



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Registered Post**

**Martin Murray  
5 Church Street  
Sixmilebridge  
Co.Clare**

**6th June 2024**

**Section 5 referral Reference R24-45 – Martin Murray**

Is the erection of bovine electric fence at Woodfield and Lackyle an exempted development?

A Chara,

I refer to your application received on 28th May 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](http://www.pleanala.ie)

Mise, le meas

**Anne O'Gorman  
Staff Officer  
Planning Department  
Economic Development Directorate**

**An Roinn Pleanála  
An Stúirthóireacht 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.: R24-45**



**Comhairle Contae an Chláir  
Clare County Council**

**Section 5 referral Reference R24-45**

**Is the erection of bovine electric fence at Woodfield and Lackyle an exempted development?**

**AND WHEREAS, Martin Murray** has requested a declaration from Clare County Council on the said question.

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

- (a) Sections 2,3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Schedule 2, Part 3 Class 4 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 erection of bovine electric fencing at Lackyle and Woodfield, 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) On the basis that the height of the fence shall not exceed 2 meters, the said erection of bovine electric fencing at Lackyle and Woodfield, O' Callaghan's Mills, Co. Clare is exempted development having regard to Schedule 2, Part 3, Class 4 of the Planning and Development Regulations, 2001 (as amended)

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

The proposed development consisting of the erection of bovine electric fencing at Lackyle and Woodfield, O' Callaghan's Mills, Co. Clare development which is exempted development .

A handwritten signature in blue ink that reads "Anne O'Gorman" followed by a long horizontal flourish.

**Anne O'Gorman**  
**Staff Officer**  
**Planning Department**  
**Economic Development Directorate**

**6th June 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: 83681

Reference Number: R24-45

Date Referral Received: 28th May 2024

Name of Applicant: Martin Murray

Location of works in question: Lackyle and Woodfield O' Callaghan Mills  
Co. Clare

**Section 5 referral Reference R24-45 – Martin Murray**

Is the erection of bovine electric fence at Woodfield and Lackyle an exempted development?

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- (a) Sections 2,3 and 4 of the Planning and Development Act, 2000, as amended;
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- (c) Schedule 2, Part 3 Class 4 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 erection of bovine electric fencing at Lackyle and Woodfield, 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) On the basis that the height of the fence shall not exceed 2 meters, the said erection of bovine electric fencing at Lackyle and Woodfield, O' Callaghan's Mills, Co. Clare is exempted development having regard to Schedule 2, Part 3, Class 4 of the Planning and Development Regulations, 2001 (as amended)

**ORDER:** Whereas by Chief Executive's Order No. HR 152 dated 9<sup>th</sup> 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 decides that the erection of bovine electric fencing at Lackyle and Woodfield, O' Callaghan's Mills, Co. Clare is **development** and is **exempted development**.

**Signed:**   
\_\_\_\_\_  
**GARETH RUANE**  
**SENIOR EXECUTIVE PLANNER** 

**Date:** 6th June 2024

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

**FILE REF:** R24-45  
**APPLICANT(S):** Martin Murray  
**REFERENCE:** Whether the erection of bovine fencing is or is not development and is or is not exempted development.  
**LOCATION:** Lackyle and Woodfield, O' Callaghan's Mills, Co. Clare  
**DUE DATE:** 24/06/2024

**Site Location**

The proposal site is located in a rural area 3km east of Kilkishen and 4km south of O' Callaghan's Mills. The subject lands comprise four different fields, two of which border the Ahaclare River.

**Recent Planning History**

No recent planning applications on the proposal site.

**Background to Referral**

This Referral under Section 5(1) of the Planning and Development Act 2000 (as amended) has been made by Martin Murray. He states that he has taken a long-term lease of the land, and the owner is aware that this referral has been made.

The applicant is seeking a Section 5 Declaration as to whether the erection of bovine electric fencing at Lackyle and Woodfield, O' Callaghan's Mills, Co. Clare is or is not development and is or is not exempted development.

**Statutory Provisions**

**Planning and Development Act, 2000 (as amended)**

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

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

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

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

Planning & Development Regulations, 2001, as amended

Article 6 refers to Exempted Development and states that subject to Article 9, development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 4

The construction, erection or maintenance of any wall or fence, other than a fence of sheet metal, or a wall or fence within or bounding the curtilage of a house.

- The height of the wall or fence, other than a fence referred to in paragraph 2, shall not exceed 2 meters.
- The height of any fence for the purposes of deer farming or conservation shall not exceed 3 meters.

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 erection of bovine electric fencing at Lackyle and Woodfield, O' Callaghan's Mills, Co Clare is or is not development and is or is not exempted development.

The works involve the erection of fencing along the perimeter of several fields which will be used for the grazing of cattle. The total fence length will be c.2500m.

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).

### Schedule 2, Part 3, Class 4 of the Planning and Development Regulations 2001 (as amended)

*The construction, erection or maintenance of any wall or fence, other than a fence of sheet metal, or a wall or fence within or bounding the curtilage of a house.*

The proposed fencing is for agricultural purposes and is not within or bounding the curtilage of a house.

- *The height of the wall or fence, other than a fence referred to in paragraph 2, shall not exceed 2 meters.*

No details of the proposed fence height were submitted with the referral. However, the applicant was contacted by phone on 05/06/2024 and he confirmed that a standard post and wire fence is proposed. The height limitation will not be exceeded.

- *The height of any fence for the purposes of deer farming or conservation shall not exceed 3 meters.*

Not applicable to the current proposal.

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

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

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

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

Not applicable to the current proposal.

*(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 proposed fencing will not be a visually obtrusive feature in the local area.

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

Not applicable in this instance.

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

Not applicable in this instance

*(vii)*

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

This is not applicable in this instance.

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

Having regard to the nature and scale of the proposed development, 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.

- 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."*

Part of the site is within the Doon Lough NHA which is designated for protection under Section 18 of the Wildlife Act. The NHA comprises a raised bog, that includes both areas of high bog and cutover bog, woodlands, lakes, marsh, fen and wet meadows. The site is bounded by roads to the west, south and east. The proposed development area is on the southern end of the NHA, and comprises two areas of wet grassland adjoining the Ahaclare River. The lands are in agricultural use. The proposed fencing will stockproof the field boundaries but will not alter the use of the land and will not have an adverse effect on the NHA.

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

This is not applicable in this instance.

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

This is not applicable in this instance.

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

This is not applicable in this instance.

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

This is not applicable in this instance.

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

*development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.*

This is not applicable in this instance.

### Recommendation

**The following questions have been referred to the Planning Authority:**

Whether the erection of bovine electric fencing at Lackyle and Woodfield, 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) Schedule 2, Part 3, Class 4 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 erection of bovine electric fencing at Lackyle and Woodfield, 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) On the basis that the height of the fence shall not exceed 2 meters, the said erection of bovine electric fencing at Lackyle and Woodfield, O' Callaghan's Mills, Co. Clare is exempted development having regard to Schedule 2, Part 3, Class 4 of the Planning and Development Regulations, 2001 (as amended)

Now therefore Clare County Council (Planning Authority), hereby decides that the erection of bovine electric fencing at Lackyle and Woodfield, O' Callaghan's Mills, Co. Clare is development and is exempted development.

  
Executive Planner

Date: 05/06/2024

  
Senior Executive Planner

Date: 05/06/24

## Appropriate Assessment & Determination

STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	R24-45
(b) Brief description of the project or plan:	The erection of bovine electric fencing At Lakyle and Woodfield, O'Callaghan's Mills, Co Clare.
(c) Brief description of site characteristics:	4no separate fields in agricultural use. Fields adjoining the Ahaclare River are low-lying, wet grassland.
(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 5km.

European Site (code)	List of Qualifying Interest/Special Conservation Interest <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source- Pathway- Receptor)	Considered further in screening Y/N
Danes Hole, Poulnalecka SAC	<u>Annex I habitats:</u> <ul style="list-style-type: none"> <li>• Caves not open to the public [8310]</li> <li>• Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</li> </ul> <u>Annex II Species:</u> <ul style="list-style-type: none"> <li>• Lesser horseshoe bat <i>Rhinolophus hipposideros</i> [1303]</li> </ul>	0.66km	Site is in close proximity to the SAC and within the foraging area associated with same.	Yes
Kilkishen House SAC	<u>Annex II species</u> Lesser Horseshoe Bat <i>Rhinolophus hipposideros</i> [1303]	4.34km	No pathway identified. The site is not within the core foraging range of the SAC	No

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

<sup>2</sup> 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.)
<p>Construction phase e.g.</p> <ul style="list-style-type: none"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	<p>No vegetation clearance required.</p> <p>Minimal ground works required (posts driven into the ground to support fencing).</p>
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> <li>• Noise/vibration</li> <li>• Changes to water/groundwater due to drainage or abstraction</li> <li>• Presence of people, vehicles and activities</li> <li>• Physical presence of structures (e.g. collision risks)</li> <li>• Potential for accidents or incidents</li> </ul>	<p>No likely operational phase impacts.</p>
<p>In-combination/Other</p>	<p>No likely in-combination effects</p>

(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"> <li>• Reduction or fragmentation of habitat area</li> <li>• Disturbance to QI species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction or fragmentation in species density</li> <li>• Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>• Changes to areas of sensitivity or threats to QI</li> <li>• Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	<p>The works include the erection along field boundaries. No clearance of trees or hedgerow is required.</p> <p>The proposal will not impact on foraging areas or commuting routes associated with the SAC.</p>
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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


### 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 impacts on European sites likely as a result of the proposed development.

**Conclusion:**

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is <b>no likelihood</b> of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is <b>uncertain</b> 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) <b>Significant effects</b> are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
<b>Signature and Date of Recommending Officer:</b>	 05/06/2024	
<b>Signature and Date of the Decision Maker:</b>		



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CONTAE AN CHLÁIR | COUNTY COUNCIL

**Martin Murray**  
5 Church Street  
Sixmilebridge  
Co.Clare

**28/05/2024**

**Section 5 referral Reference R24-45 – Martin Murray**

**Is the erection of bovine fence at Woodfield and Lackyle an exempted development?**

A Chara,

I refer to your application received on 28th May 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

**Caroline Fahy**  
Planning Department  
Economic Development Directorate

**An Roinn Pleanála**  
**An Stiúrtóireacht Forbairt Gheilleagrach**  
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

**Planning Department**  
**Economic Development Directorate**  
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2





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

28/05/2024 13:06:00

Receipt No. : L1CASH/0/364837  
\*\*\*\*\* REPRINT \*\*\*\*\*

MARTIN MURRAY  
5 CHURCH STREET  
SIXMILEBRIDGE  
CO. CLARE

R24-43

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

Total : 80.00 EUR

Tendered :  
CHEQUES 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.  
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Telephone No. (065) 6821616  
Fax No. (065) 6892071  
Email: [planoff@clarecoco.ie](mailto:planoff@clarecoco.ie)  
Website: [www.clarecoco.ie](http://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	MARTIN PURRY 5 CHURCH STREET SIXMILEBRIDGE CO. CLARE
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	

**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 ERECTION OF BOVINE electric fence at  
WOODFIELD AND LACKYLE an exempted development

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

The applicant proposes to erect  
2500 metres of bovine electric fencing  
in the townships of Lackyle and  
Woodfield, O'Callaghans Mills, Co. Clare.

(c) List of plans, drawings etc. submitted with this request for a declaration:  
*(Note: Please provide a site location map to a scale of not less than 1:2500 based on Ordnance Survey map for the areas, to identify the lands in question)*

See attached map to show the exact  
location and length of proposed fencing.

<b>3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT</b>	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	LACKYLE and WOODFIELD O'CALLAGHAN'S 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):	I have the lands leased from the owner, Martin Fleming, for 7 years
(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>	Martin Fleming Woodfield O'Callaghan Mills Co Clare
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	Yes
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	NO
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	NO
(h) Date on which 'works' in question were completed/are likely to take place:	I hope to reed' fence in 2024.

SIGNED: Martin Munnery

DATE: 27<sup>th</sup> May 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

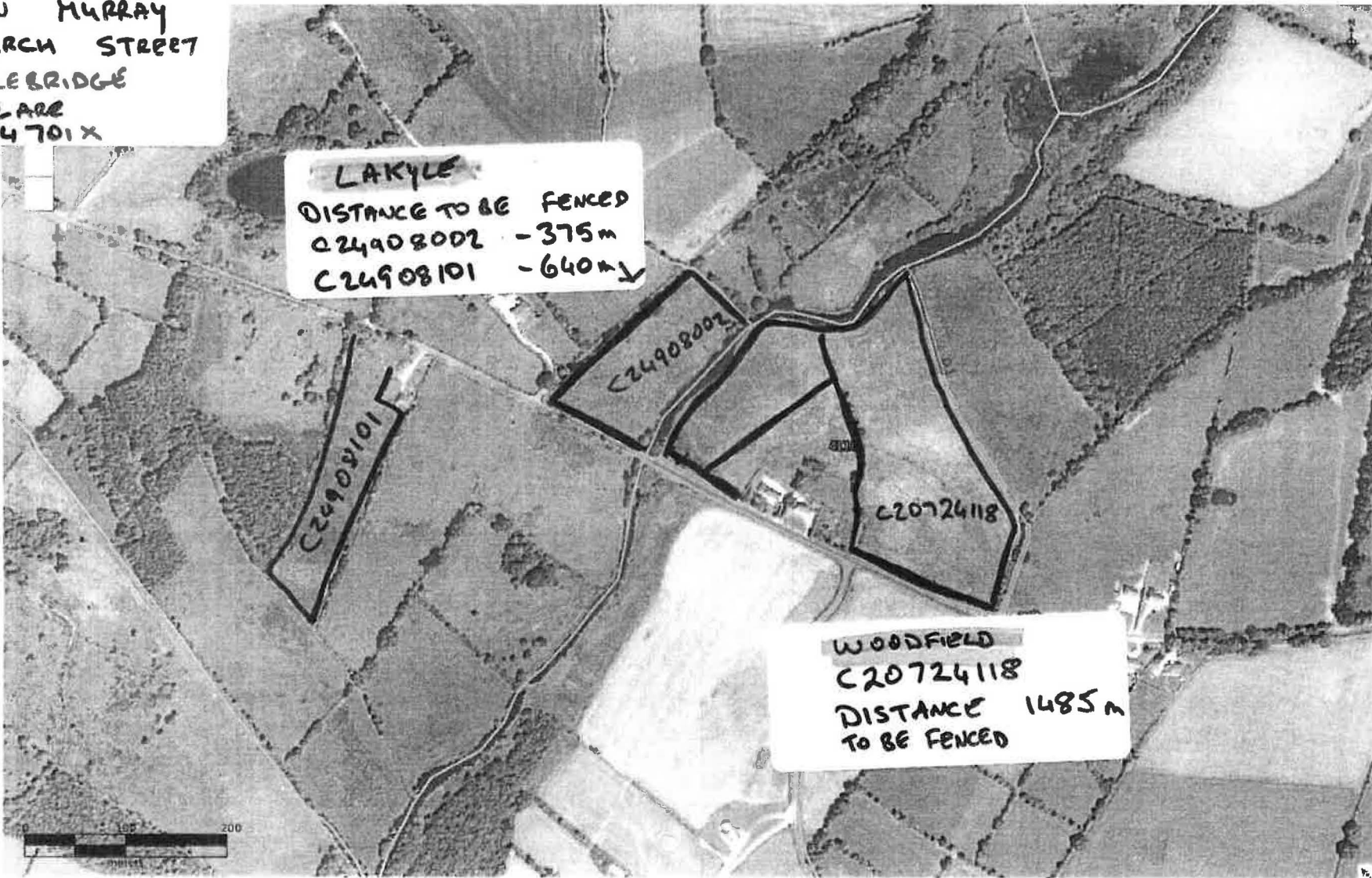
**FOR OFFICE USE ONLY**

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

MARTIN MURRAY  
5 CHURCH STREET  
SIXMILEBRIDGE  
CO. CLARE  
C 204701X

LAKYLE  
DISTANCE TO BE FENCED  
C24908002 - 375m  
C24908101 - 640m ↓

WOODFIELD  
C20724118  
DISTANCE 1485m  
TO BE FENCED



Layers  
Update  
Layer Group  
As  
R

Navigation  
Full Screen Legend  
Close



Location of proposed bovine fencing at Woodfield and Lackyle, O'Callaghan's Mills, Co. Clare (x)