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CONTAE AN CHLÁIR | COUNTY COUNCIL

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Dualta Hann
Horseshoe Creek
Ruanard
Clonlara
Co. Clare
V94 X259

28th November 2023

Section 5 referral Reference R23-86 – Dualta Hann

Is the construction of a storage shed for machinery at Horseshoe Creek, Ruanard, Clonlara, Co. Clare development, and if so is it exempted development?

A Chara,

I refer to your application received on 7th November 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 Stiúthóireacht Forbairt Gheilleagrach

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

Planning Department
Economic Development Directorate

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



CLARE COUNTY COUNCIL

SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED

DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT

Chief Executive's Order No:

82775

Reference Number:

R23-86

Date Referral Received:

7th November 2023

Name of Applicant:

Dualta Hann

Location of works in question:

Horseshoe Creek, Ruanard, Clonlara, Co.
Clare

Section 5 referral Reference R23-86 – Dualta Hann

Is the construction of a storage shed for machinery at Horseshoe Creek, Ruanard, Clonlara, Co. Clare development, and if so is it exempted development?

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Schedule 2, Part 1, Class 3 of the Planning and Development Regulations 2001 (as amended)
- (c) Schedule 2, Part 3, Class 9 of the Planning and Development Regulations 2001 (as amended)
- (d) Articles 5, 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- (e) The details and particulars as received by the Planning Authority with this referral on 07th November 2023.

AND WHEREAS Clare County Council has concluded:

- (a) The subject structure constitutes both 'works' and 'development' as set out in Sections 2 and 3 of the Planning & Development Act, 2000, as amended,
- (b) The structure, the subject of this referral, is located within the curtilage of a dwelling house, and as such the exemptions for agricultural buildings as set out under Class 9 of Part 3, Schedule 2 of the Planning & Development Regulations 2001, as amended, do not apply.
- (c) The structure would not meet the exempted development requirements of Class 3 of Part 1, Schedule 2 of the Planning & Development Regulations 2001, as amended (i.e. development within the curtilage of a house), including the conditions and limitations therein.
- (d) There are no other provisions under the Planning Acts or Regulations to render the subject structure as exempt development.

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 proposed construction of a storage shed for machinery at Horseshoe Creek, Ruanard, Clonlara, Co. Clare is **considered development** which is **not exempted development**.

Signed:


GARETH RUANE
SENIOR EXECUTIVE PLANNER 

Date:

28th November 2023

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

Reference No.: R23-86



Section 5 referral Reference R23-86

Is the construction of a storage shed for machinery at Horseshoe Creek, Ruanard, Clonlara, Co. Clare development, and if so is it exempted development?

AND WHEREAS, Dualta Hann 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) Schedule 2, Part 1, Class 3 of the Planning and Development Regulations 2001 (as amended)
- (c) Schedule 2, Part 3, Class 9 of the Planning and Development Regulations 2001 (as amended)
- (d) Articles 5, 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- (e) The details and particulars as received by the Planning Authority with this referral on 07th November 2023.

And whereas Clare County Council has concluded:

- (a) The subject structure constitutes both 'works' and 'development' as set out in Sections 2 and 3 of the Planning & Development Act, 2000, as amended,
- (b) The structure, the subject of this referral, is located within the curtilage of a dwelling house, and as such the exemptions for agricultural buildings as set out under Class 9 of Part 3, Schedule 2 of the Planning & Development Regulations 2001, as amended, do not apply.
- (c) The structure would not meet the exempted development requirements of Class 3 of Part 1, Schedule 2 of the Planning & Development Regulations 2001, as amended (i.e. development within the curtilage of a house), including the conditions and limitations therein.
- (d) There are no other provisions under the Planning Acts or Regulations to render the subject structure as exempt development.

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 construction of a storage shed for machinery at Horseshoe Creek, Ruanard, Clonlara, Co. Clare **constitutes development** which is **not**

exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

A handwritten signature in blue ink, appearing to read 'Anne O'Gorman', with a long horizontal flourish extending to the right.

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

28th November 2023

CLARE COUNTY COUNCIL

SECTION 5 REFERRAL

Reference No: R23-86
Applicant: Dulata Hann
Location: Horseshoe Creek, Ruanard, Clonlara County Clare.
Due Date: 01-12-23

Introduction and site location

The subject lands are in a rural area to the west of Clonlara and are adjacent to an existing housing development at Ruanard. There is an existing dwelling house on this site and this is on a large site area and is accessed via a long private access driveway, with a length of approx. 250m off the R463 Regional Road. The proposed shed that forms the basis of this query would be located to the rear of the existing dwelling .

Referral question:

The Referral Question is as follows;

"Is the construction of a storage shed for Machinery at Horseshoe Creek, Ruanard Clonlara Development and if so, is it exempted development".

The referrer provides the following information in relation to this referral:

- The proposed shed is a storage shed for machinery under class 9 of the Planning and Development Regulations 2001, Part 3, Exempted Development, Rural.
- The proposed store will be greater than 100m from all other dwellings and will be used to store the applicants tractor and trailer, lawnmower, and other machinery to upkeep the landholding on which the application is made.
- The proposed store will be of painted metal construction with a shutter door to allow access and storage of a tractor and trailer/ Campervan.
- The proposed store will be 175m² in area with a ridge height of approx. 6m.

Planning History

- P14-635

Dualta Hann

Permission was sought for the construction of a 150 square meter garage for the repair/servicing of cars (no onsite sales), connection to existing onsite services and all associated site works. Permission was refused for one reason as follows;

" The subject site is located in a rural area that is characterized by Residential Development . The proposed development by reason of its scale and location, giving rise to noise and general disturbance relative to existing residential development, would seriously injure the amenities of and depreciate the value of neighboring properties that are located in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area".

98-1782

Anthony and Louise Scott

To construct a dwelling house, garage, 3 stables, treatment unit and associated works. Permission was granted subject to conditions.

UD 09-041 – This related to noncompliance with P 99-1753.

Statutory Provisions.

(1) Planning and Development Act 2000 (as amended)

To assess this proposal, regard must be had to the Planning and Development Act 2000, as amended (hereafter called The Planning and Development Act):

*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 Act 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.

‘Structure’ is defined at Section 2(1) of the Act as : *“any building, structure, excavation, or other thing constructed on or made on, in or under any land, or any part of a structure so defined, and:*

- ‘Alteration’ includes –

(a) plastering or painting or the removal of plaster or stucco, or

(b) The replacement of a door, window, or roof,

That materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures.

‘Use’ in relation to land, does not include the use of the land by the carrying out of any works there on.

‘ Works’ includes any act or operation of construction, excavation, demolition, extension, alteration , repair, or renewal.

(2) Planning & Development Regulations, 2001, as amended

Regard has been had to the provisions of Class 3 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended, which is as follows.

CLASS 3 The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.

Conditions and limitations

- 1. No such structure shall be constructed, erected, or placed forward of the front wall of a house.*
- 2. The total area of such structures constructed, erected, or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.*
- 3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.*
- 4. The external finishes of any garage or other structure constructed, erected, or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.*
- 5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.*
- 6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies, or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.*

Class 9 of Article 6 , 'Exempted Development- Rural' of the Planning and Development Regulations 2001 (as amended) has also been considered and is as follows.

CLASS 9 Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in Class 6, 7 or 89 of this part of this Schedule, and having a gross floor space not exceeding 300 square meters.

Conditions and Limitations.

- 1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry. but excluding the housing of animals or the storing of effluent.*
- 2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.*
- 3. No such structure shall be situated within 10 metres of any public road.*
- 4. No such structure within 100 metres of any public road shall exceed 8 metres in height.*
- 5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church, or*

building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

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

Under Article 9 (1) of the same Regulations,

"Development to which Article 6 relates shall not be exempted development for the purposes of the Act:

(a) if the carrying out of such development would –

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

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

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

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

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

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

(vi) 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.

Environmental Impact Assessment

I do not consider that the proposed development falls within the mandatory requirements for an EIA as stated in EU Directive 85/337/EEC (as amended by Directive 97/11/EC, 2003/31/EC, and 2009/31/EC). The proposed development is also not considered to fall within the sub-threshold criteria having regard to the third schedule to the European Communities Environmental Impact Assessment (Amendment) Regulations 1999 and in Schedule 7 of the Planning and Development Regulations 2001, as amended.

Appropriate Assessment

Having regard to the nature and scale of the proposed development and the absence of proximity or connectivity to a European Site, no Appropriate Assessment issues arise and it is not considered 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. An AA Screening Assessment is attached to this report.

(3) Assessment

This Referral is a request for a declaration under Section 5 of the Planning and Development Act, 2000 (as amended) to determine if;

(i) Is or is not development;

Consideration is given as to whether the construction of a storage shed for Machinery at Horseshoe Creek, Ruanard Clonlara Development and if so, is it exempted development.

As per Section 3(1) of the Planning and Development Act 2000(as amended) ' development' is defined as follows;

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

'Works are defined in Section 2 of the Planning Act 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.

Having regard to the nature of development as proposed and to the above definitions of ' Development' and ' Works' the stated construction of a storage shed for machinery is considered to be both development and Works.

(ii) Is or is not exempted development

The second matter relates to whether the development to be carried out is or is not exempted development.

Consideration has been given to the provisions of both of Class 3 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended, and to Class 9 of Schedule 2, Part 3, Exempted Development- Rural' of the Planning and Development Regulations 2001 (as amended).

Class 3 of Schedule 2, Part 1 is as follows.

CLASS 3 The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.

Conditions and limitations

- 1. No such structure shall be constructed, erected, or placed forward of the front wall of a house.*
- 2. The total area of such structures constructed, erected, or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.*
- 3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.*
- 4. The external finishes of any garage or other structure constructed, erected, or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.*
- 5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.*
- 6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies, or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.*

In this case the proposed storage shed would be constructed to the rear of the dwelling house. The proposed storage shed has a floor area of 175m². The proposed storage shed would be of a metal cladding in Juniper green or a similar color with a roller shutter door to match the overall metal cladding. The external finishes of the shed would not conform with those of the referrers house on this site. The proposed height of the storage shed would be 5.997m and hence would be higher than the roof height as set out under Class 3 of Schedule 1, part 1, which is 4m.

Having regard to the provisions of Class 3 of Schedule 1, Part 1 of the Planning and Development Regulations 2001 (as amended) and to the details as submitted with this referral as to the design of the proposed storage shed, the proposed storage shed is not considered to fall within the exempted development provisions as set out under Class 3 of Schedule 1, Part 1 as it exceeds the parameters for a shed or store as set out in this part of the Regulations.

Consideration has also been given to Class 9 of Schedule 2, Part 3, 'Exempted Development- Rural' of the Planning and Development Regulations 2001 (as amended), which provides for the following form of Exempted development:

*CLASS 9 Works consisting of the provision of any store, barn, shed, glass-house or other
Conditions and Limitations.*

- 1. No such structure shall be used for any purpose other than the purpose of a structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres. agriculture or forestry but excluding the housing of animals or the storing of effluent.*
- 2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.*
- 3. No such structure shall be situated within 10 metres of any public road.*
- 4. No such structure within 100 metres of any public road shall exceed 8 metres in height.*
- 5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church, or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.*
- 6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.*

The proposed storage shed is to be constructed very close to the referrers house on this site and is stated to be for the storage of the applicant's tractor and trailer, lawnmower, and other machinery to upkeep the landholding on which the referral is made.

The landholding on which this referral is made is the large Site area associated with the applicants dwelling/ large garden area and is not of agricultural lands. Class 9 provides for storage sheds for agricultural or storage use. Having regard to the details as submitted, I am not satisfied that the proposed storage shed is for agricultural use and hence it is considered that the provisions of Class 9 of Article 6, 'Exempted Development- Rural' of the Planning and Development Regulations 2001 (as amended do not apply in this case.

Article 9 of the Planning and Development Regulations 2001 (as amended) sets out restrictions on exempted developments. The proposed development does not fall within any of the categories of exempted development as set out in the Planning and Development Regulations 2001 (as amended). Having regard to the Restrictions on Exempted development as set out under Article, It is my opinion that none of the stated restrictions on exempted development would apply in this case.

Conclusion:

Consideration has been given to the potential exempt development provisions as may apply to the proposed development. Having regard to the overall floor area of the proposed development, and its proximity to the referrers residence on this site, the development as proposed does not come within the forms of exempted development as are set out under Class 9 of Schedule 2, Part 3 or Class 3 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).

The proposed development is not exempted development.

Recommendation:

Whereas a question has arisen as to whether the construction of a storage shed for Machinery at Horseshoe Creek, Ruanard, Clonlara is development, and if so, is it exempted development.

And Whereas Clare County Council (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) Schedule 2, Part 1, Class 3 of the Planning and Development Regulations 2001 (as amended)
- (c) Schedule 2, Part 3, Class 9 of the Planning and Development Regulations 2001 (as amended)
- (d) Articles 5, 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- (e) The details and particulars as received by the Planning Authority with this referral on 07th November 2023

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

- i. The subject structure constitutes both 'works' and 'development' as set out in Sections 2 and 3 of the Planning & Development Act, 2000, as amended,
- ii. The structure, the subject of this referral, is located within the curtilage of a dwelling house, and as such the exemptions for agricultural buildings as set out under Class 9 of Part 3, Schedule 2 of the Planning & Development Regulations 2001, as amended, do not apply.
- iii. The structure would not meet the exempted development requirements of Class 3 of Part 1, Schedule 2 of the Planning & Development Regulations 2001, as amended (i.e. development within the curtilage of a house), including the conditions and limitations therein.
- iv. There are no other provisions under the Planning Acts or Regulations to render the subject structure as exempt development.

Therefore Clare County Council, in exercise of the powers conferred on it by section 5(2) of the Planning & Development Act, 2000, as amended, hereby decides that the proposed construction of a storage shed for machinery at Horseshoe Creek, Ruanard Clonlara is development and is **not** exempted development.

Annemarie McCarthy
Executive Planner
28-11-23

A. McCarthy 28-11-23

GRM
28/11/23



Appropriate Assessment & Determination

STEP 1. Description of the project/proposal and local site characteristics:

(a) File Reference No:	R23 -86
(b) Brief description of the project or plan:	This is a Referral under Section V of the Planning act which refers the following question to the Planning Authority; Is the construction of a storage shed for machinery at Horseshoe Creek, Ruanard, Clonlara development. And if so, is it exempted development.
(c) Brief description of site characteristics:	The site consists of garden areas associated with a dwelling house.
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	N/A
(e) Response to consultation:	N/A

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Shannon SAC 002165	<p>Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic 0.25 Potential hydrological connectivity via open land drain in the adjacent field to the north of the site. This is downslope of the site and at a remove of 60 metres at its closest point. No works are proposed either to this drain or in close proximity to the drain. The site is separated from the adjacent field by an existing field boundary ditch. Surfacewater gravity</p>	2.06k	None	No

	<p>flows from the majority of the site are in a south easterly direction. There are no connecting drains between the site and this open drain. Site Location Lough Acrow Bogs pNHA Saint Senans Lough pNHA Lower River Shannon SAC River Shannon and River Fergus Estuaries SPA Tullaher Bog SAC Carrowmore Dunes SAC Mid Clare Coast SPA Newhall and Edenvale Complex SAC Knockanira House SAC Clonderalaw Bay pNHA Derrygeeha Lough pNHA Fergus Estuary & Inner Shannon North Shore pNHA Cloonsnaghta Lough pNHA Lough Naminna Bog pNHA Cragnashingaun Bogs pNHA Cahiracon Wood pNHA Gortglass Lough pNHARECEIVED: 04/10/2023 and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauc - Puccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitrich o - Batrachion vegetation [3260] Molinia meadows on calcareous, peaty or clayey - silt -laden soils (Molinion caeruleae) [6410] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno -Padion, Alnion incanae, Salicion albae) [91E0] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] RECEIVED: 04/10/2023 Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Tursiops truncatus (Common Bottlenose Dolphin) [1349] Lutra lutra (Otter) [1355]</p>			
River Shannon and River Fergus Estuaries SPA 004077	<p>Cormorant (Phalacrocorax carbo) [A017] Whooper Swan (Cygnus cygnus) [A038] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Wigeon (Anas penelope) [A050] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Shoveler (Anas clypeata) [A056] Scaup (Aythya marila) [A062] Ringed Plover (Charadrius hiaticula)</p>	Within 10k of this site	None	No

	<p>[A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Knot (<i>Calidris canutus</i>) [A143] 4.8 Potential hydrological connectivity via open land drain in the adjacent field to the north of the site. This is downslope of the site and at a remove of 60 metres at its closest point. No works are proposed either to this drain or in close proximity to the drain. The site is separated from the adjacent field by an existing field boundary ditch. Surfacewater gravity flows from the majority of the site are in a south easterly direction. There are no connecting drains between the site and this open drain. RECEIVED: 04/10/2023 Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Greenshank (<i>Tringa nebularia</i>) [A164] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]</p>			
SAC Glenomra Wood 001013	<ul style="list-style-type: none"> • Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] 	3.21k	None	No
SAC Slieve Bernagh Bog 002312	Annex I habitats: • Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] • European dry heaths [4030] • Blanket bogs (* if active bog) [7130]	8.99k	None	No

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.

- Vegetation clearance

None

<ul style="list-style-type: none"> • 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 	
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	None

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

<p>Examples of the type of changes to give consideration to include:</p> <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?

<input type="checkbox"/> Yes <input type="checkbox"/> No	No
--	----

Step 4. Screening Determination Statement

The assessment of significance of effects:

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

Conclusion: The site is not within or close to any natura 2000 sites and consists of a storage shed. Having regard to the conservation objectives of the natura 2000 sites within a 10k radius of this site it is considered that no negative impacts would arise to the qualifying features of the Natura 2000 sites.

	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.
Signature and Date of Recommending Officer:	Annemarie McCarthy, Executive Planner 24-11-23 <i>A McCarthy</i>	
Signature and Date of the Decision Maker:	28-11-23	



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Dualta Hann
Horseshoe Creek
Ruanard
Clonlara
Co. Clare
V94 X259

07/11/2023

Section 5 referral Reference R23-86 – Dualta Hann

Is the construction of a storage shed for machinery at Horseshoe Creek, Ruanard, Clonlara, Co. Clare development, and if so is it exempted development?

A Chara,

I refer to your application received on 7th November 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

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

07/11/2023 10:21:44

Receipt No. L1CASH/0/356706
***** REPRINT *****

MR DUALTA HANN
HORSESHOE CREEK
RUANARD
CLONLARA
CO CLARE V94 X2F9
R23/86

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

Total : 80.00 EUR

Tendered :
CREDIT CARDS 80.00

Change :

0.00

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



**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	<div>Mr Dualta Hann</div> <div>Horseshoe Creek,</div> <div>Ruanard,</div> <div>Clonlara,</div> <div>Co. Clare, V94 X2F9</div>
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	<div>n/a</div> <div></div> <div></div> <div></div> <div></div>



2. DETAILS REGARDING DECLARATION BEING SOUGHT

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

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

Is the construction of a Storage Shed for Machinery at Horseshoe Creek, Ruanard, Clonlara,
 Co Clare development, and if so is it exempted development?

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

The proposed provision of a storage shed for machinery under Class 9

Planning and Development Regulations 2001, Part 3, Exempted Development Rural.

The proposed store will be greater than 100m from all other dwellings and

used to store the applicants' tractor & trailer, lawnmower and other machinery to upkeep
 the landholding on which the application is made.

The proposed store shall be of painted metal construction with a shutter door to allow access
 and storage of a tractor and trailer/campervan.

The proposed store shall be 175m² in area with a ridge height of approx 6m

- (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)

OSI Planning Pack Map

T23.03.201 - Site Plan

T23.03.203 - Elevations 1 & 2

T23.03.202 - GF Plan

T23.03.204 - Elevations 3 & 4, Section AA

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	Mr Dualta Hann Horseshoe Creek, Ruanard, Clonlara, Co. Clare, V94 X2F9
(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
(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>	n/a
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	None.
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	None.
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	14/635 on this landholding
(h) Date on which 'works' in question were completed/are likely to take place:	Q1 of 2024

SIGNED: Dualta Hann.DATE: 06-11-2023

GUIDANCE NOTES

This following are non-statutory advice notes prepared by Clare County Council for the purpose of advising people what information is required for a decision to be made under Section 5 by the Planning Authority

- (i) The request for a declaration under Section 5 must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
- (ii) The request for a declaration under Section 5 must be accompanied by the required fee of €80.00.
- (iii) If submitting any additional plans/reports etc. as part of the request for a declaration, please submit 2 copies.
- (iv) The request for a declaration should be sent to the following address:

Planning Department,
Economic Development Directorate,
Clare County Council
Aras Contae an Chlair,
New Road,
Ennis,
Co. Clare
V95DXP2

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

FOR OFFICE USE ONLY

Date Received:	Fee Paid:
Date Acknowledged:	Reference No.:
Date Declaration made:	CEO No.:
Decision:.....			

Planning Pack Map

Proposed New Storage at Horseshoe Creek,
Ruanard, Clonlara, Co. Clare, V94 X2F9

OSI MAP

Mr Dualta Hann

Site Outlined in Red

Landholding Outlined in Blue

November 2023

A n R u á n A r d
R u a n a r d

A n C n o c B r e a c
I o c h t a r a c h
Knockbrack Lower

C l u a i n L á r a
C l o o n l a r a

A r d n a c r u s h a C a n a l
Ardnacrusha Canal

0 20 40 60 80 Metres
0 30 60 90 120 150 Feet

OUTPUT SCALE: 1:2,500



CENTRE
COORDINATES:
ITM 562060,664038

PUBLISHED: 17/10/2023
ORDER NO.: 50363149_1

MAP SERIES: 1:2,500
1:2,500
MAP SHEETS: 4564-C
4564-D

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The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: www.osi.ie; search 'Capture Resolution'
LEGEND:
www.osi.ie; search 'Large Scale Legend'

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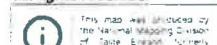
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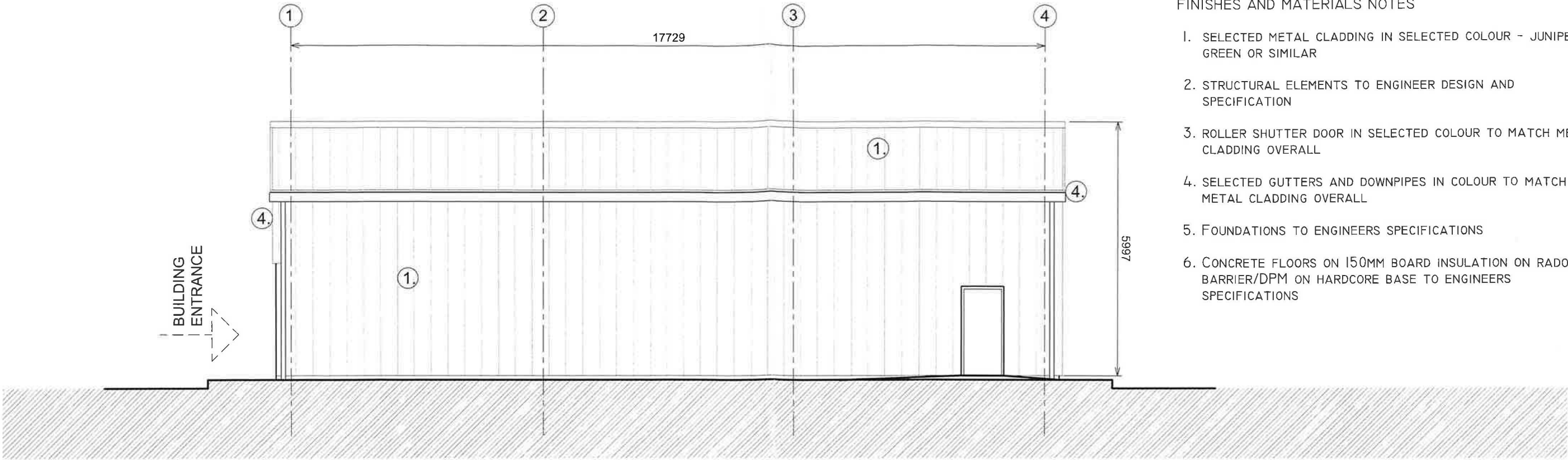
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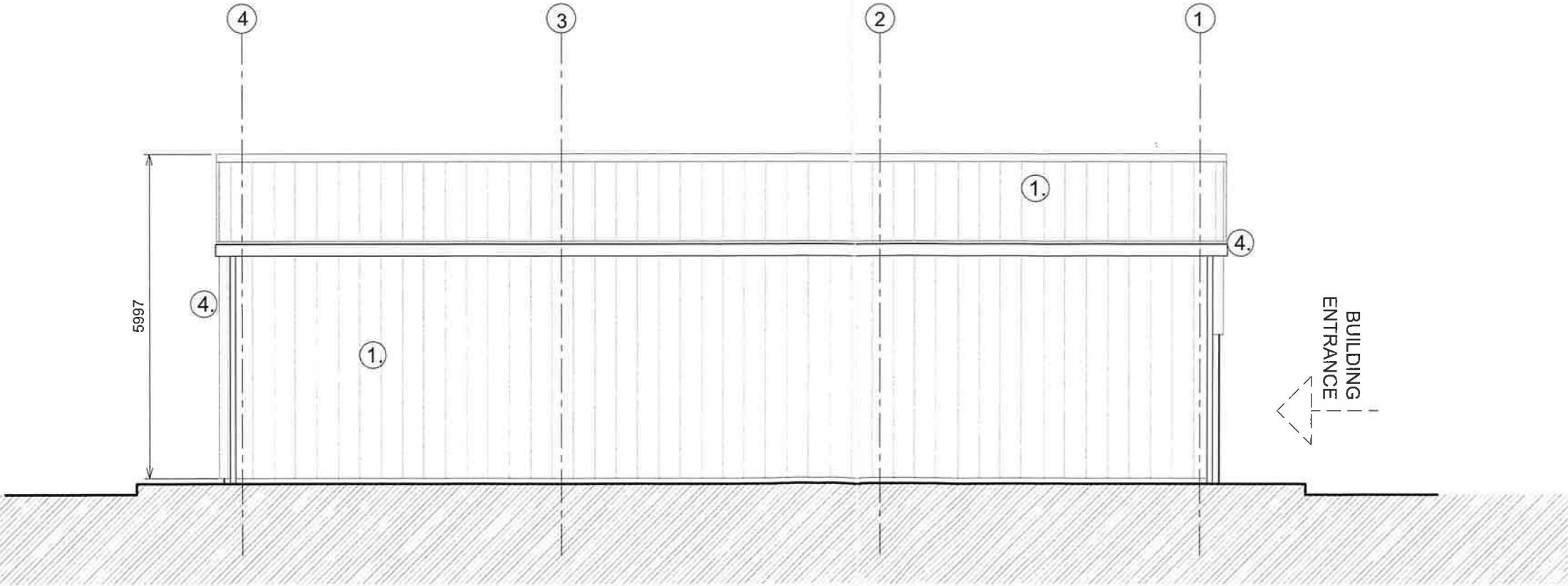


**Tailte
Éireann**

- FINISHES AND MATERIALS NOTES
- 1. SELECTED METAL CLADDING IN SELECTED COLOUR - JUNIPER GREEN OR SIMILAR
 - 2. STRUCTURAL ELEMENTS TO ENGINEER DESIGN AND SPECIFICATION
 - 3. ROLLER SHUTTER DOOR IN SELECTED COLOUR TO MATCH METAL CLADDING OVERALL
 - 4. SELECTED GUTTERS AND DOWNPIPES IN COLOUR TO MATCH METAL CLADDING OVERALL
 - 5. FOUNDATIONS TO ENGINEERS SPECIFICATIONS
 - 6. CONCRETE FLOORS ON 150MM BOARD INSULATION ON RADON BARRIER/DPM ON HARDCORE BASE TO ENGINEERS SPECIFICATIONS



203 ELEV 1
T23.03 SCALE 1:100 @A3



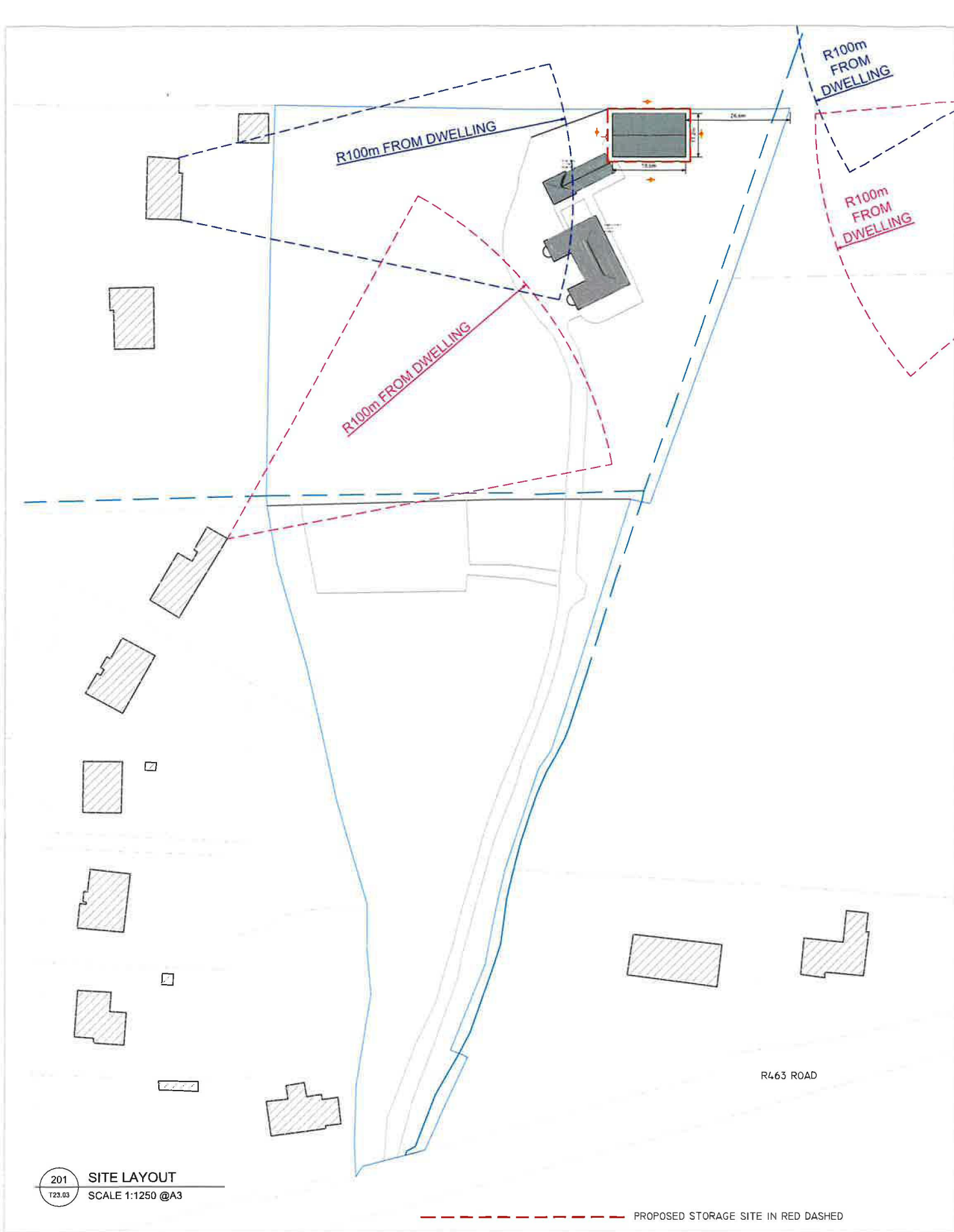
203 ELEV 2
T23.03 SCALE 1:100 @A3

Revision:	Description:	Date:
REV-A		REV-A-DATE
REV-B		REV-B-DATE
REV-C		REV-C-DATE
REV-D		REV-D-DATE

NOTE
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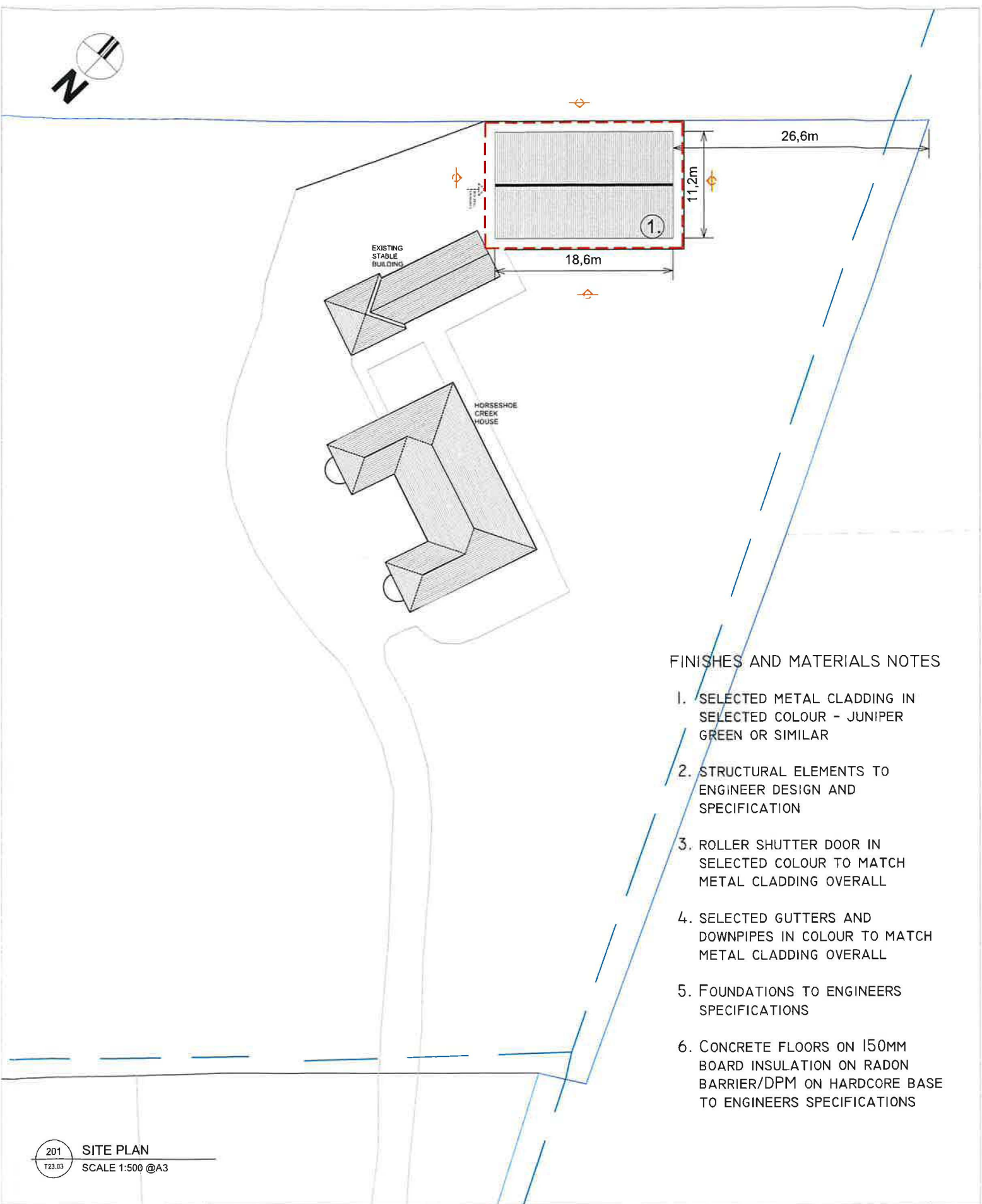
Job:	NEW STORAGE AT HORSESHOE CREEK		
Drawing:	ELEVATIONS 1 , 2	Scale:	100@A3
Client:	MR DUALTA HANN	Drawn:	T.S
Date:	OCTOBER 2023	Checked By:	
Drawing No:	T23.03.203		



201 SITE LAYOUT
T23.03 SCALE 1:1250 @A3

Revision:	Description:	Date:
REV-A		REV-A-DATE
REV-B		REV-B-DATE
REV-C		REV-C-DATE
REV-D		REV-D-DATE

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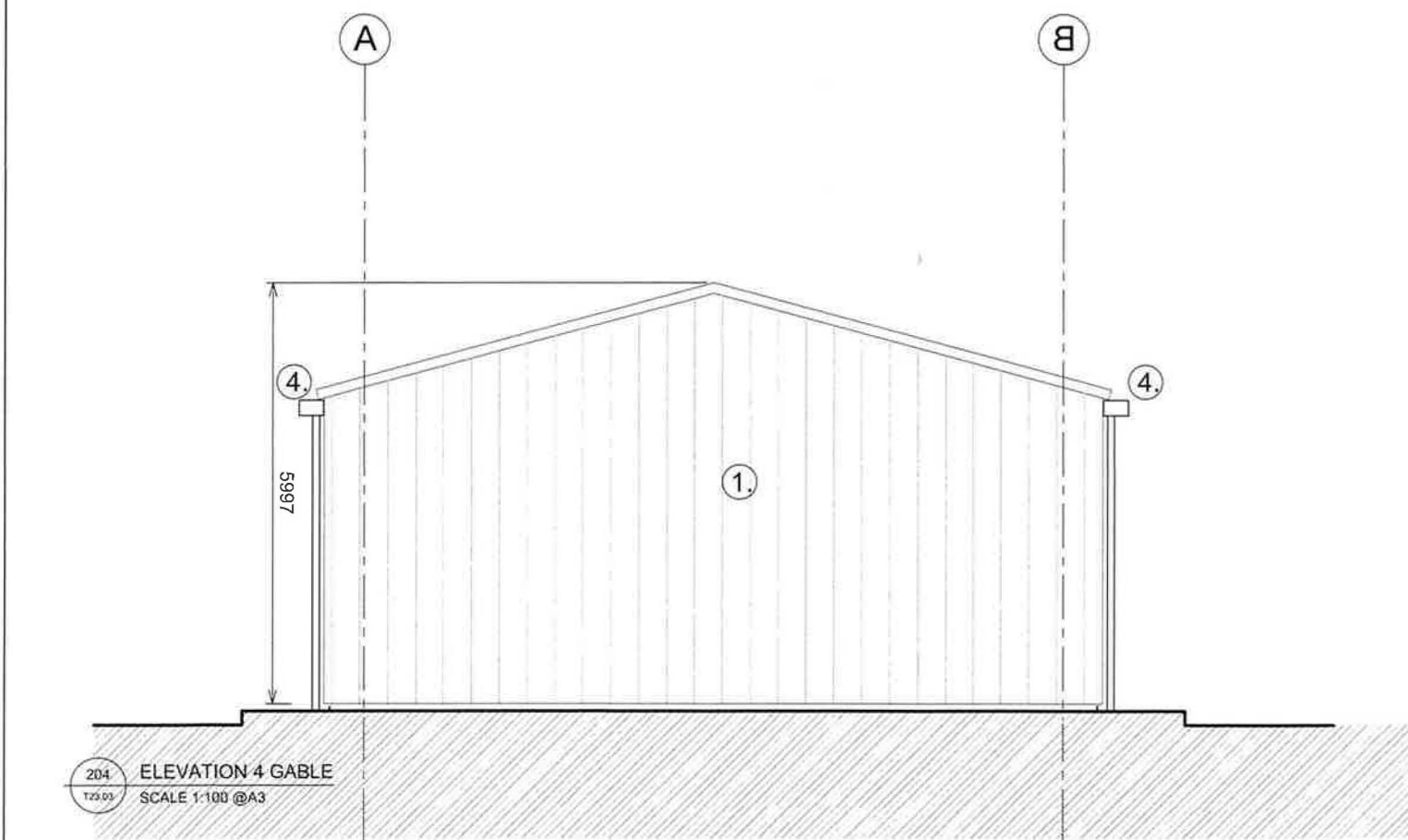
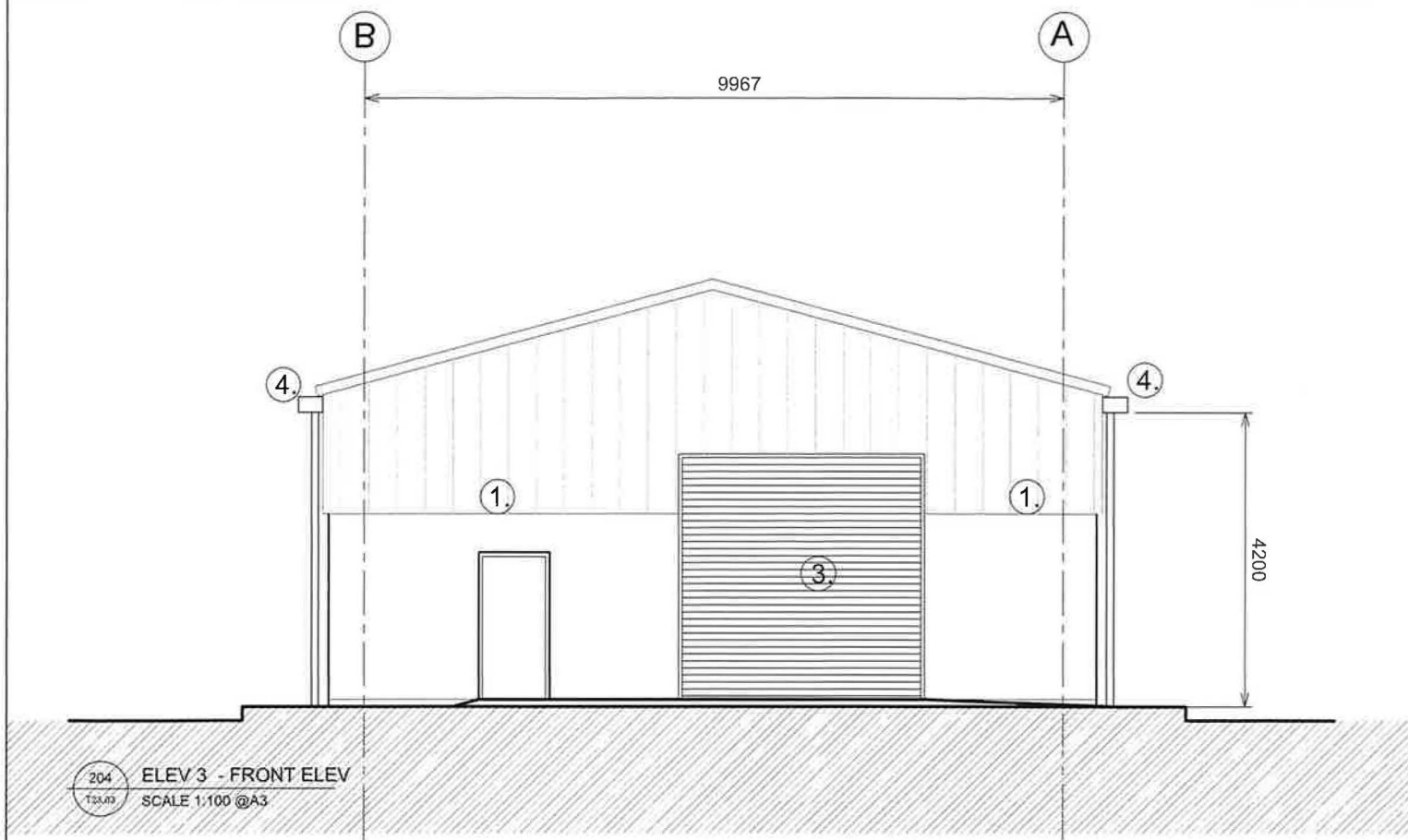
201 SITE PLAN
T23.03 SCALE 1:500 @A3

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Job:	NEW STORAGE AT HORSESHOE CREEK		
Drawing:	SITE LAYOUT AND SITE PLAN	Scale:	1250/500@A3
Client:	MR DUALTA HANN	Drawn:	T.S
Date:	OCTOBER 2023	Checked By:	
Drawing No:	T23.03.201		

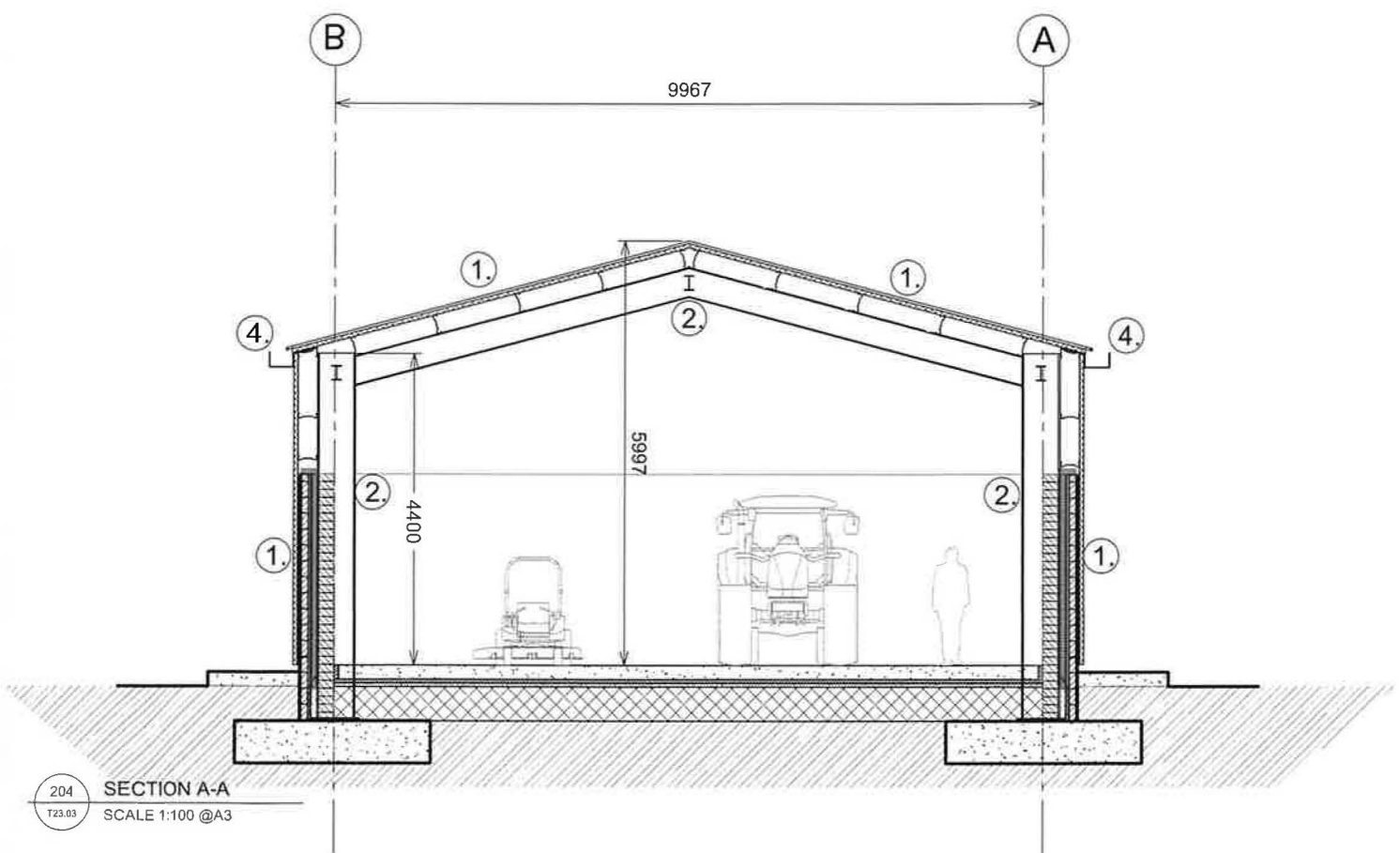


Revision:	Description:	Date:
REV-A		REV-A-DATE
REV-B		REV-B-DATE
REV-C		REV-C-DATE
REV-D		REV-D-DATE

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5. FOUNDATIONS TO ENGINEERS SPECIFICATIONS
6. CONCRETE FLOORS ON 150MM BOARD INSULATION ON RADON BARRIER/DPM ON HARDWARE BASE TO ENGINEERS SPECIFICATIONS



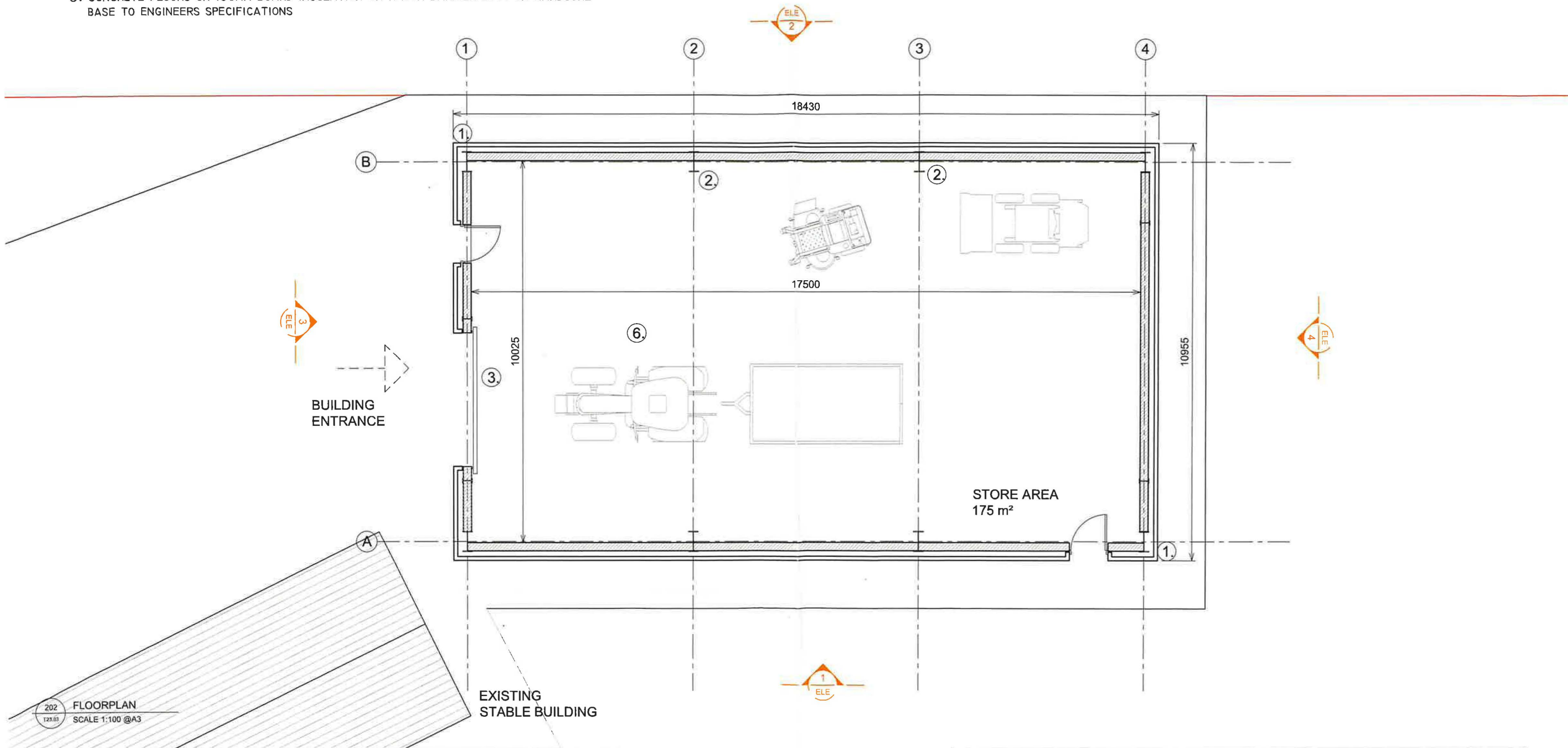
204
T23.03
SECTION A-A
SCALE 1:100 @A3

Job:	NEW STORAGE AT HORSESHOE CREEK		
Drawing:	ELEVATIONS 3, 4 AND SECTION AA	Scale:	100@A3
Client:	MR DUALTA HANN	Drawn:	T.S
Date:	OCTOBER 2023	Checked By:	
Drawing No:	T23.03.204		

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FINISHES AND MATERIALS NOTES

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- 6. CONCRETE FLOORS ON 150MM BOARD INSULATION ON RADON BARRIER/DPM ON hardcore BASE TO ENGINEERS SPECIFICATIONS



202 FLOORPLAN
T23.03 SCALE 1:100 @A3

Revision:	Description:	Date:
REV-A		REV-A-DATE
REV-B		REV-B-DATE
REV-C		REV-C-DATE
REV-D		REV-D-DATE

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Job:	NEW STORAGE AT HORSESHOE CREEK		
Drawing:	FLOOR PLAN	Scale:	100@A3
Client:	MR DUALTA HANN	Drawn:	T.S
Date:	OCTOBER 2023	Checked By:	
Drawing No:	T23.03.202		