gleann an Oir, Tullyvarraga, Shannon, Co. Clare, V14 D215 development, and if so, is it considered exempted development?

AND WHEREAS, Mark Quinton has requested a declaration from Clare County Council on the said question.

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

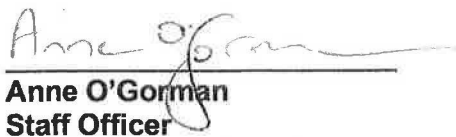
- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The works as indicated in submitted documents from the referrer.

And whereas Clare County Council has concluded:

- (a) The construction of a sunroom/extension 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) Based on the application submitted and associated documentation, the said construction of a sunroom/extension to the rear of the property at 2 Gleann an Oir, Tullyvarraga, Shannon, Co. Clare is exempted development, having regard to Class 1 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

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

The proposed development consisting of the construction of a sunroom/extension to the rear of the property at 2 Gleann an Oir, Tullyvarraga, Shannon, Co. Clare constitutes development which is exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

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

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

26th April 2023

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:

8/643

Reference Number:

R23-22

Date Referral Received:

31st March 2023

Name of Applicant:

Mark Quinton

Location of works in question:
Clare

2 Gleann an Oir, Tullyvarraga, Shannon, Co.

Section 5 referral Reference R23-22 – Mark Quinton

Is the sunroom / extension built onto my property at 2 Gleann an Oir, Tullyvarraga, Shannon, Co. Clare, V14 D215 development, and if so, is it considered exempted development?

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The works as indicated in submitted documents from the referrer.

AND WHEREAS Clare County Council has concluded:

- (a) The construction of a sunroom/extension 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) Based on the application submitted and associated documentation, the said construction of a sunroom/extension to the rear of the property at 2 Gleann an Oir, Tullyvarraga, Shannon, Co. Clare is exempted development, having regard to Class 1 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

ORDER: Whereas by Chief Executive's Order No. HR 152 dated 9th April 2021, Pat Dowling, Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate

to Gareth Ruane, Senior Executive Planner, the powers, functions and duties as set out herein,

NOW THEREFORE pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the referral described above, I, Gareth Ruane, Senior Executive Planner, hereby declare that the construction of a sunroom/extension to the rear of the property at 2 Gleann an Oir, Tullyvarraga, Shannon, Co. Clare is **considered development** which is **exempted development**.

Signed:


GARETH RUANE
SENIOR EXECUTIVE PLANNER 

Date:

26th April 2023

CLARE COUNTY COUNCIL

SECTION 5 REFERRAL

Reference No: R23-22

Applicant: Mark Quinton

Location: 2 Gleann an Oir, Tullyvarrage

Proposal: Whether the construction of a sunroom/extension to the rear of the property at 2 Gleann an Oir, Tullyvarga, Shannon, Co. Clare is considered to be development and if so, is it exempted development.

Due Date: 27.04.2023

This proposal is a request for a declaration under Section 5 of the Planning and Development Act, 2000 as amended to determine whether or not the following constitutes development and if so, if it is exempted development.

Whether the construction of a sunroom/extension to the rear of the property at 2 Gleann an Oir, Tullyvarga, Shannon, Co. Clare is considered to be development and if so, is it exempted development.

Planning History

Parent file: 99-2263

Details Submitted

- Completed application form
- Site location maps.
- Photographs.
- Details of dimensions.

I note that no drawings have been submitted with the proposal, but that the development is stated to be 18.72sqm, and single storey in nature.

Background

Planning and Development Act, 2000 (as amended)

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

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

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

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

Planning & Development Regulations, 2001, as amended

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

Class 1

The extension of a house, by the construction or erection of an extension to the rear of the house or by the conversion for use as part of the house of any garage, store shed or other similar structure attached to the rear or to the side of the house.

Schedule 2, Article 6, Part 1 of the Planning and Development Regulations 2001 (as amended) sets out the following classes of exempted development:

Column 1 Description of Development	Column 2 Conditions & Limitations
<i>Development within the curtilage of a house</i> Class 1	1. (a) Where the house has not been extended previously, the floor area of any

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

such extension shall not exceed 40 square metres.

(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including

	<p>those for which planning permission has been obtained, shall not exceed 20 square metres.</p> <p>3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</p> <p>4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.</p> <p>(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.</p> <p>(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.</p> <p>5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.</p> <p>6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</p> <p>(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</p>
--	--

	<p>c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p>
--	--

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.

Considerations

Class 1

The extension of a house, by the construction or erection of an extension to the rear of the house or by the conversion for use as part of the house of any garage, store shed or other similar structure attached to the rear or to the side of the house.

Assessment

Article 9 sets out restrictions on exemptions.

Schedule 2, Article 6, Part 1 of the Planning and Development Regulations 2001 (as amended) sets out the following classes of exempted development:

Column 1 Description of Development	Column 2 Conditions & Limitations
<p><i>Development within the curtilage of a house</i></p> <p>Class 1 The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.</p>	<p>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>Based on my site inspection, the house does not appear to have been extended previously. The extension is less than 40sqm (c.18.7sqm).</p> <p>(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.</p> <p>The house is semi-detached. The extension is single storey in nature.</p> <p>(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.</p> <p>The house is semi-detached.</p> <p>2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.</p>

	<p>The house has not been extended previously. Extension constructed is under 40sqm.</p> <p>(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.</p> <p>Ground level extension only.</p> <p>(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.</p> <p>House is semi detached.</p> <p>3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</p> <p>N/A</p> <p>4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.</p> <p>The extension is to the rear of the dwelling, and the height of the walls do not exceed the height of the rear wall of the house.</p>
--	--

	<p>(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.</p> <p>N/A. The rear wall of the house does not include a gable.</p> <p>(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.</p> <p>The roof of the extension does not exceed the height of the highest part of the roof of the dwelling.</p> <p>5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.</p> <p>The extension does not reduce the private open space to less than 25sqm.</p> <p>6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</p> <p>The ground level windows appear are further than 1m from the boundary they face.</p> <p>(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</p> <p>No windows are proposed above ground level.</p>
--	---

	<p>c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.</p> <p>Not above ground level.</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p> <p>The roof is a flat roof but is not being used as a balcony/roof garden.</p>
--	--

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 **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, **Not applicable.**

(iii) endanger public safety by reason of traffic hazard or obstruction of road users, **Not applicable.**

(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. **Not applicable**

(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, **Not applicable.**

(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, **Not applicable.***
*(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, **Not applicable.***

*(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.” **Not applicable.***

*(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, **Not applicable.***

*(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, **Not applicable.***

*(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, **Not applicable***

*(xi) obstruct any public right of way, **Not applicable.***

*(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. **Not applicable.***

Site Inspection

A site inspection was conducted, where I noted that the development to be as described. I note that the application form states that the development has been in place for approximately 14 years.

Conclusions

The following question has been referred to the Planning Authority:

Whether the construction of a sunroom/extension to the rear of the property at 2 Gleann an Oir, Tullyvarga, Shannon, Co. Clare is considered to be development and if so, is it exempted development.

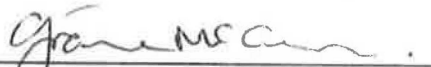
The Planning Authority in considering this referral had regard to:


- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,*
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended*
- (c) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.*
- (d) The works as indicated in submitted documents from the referrer.*

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

- (a) The construction of a sunroom/extension 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) based on the application submitted and associated documentation, the said construction of a sunroom/extension to the rear of the property at 2 Gleann an Oir, Tullyvarga, Shannon, Co. Clare is exempted development, having regard to Class 1 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

Now therefore Clare County Council (Planning Authority), hereby decides that the construction of a sunroom/extension to the rear of the property at 2 Gleann an Oir, Tullyvarga, Shannon, Co. Clare is development and is exempted development.


Name: Grainne McCormack
Assistant Planner
Date 26.04.2023


Name: Garreth Ruane
Senior Executive Planner
Date 26/04/23

Appropriate Assessment & Determination

STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	R23-22
(b) Brief description of the project or plan:	Existing extension to rear of dwelling
(c) Brief description of site characteristics:	Existing residential
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	n/a

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 ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Special Area of Conservation: Lower River Shannon SAC 002165	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glaucopuccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] Molinia meadows on calcareous, peaty or clayey-	575m	none	y

	silt-laden soils (Molinion caeruleae) [6410] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Tursiops truncatus (Common Bottlenose Dolphin) [1349] Lutra lutra (Otter) [1355]			
Special Protection Areas: River Shannon and River Fergus Estuaries SPA 004077	Cormorant (Phalacrocorax carbo) [A017] Whooper Swan (Cygnus cygnus) [A038] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Wigeon (Anas penelope) [A050] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Shoveler (Anas clypeata) [A056] Scaup (Aythya marila) [A062] Ringed Plover (Charadrius hiaticula) [A137] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Lapwing (Vanellus vanellus) [A142] Knot (Calidris canutus) [A143]	575m	none	y

¹ Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.

² 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"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	Given the distance to European sites and the small scale and domestic nature of the development, no impacts foreseen. Development was constructed c.14 years ago.
Operational phase e.g. <ul style="list-style-type: none"> • 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 	Given the distance to European sites and the small scale and domestic nature of the development, no impacts foreseen. Development was constructed c.14 years ago.
In-combination/Other	none

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

Examples of the type of changes to give consideration to include: <ul style="list-style-type: none"> • 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

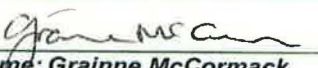
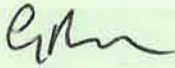
Step 4. Screening Determination Statement

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.

none

Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain 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) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	 Name: Grainne McCormack Assistant Planner 26.04.2023	
Signature and Date of the Decision Maker:	 26/04/23	



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Mark Quinton
2 Gleann an Oir
Shannon
Co. Clare
V14 D215

05/04/2023

Section 5 referral Reference R23-22 – Mark Quinton

Is the sunroom / extension built onto my property at 2 Gleann an Oir, Tullyvarraga, Shannon, Co. Clare, V14 D215 development, and if so, is it considered exempted development?

A Chara,

I refer to your application received on 31st March 2023 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

Please note that the Planning Authority is considering the matter and a reply will issue to you in due course.

Mise, le meas

Brian Fahy
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



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

31/03/2023 15:55:16

Receipt No. : L1CASH/0/347478

***** REPRINT *****

MARK QUINTON
2 GLEANN AN OIR
SHANNON
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 - 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
Website: www.clarecoco.ie



R23-22

**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	MARK QUINTON 2 GLEANN AN OIR SHANNON CO. CLARE V14 D215
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	_____ _____ _____ _____ _____

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 sunroom/extension built onto my property at 2, Gleann an Oir, Tullyvarraga, Shannon, Co. Clare, V14D215 development, and if so is it exempted development?

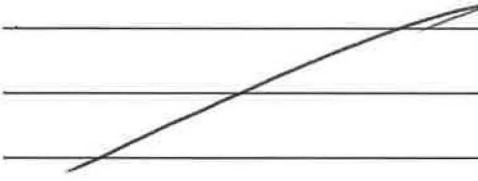
- (b) Provide a full description of the question/matter/subject which arises wherein a declaration of the question is sought.

I HAD A SUNROOM/EXTENSION BUILT ONTO MY PROPERTY AT 2, GLEANN AN OIR, TULLYVARRAGA SHANNON (V14D215) APPROX 14 YEARS AGO BUILT OUT THE BACK GARDEN BY AIMER CONSTRUCTION, A LOCAL BUILDER AT THAT TIME (2009). CLARE COUNCIL PLANNING DEPT WERE CONTACTED BY PHONE AND ASKED WHETHER PLANNING PERMISSION WAS REQUIRED AND A FULL DESCRIPTION OF THE EXTENSION WAS GIVEN. COUNCIL INFORMED US, AS THERE'S NO CHANGES BEEN MADE TO THE FRONT ASPECT OF THE HOUSE AND ITS A SUNROOM ADDITION TO THE REAR OF THE PROPERTY, PLANNING PERMISSION WAS NOT REQUIRED. THE SIZE OF THE EXTENSION IS $4.8m \times 3.9m = 18.72m$. IT HAS 5 LARGE DOUBLE GLAZED PVC WINDOWS ($1.52m \times 0.74m$) AND DOUBLE FRAME PVC DOUBLE GLAZED DOOR ACCESS TO THE BACK GARDEN ($1.75m \times 2.08m$), SOLID CAVITY WALL (INSULATED) WITH SLAB / RAFT FOUNDATION. TWO DOUBLE RADIATORS AND FOUR DOUBLE OUTLET PLUG SOCKETS. 8 HALOGEN BULBS LIGHT FITTINGS.

- (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)

MAPS ARE PROVIDED. HOWEVER I DON'T HAVE THE PLANS OF THE SUNROOM AS CONSIDERABLE TIME HAS PASSED AND AIMER CONSTRUCTION NO LONGER OPERATE. PHOTOS ARE ALSO PROVIDED, AND I THINK 5 HOUSES ON THE SAME BLOCK HAVE THE SAME SUNROOM ATTACHED TO THE REAR OF THE PROPERTIES. ALL BUILT BY THE SAME CONTRACTOR.

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

(a) Postal Address of the Property/Site/Building for which the declaration sought:	2 GLENNAN AV OIR TULLY VARRAGE SHANNON Co CLARE
(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	No
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	MARK BUNTON 2 GLENNAN AV OIR, TULLYVARRAGE, SHANNON, Co. CLARE
(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:	COMPLETED IN SEPTEMBER 2009

SIGNED:



DATE:

31-MAR-2023

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:			

Original from Purchase of Our Home

Surveyed 1977
Revised 2000
Levelled 1976

Urban PLACE Map



161841

161841

DESCRIPTION

Sports Ground
Site

- | No | AREA |
|----|----------------|
| 1 | 0.11 Acre Cice |
| 2 | 0.08 Acre Cice |
| 3 | 0.08 Acre Cice |
| 4 | 0.08 Acre Cice |
| 5 | 0.08 Acre Cice |
| 6 | 0.08 Acre Cice |
| 7 | 0.08 Acre Cice |
| 8 | 0.08 Acre Cice |
| 9 | 0.08 Acre Cice |
| 10 | 0.08 Acre Cice |
| 11 | 0.08 Acre Cice |
| 12 | 0.08 Acre Cice |
| 13 | 0.08 Acre Cice |
| 14 | 0.08 Acre Cice |
| 15 | 0.08 Acre Cice |
| 16 | 0.08 Acre Cice |
| 17 | 0.08 Acre Cice |
| 18 | 0.08 Acre Cice |
| 19 | 0.08 Acre Cice |
| 20 | 0.08 Acre Cice |
| 21 | 0.08 Acre Cice |
| 22 | 0.08 Acre Cice |
| 23 | 0.08 Acre Cice |
| 24 | 0.08 Acre Cice |
| 25 | 0.08 Acre Cice |
| 26 | 0.08 Acre Cice |
| 27 | 0.08 Acre Cice |
| 28 | 0.08 Acre Cice |

MAP SCALES

1:1000
4618-07 4618-12



Suirbhreacht Ordánais Éireann, Páirc an hIonannais, Baile Átha Cliath a thionsaigh a chaisleán agus a d'fhóidigh.
Compiled, printed and published by Ordnance Survey Ireland, Phoenix Park, Dublin.

Ní hionann bódhar, báilich nó cosán a bheith ar an map ná ar an t-ádh. Ní bfuil sé ag cur tairne ar chaisleán.
The representation on this map of a road, track or footpath is not evidence of the existence of any of way.

Danachas ar mhacasmhail an t-ionann na son chuid de gach chuid roimh na 0.1 Acre Shuirbhreacht Ordánais Éireann.
Reproduction in whole or in part is prohibited without the prior permission of the Director of Ordnance Survey Ireland.

© Bualas na hÉireann 2000
© Government of Ireland 2000

413

LAND REGISTRY

Scheme Map Approved For Registration Purposes

Warning

If this approved scheme map is altered difficulties and delays will arise. Please inform the Registrar immediately of the proposed changes to the map.
Dated 15th of Aug 1992 2000

[Signature]
Chief Superintendent Mapping Branch

APPROVED FOR SITES 1 TO 28 ONLY

Scale: - 1:1000
Scale: - 1:1000

50 40 30 20 10 0
100 50 0
50 Metres
100 Feet

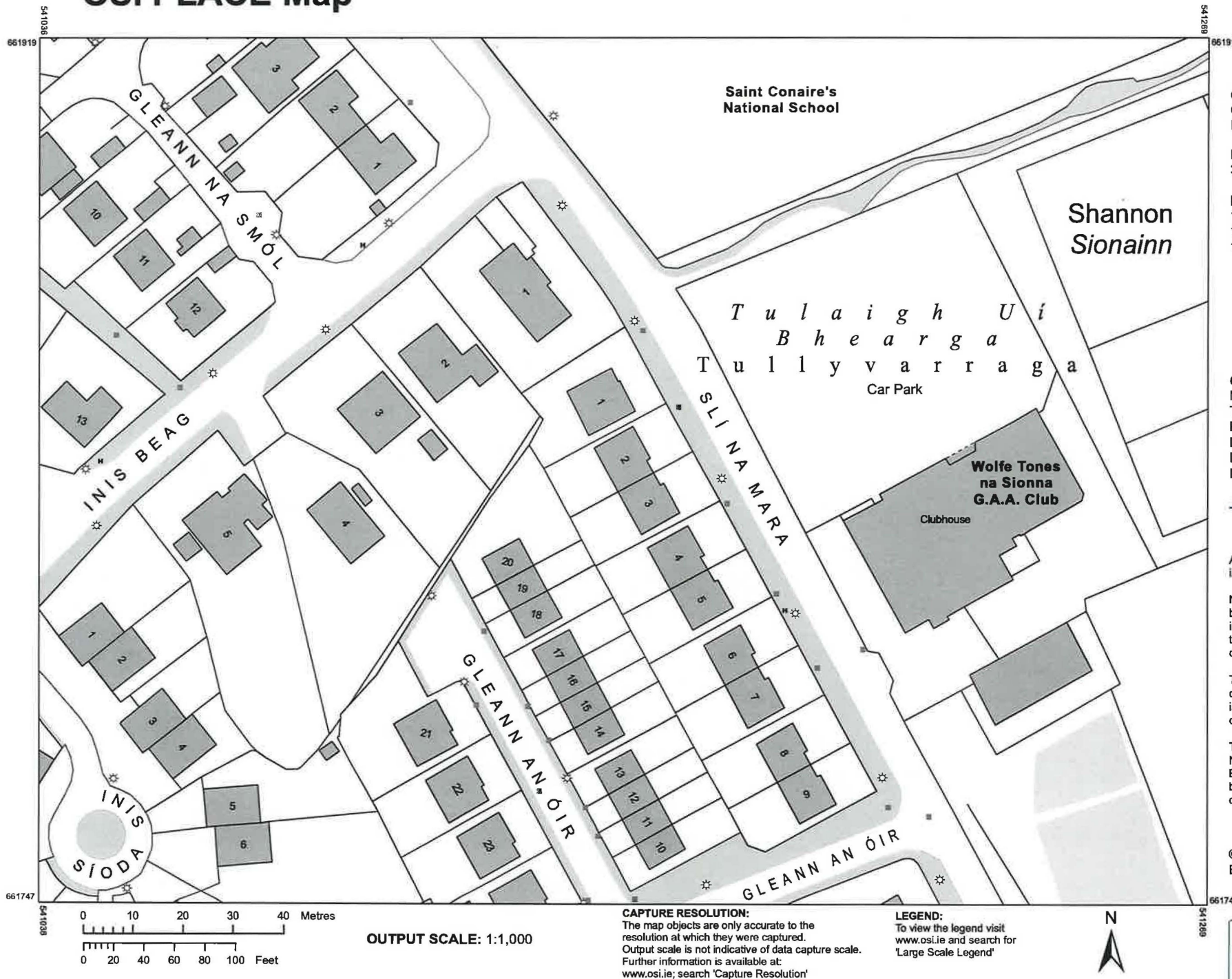
Plot Ref. No. 147079_1_2
Plot Date 24-JUL-2000

161597

OSi PLACE Map



**Tailte
Éireann**



**CENTRE
COORDINATES:**
ITM 541153,661833

PUBLISHED: 30/03/2023
ORDER NO.: 50326462_1

MAP SERIES: 1:1,000
1:1,000
1:2,500
MAP SHEETS: 4618-07
4618-12
4618-A

COMPILED AND PUBLISHED BY:
National Mapping Division of
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

www.tailte.ie

Any unauthorised reproduction
infringes Tailte Éireann copyright.

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 owner.

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

Topographic maps produced by the
National Mapping Division of Tailte
Éireann never show legal property
boundaries, nor do they show
ownership of physical features.

© National Mapping Division of Tailte
Éireann, 2023. All rights reserved.

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:
www.osi.ie; search 'Capture Resolution'

LEGEND:
To view the legend visit
www.osi.ie and search for
'Large Scale Legend'



This map was produced by
the National Mapping Division
of Tailte Éireann, formerly
Ordnance Survey Ireland (OSi)



