



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**Patrick O'Connor
Bleach Bridge
Flagmount
Co. Clare
V94 Y2T0**

13th May 2024

Section 5 referral Reference R24-41 – Patrick O'Connor

Is the construction of an agricultural equine shed development and if so, is it exempted development?

A Chara,

I refer to your application received on 16th 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 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



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

Reference No.: R24-41



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R24-41

Is the construction of an agricultural equine shed development and if so, is it exempted development?

AND WHEREAS, Patrick O'Connor 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 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) The works as indicated in submitted documents from the referrer.
- (e) The inspection of the site and building by the Planning Authority and the nature of works as carried out to date.

And whereas Clare County Council has concluded:

- (a) The Construction of an agricultural equine shed development at Bleach Bridge, Flagmount, 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 an agricultural equine shed development at Bleach Bridge, Flagmount Co. Clare is not exempted development having regard to:
 - a. Schedule 2, Part 3, Class 6 the Planning and Development Regulations 2000 (as amended), as based on the inspection of the property, the Planning Authority does not consider it meets the criteria as set out in Class 6.
 - b. Article 9(1)(a) (viiB) of the Planning and Development Regulations, 2001 (as amended) as the Planning Authority was unable to reach a determination that the development undertaken on the site did not have a significant effect on the integrity of a European Site.

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

The proposed development consisting of the construction of an agricultural equine shed development at Bleach Bridge, Flagmount, Co. Clare is **considered 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

13th May 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: 83549
Reference Number: R24-41
Date Referral Received: 16th April 2024
Name of Applicant: Patrick O'Connor
Location of works in question: Bleach Bridge, Flagmount, Co. Clare

Section 5 referral Reference R24-41 – Patrick O'Connor

Is the construction of an agricultural equine shed 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 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) The works as indicated in submitted documents from the referrer.
- (e) The inspection of the site and building by the Planning Authority and the nature of works as carried out to date.

AND WHEREAS Clare County Council has concluded:

- (a) The Construction of an agricultural equine shed development at Bleach Bridge, Flagmount, 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 the construction of an agricultural equine shed development at Bleach Bridge, Flagmount Co. Clare is not exempted development having regard to:
 - a. Schedule 2, Part 3, Class 6 the Planning and Development Regulations 2000 (as amended), as based on the inspection of the property, the Planning Authority does not consider it meets the criteria as set out in Class 6.
 - b. Article 9(1)(a) (viiB) of the Planning and Development Regulations, 2001 (as amended) as the Planning Authority was unable to reach

a determination that the development undertaken on the site did not have a significant effect on the integrity of a European Site.

ORDER: Whereas by Chief Executive's Order No. HR 152 dated 9th April 2021, Pat Dowling, Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate to Gareth Ruane, Senior Executive Planner, the powers, functions and duties as set out herein,

NOW THEREFORE pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the referral described above, I, Gareth Ruane, Senior Executive Planner, hereby declare that the construction of an agricultural equine shed development at Bleach Bridge, Flagmount, Co. Clare is considered **development** which is **not exempted development**.

Signed:



GARETH RUANE
SENIOR EXECUTIVE PLANNER 

Date:

13th May 2024

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF:	R24-41
APPLICANT(S):	Patrick O' Connor
REFERENCE:	Whether the construction of an agricultural equine shed development is or is not development and is or is not exempted development.
LOCATION:	Bleach Bridge, Flagmount, Co. Clare
DUE DATE:	13/05/2024

Site Location

The proposal site is located in a rural area approximately 2.6km north of Flagmount. The site comprises a detached two-storey structure and a detached, partially constructed single-storey out-building. There is mature vegetation on the site perimeters. Ground in the immediate vicinity of the buildings is very wet underfoot. Lands to the rear of the dwelling, on the northern side of the site, slope steeply downhill towards the Bleach River.

Hay bales were piled against a ground floor window in the eastern elevation. All other ground floor windows were blacked out and the interior could not be viewed.

There were spent shotgun cartridges on both the wire fence across the entrance to the site and the bolts on the doors to the building.

Recent Planning History

UD23-046 – Warning Letter issued to Patrick O' Connor with regard to: *The creation of an entrance, importing hardstanding, construction of a two-story dwelling and detached garage all without the benefit of planning permission.*

Background to Referral

This Referral under Section 5(1) of the Planning and Development Act 2000 (as amended) has been made by Patrick O' Connor. He states that he is the owner of the site.

The applicant is seeking a Section 5 Declaration as to whether the construction of an agricultural equine shed development at Bleach Bridge, Flagmount, Co. Clare is or is not development and is or is not exempted development.

Statutory Provisions

Planning and Development Act, 2000 (as amended)

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

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

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

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

Article 6(3) of the Planning & Development Regulations, 2001, as amended

Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 6

Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

1. No such structure shall be used for any purpose other than the purpose of agriculture.
2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.
3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.
4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.
5. No such structure within 100 metres of any public road shall exceed 8 metres in height.
6. No such structure shall be situated, and no effluent from such structure shall be stored, 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.
7. 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,

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

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

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

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

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

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

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

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

(xi) obstruct any public right of way,

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

Assessment

Basis of Referral

The applicant is seeking a Section 5 Declaration as to whether the construction of an agricultural equine shed development at Bleach Bridge, Flagmount, Co Clare is or is not development and is or is not exempted development.

Particulars of Proposal

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

- Height Unknown. No drawings provided.
- Proposed Floor Area Unknown. No drawings provided.
- Distance from public road Unknown. No drawings provided.
- Distance from dwellings Greater than 100m.

Having regard to Section 2(1) of the Planning and Development Act 2001 (as amended), I consider that the proposed developments, 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 submitted documents refer to the subject building as an *agricultural equine shed development*. The proposed development is therefore assessed in the context of Schedule 1, Part 3, Class 6 of the Planning and Development Regulations.

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 6

Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

1. No such structure shall be used for any purpose other than the purpose of agriculture.

With the exception of some hay bales stacked against a ground floor window, no agricultural use of the building was observed during the site inspection. The main building on site is two-storey structure with a large extent of fenestration on the northwest elevation. A detached single-storey structure adjoins the site. No reference is made to this separate structure in the referral documents. The single-storey building as constructed to date has the appearance of a detached garage.

It is noted that the maps submitted with the referral, label the structure as *House*.

Based on the observations during the site inspection, I am not satisfied that the subject building has an agriculture purpose.

2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.

No floor plans or drawings have been provided. However, based on observations during the site inspection, this limitation is not exceeded.

3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.

There is no effluent storage indicated or observed on the site.

4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.

Site Layout Plan not provided.

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

No drawings provided.

6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

The development location is greater than 100m from third party residential properties.

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

No metal sheeting used in the construction of the building.

Article 9(1)(a) of the Planning and Development Regulations 2001, as amended outlines restrictions on exempted development, and these are assessed below:

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

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

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

A new entrance was created to facilitate the development. It is unclear if the 4m limitation is exceeded. However, the entrance to the site does not form part of this referral.

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

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

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

The development is located in a Settled Landscape as designated in the Clare County Development Plan. The surrounding area is characterised by agricultural activity and commercial forestry. There are mature trees in the vicinity of the buildings which provide an element of screening. The development does not interfere with the character of the local landscape.

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

Not applicable in this instance.

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

Not applicable in this instance

(vii)

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

Not applicable in this instance.

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

Based on the available information, the Planning Authority, as the competent authority in the appropriate assessment process, is unable to reach a determination that the proposal did not / will not have a significant effect on the integrity of European sites.

A Screening for Appropriate Assessment is appended to this report.

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

This is not applicable in this instance.

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

Not applicable in this instance.

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

This is not applicable in this instance.

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

This is not applicable in this instance.

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

This is not applicable in this instance.

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

This is not applicable in this instance.

Conclusion

The applicant has not provided any drawings of the buildings on the site and the submitted referral form contains scant detail. The subject building is referred to as a *horse shed*.

Based on the site inspection it was noted that the building is a two-storey structure with a pitched roof and extensive glazing. There was no activity on the site or design features noted that would indicate that the building is used as an equine shed. The building has the appearance of a dwelling and is labelled as such in the map submitted with the referral.

There is no indication in either the submitted maps or from the observations during the site inspection that the buildings present on the site were constructed to provide a roofed structure for the housing of horses.

The buildings as constructed are not exempt under the classes and limitations of uses as set out in the Planning and Development Regulations, 2001 as amended.

Recommendation

The following questions have been referred to the Planning Authority:

Whether the construction of an agricultural equine shed development at Bleach Bridge, Flagmount, 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 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (d) The works as indicated in submitted documents from the referrer.
- (e) The inspection of the site and building by the Planning Authority and the nature of the works as carried out to date.

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

- (a) The construction of an agricultural equine shed development at Bleach Bridge, Flagmount, 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 ~~the~~ construction of an agricultural equine shed development at Bleach Bridge, Flagmount, Co. Clare is not exempted development having regard to:
 - a. Schedule 2, Part 3, Class 6 the Planning and Development Regulations 2000 (as amended), as based on the inspection of the property, the Planning Authority does not consider it meets the criteria as set out in Class 6.
 - b. Article 9(1)(a)(viiB) of the Planning and Development Regulations, 2001 (as amended) as the Planning Authority was unable to reach a determination that the development undertaken on the site did not have a significant effect on the integrity of a European Site.

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

The construction of an agricultural equine shed development at Bleach Bridge, Flagmount, Co. Clare is development and is not exempted development.


Executive Planner

Date: 10/05/2024


Senior Planner

Date: 10-05-2024

Appropriate Assessment & Determination

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

(a) File Reference No:	R24-41
(b) Brief description of the project or plan:	The construction of an agricultural equine shed
(c) Brief description of site characteristics:	<p>Detached two-storey building with associated detached single storey building present on the site.</p> <p>Mature trees on site boundary.</p> <p>Lands to the north of the buildings slope steeply downhill towards the Bleach River.</p> <p>Lands surrounding the structures heavily waterlogged.</p>
(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 impact is no greater than 3km.

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 	Site is within the footprint of the SPA	Site is directly within the SPA	Yes

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 	Vegetation clearance Contaminated surface water run-off, downslope towards the Bleach River Noise, dust, vibration
Operational phase e.g. <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 	Contaminated surface water run-off Lighting disturbance Presence of people and vehicles Physical presence of structures
In-combination/Other	Unknown at this time.

(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 	Potential exists for the disturbance of QI species and reduction / fragmentation of habitat and associated foraging area.
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(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at

screening?

Yes No

Unknown at this time

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 proposal site is located directly in the footprint of the SPA. Vegetation clearance has occurred to facilitate the construction which has taken place to date. The subject development has a small footprint but the use of the building and any associated works required as part of the completion of development (effluent / wastewater treatment, lighting, surface water discharge etc.) have not been specified in the submitted documents. A significant element of uncertainty remains.

On the basis of the information available to the Planning Authority, it is unclear of the development has / will have a significant effect on European sites.

Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input 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 checked="" 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:	10/05/2024	

R24-41













COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Patrick O'Connor
Bleach Bridge
Flagmount
Co. Clare
V94 Y2T0

16/04/2024

Section 5 referral Reference R24-41 – Patrick O'Connor

Is the construction of an agricultural equine shed development and if so, is it exempted development?

A Chara,

I refer to your application received on 16th 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

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



16/04/2024 09:45:59

Receipt No. : L1CASH/0/363075
***** REPRINT *****

PATRICK O'CONNOR
BLEACH BRIDGE
FLAGMOUNT
CO. CLARE

COMPTABLE
CONTAE
AN CHLÁIR

SECTION 5 REFERENCES 80.00

TAXES 80.00
Exempt/Non-vatable

Total : 80.00 EUR

Tendered :
Cash 80.00

Change : 0.00



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

COMPTABLE

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



R24-41

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

Paid FEE: €80 UD-23-046

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	Patrick O'Connor Bleach BRIDGE FLAGSMOUNT CLARE Eircode: V94Y2T 0
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	_____ _____ _____ Patrick O'Connor EIRCODE: V94Y2T 0

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 an agricultural equine shed 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.

HORSE SHED

- Built in location due to climate change and to avoid flooding.

(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)

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	Bleach Bridge Flaynroad Co Clare
(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	No
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	Owner
(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)?:	Yes
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	Yes - UD23-046
(g) Were there previous planning application/s on this site? If so please supply details:	Unsure
(h) Date on which 'works' in question were completed/are likely to take place:	as soon as planning granted

SIGNED: Patrick O'Connor

DATE: 15-2-24

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

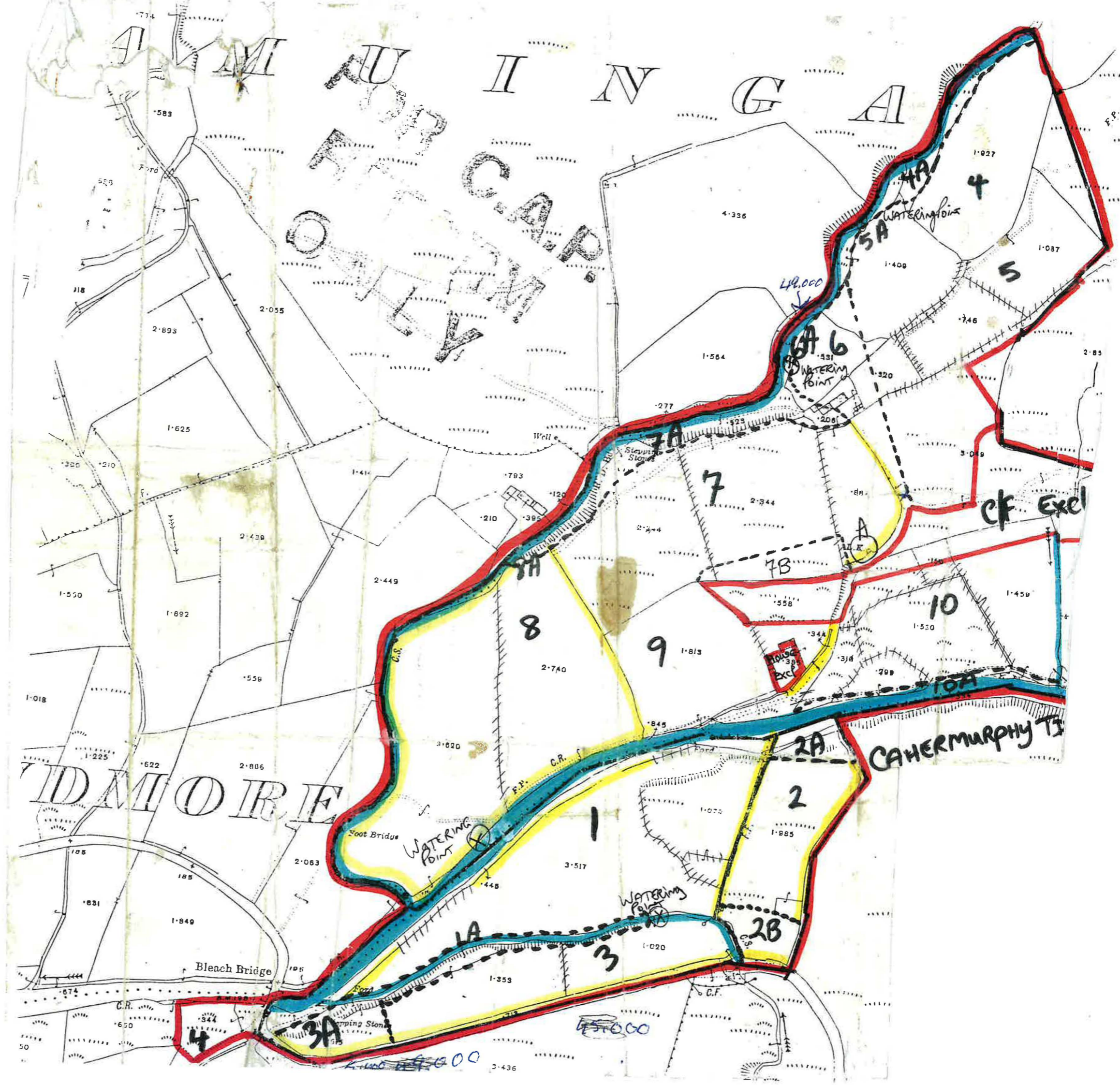
- (v) Notwithstanding the completion of the above form, the Planning Authority may require the submission of further information with regard to the request in order to enable the Authority to issue a declaration on the question.
- (vi) The Planning Authority may also request other persons to submit information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







MURPHY
OVERVIEW CAMP

DAM OIRIE

CAHERMURPHY T

CF Excl

HOUSE EXC

Watering Point

Watering Point

Foot Bridge

Bleach Bridge

Stopping Stone

C.F.

C.R.

F.P.

4000

40,000

45000

Watering Point

Watering Point

Watering Point

Watering Point

Watering Point

Watering Point

Watering Point

Watering Point

4

5

7

7B

8

9

10

2

3

2B

2A

4A

5A

6A

7A

8A

9A

10A

3A

4A

5A

Site Location Map



Surface of Water 161-4 30th December 1914

LOUGH GRANNEY
SCARRIFF UNION
Surveyed in 1893-7 Revised in 1913-18

COBLEA TP