



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

Shane Hogan
c/o Christopher Kinghan
Carricknagoan
Coolderry PO
Carrickmacross
Co. Monaghan

17th October 2023

Section 5 referral Reference R23-75 – Shane Hogan

Is the construction of an unroofed fenced horse arena for the exercising or training of horses, under class 10 be considered development, and if so is it exempted development?

A Chara,

I refer to your application received on 25th September 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

Josephine Connors
Staff Officer
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

SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED

DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT

Chief Executive's Order No:

82568

Reference Number:

R23-75

Date Referral Received:

25th September 2023

Name of Applicant:

Shane Hogan

Location of works in question:

Furnacetown, Feakle, Co. Clare

Section 5 referral Reference R23-75 – Shane Hogan

Is the construction of an unroofed fenced horse arena for the exercising or training of horses, under class 10 be considered 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) Schedule 2, Part 3, Class 10 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 unroofed, fenced horse arena for the exercising or training of horses at Furnacetown, Feakle, 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 unroofed, fenced horse arena for the exercising or training of horses at Furnacetown, Feakle, Co. Clare is exempted development having regard to Schedule 2, Part 3, Class 10 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 an unroofed, fenced horse arena for the exercising and training of horses at Furnacetown, Feakle, Co. Clare is considered development which is exempted development.

Signed:



GARETH RUANE
SENIOR EXECUTIVE PLANNER 

Date:

17th October 2023

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

Reference No.: R23-75



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R23-75

Is the construction of an unroofed fenced horse arena for the exercising or training of horses, under class 10 be considered development, and if so is it exempted development?

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

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

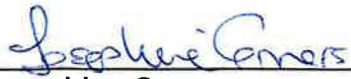
- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Schedule 2, Part 3, Class 10 of the Planning and Development Regulations 2001, as amended;
- (d) The works as indicated in submitted documents from the referrer.

And whereas Clare County Council has concluded:

- (a) The development of an unroofed, fenced horse arena for the exercising or training of horses at Furnacetown, Feakle, 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 unroofed, fenced horse arena for the exercising or training of horses at Furnacetown, Feakle, Co. Clare is exempted development having regard to Schedule 2, Part 3, Class 10 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 unroofed, fenced horse arena for the exercising and training of horses at Furnacetown, Feakle, Co. Clare **constitutes development** which is **exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.



Josephine Connors
Staff Officer
Planning Department
Economic Development Directorate

17th October 2023

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF:	R23-75
APPLICANT(S):	Shane Hogan
REFERENCE:	Whether the construction of an unroofed, fenced horse arena for the exercising or training of horses is or is not development and is or is not exempted development.
LOCATION:	Furnacetown, Feakle, Co. Clare
DUE DATE:	19/10/2023

Site Location

The proposal site is located in a rural area approximately 0.5km east of Feakle. The site is located on the north side of the R461. Close to the roadside, there is an existing residence and a cluster of agricultural buildings. The proposed sand arena location is to the rear of the existing agricultural yard.

Recent Planning History

No recent planning applications on the proposal site.

Background to Referral

This Referral under Section 5(1) of the Planning and Development Act 2000 (as amended) has been made by Shane Hogan. He states that she is the owner of the land.

The applicant is seeking a Section 5 Declaration as to whether the construction of an unroofed, fenced horse arena for the exercising or training of horses at Furnacetown, Feakle, Co. Clare is or is not development and is or is not exempted development.

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 10

The erection of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface.

- No such structure shall be used for any purpose other than the exercising or training of horses or ponies.
- No such area shall be used for the staging of public events.
- No such structure shall be situated within 10 metres of any public road, and no entrance to such area shall be directly off any public road.
- The height of any such structure shall not exceed 2 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 applicant is seeking a Section 5 Declaration as to whether the construction of an unroofed, fenced horse arena for the exercising or training of horses at Furnacetown, Feakle, Co Clare is or is not development and is or is not exempted development.

The referral relates to an equestrian sand arena. The proposed development was assessed in the context of the classes of *rural* exemptions available under Schedule 2, Part 3 of the Planning and Development Regulations.

Schedule 2, Part 3, Class 10 of the Planning and Development Regulations 2001 (as amended)

The erection of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface.

The proposed arena will be unroofed and will be used for the training of horses. It will have an all-weather surface and drainage bed.

No such structure shall be used for any purpose other than the exercising or training of horses or ponies.

No other intended use is indicated.

No such area shall be used for the staging of public events.

It is stated that the proposed development will not be used for public events.

No such structure shall be situated within 10 metres of any public road, and no entrance to such area shall be directly off any public road.

The proposed development location is greater than 10m from the public road. It is located to the rear of an existing agricultural yard and will not be accessed directly from the public road.

The height of any such structure shall not exceed 2 metres.

This limitation is not exceeded.

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 to the rear 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 of an unroofed, fenced horse arena for the exercising or training of horses at Furnacetown, Feakle, 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) Schedule 2, Part 3, Class 10 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 unroofed, fenced horse arena for the exercising or training of horses at Furnacetown, Feakle, 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 unroofed, fenced horse arena for the exercising or training of horses at Furnacetown, Feakle, Co. Clare is exempted development having regard to Schedule 2, Part 3, Class 10 of the Planning and Development Regulations, 2001 (as amended)

Now therefore Clare County Council (Planning Authority), hereby decides that the construction of an unroofed, fenced horse arena for the exercising or training of horses at Furnacetown, Feakle, Co. Clare is development and is exempted development.



Executive Planner

Date: 16/10/2023



Senior Executive Planner

Date: 17/10/23



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Shane Hogan
c/o Christopher Kinghan
Carricknagoan
Coolderry PO
Carrickmacross
Co. Monaghan

26/09/2023

Section 5 referral Reference R23-75 – Shane Hogan

Is the construction of an unroofed fenced horse arena for the exercising or training of horses, under class 10 be considered development, and if so is it exempted development?

A Chara,

I refer to your application received on 25th September 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 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
Aras Contae an Chlair
New Road
Ennis
Co Clare

25/09/2023 11:56:31

Receipt No. L1CASH/0/354922

***** REPRINT *****

SHANE HOGAN
C/O CHRISTOPHER KINGHAN
CARRICKNAGOAN
COOLDERRY PO
CARRICKMACROSS
CO. MONAGHAN
R23-75

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

Total : 80.00 EUR

Tendered :
CREDIT CARDS 80.00

Change : 0.00

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

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



R23-75

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

FEE: €80

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

1. CORRESPONDENCE DETAILS.	
(a) Name and Address of person seeking the declaration	Shane Hogan Furnacetown House, furnacetown, Feakle, Co. Clare.
(b) Telephone No.:	
(c) Email Address:	Not applicable
(d) Agent's Name and address:	Christopher Kinghan Carricknagoan, Coolderry PO, Carrickmacross, Co. Monaghan. 085

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 unroofed fenced horse arena for the exercising or training of horses. under
 Class 10.

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

Construction of an unroofed fenced horse arena for the exercising or training of horses or ponies,
 together with a drainage bed or soft surface material to provide an all-weather surface and ancillary
 works (including extension of existing farm gravel road, and SUDS drainage of stormwater), in
 extension to existing farmyard utilising the existing farm road entrance.

A Class 10 development which will be less than 2 meters high , Greater than 10 meters from
 the public road and will not be used for public events.

- (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)*

See schedule of documentation provided.

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	Furnacetown House, Furnacetown, Feakle, 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):	Owner of the land. Co. Clare Folio Number (
(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>	Not Applicable
(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? <i>If so please supply details:</i>	
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	See planning history letter
(h) Date on which 'works' in question were completed/are likely to take place:	2024

SIGNED: Christopher KinghanDATE: 14th September 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:	

Christopher Kinghan & Associates

CHARTERED BUILDING SURVEYOR

ARCHITECTURAL, PLANNING & ENVIRONMENTAL DESIGN SOLUTIONS

Carricknagoan, Coolderry P.O., Carrickmacross, Co. Monaghan A81 E720.

Tel

Email: info@ckas.ie

Our Ref: CK/CCC/SH Your Ref:

Planning Department
Clare County Council.
New Rd,
Lifford,
Ennis,
Co. Clare, V95 DXP2.

Dear Sirs,

Clare county Council - Shane Hogan has applied for Confirmation of Exempted development (Under Class 10) for the Construction of an unroofed fenced horse arena for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface and ancillary works (including extension of existing farm gravel road, and SUDS drainage of stormwater), in extension to existing farmyard utilising the existing farm road entrance at
Furnacetown House, Furnacetown, Feakle, Co. Clare.

Consent by applicant

I am aware and consent to this planning application as described above

Shane Hogan

Applicant: Shane Hogan. (Also, owner of the land).

Address: Furnacetown House, Furnacetown, Feakle, Co. Clare

Christopher Kinghan & Associates

CHARTERED BUILDING SURVEYOR
ARCHITECTURAL, PLANNING & ENVIRONMENTAL DESIGN SOLUTIONS

Carricknagoan, Coolderry P.O. Carrickmacross, Co. Monaghan, A81 E720.

Our Ref: CK/CCC/SH Your Ref:

Planning Department
Clare County Council.
New Rd,
Lifford,
Ennis,
Co. Clare, V95 DXP2.

Dear Sirs,

Clare county Council - Shane Hogan has applied for Confirmation of Exempted development (Under Class 10) for the Construction of an unroofed fenced horse arena for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface and ancillary works (including extension of existing farm gravel road, and SUDS drainage of stormwater), in extension to existing farmyard utilising the existing farm road entrance at Furnacetown House, Furnacetown, Feakle, Co. Clare.

In connection with the above planning application we enclose the following documentation:-

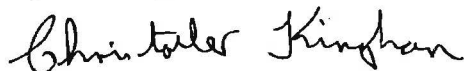
Schedule of Documentation

Note all 2 copies unless stated

- Planning fee
- Application form
- Letter re- Planning History & Source of water supply.
- Site Location Map Scale 1:2,500
- Proposed Farm/Site Layout Plan + contours and Notes Scale 1:500
- Construction Drawings for unroofed fenced arena. Scale 1:200
- Standard specification and Safety notes
- Specification for all weather sand arena.
- Lunging Areas, Exercise Areas, and All-Weather Gallops Notes.
- Desktop Study - EU Natura impact statement - Stage 1 - Statement of Screening for Appropriate Assessment of a nearby Natura designated site.
- Land Ownership maps. For information purposes only.

We trust the above documentation is satisfactory and look forward to your favourable decision.

Yours faithfully,



Christopher Kinghan B.Sc.(Hons) A.R.I.C.S.
Chartered Building Surveyor

Christopher Kinghan & Associates

CHARTERED BUILDING SURVEYOR

ARCHITECTURAL, PLANNING & ENVIRONMENTAL DESIGN SOLUTIONS

Carricknagoan, Coolderrv P.O. Carrickmacross, Co. Monaghan, A81 E720.

Tel:

Email:

Our Ref: CK/CCC/SH Your Ref:

Planning Department
Clare County Council.
New Rd,
Lifford,
Ennis,
Co. Clare, V95 DXP2.

Dear Sirs,

Clare County Council - Shane Hogan has applied for Confirmation of Exempted development (Under Class 10) for the Construction of an unroofed fenced horse arena for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface and ancillary works (including extension of existing farm gravel road, and SUDS drainage of stormwater), in extension to existing farmyard utilising the existing farm road entrance at Furnacetown House, Furnacetown, Feakle, Co. Clare.

Planning History Letter

The applicant has recently become the owner of this land and has no agricultural planning history on the land.
The applicant intends to avail of the Department of Agriculture's TAMS 3 grant aid

Yours faithfully,



Christopher Kinghan B.Sc.(Hons) A.R.I.C.S.
Chartered Building Surveyor

Planning Pack Map

Site Location Plan Scale 1;2,500



Tailte
Éireann

CENTRE

COORDINATES:

ITM 557571-687148

PUBLISHED:

18/09/2023

ORDER NO.:

50357801_1

MAP SERIES:

1:5,000

1:2,500

MAP SHEETS:

4095

4154-A

COMPILED AND PUBLISHED BY:

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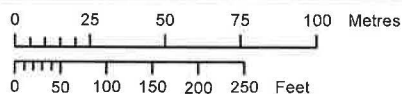
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(including extension of existing farm gravel road, and SUDS drainage of
stormwater), in extension to existing farmyard utilising the existing farm road
entrance at Furnacetown House, Furnacetown, Feakle, Co. Clare

An Fhiacail
Feakle

6.22

Lands owned edged in blue
Site of farmyard edged in red

Site 'A'



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.
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LEGEND:

To view the legend visit
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Site Location Map

Land ownership Plan Scale 1:10,560



Tailte
Éireann

CENTRE

COORDINATES:
ITM 557571,687148

PUBLISHED: 18/09/2023
ORDER NO.: 50357801_1
MAP SERIES: 6 Inch Raster
MAP SHEETS: CE020
6 Inch Raster CE028

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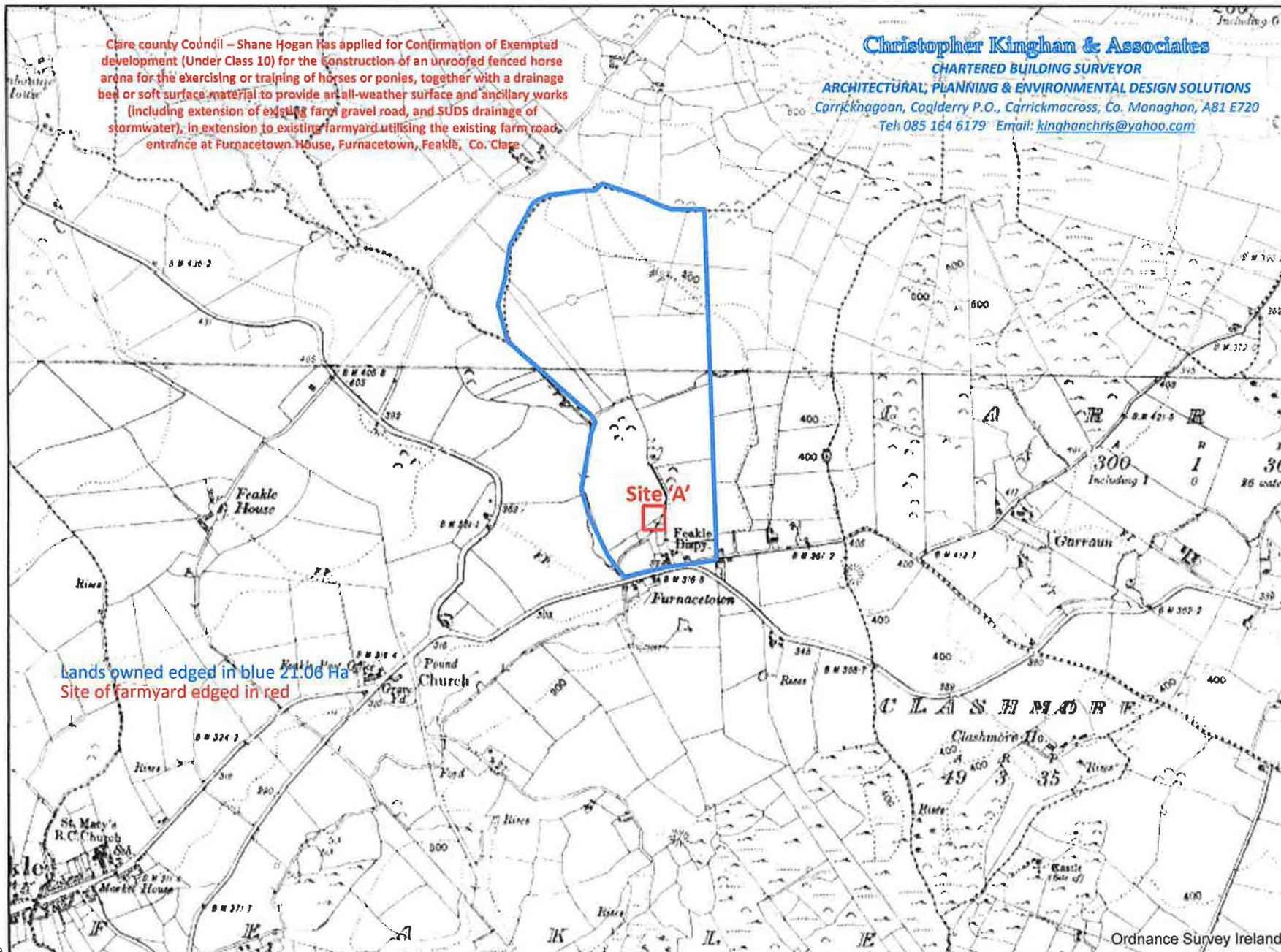
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556340
686056
686239
556301



Lands owned edged in blue 21.06 Ha
Site of farmyard edged in red

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LEGEND:

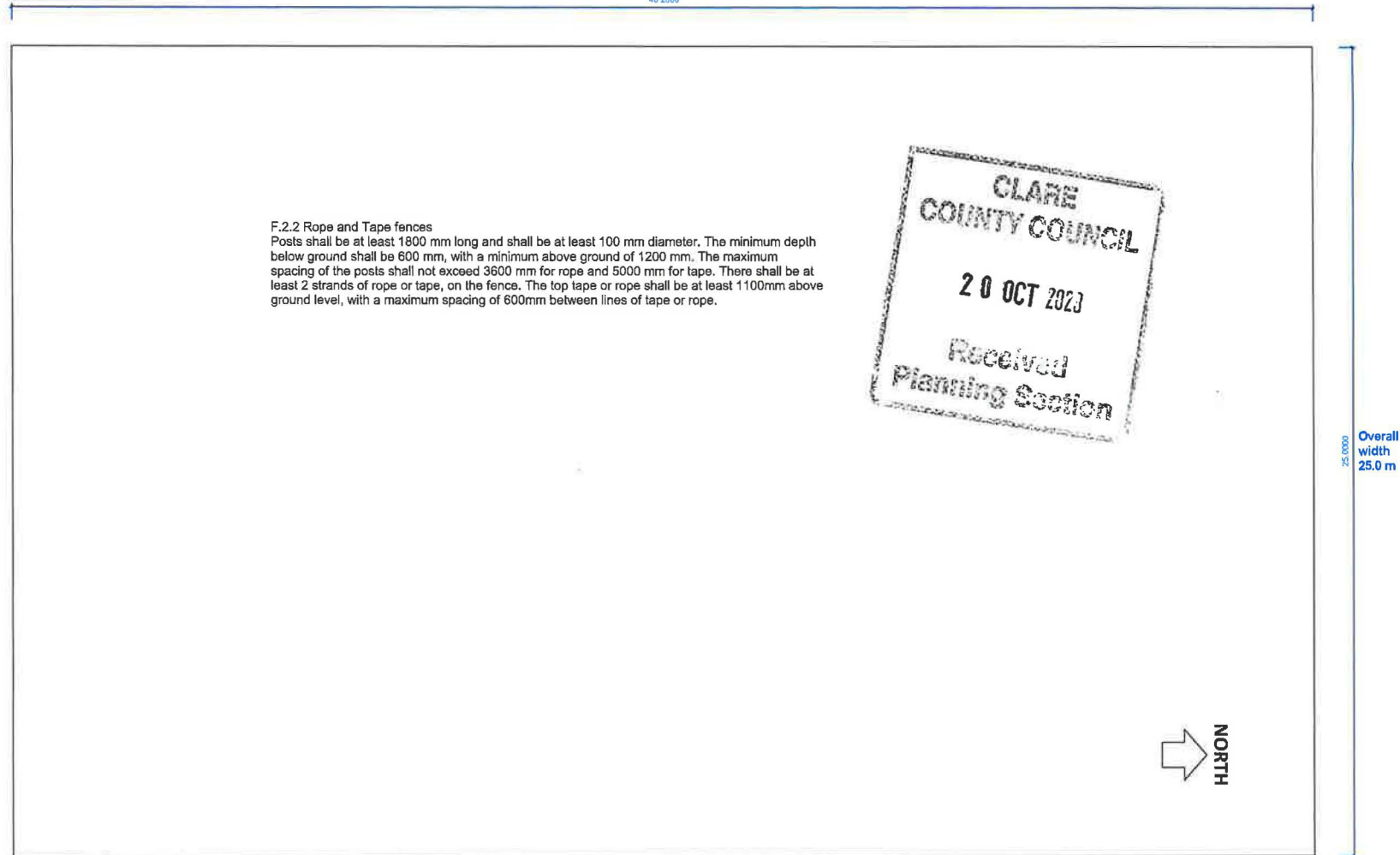
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SAND ARENA Scale 1:200

Overall length 40.0 m
40 000



FLOOR PLAN

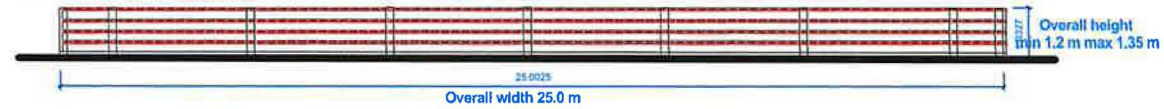
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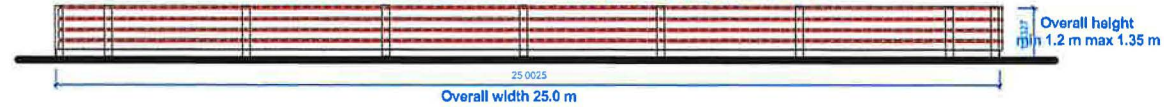
ALL DRAWINGS MUST BE READ
IN ACCORDANCE
WITH SAFETY NOTES AND SPECIFICATION

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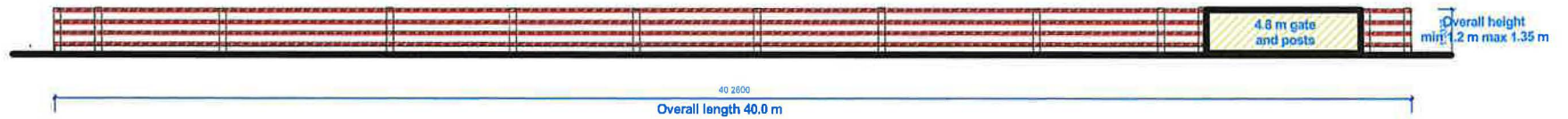
SAND ARENA Scale 1:200 ELEVATIONS AND SECTION A-A



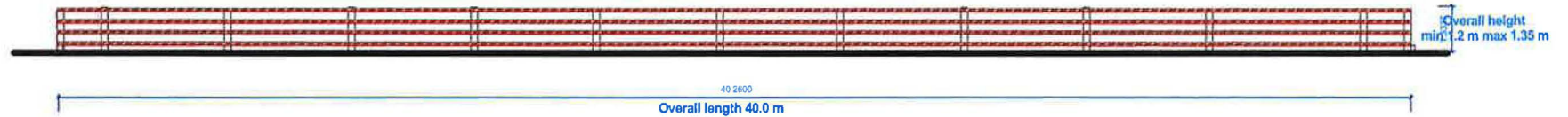
REAR ELEVATION



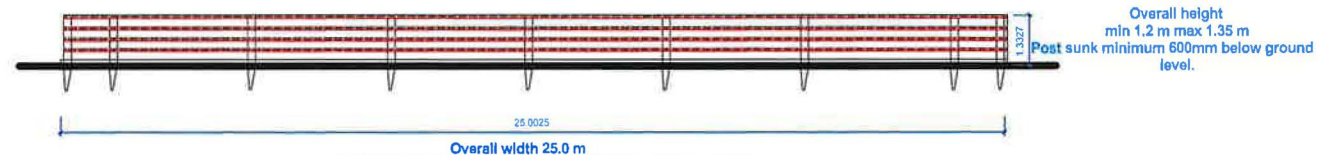
FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION



SECTION A-A



Clare county Council – Shane Hogan has applied for Confirmation of Exempted development (Under Class 10) for the Construction of an unroofed fenced horse arena for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface and ancillary works (including extension of existing farm gravel road, and SUDS drainage of stormwater), In extension to existing farmyard utilising the existing farm road entrance at Furnacetown House, Furnacetown, Feakle, Co. Clare

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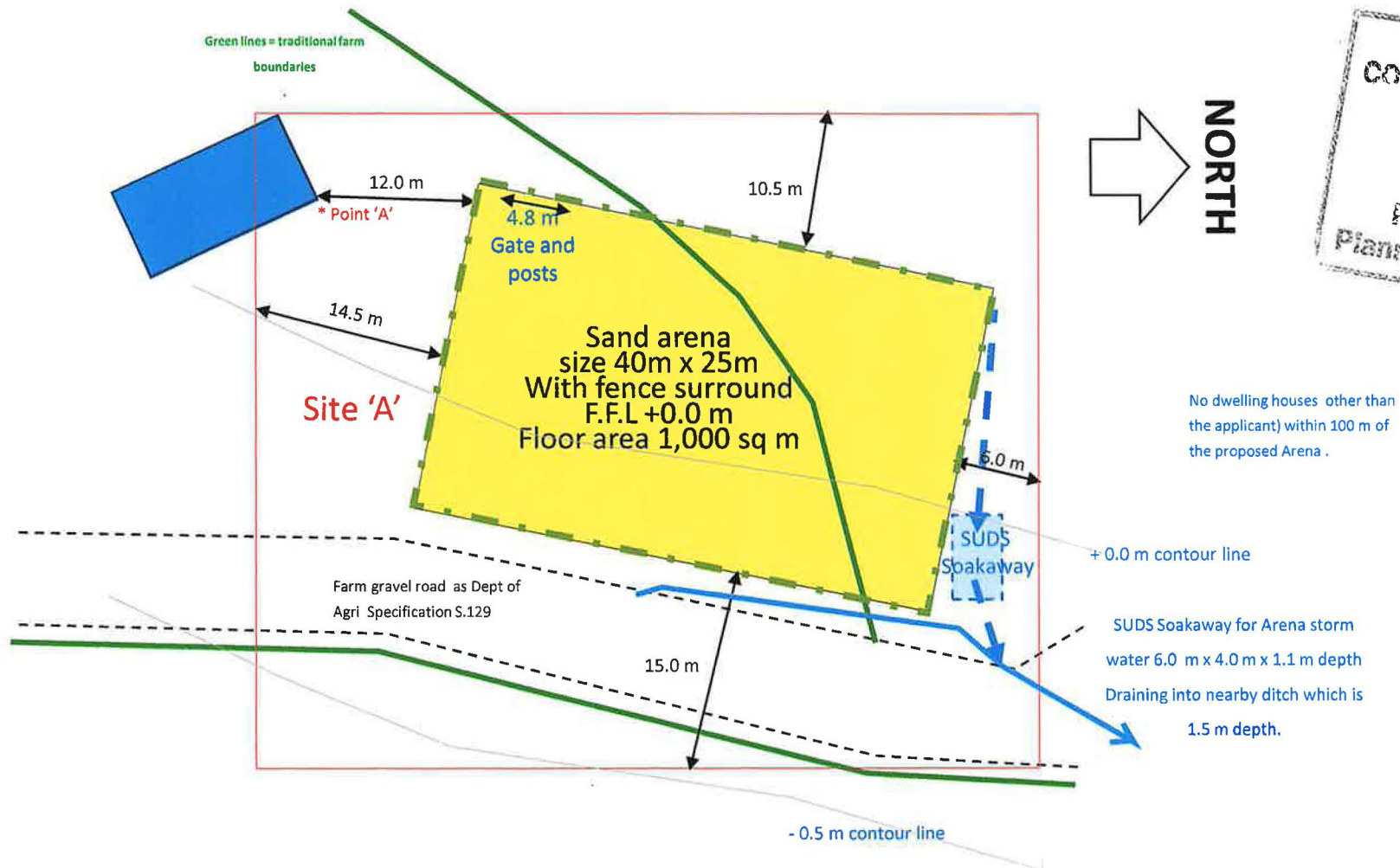
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(Farmyard) Site Layout Plan Scale 1:500

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SITE LAYOUT PLAN NOTES

Please read in conjunction with desktop study and drawing

- 1) **SETTING OUT** - **Point A *** is an exact fixed point on the drawing from which all proposed buildings can be set out
- 2) Full surface water and effluent drainage facilities are to be provided throughout the farm yard in accordance with **Department of Agriculture Specification S129 Farmyard drainage, concrete yards and roads.**
- 3) All uncontaminated surface waters from all existing and proposed buildings, roofs and yards shall be separately collected, kept clean and piped directly by an impermeable system to soakaways or to the land drains system as indicated on the Site Layout Plan drawing. Uncontaminated drainage is signified on the drawing by a broken/dotted blue line.
- 4) Contaminated surface water i.e. soiled yard water, and all other effluents including silage effluents **shall not be** allowed to enter drains or waterways. Such effluents shall be directed to slatted tanks or effluent holding tanks. In instances where silage effluent is to be stored, the concrete specification for the holding tank needs to be upgraded accordingly. Contaminated drainage is signified on the drawing by a broken/dotted red line.
- 5) All effluent/slurry holding tanks shall be constructed so that groundwater is prevented from entering said tanks.
- 6) All material waste generated during construction, including any waste waters, shall be recovered and disposed of properly in accordance with the Waste Management Acts 1996-2008. With the exception of excavated material from the site which can be re-used within the applicant's farm boundary.
- 7) All solid manure from existing and proposed buildings is to be stored undercover in a purpose designed covered Manure Pit to be spread on the land in the spreading season.
- 8) Main plan dimensions (for validation purposes) are shown for all new buildings.
- 9) The Site boundary is depicted by a solid red line - it is a notional boundary/ not a legal boundary for planning purposes only.
- 10) The position of the site notice is shown on plan, as the site is a considerable distance from the public road an additional notice is located on the public road accordingly.
- 11) It is not intended to screen existing farmyards with hedging.



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SPECIFICATION & HEALTH AND SAFETY PLAN

TO BE READ IN CONJUNCTION WITH ALL PLANNING AND CONSTRUCTION DRAWINGS

SPECIFICATION

NOTE : The written specification takes precedence over the drawings – obviously there is far greater construction detail in the written specifications and this detail needs to be met in its entirety. There are various methods to attain structural compliance, ventilation and natural lighting rules. This does not affect the overall building appearance nor does it affect overall dimensions of a building from a Planning compliance viewpoint.

For grant aided work it is an important condition of the grant that the buildings are exactly in the position and the size set out in the drawings associated with the planning application or exemption. Failing to meet this condition jeopardises all the grant monies. Note: All materials used in the construction of buildings to this specification shall be sourced as new.

A simplified sketch can be provided to the builder showing the critical dimensions for setting out the project on request from the Architect. ALL PROPOSED BUILDINGS MUST BE CONSTRUCTED EXACTLY IN THE POSITION AGREED BY THE GRANT OF PLANNING PERMISSION

Farm buildings can be dangerous and specialist work – all builders need to have a full understanding of the Department of Agriculture's specifications.

All elements of construction work to comply with the conditions set out in the Planning Permission or Exemption Notice, Irish Building regulations and the current DEPARTMENT OF AGRICULTURE AND FOOD specifications as follows:-

Dept of Agriculture Farm Building and Structures Specifications

- Health and Safety Guide for Construction Works (pdf 398Kb)
- Listing of dates of when specifications were updated - 30 November 2018 (pdf 133Kb)

Specifications

- S.156 Minimum Specification for horse facilities and fencing. January 2016
- S.129 Minimum Specifications for Farmyard Drainage, Concrete Yards and Roads - January 2016
- S.135 Screening Belts and Shelter Belts for Farmyards and Farmbuildings - November 2008
- S.148 Minimum specification for farm fencing August 2019
- S.148A Accepted Fencing Posts – May 2022
- S.199 Minimum specification for farm roadways. January 2021

And all other relevant standard specifications from the same source. For example on Precast concrete productions and suitable methods of protection of steel. In all instances the latest available revised specification is to be used.

Note: These specifications are flexible in that they set out various methods of construction. They are the minimum standard acceptable for grant aided works. Where there is a conflict with the drawings the standards set out in these specifications super-cedes the drawings. Construction details in the working drawings are only suggested methods of construction. Provided the contractor has the agreement of the client and Architect, does not change outer appearance of a building/ or the external dimensions, the Contractor is free to choose any construction method that complies with Dept. of Agriculture standards.

Construction details in the working drawings are only suggested methods of construction. Provided the contractor has the agreement of the client and Architect, does not change outer appearance of a building/ or the external dimensions, upon which the Planning permission is based, and the critical internal dimensions upon which the grant aid is based, then the Contractor is free to choose any construction method that complies with Dept. of Agriculture standards.

But, if there is any doubt as to eligibility of any change it is the contractor's responsibility to check with the Dept. of Agriculture and approve the change as otherwise the Dept. may impose financial penalties on the client/employer.

The specifications are all available online and copies can also be obtained from the Architect.

If explanation or clarification is required on any matter you are welcome to contact the Architect at any time.

Checking Ground conditions

Prior to making the grant application, or commencing construction if there is no grant, it is the farmer/ building contractor's responsibility to ascertain ground conditions in the vicinity of the proposed building or tank i.e. dig 2 no. trial holes (outside but in the vicinity of the footprint of the works) at a minimum depth of 3.0m and check there is no bed rock.

It is extremely difficult to alter the design once work has commenced and excavating in rock is often NOT financially justifiable.

These trial holes should be fenced off, stepped in construction to enable anyone who falls in to climb out and left open for 48 hours to ascertain the water table – It may be necessary to agree a method of keeping the excavations free of water whilst constructing the works.

DESIGN OF TANKS

General Design

A minimum of 16, 18, 20 or 22 weeks storage shall be provided in all new and converted structures in line with the requirements of S.I. 788 of 2005 European Communities (Good Agricultural Practice for Protection of Waters) Regulations and any subsequent amendments to the regulations. However, where the Local Authority has specified a higher winter storage period, then this must be complied with.

General note for Buildings over slatted tanks (where applicable)

Walls shall not be built directly onto slats under any circumstances. As walls are not mandatory in most houses steel barriers may instead be installed across the gable end of a building, with or without steel cladding. Prefabricated concrete wall panels may also be installed (Clause B9.2 in S.101), positioned at least 10mm above the top of the slats. If it is decided to install a blockwork or mass-concrete gable wall, then it shall be positioned on a supporting beam. This beam may either be prefabricated, or constructed on site and shall have at least 150 mm support at each end. If it is decided to extend the slats under the beam, there shall be a gap of at least 10mm between the beam and the top of the slats. In all circumstances there shall be sufficient space outside the house to install a 1.2m wide slab or manhole slot on the walls of the extended tank.

Where a wall is erected on a tank wall, the tank wall shall be wide enough to carry the full width of wall and provide a full slat bearing of 150mm. Where walls are 200mm, 350mm (min.) tank walls are necessary.

SAFETY AND HEALTH PLAN

FOR SAFETY DURING CONSTRUCTION

Also refer to Dept. of Agriculture Health and Safety Guide including Form AF1

This document is not part of the planning documentation but is prepared and given to the client at the time of planning submission. It is available to the planning Authority on request.

NOTE: The ESB will be notified by the applicant to move any of their installations which /if they impact on this development following grant of planning permission (usually within 10 metres of the development and applicable in this case).

Christopher Kinghan & Associates

CHARTERED BUILDING SURVEYOR

ARCHITECTURAL, PLANNING & ENVIRONMENTAL DESIGN SOLUTIONS

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Tel: 085 164 6179

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SPECIFICATION FOR ALL WEATHER SAND ARENA

TO BE READ IN CONJUNCTION WITH ALL PLANNING AND DETAIL CONSTRUCTION DRAWINGS

All Weather Arena

Size as stated in the construction drawings.

Construction

First of all the topsoil needs to be removed, then the whole arena area needs to be levelled to suit the finished floor level of the arena, cutting and filling and utilising suitable subsoil material gained from construction of the other buildings in the farm yard.

The subsoil base must be strong enough to withstand impact damage. It must not break up or add unsuitable material to the surface. The arena should be constructed above ground level to facilitate drainage.

- the fill is compacted with whacker plates. In 200 mm maximum thickness layers.
- the banks formed by the cut are sloped
- the area levelled is at least 1m larger on all sides than the required arena size
- the finished site is level
- run off water cannot ingress into the site. A land drain in clean angular stones, 50mm to 100mm, with no fines around the entire perimeter draining to a soakaway.

Field Drains

Field drainage should be provided 5m apart under the drainage bed to the entire arena draining to a soakaway.

Drainage Membrane

A drainage membrane will prevent soil from mixing with and fouling the drainage bed. It should be placed on subsoil that is loose. It shall also line the drainage channels. The membrane should be porous polypropylene and be laid and overlapped to the manufacturer's instructions.

Drainage Bed

The drainage bed will provide a foundation to the arena and provide space for the rainwater falling on the surface to collect and drain out. Therefore part of the drainage bed must be above ground level. The bed should be constructed of angular stones, 50mm to 100mm, with no fines and not be less than 150mm in depth. The aim is to produce a base surface which is level, solidly locked together, yet porous. It has to provide adequate drainage, but not let any fine material in the surface pass down into the base.

Boundary

A Fence is not specified. The arena will be open to the field. However, it needs to be protected by a standard electric fence when not in use. Basically there will be a perimeter board only – see retaining board below. There needs to be a gateway minimum width 3 metres in the electric fence.

Drainage Bed Surface

A drainage membrane placed over the stone drainage bed is strongly recommended. Overlaps should be stitched together and the edges turned up and fixed to the inside of the retaining boards, using batons. A 40-50mm layer of permeable tarmac may be substituted for the drainage membrane.

Retaining Boards

Retaining boards 40mm thick should be used to confine the surface material. The top of the boards should be 150mm above the finished height of the arena. They should be supported at 1.2m intervals using a combination of posts driven into the ground and the fencing posts. All timber needs to be pressure treated with creosote. Preferably slow grown imported timber (Irish timber is grown to fast and will rot faster. Or a manufactured board or solid plastic material and posts with a minimum guaranteed life of 20 years can be utilised.

Riding Surface

There are many variations and materials which can be used for the riding surface. Daily usage and maintenance must be considered to be critical factors to balance against price. Also, the monetary value of the horses may be a very significant factor in deciding on the surface material.

The surface should enable the user to carry out all equestrian disciplines in both the best and the worst weather. The speed at which the water drains through the riding surface is paramount to its correct functioning. A surface should suit the needs of the user of the arena.

Obviously, the cost of the surface will also influence the final choice.

The following surface materials are acceptable, (a) wood chips (b) washed sand or clean pit-run sand (c) granulated PVC (d) rubber chips (e) latex covered sand (f) polypropylene fibre (g) combinations of these (h) or other accepted surface.

Maintenance (for information only).

This is a minimum specification. The only part of the specification where there is a choice, is the surface finish and this will normally depend on available budget. All artificial surfaces need maintenance. Maintenance will determine the quality of going, the effective life of the arena and the frequency with which it can be used. Procedures must take account of weather, type of use, and amount of use. Weather conditions can affect the frequency of watering. Type and amount of use will govern the frequency of levelling, harrowing, or rolling – whichever is appropriate.

All surfaces need keeping level. Some surfaces like the monofilament-bonded sand need periodic rotavation to keep the fibre mixed. This can also apply to blended materials, like PVC with fibre and sand. Other materials like fibred rubber have relatively large particles which tend to stay on top by natural regeneration. A high ratio of fibred rubber in the mix can be used to lay a surface of relatively low volume which allows the use of a roller to keep it level, rather than harrowing to break up the surface. Surfaces bonded with water, wax or oil-based materials will compact to give a dead ride and need harrowing or rotovating to keep the surface open for drainage, and to fluff it up.

Any arena perimeter will tend to build up surplus material. This must be returned to the adjacent track whenever necessary. Most surfaces require a minimum depth either to protect the membrane, or to prevent the surface material being crushed between the horse and the base.

The other maintenance factor is how often you will need to top up or replace the surface. Again, this will vary according to material, usage and the efficiency of interim maintenance.

Whilst all-weather has become the accepted term for 'artificial surfaces' there really is no such thing. The best we can therefore hope for is to construct a surface that will meet most of our requirements most of the time.

Remember to be realistic in your expectations, visit as many arenas as you can. Find out for how long they have been in use, how intensively they are used and how much maintenance is required.

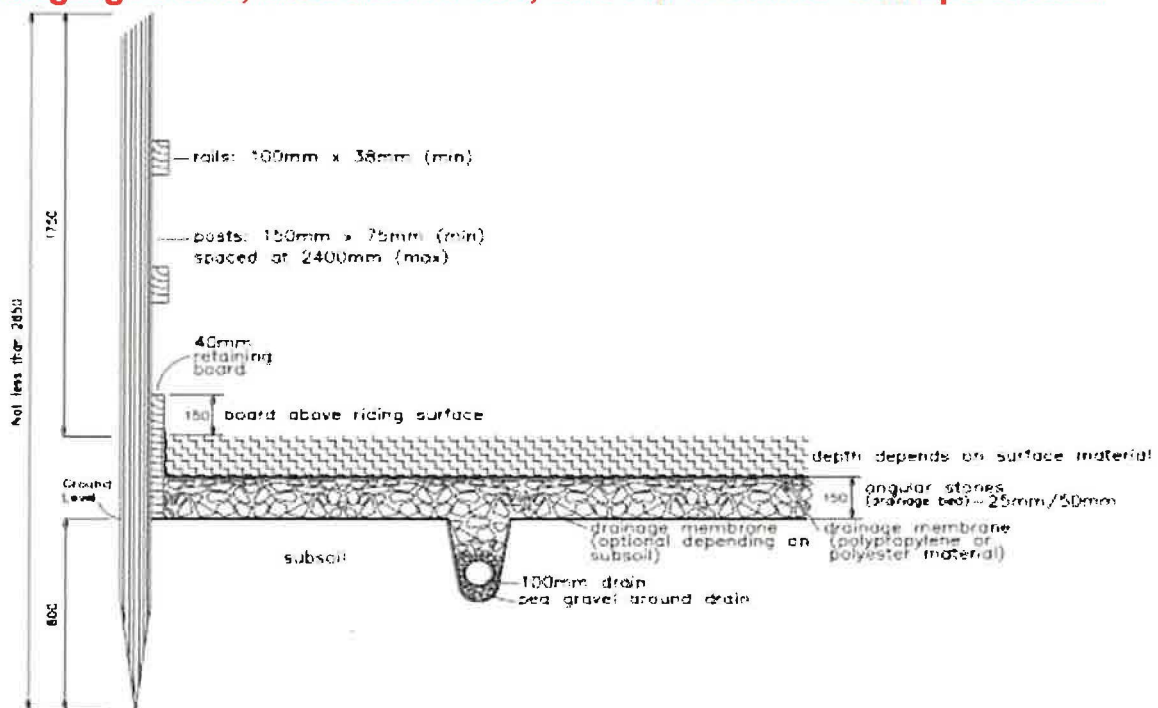
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Note: The full Department of Agriculture Specification S156 January 2016 2008 should be followed in their entirety. Also the Specification Notes for sand Arenas which form part of the Planning application.

Lunging Areas, Exercise Areas, and All-Weather Gallops Notes.



The TAMS 3 specification requirements take precedence and will mainly be based on Specification S.156.

Site

Sites for stables or housing shall be dry, not subject to flooding, and convenient to fodder, waste storage, and other facilities. Clean water from roofs and yards shall be piped away to avoid contamination with soiled surfaces.

Sites for Lunging Areas or Special Exercise Areas shall be dry, level, not subject to flooding, and be convenient to stables or housing.

Sites for Gallops shall be dry and not subject to flooding.

For safety considerations Lunging Areas, Special Exercise Areas, and Gallops shall be sited at least 10m from any public road. The above sites shall be adjacent to either a surfaced roadway, or to a drained and gravelled pathway.

Shelter and Run / Exercise Area

8.1 Shelter Construction

The shelter shall be constructed to the Department of Agriculture, Food and the Marine specification S101 and clause 6 of this specification. The run or exercise area shall be adjacent to the shelter where the animal will have access to at all times. Please refer to item 6.2 for detailed requirements of the building structure. Please note that there is no requirement for tack rooms, feed storage, or an apron in this building. The building can be fitted with Department's approved internal stables arrangement if required.

8.1.1 Space Requirements

The minimum floor area required is as per item 6.1.3 Loose Housing.

8.2 Run / Exercise Area

This area shall be constructed to standard outlined in item 9.4.1-7 Construction of All Weather Surfaces. The maximum stocking density for the run / exercise area shall not exceed 80m²/adult horse.

8.2.1 Fencing

Fencing around the run / exercise area is to the Department of Agriculture, Food and the Marine specification S148. Timber post and rail horse fencing may be used but is not a requirement.

9.1 Lunging Area

Lunging areas shall be either circular with minimum diameter 15m, or as square as possible with minimum dimensions of 15m x 15m and shall have an all weather surface. Where possible, a 20m square, or diameter, is recommended.

9.2 Exercise Area

Specially fenced separate exercise areas shall have a minimum size of 350m² and a shorter side of at least 15m. The riding area may be in grass or an all weather surface.

9.3 Gallop

All-weather gallops shall be a minimum 3m wide. A straight gallop shall be at least 500m long. A circular or oval gallop shall be at least 400m long, measured on the inner circumference. It is recommended that, where land is available, gallops should be about 800m long. Gallops are normally fenced, but such fencing is optional. The riding area may be in grass or an all weather surface.

9.4 Construction of an All Weather Surface

9.4.1 All-Weather Surface

All-weather construction, as specified below shall be provided for all lunging areas and gallops. Field drainage for lunging areas may also need to be incorporated on certain sites, and is normally required for gallops. Exercise areas may be constructed with an all-weather surface, or be left in grass.

9.4.2 Lower Drainage Membrane

A lower drainage membrane shall be used when the stone drainage bed is put directly onto topsoil, in order to prevent the mixing of stones and soil. Where topsoil is removed, and the base is firm, this lower membrane is not essential. The membrane shall be of porous polypropylene or polyester material, e.g.: Polybrane or equivalent, and shall be laid and overlapped to the manufacturer's instructions.

9.4.3 Field Drainage

Field drainage shall be provided under the drainage bed for both lunging areas and all-weather exercise areas, where site considerations or local high rainfall may require rapid drainage. It is recommended that the spacing of field drainage channels does not exceed 5m. The drainage pipes used shall have a min diameter of 100mm and when laid the pipes shall be surrounded by a layer of 'Pea Gravel' as per figure 5. Basic field drainage shall be provided in all gallops unless percolation tests show that drainage is not required. The simple Percolation Test as described in EPA Wastewater Treatment Manual (Single House Systems) may be used for Percolation Tests. A field drain shall be provided in the centre of a linear gallop, or on the inner edge of a circular gallop. A pattern of herringbone drains may be connected to the main field drain in any part of the gallop where ground conditions are suspect. All drainage systems shall outfall to an adjacent drain or watercourse, or to an adequate soakpit.

In a circular gallop the main drainage bed, the membrane, and the surface, shall all be laid on a slight incline (2o-3o) towards the inner edge.

9.4.4 Drainage Bed

The drainage bed shall be constructed of angular stones, 25mm to 50mm, with no fines, and shall be not less than 150mm in depth. The top of the drainage bed shall preferably be above ground level in lunging and all-weather exercise areas.

9.4.5 Upper Drainage Membrane

An upper drainage membrane, as specified in section 9.4.2, shall be placed over the stone drainage bed. Overlaps of the material shall be stitched together, and the edge of the membrane shall be turned up and fixed to the inside of the surface retaining board, using batons. Alternatively, a 40-50mm layer of permeable tarmac may be substituted for the upper drainage membrane. [Macadam to comply with BS 4987, Part 1:1993, Tables 17, 18, 19. e.g. Group 3:-14mm open graded macadam]. A 30mm layer of sand shall first be consolidated over the stone drainage bed before the tarmac is laid.

9.4.6 Retaining Boards

Creosote Treated Surface Retaining Boards, 40mm thick, shall be used to confine the surface material. The top of these retaining boards shall be 150mm above the finished height of the exercise area. These boards shall be supported at 1.2m intervals using a combination of posts driven into the ground and the fencing posts. Retaining Boards are optional on gallops. Where they are not provided the side earth shall be banked at about 60o, and the all-weather surface shall finish at 50-75mm below ground level.

9.4.7 Surface Material

All riding surfaces shall be a minimum of 350mm deep. The following surface materials are acceptable (a) Wood chips; (b) Washed sand, or clean pit-run sand; (c) Granulated PVC; (d) Rubber chips; (e) Latex covered sand; (f) combinations of these; (g) crushed glass (diameter 0.1-2.0mm, only purchased from accepted manufacturers); (h) polypropylene fibres, or other accepted surface. Wood chips, PVC, and rubber chips, shall be of a size to pass through a 15mm screen. Bark, peelings, rubber tiles or sawdust are not acceptable. Washed sand, or clean pit-run sand, shall be totally free of soil, and be laid to a minimum depth of 225mm., with a surface slope of 1 in 60. Sand shall be uniform grade (80% approx. between 0.15mm – 0.5mm particle size). Limestone sand will require more maintenance than non-lime sand, and should be avoided if possible.

9.4.8 Fencing of Lunging/ Exercise Areas

All fencing shall be to the standard as outlined in the Department of Agriculture, Food and the Marine specification S148. All post and rail fencing shall also comply with Irish Standard I.S. 437. Only cresote treatment is accepted for this type of fencing. Fences shall be at least 1.75m high, and be constructed as Post and Rail Fences with a minimum of 3 rails or of proprietary prefabricated fencing. The height of the fence shall be measured from the ground level from the top of the riding surface to the top of the top rail (See figure 5). 12

9.4.9 Post and Rail Fence

Posts shall be rectangular, minimum dimensions 150mm x 75mm (preferably 150mm x 100mm), be at least 2.55m long, and be placed 0.8m into the ground. Rails shall be 100mm by 38mm. Maximum spacing of posts is 2.4m. Galvanised nails or screws shall be used. Rails shall be on the arena side of the fence. Post and rail fences may be constructed of proprietary PVC systems that have been previously accepted by the Department.

9.4.10 Gates

Gates in lunging/exercise areas shall open both inwards and outwards; shall be at least 3m wide; shall be unsheeted; and when erected they shall be at least 1.75m high. Gates may be of wood or galvanised steel. Wooden gates shall have 4 horizontal 100mm x 40mm rails and be suitably constructed and braced. Steel gates shall be heavy-duty type, and otherwise conform to IS 155:1967.

9.4.11 Prefabricated fence

A concrete foundation ring, minimum of 300mm wide and 150mm deep shall be formed along the entire edge of the lunging area. The fence must be so manufactured that each element can be set into the concrete foundation ring at time of pouring the concrete. Under no circumstances can the fence simply be bolted to the concrete foundation ring. All fences shall be set down to a depth of 100mm into concrete ring.

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Desktop Study – Stage 1 - Statement of Screening for Appropriate Assessment of a nearby Natura designated site.

Part 2 of Desktop study. Organic Waste Nutrient Management Plan for the purpose of Planning Applications for Agricultural Development in accordance with Good Agricultural Practice Regulations Statutory Instrument No. 610 of 2010

Clare county Council – Shane Hogan has applied for Confirmation of Exempted development (Under Class 10) for the Construction of an unroofed fenced horse arena for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface and ancillary works (including extension of existing farm gravel road, and SUDS drainage of stormwater), in extension to existing farmyard utilising the existing farm road entrance at Furnacetown House, Furnacetown, Feakle, Co. Clare..

Part 1 of Desktop study. At the time of preparing this report the NPWS website has been experiencing problems for over two weeks. Full details cannot be downloaded. This report is prepared as best as is practical under those circumstances.

Stage 1 - Statement of Screening for Appropriate Assessment – Summary

Section 1 INTRODUCTION

The actual Assessment commences on Page 3. The notes on Pages 1 and 2 detail the reasons and methodology of the need for this natura assessment.

With the introduction of the Habitats Directive (Council Directive 92/43/EEC on the Conservation of natural habitat and of wild fauna and flora) came the obligation to establish the Natura 2000 network of Sites of Community Interest (SCIs), comprising a network of areas of highest biodiversity importance for rare and threatened habitats and species across the European Union (EU).

In Ireland, the Natura 2000 network of sites comprises Special Areas of Conservation (SACs, including candidate SACs) designated under domestic legislation transposing Directive 92/43/EEC, and Special Protection Areas (SPAs, including proposed SPAs) classified under the Birds Directive (Council Directive 2009/147/EC on the conservation of wild birds) and designated under the same domestic legislation.

SACs are designated for the conservation of Annex I habitats (including priority types which are in danger of disappearance) and Annex II species (other than birds). SPAs are designated for the conservation of Annex I birds and other regularly occurring migratory birds and their habitats. The annexed habitats and species for which each site is designated correspond to the qualifying interests of the sites; from these the conservation objectives of the site are derived.

SACs and SPAs make up the pan-European network of Natura 2000 sites. It should be noted that 'European sites' are defined in Regulation 2(1) of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended ('the 2011 Regulations') and Section 177R of the Planning and Development Act 2000, as amended ('the 2000 Act').

1.1 Appropriate Assessment

1.1.1 The Habitats Directive

A key protection mechanism in the Habitats Directive is the requirement to subject plans and projects to Appropriate Assessment (AA) in line with the requirements of Article 6(3) of the Habitats Directive, which requires that–

This desktop study is concerned only with **Stage 1 - Screening for Appropriate Assessment**: An initial or preliminary assessment of the project or plan's effect on a European site(s). If it cannot be concluded that there will be no significant effect upon a European site, then an appropriate assessment of the implications of a plan or project must be conducted.

1.2 Document Structure

Methodology and Guidance

Section 2 of the document, sets out the methodology followed and guidance documents used in conducting a screening appraisal for appropriate assessment and subsequent appraisal for appropriate assessment of the implications of the proposed development on European sites.

Proposed Development

Section 3 of the report describes the proposed development, the general methodology sequence and activities to be undertaken.

Stage 1 Screening Appraisal

Section 4 of the report contains a preliminary examination and analysis to understand whether or not the proposed development is likely to have a significant effect on any European site. This is the screening appraisal for appropriate assessment. It has been undertaken in view of best scientific knowledge, in light of the Conservation Objectives of the sites concerned and considers the proposed development individually or in combination with other plans and projects. In accordance with EC guidance and settled case law of the CJEU, measures intended to avoid or reduce the harmful effects of the proposed development on European sites, (i.e. "mitigation measures") or best practice measures have not been taken into account in the screening stage appraisal.

Section 2 METHODOLOGY

2.1 Published guidance on Appropriate Assessment

Appropriate Assessment Guidelines for Planning Authorities have been published by the Department of the Environment Heritage and Local Government and more recently by the Office of the Planning Regulator Practice Note (PN01) (OPR,2021). In addition to the advice available from the Department, the European Commission has published a number of documents which provide a significant body of guidance on the requirements of Appropriate Assessment.

This Stage 1 Screening Appraisal is carried out in conformity with this guidance.

2.2 Likely Significant Effect

The Commission's 2018 Notice (EC, 2019) advises that the appropriate assessment procedure under Article 6(3) is triggered not by the certainty but by the likelihood of significant effects, arising from plans or projects regardless of their location inside or outside a protected site. Such likelihood exists if significant effects on the site cannot be excluded. The significance of effects should be determined in relation to the specific features and environmental conditions of the site concerned by the plan or project, taking particular account of the site's conservation objectives and ecological characteristics.

The threshold for a Likely Significant Effect ("LSE") is treated in the screening exercise as being above a de minimis level. A de minimis effect is a level of risk that is too small to be concerned with when considering ecological requirements of an Annex I habitat or a population of Annex II species present on a European site necessary to ensure their favourable conservation condition. If low level effects on habitats or individuals of species are judged to be in this order of magnitude and that judgment has been made in the absence of reasonable scientific doubt, then those effects are not considered to be LSEs.

The analysis involved in a Stage 1 screening appraisal for Appropriate Assessment is described in EC (2021) as comprising four steps:

- ascertaining whether the plan or project is directly connected with or necessary to the management of a Natura 2000 site;
- identifying the relevant elements of the plan or project and their likely impacts;
- identifying which (if any) Natura 2000 sites may be affected, considering the potential effects of the plan or project alone or in combination with other plans or projects;
- assessing whether likely significant effects on the Natura 2000 site can be ruled out, in view of the site's conservation objectives. Case law of the Court of Justice of the European Union (CJEU) has confirmed that a significant effect is triggered when:
 - there is a probability or a risk of a plan or project having a significant effect on a European site;
 - the plan is likely to undermine the site's conservation objectives; and
 - a significant effect cannot be excluded on the basis of objective information. EC (2021) defines a LSE as being "any effect that may reasonably be predicted as a consequence of a plan or project that would negatively and significantly affect the conservation objectives established for the habitats and species significantly present on the Natura 2000 site. This can result from either on-site or offsite activities, or through combinations with other plans or projects". The requirement that the effect in question be 'significant' exists in order to lay down a de minimis or negligible threshold – thus, plans or projects that have no appreciable or imperceptible effects on the site are thereby excluded.

2.3 Mitigation Measures In determining whether or not likely significant effects will occur or can be excluded in the Stage 1 appraisal, measures intended to avoid or reduce the harmful effects of the proposed development on European sites, (i.e. "mitigation measures") or best practice measures have not been taken into account in this screening stage appraisal. This approach is consistent with up-to-date EU guidance (EU,2019; EC,2021) and the case law of the Court of Justice of the European Union (CJEU).

EC (2001) states that "project and plan proponents are often encouraged to design mitigation measures into their proposals at the outset. However, it is important to recognise that the screening assessment should be carried out in the absence of any consideration of mitigation measures that form part of a project or plan and are designed to avoid or reduce the impact of a project or plan on a Natura 2000 site". This direction in the European Commission's guidance document is unambiguous in that it does not permit the inclusion of mitigation at screening stage.

In April 2018, the Court of Justice of the European Union issued a ruling in case C-323/17 People Over Wind & Peter Sweetman v Coillte Teoranta ("People Over Wind") that Article 6(3) of Directive 92/43/EEC must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or

project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.

The judgment in People Over Wind is further reinforced in EC (2019) and EC (2021) which refers to CJEU Case C-323/17.

Therefore, in consideration of the above, no mitigation measures will be considered in the Stage 1 screening. It is also pointed out prior to commencement of this study that there is no change in stocking rates proposed on this farm, nor any change in the amounts of animal nutrients or the nature of the animal nutrients applied on or into the land by this project.

The maps and data utilised in this Stage 1 screening appraisal are all obtained from <https://www.npws.ie/maps-and-data>

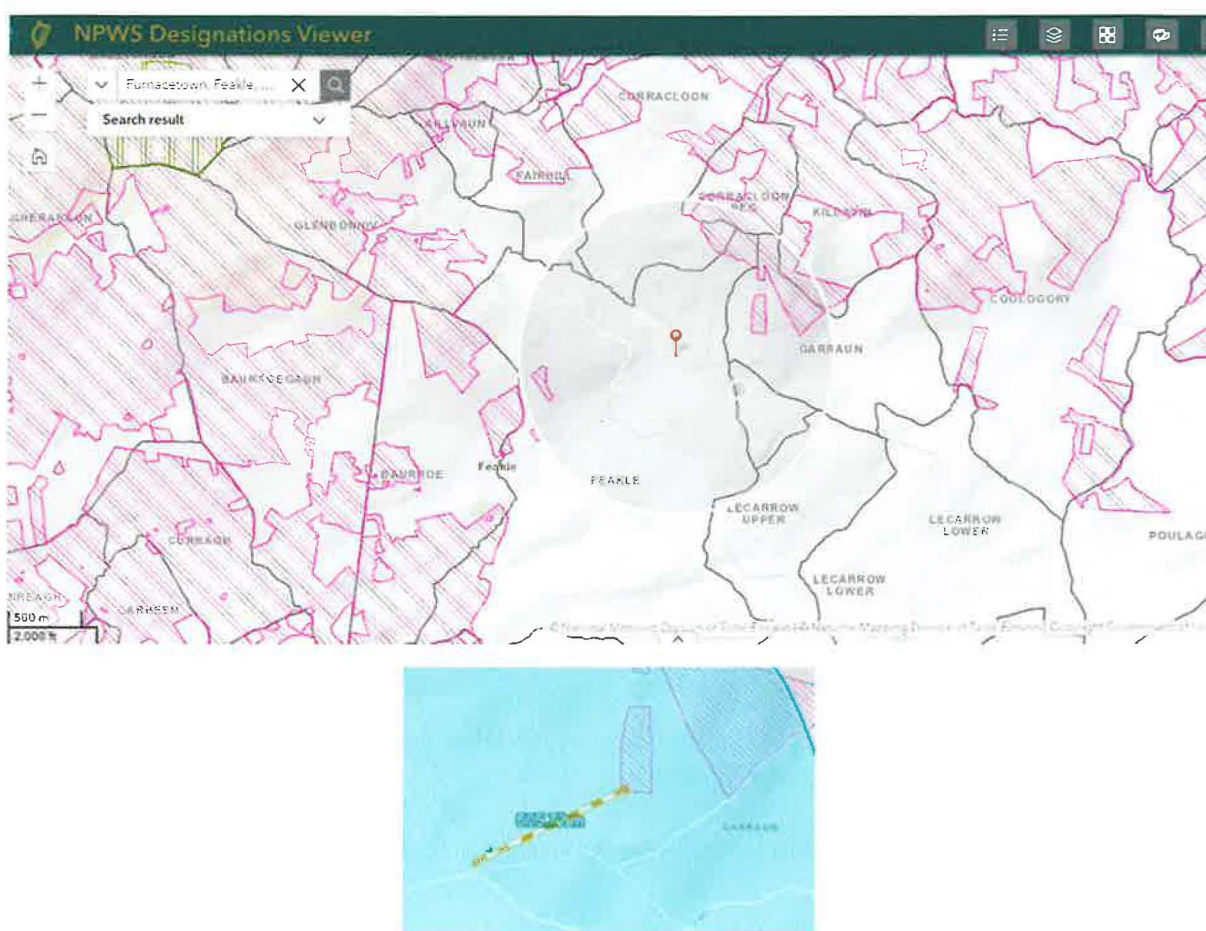
Section 3 describing the proposed development, the general methodology sequence and activities to be undertaken.

Description of proposed development (which is supported by all the planning documentation listed in the cover letter to the planning department:

Clare county Council – Shane Hogan has applied for Confirmation of Exempted development (Under Class 10) for the Construction of an unroofed fenced horse arena for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface and ancillary works (including extension of existing farm gravel road, and SUDS drainage of stormwater), in extension to existing farmyard utilising the existing farm road entrance at Furnacetown House, Furnacetown, Feakle, Co. Clare.

Section 4. Identification of all Natura 2000 sites located on or near (1km) to the applicant site

None on farm or but one SPA is within 1 km circle of site (505 meters from actual proposed arena). See map below.



Slieve Aughty Mountains SPA

Site Details

Site code 004168

Designation Special Protection Area (SPA)

Counties Clare Galway

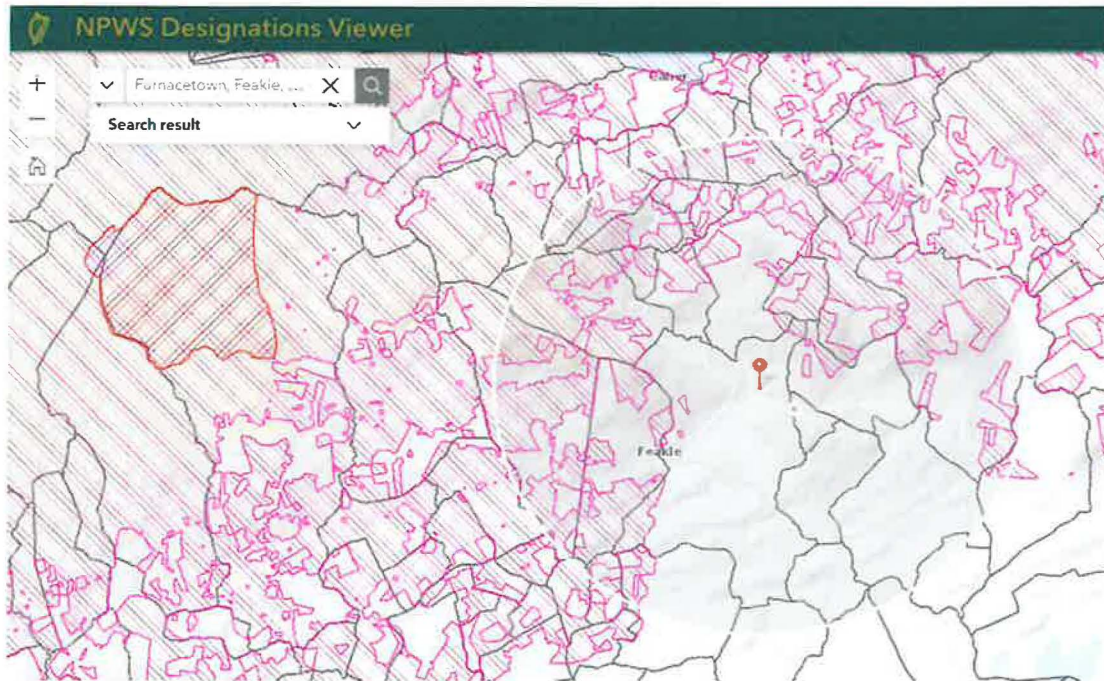
Coordinates Latitude: 53.0203 Longitude: -8.60545

Qualifying Interests

Hen Harrier (*Circus cyaneus*) [A082]

Merlin (*Falco columbarius*) [A098]

Identification of all Natura 2000 sites located near (within 3 km) to the applicant site – One within 3 km circle of site 1 no. SPA and 0 no. SACs If applicable, the main features of these SAC and SPA sites are detailed and examined below

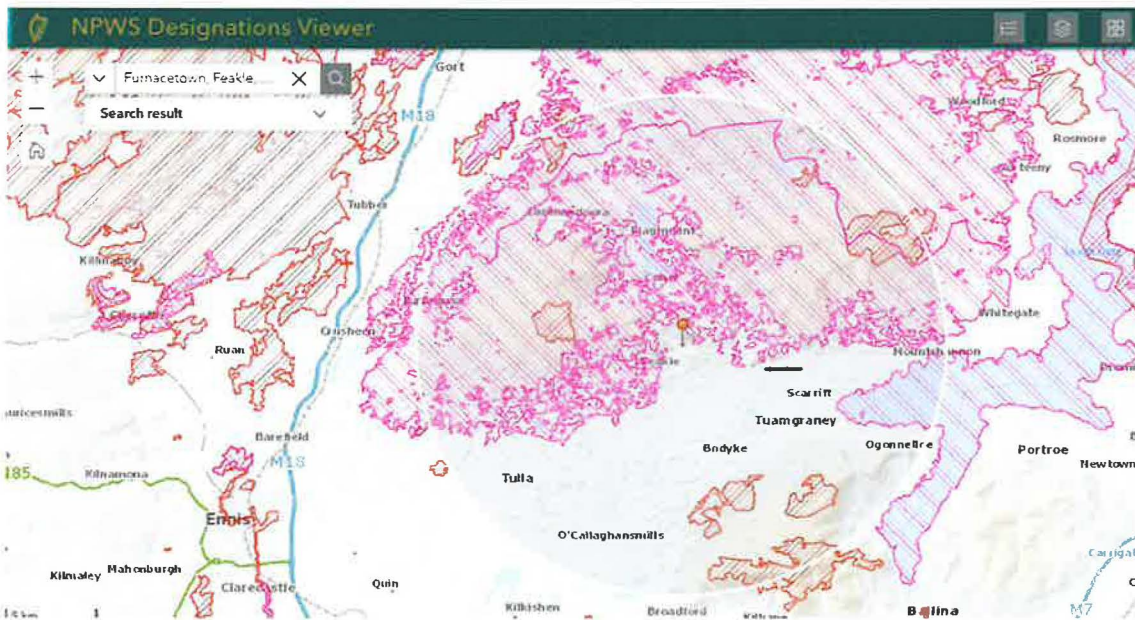


Slieve Aughty Mountains SPA

Site Details

Site code 004168 As before described.

Identification of all Natura 2000 sites located near (within 15 km) to the applicant site – 11 no. within 15 km circle of site 5 no. SPA and 2 no. SACs The main features of these SAC and SPA sites are detailed and examined below.



Map detailing natura sites within 15 km of project site shaded in blue. I have examined the 5 no. SPA and 7 no. SACs natura sites which are within 15 km of this site. The applicant farms outside all the SAC SPA areas. The farm activities pose no threat to these natura sites.

Assessment of likely effects Note: A ☒ means that the development poses no risk provided that the development is constructed in full accordance with the full Planning documentation and conditions of the Planning Permission.

Examples of effects that are likely to be significant, that have been considered by this study are:

- ☒ Any impact on an Annex I habitat
- ☒ Causing reduction in the area of the habitat or Natura 2000 site
- ☒ Causing direct or indirect damage to the physical quality of the environment (e.g. water quality and supply, soil compaction) in the Natura 2000 site
- ☒ Causing serious or ongoing disturbance to species or habitats for which the Natura 2000 site is selected (e.g. increased noise, illumination and human activity)
- ☒ Causing direct or indirect damage to the size, characteristics or reproductive ability of populations on the Natura 2000 site
- ☒ Interfering with mitigation measures put in place for other plans or projects

1. Screening statement with conclusions

The applicant is a medium sized mixed cattle farmer with several horses. The farm is mainly permanent pasture, with natural native hedging which will not be affected by this development. The maintenance /preservation of the hedgerows is important in hen harrier protection and this will not be affected by this development, even though the nearest protected area is over 500 meters away. And covers a large percentage of this county. As stated at the beginning of this Stage 1 assessment, no mitigation measures will be considered in the Stage 1 screening.

It has also been pointed out prior to commencement of this study that there is no change in stocking rates proposed on this farm, nor any change in the amounts of animal nutrients or the nature of the animal nutrients applied on or into the land by this project. Whether this project goes ahead or not the animals still graze the land as they have always done and their nutrients are deposited on the land.

The farm is typical to this area. It will be farmed in an environmentally responsible manner. 1st stage Screening establishes that there is no potential for significant effects and the project can proceed as proposed. However, no changes may be made after this as this will invalidate the findings of screening.

Conclusion : I recommend that the AA process ends at the Stage 1 Screening stage because my conclusion is that no significant effects are likely.

Name, address and qualifications of the person who prepared the "Statement for Screening"/"Statement for Appropriate Assessment"

Signed: Date: 14th September 2023

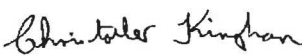
Christopher Kinghan (BSc Hons) A.R.I.C.S.

Chartered Building Surveyor

Also, PG Dip and PG Cert in Organic farming.

Carricknagoan, Coolderry PO, Carrickmacross, Co. Monaghan.

Signature of applicant (and any co-applicant where applicable) or agent

Signed  Agent

On behalf of Applicant

Sources

<http://www.npws.ie/protected-sites/sac>

Part 2 of Desktop study.

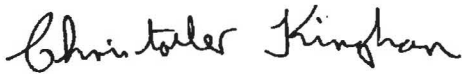
Organic Waste Nutrient Management Plan for the purpose of Planning Applications for Agricultural Development in accordance with Good Agricultural Practice Regulations Statutory Instrument No. 610 of 2010

1.0 FARM DESCRIPTION

1.1 General description of the farm

Clare county Council – Shane Hogan has applied for Confirmation of Exempted development (Under Class 10) for the Construction of an unroofed fenced horse arena for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface and ancillary works (including extension of existing farm gravel road, and SUDS drainage of stormwater), in extension to existing farmyard utilising the existing farm road entrance at Furnacetown House, Furnacetown, Feakle, Co. Clare. 1.2 This section of the Desktop study is not applicable and Management of animal nutrients is not involved in this application for exempted development.

Signed:



Date: 14th September 2023

Christopher Kinghan (BSc Hons) A.R.I.C.S.

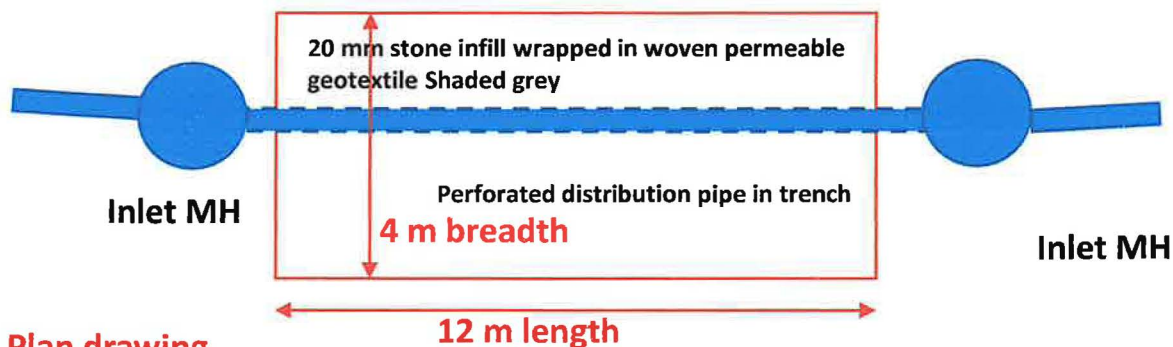
Chartered Building Surveyor

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Carricknagoan, Coolderry PO, Carrickmacross, Co. Monaghan.

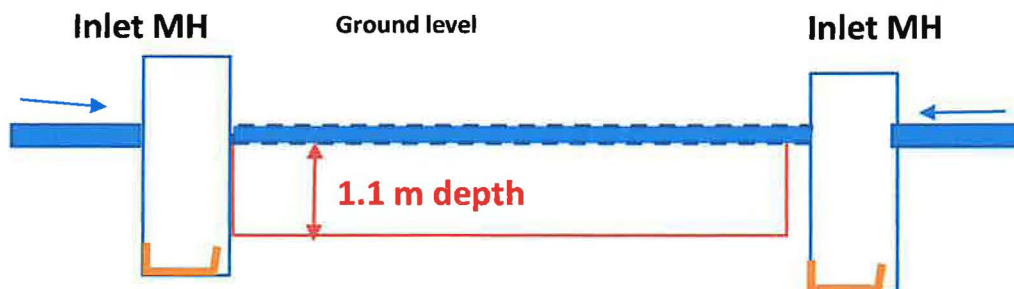
SUDS Soakaway trench design Schematic only.

Not to scale.



Plan drawing
length breadth depth dimension determined in calculations.

20 mm stone infill wrapped in woven permeable geotextile Shaded grey



Construct 1.2 m diameter inlet chambers as Silt trap ie. 0.3 m below bottom of trench . Removable collection pans for silt to each side of the trench

Section drawing

Christopher Kinghan & Associates

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