



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Registered Post**

**Derek Murphy & Niamh Wiley  
c/o Tony O'Leary  
Whitegate  
Co. Clare  
V94 A2K2**

**3rd August 2023**

**Section 5 referral Reference R23-49 – Derek Murphy & Niamh Wiley**

Is the construction of an open storage shed within existing farmyard development and if so is it exempted development?

A Chara,

I refer to your application received on 13th July 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](http://www.pleanala.ie)

Mise, le meas

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

**An Roinn Pleanála  
An Stiúrthóireacht Forbairt Gheilleagrach**  
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

**Planning Department  
Economic Development Directorate**  
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



**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:**

82183

**Reference Number:**

**R23-49**

**Date Referral Received:**

**13th July 2023**

**Name of Applicant:**

**Derek Murphy & Niamh Wiley**

**Location of works in question:**

**Tobernagat, Scariff, Co. Clare**

**Section 5 referral Reference R23-49 – Derek Murphy & Niamh Wiley**

Is the construction of an open storage shed within existing farmyard development and if so is it exempted development?

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Class 9 of Schedule 2, Part 3 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 development of an open storage shed at Tobernagat, Scariff, Co. Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- (c) The said development of an open storage shed at Tobernagat, Scariff, Co. Clare is exempted development having regard to Schedule 2, Part 3, Class 9 of the Planning and Development Regulations, 2001 (as amended).

**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, Kieran O'Donnell, Administrative Officer, hereby declare that the construction of an open storage shed at Tobernagat, Scariff, Co. Clare is considered development which is exempted development.

**Signed:**

  
KIERAN O'DONNELL  
ADMINISTRATIVE OFFICER *A.O.*

**Date:**

**3rd August 2023**

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

**Reference No.: R23-49**



Comhairle Contae an Chláir  
Clare County Council

**Section 5 referral Reference R23-49**

**Is the construction of an open storage shed within existing farmyard development and if so is it exempted development?**

**AND WHEREAS, Derek Murphy & Niamh Wiley** 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 9 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended;
- (d) The works as indicated in submitted documents from the referrer.

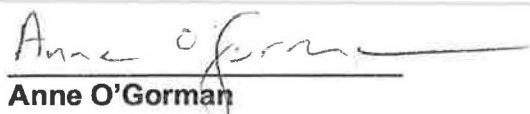
**And whereas Clare County Council has concluded:**

- (a) the development of an open storage shed at Tobernagat, Scariff, Co. Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- (c) The said development of an open storage shed at Tobernagat, Scariff, Co. Clare is exempted development having regard to Schedule 2, Part 3, Class 9 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 an open storage shed at Tobernagat, Scariff, Co. Clare constitutes development which is exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.





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

**3rd August 2023**

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

<b>FILE REF:</b>	R23-49
<b>APPLICANT(S):</b>	Derek Murphy and Niamh Wiley
<b>REFERENCE:</b>	Whether the construction of an open storage shed within an existing farmyard is or is not development and is or is not exempted development.
<b>LOCATION:</b>	Tobernagat, Scariff, Co. Clare
<b>DUE DATE:</b>	08/08/2023

**Site Location**

The proposal site is located in a rural area approximately 2km north of Scariff. The site is accessed from a local road. The private driveway diverges just inside the entrance gate, with the subject agricultural yard located to the south of the entrance and the associated dwelling to the north.

The existing agricultural yard comprises a stable block, slatted shed, machinery store and a concrete yard area.

**Recent Planning History**

P18/396 Derek Murphy granted permission to construct a slatted shed, manure pit and associated site works.  
P02/1858 – Derek Murphy and Niamh Wiley granted permission to construct dwelling house, septic tank, percolation area, bored well & associated driveway.

**Background to Referral**

This Referral under Section 5(1) of the Planning and Development Act 2000 (as amended) has been made by Derek Murphy and Niamh Wilery. They state that they are the full owners of the property.

The applicants are seeking a Section 5 Declaration as to whether the construction of an open storage shed within an existing farmyard is or is not development and is or is not exempted development. The proposed shed will be a roofed structure between the existing slatted shed and the existing stables. The open area between the two existing structure is partially walled at present and the existing walls will form the rear and side wall of the proposed new shed. The submitted drawings indicate that the shed will be used to store hay and stray and for general storage purposes.

**Statutory Provisions**

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

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

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

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

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

Planning & Development Regulations, 2001, as amended

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

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 9

Works consisting of the provision of any store, barn, shed, glasshouse or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

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 applicants are seeking a Section 5 Declaration as to whether the construction of an open storage shed at Tobernagat, Scariff, Co. Clare is or is not development and is or is not exempted development.

### Particulars of Proposal

The particulars of the proposal and site are set out below:

- Height Lean-to roof. Maximum height 6.3m
- Proposed Floor Area Approx. 120m<sup>2</sup> (measured off drawings –floor area not stated)
- Distance from public road Greater than 10 metres
- Distance from dwellings > 100m

The referral relates to an agricultural storage shed which, as stated in the referral documents, will be used to store hay and straw and for general storage purposes. The proposed development is therefore assessed in the context of Schedule 1, Part 3, Class 9 of the Planning and Development Regulations.

*Works consisting of the provision of any store, barn, shed, glasshouse or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.*

The proposed shed does not meet the description of development set out under Classes 6, 7 or 8. The applicants propose a storage shed, the floor area of which is less than 300m<sup>2</sup>

*1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.*

The shed is intended for agricultural storage purposes and will not be used for housing animals or effluent.

*2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.*

This limitation is not exceeded. The existing slatted shed on the site has a floor area of 236m<sup>2</sup> and the existing stables building has a floor area of 68m<sup>2</sup>.

*3. No such structure shall be situated within 10 metres of any public road.*

The proposed shed is approximately 85m from the public road.

4. *No such structure within 100 metres of any public road shall exceed 8 metres in height.*

The height of the proposed shed is 6.3m

5. *No such structure shall be situated 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 proposed shed is greater than 100m for residential properties.

6. *No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.*

Department of Agriculture approved sheeting will be used.

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

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

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

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

Not applicable – no changes are proposed to the access arrangements to the site.

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

The proposed development will not create a traffic hazard in the area.

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

The development is located within an existing cluster of agricultural buildings and occupies a central location in the yard, enclosed by the existing structures. The development will not interfere with the character of the local landscape.

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

Not applicable in this instance.

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

Not applicable in this instance

(vii)

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

This is not applicable in this instance.

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

Having regard to the nature and scale of the proposed development, the location within an existing agricultural yard, the established use of the site and the lack of connectivity to European sites, no Appropriate Assessment issues arise and I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects, on a European Site.

Appropriate assessment is not therefore required.

- c. *consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000."*

This is not applicable in this instance.

- (viii) *consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,*



This is not applicable in this instance.

- (ix) *consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,*

This is not applicable in this instance.

- (x) *consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,*

This is not applicable in this instance.

- (xi) *obstruct any public right of way,*

This is not applicable in this instance.

- (xii) *further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.*

This is not applicable in this instance.

#### Recommendation

**The following questions have been referred to the Planning Authority:**

Whether the construction an open storage shed at Tobernagat, Scariff, Co. Clare is or is not development and is or is not exempted development.

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Class 9 of Schedule 2, Part 3 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:**

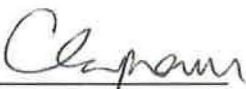


- (a) the development of an open storage shed at Tobernagat, Scariff, Co. Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- (c) The said development of an open storage shed at Tobernagat, Scariff, Co. Clare is exempted development having regard to Schedule 2, Part 3, Class 9 of the Planning and Development Regulations, 2001 (as amended)

Now therefore Clare County Council (Planning Authority), hereby decides that the construction of an open storage shed at Tobernagat, Scariff, Co Clare is development and is exempted development.

  
Executive Planner

Date: 03/08/2023



A/Senior Executive Planner

Date: 03/08/23



NOTICE  
City of  
02/08/2023



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

Derek Murphy & Niamh Wiley  
c/o Tony O'Leary  
Whitegate  
Co. Clare  
V94 A2K2

14/07/2023

**Section 5 referral Reference R23-49 – Derek Murphy & Niamh Wiley**

Is the construction of an open storage shed within existing farmyard development and if so is it exempted development?

A Chara,

I refer to your application received on 13th July 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 Stiúirthóireacht 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 Chlair  
New Road  
Ennis  
Co Clare

13/07/2023 14:06:14

Receipt No : L1CASH/0/351792  
\*\*\*\*\* REPRINT \*\*\*\*\*

DEREK MURPHY & NIAMH WILEY  
TOBERNAGET  
SCARIFF  
CO. CLARE  
V94 WIW1

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

Total : 80.00 EUR

Tendered  
CHEQUES 80.00

Change : 0.00

Issued By : L1CASH - Patricia Quinlivan  
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)



Comhairle Contae an Chláir  
Clare County Council



**REQUEST FOR A DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT  
(Section 5 of the Planning & Development Act 2000 (as amended))**

**FEE: €80**

This following form is a non-statutory form which has been prepared by Clare County Council for the purpose of obtaining the necessary information required for a declaration to be made under Section 5 by the Planning Authority

**1. CORRESPONDENCE DETAILS.**

(a) Name and Address of person seeking the declaration	<p>DEREK MURPHY &amp; NIAMH WILLY TOBERNAGAT, SCARIFF, CO. CLARE V94 WIW1</p>
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	<p>TONY O'LEARY, WHITEGATE, CO. CLARE V94 A2K2</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?

CONSTRUCTION OF AN OPEN STORAGE SHED WITHIN EXISTING  
FARMYARD

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

CONSTRUCTION OF A ROOFED STRUCTURE BETWEEN  
EXISTING SLATTED SHED AND EXISTING STABLES. AN IN-  
SITU CONC. WALL IS PROPOSED TO BE UTILISED ON BACK AND  
ONE SIDE OF PROPOSED SHED. THE PROPOSED SHED WOULD NOT  
BE AS HIGH AS THE ADJACENT SLATTED SHED.

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

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

SITE LAYOUT PLAN SCALE: 1:500, SITE LOCATION MAP SCALE: 1:2500,  
PROPOSED FLOOR PLAN SHOWING ADJACENT FARM BUILDINGS, PROPOSED  
ELEVATIONS & CROSS SECTION,

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

(a) Postal Address of the Property/Site/Building for which the declaration sought:	TOBERNAGAT, SCARIFF, 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):	Full Owner
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question:  <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	<del>N/A</del>
(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:	YES P18/
(h) Date on which 'works' in question were completed/are likely to take place:	IF ACCEPTED BY PLANNING AUTHORITY - IMMEDIATELY.

SIGNED: 

DATE: 12/07/2023

### **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

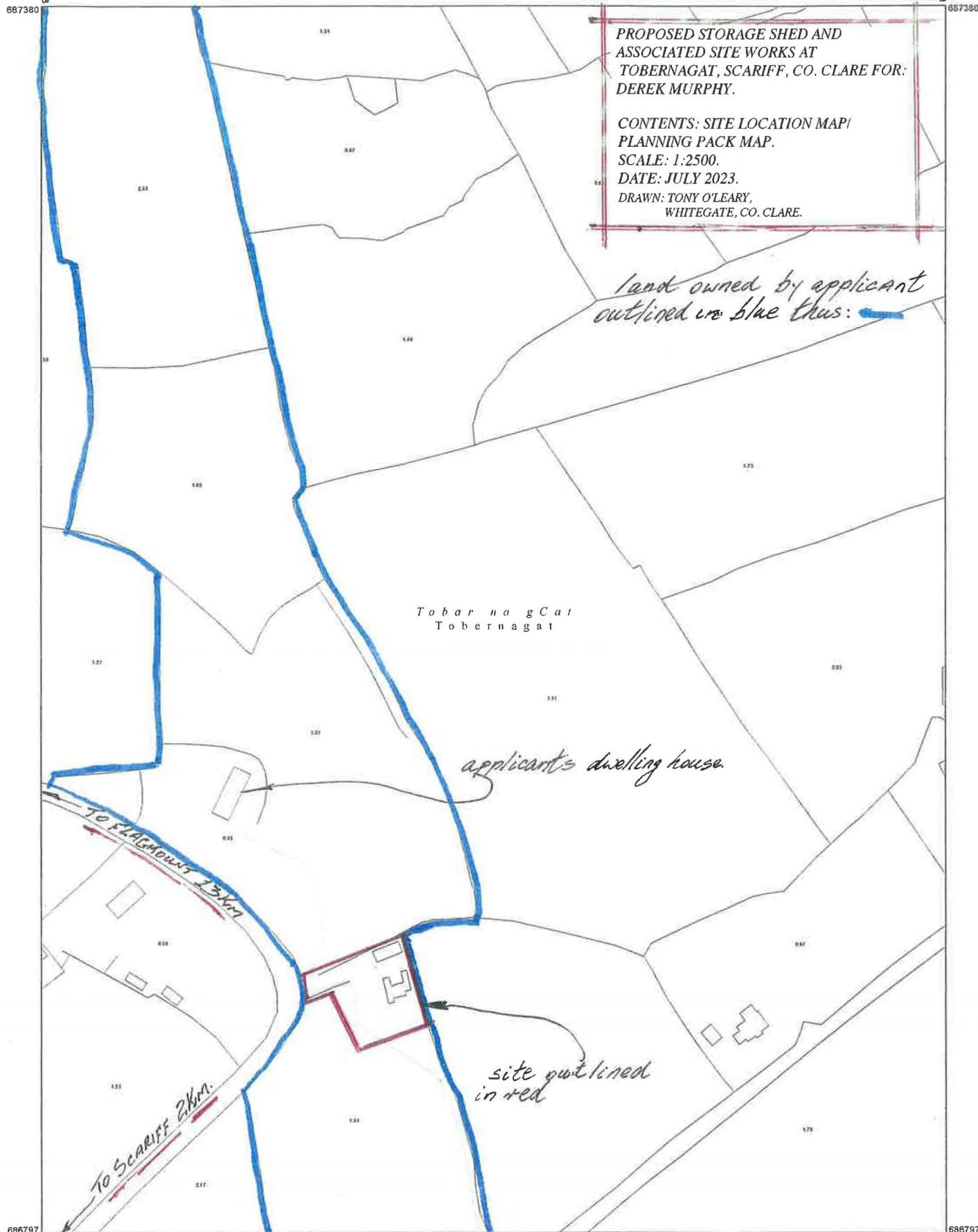
- (v) Notwithstanding the completion of the above form, the Planning Authority may require the submission of further information with regard to the request in order to enable the Authority to issue a declaration on the question.
- (vi) The Planning Authority may also request other persons to submit information 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:.....	



# Planning Pack Map



PROPOSED STORAGE SHED AND  
ASSOCIATED SITE WORKS AT  
TOBERNAGAT, SCARIFF, CO. CLARE FOR:  
DEREK MURPHY.

CONTENTS: SITE LOCATION MAP/  
PLANNING PACK MAP.

SCALE: 1:2500.

DATE: JULY 2023.

DRAWN: TONY O'LEARY,  
WHITEGATE, CO. CLARE.

OUTPUT SCALE: 1:2,500



CENTRE  
COORDINATES:  
ITM 564183,687089

PUBLISHED:  
08/05/2018

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

ORDER NO.:  
50006652\_1

MAP SHEETS:  
4097  
4156

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



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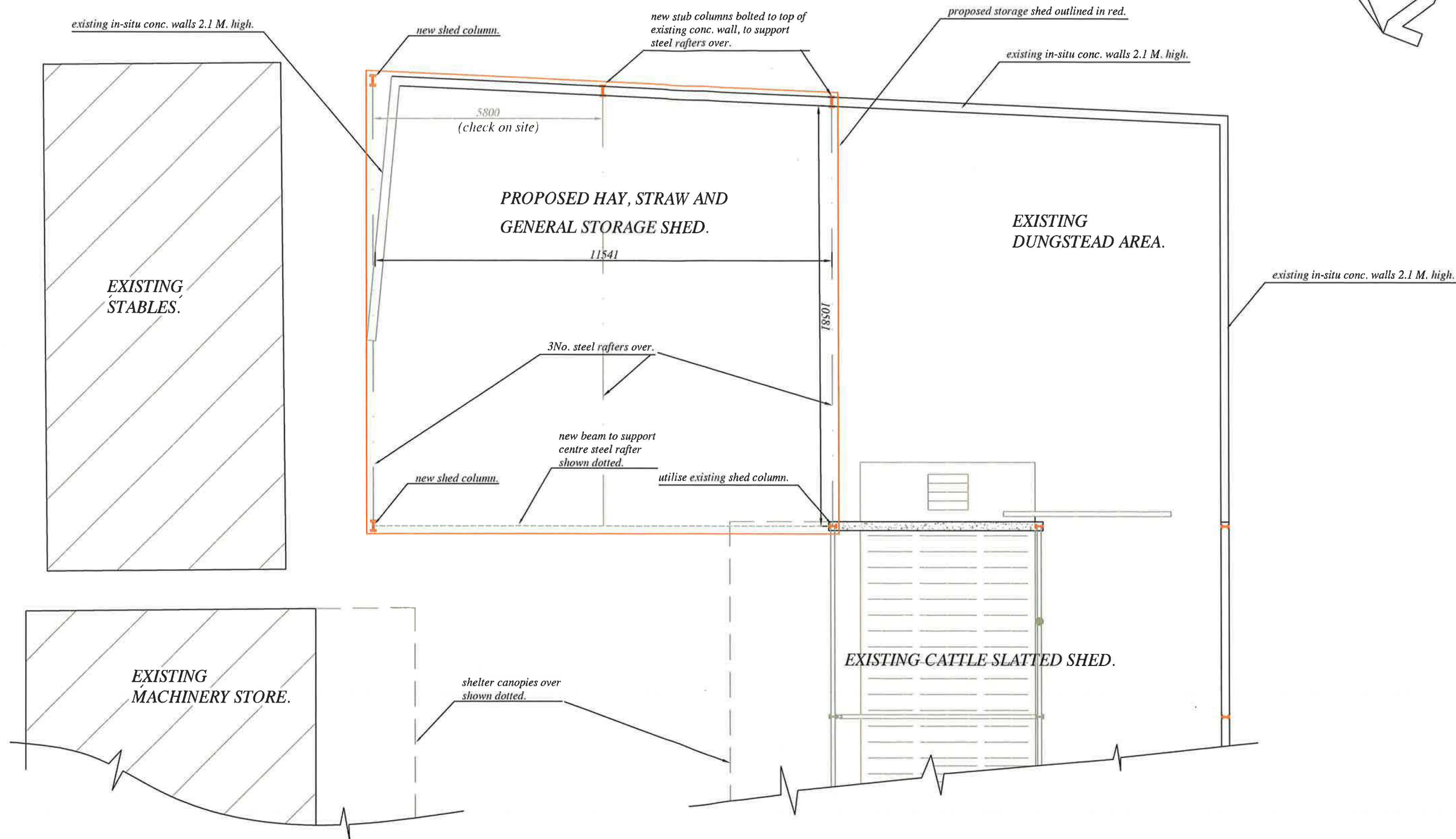
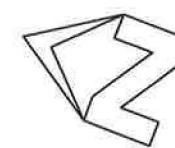
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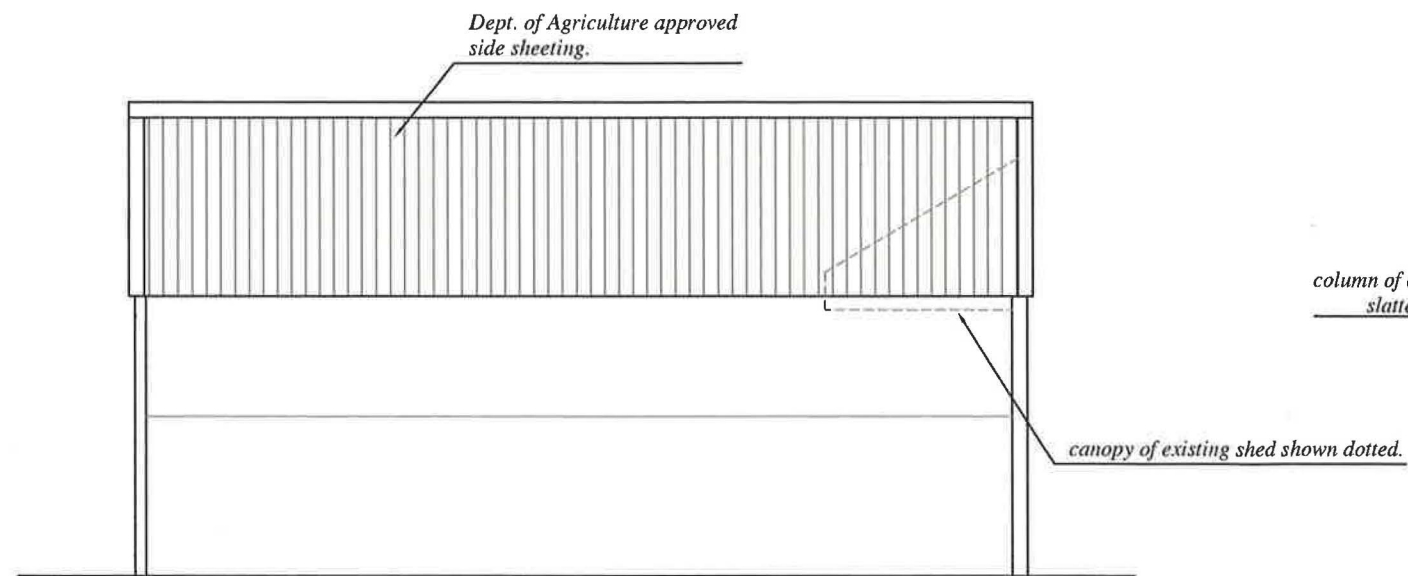
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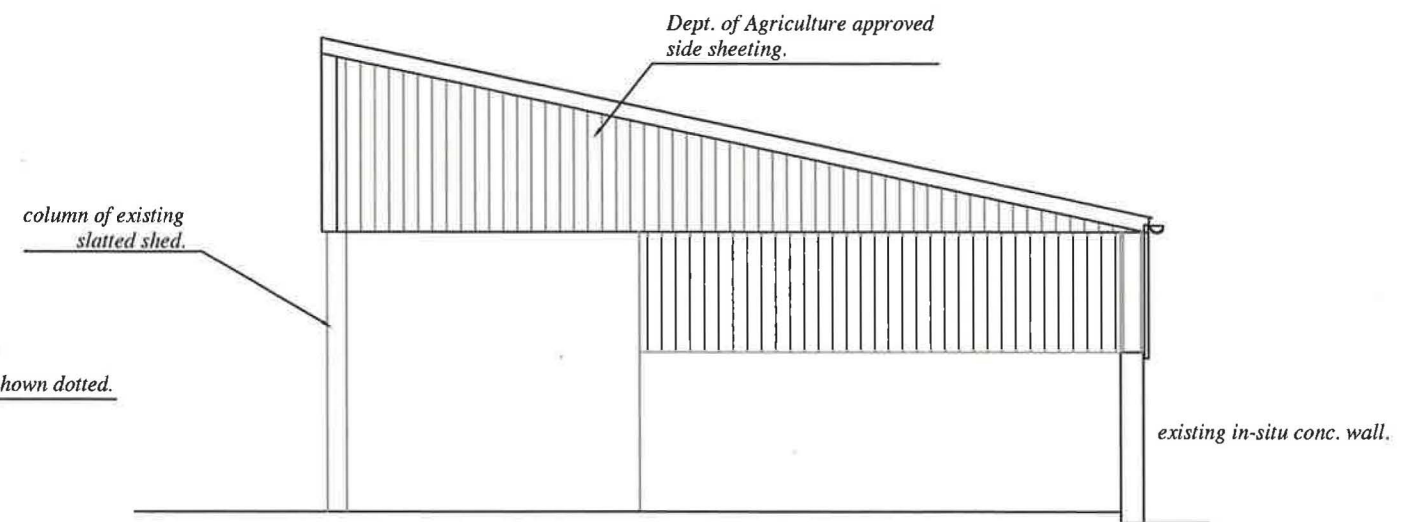
*PROPOSED STORAGE SHED AND  
ASSOCIATED SITE WORKS AT  
TOBERNAGAT, SCARIFF, CO. CLARE FOR:  
DEREK MURPHY.*



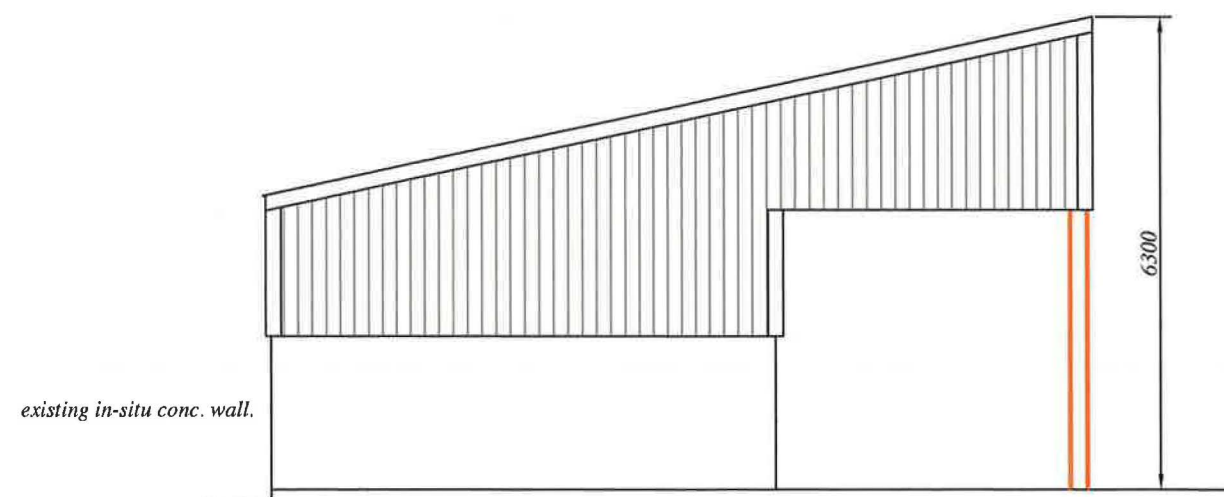
<p>CONTENTS: FLOOR LAYOUT PLAN. SCALE: 1:100. DATE: JULY 2023. DRAWN: TONY O'LEARY, WHITEGATE, CO. CLARE.</p>	<p>PROPOSED STORAGE SHED AND ASSOCIATED SITE WORKS AT TOBERNAGAT, SCARIFF, CO. CLARE FOR: DEREK MURPHY.</p>
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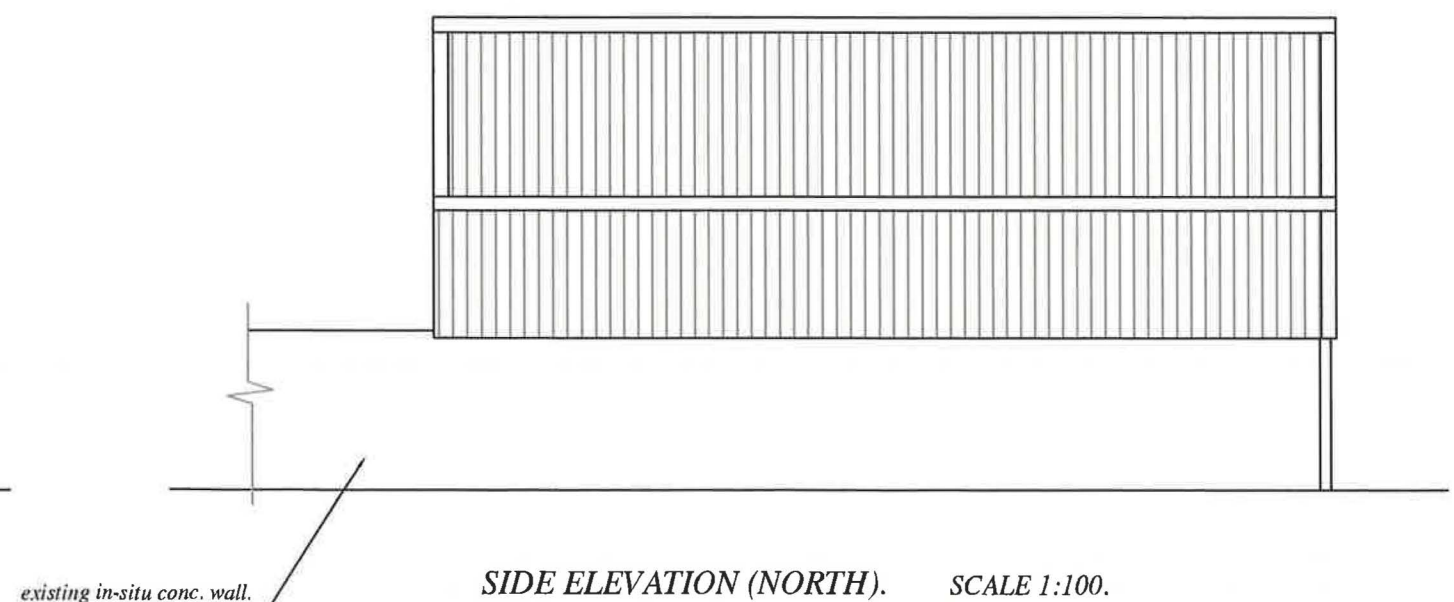
*FRONT ELEVATION (WEST). SCALE 1:100.*



*SIDE ELEVATION (SOUTH). SCALE 1:100.*



*SIDE ELEVATION (NORTH). SCALE 1:100.*



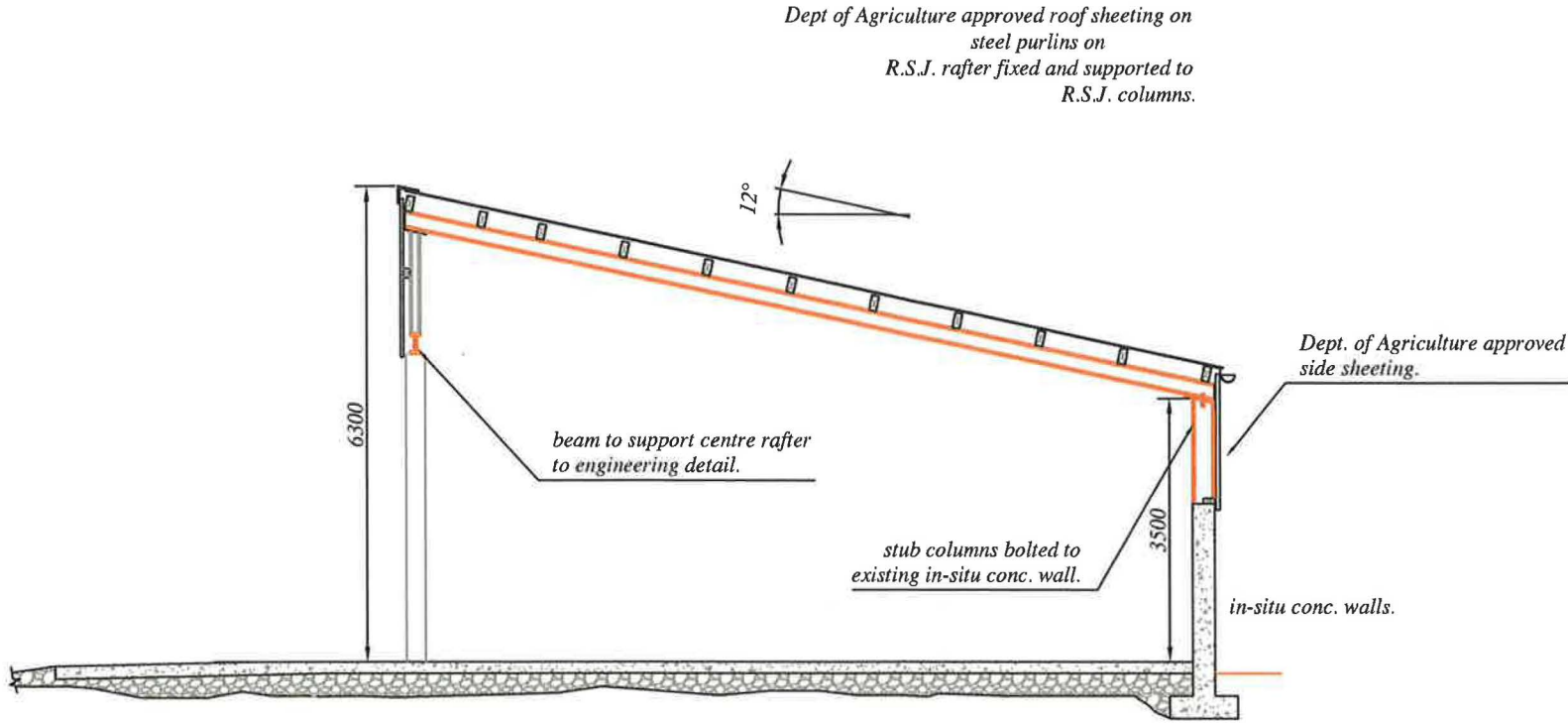
*SIDE ELEVATION (NORTH). SCALE 1:100.*

CONTENTS: SHED ELEVATIONS.  
SCALE: 1:100.  
DATE: JULY 2023.  
DRAWN: TONY O'LEARY,  
WHITEGATE, CO. CLARE.

PROPOSED STORAGE SHED AND  
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ALL ASPECTS OF CONSTRUCTION  
TO COMPLY FULLY WITH DEPT. OF  
AGRICULTURE SPECIFICATION.



TYPICAL CROSS SECTION. SCALE 1:100.

CONTENTS: SHED ELEVATIONS.  
SCALE: 1:100.  
DATE: JULY 2023.  
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WHITEGATE, CO. CLARE.

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