



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

Owen Boyden
C/o Deirdre Foran
Lisdoonvarna
Co. Clare

16th January 2024

Section 5 referral Reference R23-82 – Owen Boyden

Is the reroofing of the derelict building considered development and if so is it exempted development?

A Chara,

I refer to your application received on 24th October 2023 and by way of further information on 19th December 2023 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

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

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

Mise, le meas

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

An Roinn Pleanála
An 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



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

Reference No.: R23-82



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R23-82

Is the reroofing of the derelict building considered development and if so is it exempted development?

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

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

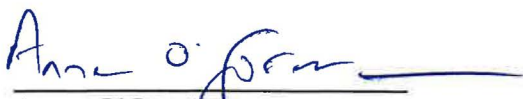
- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) The details received by the Planning Authority.

And whereas Clare County Council has concluded:

- (a) The reroofing and associated works, including the raising the wall plate level, of a derelict building would materially affect the external appearance of the building so as to render it inconsistent with the character of the building itself and of the neighbouring structures.

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 reroofing of a derelict building at Kineilty, Liscannor, Co. Clare constitutes development which is not exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.


Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

16th January 2024

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:

82997

Reference Number:

R23-82

Date Referral Received:

24th October 2023

Further Information Received:

19th December 2023

Name of Applicant:

Owen Boyden

Location of works in question:

Kineilty, Liscannor, Co. Clare

Section 5 referral Reference R23-82 – Owen Boyden

Is the reroofing of the derelict building 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) The details received by the Planning Authority.

AND WHEREAS Clare County Council has concluded:

- (a) The reroofing and associated works, including the raising the wall plate level, of a derelict building would materially affect the external appearance of the building so as to render it inconsistent with the character of the building itself and of the neighbouring structures.

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 reroofing of a derelict building at Kineilty, Liscannor, Co. Clare is considered development which is not exempted development.

Signed: 
GARETH RUANE
SENIOR EXECUTIVE PLANNER 

Date: 16th January 2024

COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF:	23/ 82
APPLICANT(S):	Owen Boyden
REFERENCE:	Whether the reroofing of a derelict building considered to be development and if so is it or is not exempted development.
LOCATION:	Kinelty , County Clare
DUE DATE:	15/ 01/ 24

Further information was requested 08/11/ 23 as follows:

Recommendation

1. Please be advised that under section 4.—(1) (h) The following shall be exempted developments for the purposes of the Planning and Development Act 2000 , as amended—

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

Having regard to the foregoing Section, it is not clear from the information on file whether or not the proposed works will or will not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures. In order to address this matter please arrange to submit:

- (a) A survey drawing of the existing building to scale.
- (b) A drawing of the proposed works including details to clarify the extent of new build proposed together with details of proposed roof design and external finishes.

2. The application form indicated that Owen Boyden is the owner of the structure whereas the Registered owner is Anne Thynne. Please clarify your legal interest in the site and clarify if the owner is aware that this section 5 has been made to the Planning Authority (item D of application form refers)

Summary of Applicants Response

1. The applicant has submitted a drawing of the existing building together with the proposed alterations which include raising the height of the doors and windows , rebuilding of stone wall and a reinforced concrete ring beam faced in stone to tie the walls together when rebuilt. The walls are finished in stone with grey sheeting as a roof finish.
2. The applicant and Dearbhaile Glynn are the registered owners (correspondence from Casey Solicitors enclosed.
3. The structure will be used for storage.
4. The works described in the Council's correspondence are outside the ownership of the applicants and have been completed by a neighbour without the benefit of planning permission and the works have resulted in damage to the shed. The ground works impacted on the rear of the shed causing it to collapse further.

We welcome Clare Co Council advising the owners of the requirement for planning permission for such work.

Assessment

1.The revised drawings submitted clarify the extent of existing structure and the proposed alterations. It is acknowledge that the applicant wishes to ensure that the shed is fit for purpose and to ensure external finishes match existing. However it is considered that the works which involving raising the wall plate level would materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

2.I note the legal correspondence received which confirms the applicants are the registered owners of folio 62678F, but that an error was made by the mapping section of the Property Registration Authority, who have been requested to rectify the matter.

I note that no Deed of Rectification has been submitted in this regard.

In this instance and this particular circumstance the Planning Authority accepts the legal correspondence as *prima facie* evidence of sufficient legal interest by the applicants.

Conclusion

With reference to the above assessment, the proposed development can be considered exempted development which is not exempted development for the purposes of Section 5.

Recommendation

WHEREAS a question has arisen as to whether the reroofing of a derelict building is or is not development and is or is not exempted development.

AND WHEREAS Clare County Council in considering this referral, had regard particularly to -

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) the details received by the Planning Authority.

AND WHEREAS Clare County Council has concluded that –

The reroofing and associated works including the raising the wall plate level of a derelict building would materially affect the external appearance of the building so as to render it inconsistent with the character of the building itself and of the neighbouring structures.

NOW THEREFORE Clare County Council, in exercise of the powers conferred on it by section 5(2) (a) of the 2000 Act, hereby decides

The reroofing of a derelict building at kinelty. Liscannor Co. Clare is considered development which is not exempted development.

Signed Ellen Coey.
E.P.

Date 16-01-24.

Signed g.m.
S.E.P.

Date 16/01/24.



EWEN BOYDEN KINIE 174 1851

Land Registry Compliant Map

**CENTRE
COORDINATES:**
ITM 503363,689457

PUBLISHED: 05/02/2023
ORDER NO.: 50315818_1

MAP SERIES: 1:5,000
MAP SHEETS: 4081

FOLIO CE 28998F
OWEN BOYDEN
KINIELTY
LISCANNOR
VILCO DRAIN

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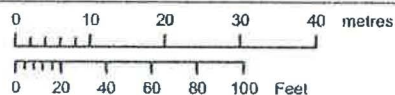
LEGEND:
<http://www.osi.ie>;
search 'Large Scale Legend'

Shingaunagh North

C i o n n E i l t e
K i n e i l t y

SITE

Three houses



OUTPUT SCALE: 1:1,000

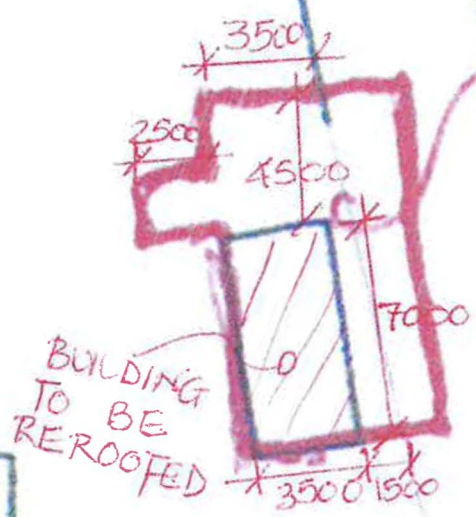
CAPTURE RESOLUTION:
The map objects are only accurate to the
resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at:
<http://www.osi.ie/copyright>



NORTH
↑

Anne Thynne
~~Thynne~~

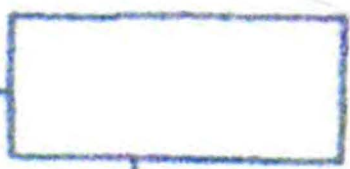
SITE



OWEN BOYDEN
KINIULTY
LISCANNOR
1/250
SITE LAYOUT PLAN
AREA = 0.0075HA

Kathleen Hubley

May Hubley





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



12-12-2023

Planning Section

Clare Co Council

Ennis.

**CLARE
COUNTY COUNCIL**

19 DEC 2023

**Received
Planning Section**

Reference: R23-82 Owen Boyden, Kinelty, Liscannor

Dear Planning

Thankyou for your letter requesting further information on the above application.

In response, please accept the following:

1. (a) (b) Drawing of existing building showing changes to be made. The window and door head heights are to be raised to allow for safe entry, the walls are to be rebuilt in stone, with a reinforced concrete ring beam, faced with stone to tie the walls together when rebuilt. The walls are finished in stone, with grey sheeting as a roof finish.
2. Owen Boyden and Dearbhaile Glynn are the registered owners, see letter from Casey & Co Solicitors
3. The structure will be used for storage.
4. The works described in your letter are outside of the ownership of Owen and Dearbhaile and have been completed by the neighbour, without the benefit of planning and the works have resulted in damage to the subject shed. The groundworks impacted on the rear wall of the shed, causing it to collapse further. We welcome Clare Co Council advising the owners of the requirement for planning permission for such works.

If you require anything else, please let me know.

Thank you

BOY021/1/RFC/MK

16th November, 2023

Clare County Council,
Planning Section,
Áras Contae an Chláir,
New Road,
Ennis,
Co. Clare.

**RE: OUR CLIENTS: OWEN BOYDEN AND DEARBHLA GLYNN.
PROPERTY AT KINEILTY, LISCANNOR, CO. CLARE.**

Dear Sirs,

We refer to the above matter.

We, Messrs. John Casey & Company, Solicitors hereby **CONFIRM** that we act on behalf of Owen Boyden and Dearbhla Glynn who by Deed of Transfer dated the 4th day of November, 2022 completed the purchase of the property known as **ALL THAT AND THOSE PART** of the lands in the Townland of Kineilty situate in the Barony of Corcomroe and County of Clare being part of the property described in _____ of the Register, County Clare as more particularly delineated in red and marked ' ' on the map attached hereto from Ann Thynne.

We confirm that registration of the above-mentioned property has been completed and Owen Boyden and Dearbhla Glynn are the registered owners of the property described in _____ of the Register of Freeholders, County of Clare. However, when we obtained a Printout of the Map in respect of _____, County Clare an error would appear to have been made by the Mapping Section of the Property Registration Authority.

We have been in contact with the Property Registration Authority and have requested that this matter be rectified as soon as possible.

We will be in further contact with you in due course.

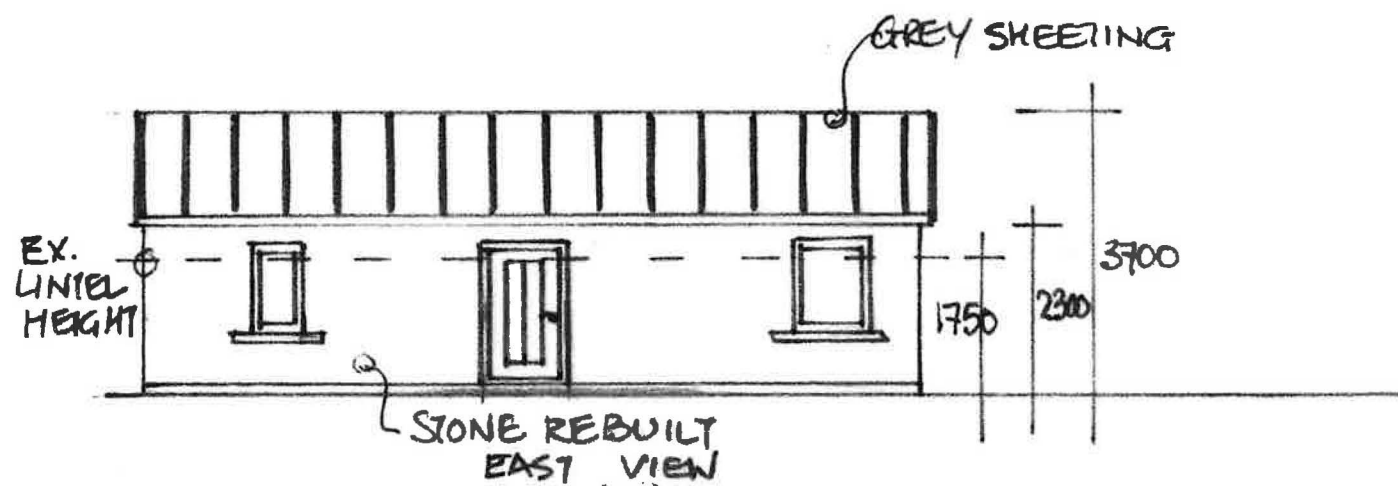
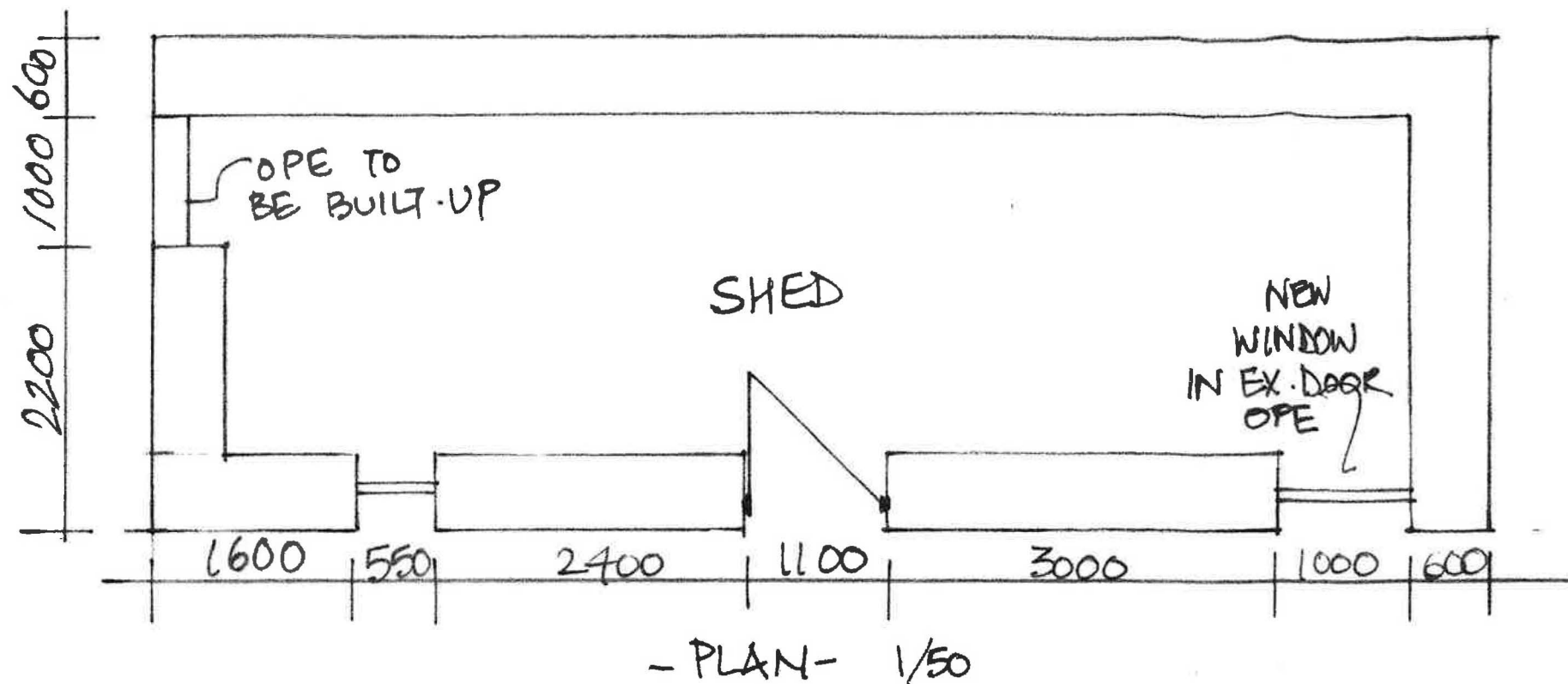
If you have any further queries, please do not hesitate to contact the writer.

Yours faithfully,

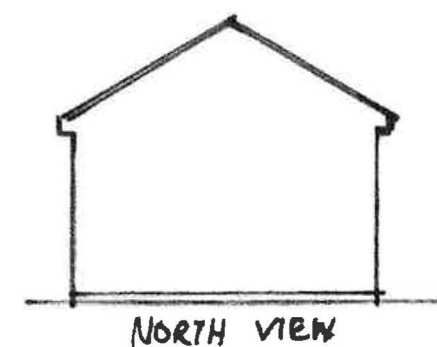
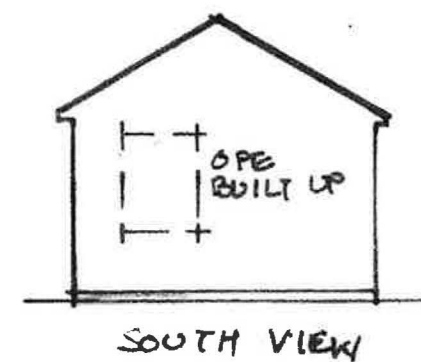
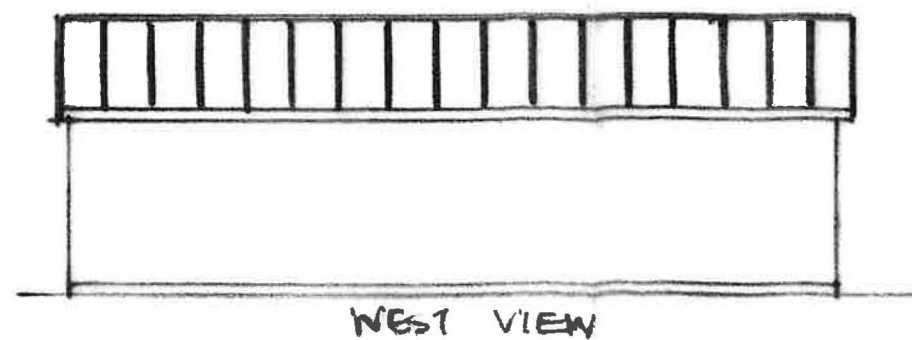


JOHN CASEY AND COMPANY

E-mail:



VIEWS 1/100



OWEN BOYDEN
KINIELTY
LISCANNOR
REF: R23-82
1(a) & (b) RESPONSE



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Owen Boyden
C/o Deirdre Foran
Lisdoonvarna
Co. Clare

08/11/2023

Section 5 referral Reference R23-82 – Owen Boyden

Is the reroofing of the derelict building considered development and if so is it exempted development?

A Chara,

I refer to your application received on 24th October 2023 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

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

I recommend requesting further information as follows:

1. Please be advised that under section 4.- (1) (h) The following shall be exempted developments for the purposes of the Planning and Development Act 2000, as amended-

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

Having regard to the foregoing Section, it is not clear from the information on file whether or not the proposed works will or will not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures. In order to address this matter please arrange to submit:

- (a) A survey drawing of the existing building to scale.
- (b) A drawing of the proposed works including details to clarify the extent of new build proposed together with details of proposed roof design and external finishes.

2. The application form indicated that Owen Boyden is the owner of the structure whereas the Registered owner is Anne Thynne. Please clarify your legal interest in the site and clarify if the owner is aware that this section 5 has been made to the Planning Authority (item 3 (d) of application form refers).

An Roinn Pleanála
An Stiúrthóireacht Forbairt Gheilleagrach

Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department
Economic Development Directorate

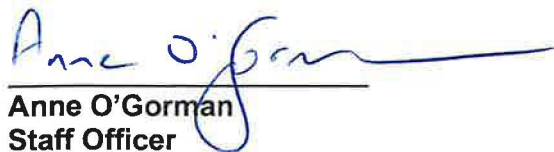
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



3. Please indicate the intended use of the structure.

4. It would appear that works comprising the creation of a hard standing area, the creation of an entrance and the removal of a shared boundary have occurred on site without the benefit of planning permission. You are invited to comment in this regard.

Mise, le meas



Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

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

FILE REF:	23/ 82
APPLICANT(S):	Owen Boyden
REFERENCE:	Whether the reroofing of a derelict building considered to be development and if so is or is not exempted development.
LOCATION:	Kinelty , County Clare
DUE DATE:	17/11/ 23

Site Location

The derelict building is located in Kinelty cluster.

The building comprises stone flag and some concrete block above eaves level. There is a limited area of curtilage with building.

The building does not appear to be within the curtilage of a dwelling. (as per land registry maps) although situated proximate to two other dwellings.

Recent Planning History on site.

None

Unauthorised development history

23/ 11 A warning letter issued to Owen Boyden 26th May 23 for the creatin of a hard standing area, the creation of an entrance and removal of a shared boundary without the benefit of planning permission. This warning letter was returned to the Planning Authority on the 1st June and the 7th June.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Owen Boyden who claims to be the owner.

The applicant is seeking a Section 5 Declaration as to whether 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*.

"structure" as any building, structure, excavation or other thing constructed or made on, in or under any land, or part of a structure so defined, and where the context so admits, includes the land on, in or under which the structure is situated

“use”, in relation to land, does not include the use of the land by the carrying out of any works thereon.

Section 2 (1) ‘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.

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.**

Exempted Development

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

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

Assessment

The agent has advised the following in the documents submitted:

Particulars of the Development

The applicant has submitted the following information:

- Site location map 1:500 with site outlined in red.
- Site layout plan 1:250 with site outlined in red.
- Photograph of the building taken from the public road.
- Description of works: Reroofing the existing building and rebuilding walls which were damaged during works on the adjacent property.

Planning Exemption Assessment

- No survey drawings of the existing building have been submitted
- No drawings of proposed works or design of roof (i.e lean to, or pitched) , or materials of roof have been submitted.
- No photos of the rear of the property have been submitted.
- The applicant has not indicated what the building is intended to be used for .
- The building does not appear to be within the curtilage of a dwelling. (as per land registry maps) although situated proximate to two other dwellings.
- The building is not a protected structure.
- The applicant claims to be the owner of the building, but the registered owner is Anne, Thynne.

Under Section 4 (1) (h) of the Planning and Development Act 2000 as amended, works for maintenance and repair as well as works which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures are generally considered to constitute exempted development . Having regard to the information received to date it is not possible to conclude the works will not be inconsistent with the character of the structure or neighbouring structures. In this regard it should be noted that Kinelty is noted for its Liscannor flag outbuildings and sheds which are normally found within the curtilages of farmyards and dwellings. In this instance however having viewed land registry details the subject structure does not fall within the curtilage of ownership associated with nearby dwellings. Therefore exempted development Regulations Schedule 2, Article 6 , Part 1, Class 1-Development within the curtilage of a house is not applicable (Planning and Development Regulations 2001 as amended refers).

It is further noted that the building does not fall within a farm yard complex and as such does not fall within part 3 Article 6 , Exempted Development – Rural.

Recommendation

I recommend requesting further information as follows:

1. Please be advised that under section 4.—(1) (h) The following shall be exempted developments for the purposes of the Planning and Development Act 2000 , as amended—

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

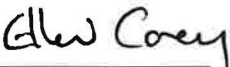
Having regard to the foregoing Section, it is not clear from the information on file whether or not the proposed works will or will not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures. In order to address this matter please arrange to submit:


- (a) A survey drawing of the existing building to scale.
- (b) A drawing of the proposed works including details to clarify the extent of new build proposed together with details of proposed roof design and external finishes.

2.The application form indicated that Owen Boyden is the owner of the structure whereas the Registered owner is Anne Thynne. Please clarify your legal interest in the site and clarify if the owner is aware that this section 5 has been made to the Planning Authority (item D of application form refers)

3.Please indicate the intended use of the structure.

4. It would appear that works comprising the creation of a hard standing area, the creation of an entrance and the removal of a shared boundary have occurred on site without the benefit of planning permission. You are invited to comment in this regard.


Ellen Carey
Executive Planner
Date: 8/11/23.


Garreth Ruane
Senior Executive Planner
08/11/23

Appropriate Assessment & Determination

STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	R23/ 82
(b) Brief description of the project or plan:	Reroofing of a derelict building at Kinelty
(c) Brief description of site characteristics:	Derelict Stone building with curtilage
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.				
European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Cliffs of Moher SPA	Fulmar (Fulmarus glacialis) [A009] Kittiwake (Rissa tridactyla) [A188] Guillemot (Uria aalge) [A199]	1km as the Chough flies.	None	No

	Razorbill (<i>Alca torda</i>) [A200] Puffin (<i>Fratercula arctica</i>) [A204] Chough (<i>Pyrrhocorax pyrrhocorax</i>) [A346]			

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

² If the site or part thereof is within the European site or adjacent to the European site, state here.

STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	None
Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or 	None



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Owen Boyden
C/o Deirdre Foran
Lisdoonvarna
Co. Clare

24/10/2023

Section 5 referral Reference R23-82 – Owen Boyden

Is the reroofing of the derelict building considered development and if so is it exempted development?

A Chara,

I refer to your application received on 24th October 2023 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

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

Mise, le meas

Brian Fahy
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stiúrthóireacht Forbairt Gheilleagrach

Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department
Economic Development Directorate

Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



sediment <ul style="list-style-type: none"> • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	
In-combination/Other	None

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

Examples of the type of changes to give consideration to include: <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	None
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------

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

☐ Yes ☒ No

Step 4. Screening Determination Statement

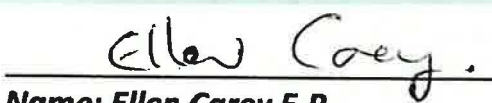
The assessment of significance of effects:

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

The proposed development relates to repair of an existing structure outside the SPA. No direct or indirect effects are envisaged on the qualifying interests of the SPA.

Conclusion: The proposed development is not likely to have significant effects on European

site(s) in view of its conservation objectives.

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	08 th Nov 23  Name: Ellen Carey E.P.	
Signature and Date of the Decision Maker:		

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

24/10/2023 10:30:13

Receipt No.: L1CASH/0/356118

***** REPRINT *****

OWEN BOYDEN
C/O DEIRDRE FORAN
LISDOONVARNA
CO. CLARE
R23-82

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
Website: www.clarecoco.ie



R23-82

**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	OWEN BOYDEN C/O DFORANDESIGN LISDOONVARNA, CO CLARE
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	DEIRDRE FORAN LISDOONVARNA CO CLARE

2. DETAILS REGARDING DECLARATION BEING SOUGHT

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

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

IS THE REROOFING OF THE DERELICT BUILDING CONSIDERED
 DEVELOPMENT AND IF SO IS IT EXEMPTED DEVELOPMENT

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

REROOFING THE EXISTING BUILDING AND REBUILDING WALLS WHICH WERE
 DAMAGED DURING WORKS ON THE ADJACENT PROPERTY


- (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)

PICTURE OF BUILDING, SITE LOCATION MAP; SITE LAYOUT PLAN

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	KINIELTY, LISCANNOR 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):	OWEN BOYDEN OWNS THE BUILDING AND SITE
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question: <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	YES
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	NO
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	NO
(h) Date on which 'works' in question were completed/are likely to take place:	AS SOON AS POSSIBLE TO PREVENT FURTHER DAMAGE TO THE BUILDING

SIGNED:



AGENT

DATE: 20-10-2023

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:	



OWEN BOXDEN, KINIELTY, LUSCANNOK

Land Registry Compliant Map

CENTRE COORDINATES:
ITM 503363,689457

PUBLISHED: 05/02/2023
ORDER NO.: 50315818_1

MAP SERIES: 1:5,000
MAP SHEETS: 4081

FOLIO CE 2E998F
OWEN BOYDEN
KINIELTY
LISCANNOR
1/1000 DUBLIN 8

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

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2023

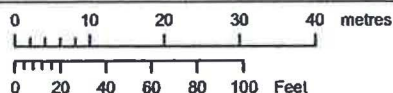
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LEGEND:
<http://www.osi.ie>;
search 'Large Scale Legend'

Shingaunagh North

C i o n n E i l t e
K i n e i l t y

SITE



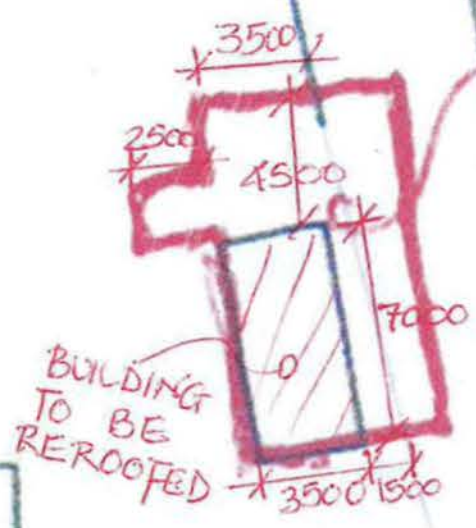
OUTPUT SCALE: 1:1,000

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'



NORTH
↑

SITE



OWEN BOYDEN
KINIELTY
LISCANNOR
1/250
SITE LAYOUT PLAN
AREA = 0.0075HA