



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**Beckman Coulter Ireland Ltd
c/o Robert Power
DRA Consulting Engineers
The Park
Lord Edward Street
Limerick**

10th May, 2024

Section 5 referral Reference R24-39 – Beckman Coulter Ireland Ltd

Is the construction of a PV farm greater than 301m², which is not within a solar safeguard zone development and if so, is it exempted development?

A Chara,

I refer to your application received on 15th April 2024 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



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:

83546

Reference Number:

R24-39

Date Referral Received:

15th April 2024

Name of Applicant:

Beckman Coulter Ireland Ltd

Location of works in question:

O' Callaghan's Mills, Co. Clare

Section 5 referral Reference R24-39 – Beckman Coulter Ireland Ltd

Is the construction of a PV farm greater than 301m², which is not within a solar safeguard zone development and if so, is it exempted development?

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

- (a) Sections 2,3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 56 (d) of Part 1 of Schedule 2, Article 6 of the Planning and Development Regulations 2001, as amended.
- (d) The works as indicated in submitted documents from the referrer.

AND WHEREAS Clare County Council has concluded:

- (a) The construction of a PV farm greater than 301m², which is not within a solar safeguard zone, at O' Callaghan's Mills, 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 construction of a PV farm greater than 301m², which is not within a solar safeguard zone, at O' Callaghan's Mills, Co. Clare is not exempted development by virtue of Schedule 2, Part 1, Class 56(d) the Planning and Development Regulations 2001 (as amended), Limitation 13 of Class 56(d) refers.

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 Kieran O'Donnell, Administrative Officer, the powers, functions and duties as set out herein,

NOW THEREFORE pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the referral described above, I, Kieran O'Donnell, Administrative Officer hereby declare that the construction of a PV farm greater than 301m², which is not within a solar safeguard zone, at Beckman Coulter, O' Callaghan's Mills, Co. Clare is **development** and is **not exempted development**.

Signed: 
KIERAN O'DONNELL
ADMINISTRATIVE OFFICER 

Date: 10th May, 2024

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

Reference No.: R24-39



Section 5 referral Reference R24-39

Is the construction of a PV farm greater than 301m², which is not within a solar safeguard zone development and if so, is it exempted development?

AND WHEREAS, Beckman Coulter Ireland Ltd has requested a declaration from Clare County Council on the said question.

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended.
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended.
- (c) Class 56(d) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The works as indicated in submitted documents from the referrer.

And whereas Clare County Council has concluded:

- (d) The construction of a PV farm greater than 301m², which is not within a solar safeguard zone, at O' Callaghan's Mills, Co. Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended.
- (e) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended.
- (f) The said construction of a PV farm greater than 301m², which is not within a solar safeguard zone, at O' Callaghan's Mills, Co. Clare is not exempted development by virtue of Schedule 2, Part 1, Class 56(d) the Planning and Development Regulations 2001 (as amended), Limitation 13 of Class 56(d) refers.

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

The proposed development consisting of the construction of a PV farm greater than 301m², which is not within a solar safeguard zone, at Beckman Coulter, O' Callaghan's Mills, Co. Clare is **development** and is **not exempted development** which as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

A handwritten signature in blue ink that reads "Anne O'Gorman". The signature is written in a cursive style and is positioned above a horizontal line.

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

10th May, 2024

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF:	R24-39
APPLICANT(S):	Beckman Coulter (Ireland) Ltd.
REFERENCE:	Whether the construction of a PV farm greater than 301m ² , which is not within a solar safeguard zone, is or is not development and is or is not exempted development.
LOCATION:	O' Callaghan's Mills, Co Clare
DUE DATE:	10 th May 2024

Site Location

The site is located at Lismeehan approximately 4km to the east of Tulla. On site is a large production facility along with extensive parking areas, landscaping, security office etc. The site is located c.350m north of the R352 from which a local road runs north/south providing access to the site. There is a large quarry located to the southeast of the proposal site. The proposed development location is to the rear of the main building in the site.

Recent Planning History

Section 5 Declaration R21-39 – the construction of a chimney stack was determined to be development which is exempted development.

P23/602 GRANTED to RETAIN 2 No external sheds and planning PERMISSION for a new covered bunded area, new refrigeration shed, a new external shed and associated site works.

P22/497 GRANTED for provision of additional first floor laboratory and office space, associated circulation space and escape / access stairs and new roof plant area at existing permitted eastern warehouse (PL Ref 16/611).

P16/611 - GRANTED - for proposed development which will consist of an extension to the existing facility of 6,840sqms gross floor area. A total of 5,112sqms will be at ground floor level including new production and warehouse space. There will be additional office space extending to 1,728sqms at first floor level. There will also be an extended service yard at the north west of the proposed development with additional dock levellers. The development also includes additional parking for 137cars bringing the total parking to 388 cars. A new internal service road to the east of the facility and additional turning areas are proposed. The smoking shelter located to the east of the existing facility will be removed. The existing on site Waste Water Treatment infrastructure will be upgraded as follows: installation of additional process water treatment tank; installation of additional foul water treatment tank; installation of chemical spill tank; installation of water recycling system; and the installation of a third reed bed to the north of the facility, close to the existing reed beds. The development includes all construction and site development works (including all site compounds and work areas). It includes all new and amended drainage arrangements, hard and soft landscaping, lighting and boundary treatments. The application is accompanied by a Natura Impact Statement. This application site included two Recorded Monuments which will remain in situ.

P15/481 – GRANTED - to construct a warehouse/coldroom and compressor room extension to the main facility building, to complete work on existing hardcore area to become a permanent carpark, to increase the permitted production capacity from the limit of 1,295,000 kits as permitted under P03-745 to 10,000,000 kits annually, and all associated site works

P08/1613 – GRANTED - to install irrigation pipework in proposed willow plantation (area 3.7 hectares) and to install main 90mm diameter pipe underground from existing treated effluent sump/chamber to willow plantation

P03/745 – GRANTED - to add a two storey, offices, laboratory block, fronting a single storey production area at ground floor to existing facilities.

P95/168 – GRANTED - Permission to construct a road and effluent holding tank at their premises.

Background to Referral

This Referral under Section 5(1) of the Planning and Development Act 2000 (as amended) has been made by DRA Consulting Engineers Ltd. on behalf of Beckman Coulter (Ireland) Ltd. who are the registered owner of the site.

The applicant is seeking a Section 5 Declaration as to whether the construction of a PV farm greater than 301m², which is not within a solar safeguard zone, is or is not development and is or is not exempted development.

Assessment

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.

Having regard to Section 2(1) of the Planning and Development Act 2001 (as amended), I consider that the proposed development, come within the scope of “works” and hence constitutes development in accordance with Section 3(1) of the Planning and Development Act 2001 (as amended).

The referral relates to the construction of a solar array in the curtilage of an industrial building. The proposed development is therefore assessed in the context of Schedule 2, Part 1, Class 56(d) and Article 9(1) of the Planning and Development Regulations, 2001 as amended.

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 56(d)

The placing or erection on a roof or wall of an industrial building, or within the curtilage of an industrial building, or on a roof or wall of any ancillary buildings within the curtilage of an industrial building of a solar photo-voltaic and/or a solar thermal collector installation.

1. Where such development is located within a solar safeguarding zone, the total aperture area of any solar photo voltaic and/or solar thermal collector panels, taken together with any other such panels previously placed on a roof, shall not exceed 300 square metres.
 - Not applicable to this proposal. The site is not within a Solar Safeguarding Zone.
2. Where such development is located within a solar safeguarding zone, the planning authority for the area shall be notified in writing no later than 4 weeks after the commencement of such development and such notification shall include details regarding the location and scale of the development.
 - Not applicable
3. The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed 2 metres in the case of a flat roof or 1.2 metres in any other case.
 - No applicable. Based on the submitted documents, it appears that the proposal panels will be constructed at ground level. They will not be mounted on the roof of any building or structure.
4. The solar photo-voltaic or solar thermal collector panels shall be a minimum of 2 metres in the case of a flat roof or 50cm in any other case from the edge of the roof on which it is mounted.
 - Not applicable.
5. Development shall not be exempted development where the highest part of the solar photo-voltaic or solar thermal collector installation exceeds the highest part of any roof that is not a flat roof (excluding any chimney).
 - Not applicable.
6. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels shall not be placed or erected on a wall or any roof that is not a flat roof.
 - Not applicable.
7. The height of any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall not exceed 1.6 metres above roof level.

- Not applicable.

8. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted.

- Not applicable.

9. The total aperture area of any wall mounted solar photo-voltaic and solar thermal collector panels taken together with any other such existing wall mounted panels shall not exceed 75 square metres.

- Not applicable.

10. The distance between the plane of the wall and the solar photo-voltaic or solar thermal collector panels shall not exceed 15cm.

- Not applicable.

11. The solar photo-voltaic or solar thermal collector panels shall be a minimum of 50cm from the edge of the wall on which it is mounted.

- Not applicable.

12. Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the industrial building.

- The proposed location of the solar array, as per the submitted documents, is to the rear of the industrial building.

13. The total aperture area of any free-standing solar photo-voltaic and solar thermal collector panels taken together with any other such existing free-standing panels shall not exceed 75 square metres.

- The total area of the proposal PV farm is stated to be in excess of 301m² which exceeds the limitations of the exemption.

14. The height of any free-standing solar photo-voltaic or solar thermal collector installation shall not exceed 2.5 metres at its highest point above ground level.

- The height of proposed structures is not stated in the submitted documents.
15. The placing or erection of any free-standing solar photo-voltaic or solar thermal collector installation within Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.
- Not applicable to this proposal.
16. No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.
- The submitted do not indicate that any additional sign, advertisement or object will be attached or exhibited on the installation.
17. Development under this Class shall only be exempted development where the solar photo-voltaic or solar thermal collector installation is primarily used for the provision of electricity or heating for use within the curtilage of the industrial building, and shall not be considered a change of use for the purposes of the Act.
- The intended end-user of the electricity produced has not been stated. However, given that there is a large industrial / manufacturing facility on the site, it can reasonably be assumed that the PV installation will primarily be used for the provision of electricity within the curtilage of the industrial building.
18. Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal collector panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.
- Noted. The applicant will be informed of same, when appropriate.

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

The proposal will not contravene a condition or be inconsistent with a use specified 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,

Not applicable to this proposal.

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

Not applicable to this proposal.

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

The proposal site is not within a Solar Safeguarding Zone. The provisions of Schedule 2, Part 1, Class 56(d), Limitation 18 apply in respect of the proposal.

(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,

Not applicable to this proposal.

(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 to this proposal.

(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.

The proposal site is located in a Settled Landscape as designated in the Clare County Development Plan. The proposed development location is to the rear of a substantial industrial building. There are extensive mature trees in the wider landholding providing screening along the property boundary. There would be very limited views of the PV farm from outside the Beckman Coulter property. The proposal will not impact negatively on the character of the local landscape.

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

Not applicable to the current proposal.

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that

this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

Not applicable to the current proposal.

(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,

Having regard to the nature and scale of the proposed development and the established use of the site, 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. An appropriate assessment screening report and determination is attached to this report.

(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."

No applicable to the current proposal.

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

Not applicable to the current proposal.

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

Not applicable to the current proposal.

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

Not applicable to the current proposal.

(xi) obstruct any public right of way,

Not applicable to the current proposal.

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

Not applicable to the current proposal.

Recommendation

The following questions have been referred to the Planning Authority:

Whether the construction of a PV farm greater than 301m², which is not within a solar safeguard zone, at O' Callaghan's Mills, Co. Clare is or is not development and is or is not exempted development.

The Planning Authority in considering this referral had regard to:

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Class 56(d) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (d) The works as indicated in submitted documents from the referrer.

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

- (a) The construction of a PV farm greater than 301m², which is not within a solar safeguard zone, at O' Callaghan's Mills, 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 construction of a PV farm greater than 301m², which is not within a solar safeguard zone, at O' Callaghan's Mills, Co. Clare is not exempted development by virtue of Schedule 2, Part 1, Class 56(d) the Planning and Development Regulations 2000 (as amended), Limitation 13 of Class 56(d) refers.

Now therefore Clare County Council (Planning Authority), hereby decides that:

The construction of a PV farm greater than 301m², which is not within a solar safeguard zone, at Beckman Coulter, O' Callaghan's Mills, Co. Clare is development and is not exempted development.



Executive Planner

Date: 09/05/2024



Senior Executive Planner

Date: 09/05/2024

Appropriate Assessment & Determination

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

(a) File Reference No:	R24-39
(b) Brief description of the project or plan:	The construction of a PV farm greater than 301m ² , which is not within a solar safeguard zone. At O'Callaghans Mills, Co Clare .
(c) Brief description of site characteristics:	Existing substantial industrial / business with parking area, landscaped area, on site wastewater treatment plant, landscaped areas and service yards. Large areas of open grassland interspersed by mature trees in the wider grounds of the facility
(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.

Having regard to the nature and scale of the proposed development, the likely zone of influence is no greater than 5km.

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
Slieve Aughty Mountains SPA	<ul style="list-style-type: none"> • Hen Harrier <i>Circus cyaneus</i> [A082] breeding • Merlin <i>Falco columbarius</i> [A098] breeding 	1.67km	No pathways identified. The proposed development location is in the immediate vicinity of a large industrial facility. .	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.

(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.

No likely direct or indirect effects due to the location of the proposed development on an existing industrial site, at a distance from the SPA.

Conclusion:

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



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Beckman Coulter Ireland Ltd
C/o Robert Power
DRA Consulting Engineers
The Park
Lord Edward Street
Limerick

15/04/2024

Section 5 referral Reference R24-39 – Beckman Coulter Ireland Ltd

Is the construction of a PV farm greater than 301m², which is not within a solar safeguard zone development and if so, is it exempted development?

A Chara,

I refer to your application received on 15th April 2024 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



COMHAIRLE

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

CONTAE

AN CHLÁIR

15/04/2024 10:56:30

Receipt No. : L1CASH/0/363034

***** REPRINT *****

BECKMAN COULTER (IRELAND) LTD
C/O ROBERT POWER
DRA CONSULTING ENGINEERS
THE PARK
LORD EDWARD STREET
LIMERICK
R24-39

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

Total : 80.00 EUR

Tendered :
CHEQUES 80.00

Change : 0.00

COMHAIRLE

CONTAE

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



R24-39

**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	Beckman Coulter (Ireland) Ltd. <hr/> O'Callaghans Mills, Co. Clare <hr/> <hr/> <hr/>
(b) Telephone No.:	<hr/> <hr/>
(c) Email Address:	<hr/> <hr/>
(d) Agent's Name and address:	Robert Power <hr/> DRA Consulting Engineers <hr/> The Park, Lord Edward Street, Limerick <hr/> <hr/>



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 PV farm greater than 301m², which is not within a solar safeguard zone, an exempt development?

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

Is the construction of a PV farm at a facility zoned industrial farm greater than 301m² (exact size is unknown at this early stage) considered an exempt development?

We note that the proposed PV farm is not within a solar safeguard zone

(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)

24047-001 - Indicative Site Location

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	Beckman Coulter, O'Callaghans Mills, 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):	Application is the 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)?:	This enquiry is being made on behalf of the owner
(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>	23602, 22497, 16611, 15481
(h) Date on which 'works' in question were completed/are likely to take place:	June 2025

SIGNED: 

DATE: 12/04/2024

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:		

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- NOTES:
1. ALL DIMENSIONS ARE IN MILLIMETRES AND LEVELS IN METRES UNLESS NOTED OTHERWISE.
 2. USE FIGURED DIMENSIONS ONLY. DO NOT SCALE.
 3. DRAWINGS TO BE READ IN CONJUNCTION WITH ALL RELEVANT ENGINEER'S, ARCHITECT'S AND SERVICE ENGINEER'S DRAWINGS AND SPECIFICATIONS.
 4. ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH CURRENT BUILDING REGULATIONS.



REV.	DESCRIPTION	PROD.	VERIF.	DATE
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PLANNING

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DUBLIN T: 01-216-2956 LIMERICK 061-310-701 WEXFORD 053-915-2814 E: info@drcconsulting.ie W: www.drcconsulting.ie

CLIENT: BECKMAN COULTER IRELAND Ltd.

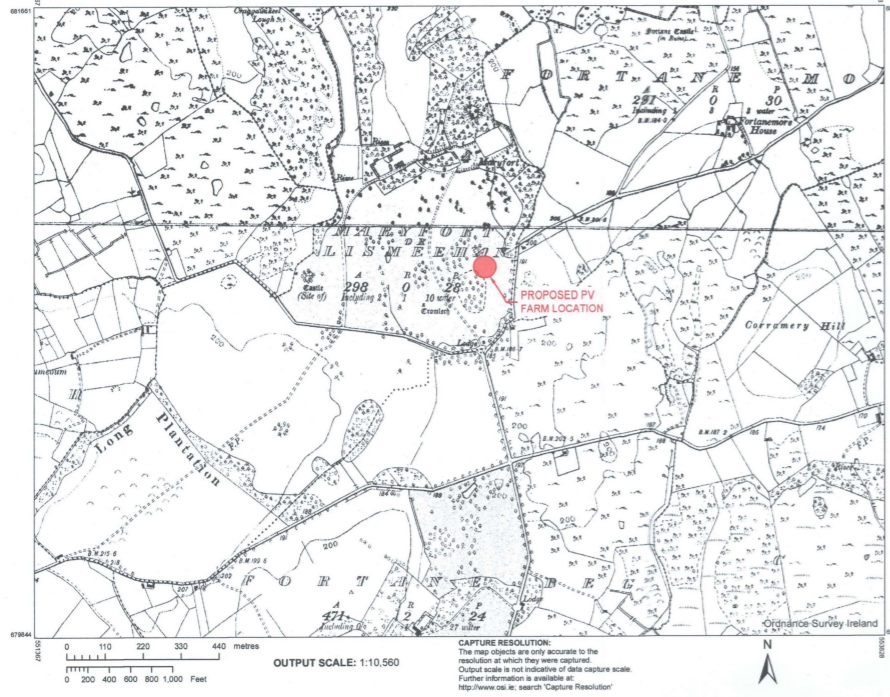
PROJECT: PROPOSED PV FARM

TITLE: INDICATIVE SITE LOCATION & LAYOUT

DATE	DESIGNER	PRODUCER	VERIFIER	APPROVER	DRG. No.	REV.
12/04/2024	RP	RP	JR	AD	24047-001	P1

SCALE: AS SHOWN @ A1

Site Location Map



OS Ordnance Survey Ireland National Mapping Agency

CENTRE COORDINATES: ITM 552598,680753

PUBLISHED: 21/03/2022 ORDER NO.: 50257214_1

MAP SERIES: 6 Inch Raster MAP SHEETS: CE027, CE035

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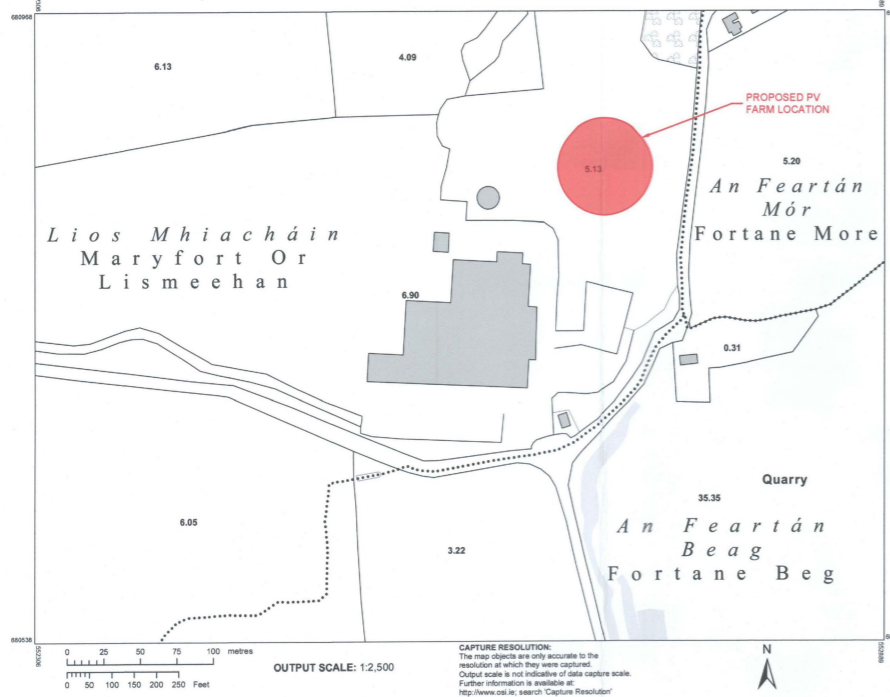
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INDICATIVE SITE LAYOUT SCALE 1:2500

Planning Pack Map



OS Ordnance Survey Ireland National Mapping Agency

CENTRE COORDINATES: ITM 552598,680753

PUBLISHED: 21/03/2022 ORDER NO.: 50257214_1

MAP SERIES: 1:5,000 MAP SHEETS: 4269

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