



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**Stephen Culliney
C/o Jamie Vaughan Design
Deerpark West
Ennistymon
Co.Clare**

27th June 2024

Section 5 referral Reference R24-47 – Stephen Culliney

**Is the construction of a farm storage shed at Killeen Corofin Co.Clare development ?
And if so is it exempted Development?**

A Chara,

I refer to your application received on 11th June 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

Having regard to the details received, the Planning Authority notes that other buildings on site comprise 3 sheds for the housing of livestock, the total floor area of which is 475 sqm. (385 sq.m. plus 90 sq.m.) This floor area of 475sqm. significantly exceeds the threshold limit for Class 6 (roofed structures for the housing of cattle not exceeding 300 sqm aggregate) and therefore floor area above 300 sq.m is unauthorized. You are advised to regularize this matter.

Mise, le meas

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

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

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



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

Reference No.: R24-47



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R24-47

**Is the construction of a farm storage shed at Killeen Corofin Co.Clare development ?
And if so is it exempted Development?**

AND WHEREAS, Stephen Culliney 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 and 3 of the Planning and Development Act 2000, as amended,
- (b) Schedule 2, Part 3, Class 9 of the Planning and Development Regulations 2001 (as amended)
- (c) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- (e) The details and drawing as indicated in submitted documents from the referrer.

And whereas Clare County Council has concluded:

- a) The development consisting of a farm storage shed comprises “works” and “development ” which come within the scope of sections 2 and 3 of the planning and Development Act 2000, as amended.
- b) The said development falls within the scope of the Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 9

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 hereby declare that the farm storage shed at Killeen ,Corrofin Co.Clare is **development** and is **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

27th 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: 83771
Reference Number: R24-47
Date Referral Received: 11th June 2024
Additional Information Received: 24th June 2024
Name of Applicant: Stephen Culliney
Location of works in question: Killeen Corofin Co.Clare

Section 5 referral Reference R24-47 – Stephen Culliney

Is the construction of a farm storage shed at Killeen Corofin Co.Clare development ?
And if so is it exempted Development?

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

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

AND WHEREAS Clare County Council has concluded:

- a) The development consisting of a farm storage shed comprises “works” and “development ” which come within the scope of sections 2 and 3 of the planning and Development Act 2000, as amended.
- b) The said development falls within the scope of the Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 9

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 farm storage shed at Killeen, Corrofin Co. Clare is development and is exempted development.

Signed:


KIERAN O'DONNELL
Administrative Officer 

Date:

27th June 2024

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF: R 24/ 47 Stephen Culliney
APPLICANT(S):

REFERENCE: Whether a farm storage shed is or is not development and is or is not exempted development.
LOCATION: Killeen Corrofin Co. Clare
DUE DATE: 08/07/24

Site Description.

The subject site is located at Killeen. It is accessed via a private roadway which runs between two houses fronting the public road. The farmyard complex is approximately 135m set back and north of the public road.

Planning History on site

None

Details submitted with the application

- Site location map scale 1:1000 showing the subject site outlined in red
- Completed application form.
- Site layout plan scale 1:1000
- Drawings of the proposed shed scale 1; 100m. 18m long, 12m wide and 6.4high m high. Total floor area 216. sq.m.

Other buildings on site comprise 3 sheds for the housing of livestock, the total floor area of which is (385 sq.m. plus 90 sq.m.)= 475 sq.m.

This floor area of 475s sq.m. significantly exceeds the threshold limit for Class 6 (roofed structures for the housing of cattle not exceeding 200 sq.m or 300 sq.m aggregate for other such class 6 buildings within the same farmyard complex or within 100m of that complex) and therefore floor area above 300 sq.m is unauthorized.

Background to Referral

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.*

'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.

'Development' are defined in Section 3 of the *Planning and Development Act 2000, as amended* as follows:

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

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,

Part 3 Exempted Development Rural- Article 6

Class 9

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 9

Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

Conditions and Limitations

1.No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.

2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.
3. No such structure shall be situated within 10 metres of any public road.
4. No such structure within 100 metres of any public road shall exceed 8 metres in height.
5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.
6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

Schedule 2, Article 6, Part 1 – Exempted Development General.

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 a farm storage shed is development and is or is not exempted development.

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

Class 9

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 9

Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

The shed is for the storage of farm equipment and feed and is not for the housing of animals and as such falls under class 9.

Conditions and Limitations

1.No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.

This is the case.

2.The gross floor space of such structures together with any **other such structures** situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.

There is one other storage shed on site of 90 sq.m. The aggregate floor area of the two storage sheds is 306 sqm. (216 plus 90). This falls below the 900 sq.m. threshold.

3. No such structure shall be situated within 10 metres of any public road.

The structure is 130m distance from the public road.

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

The maximum height is 6.4m to the ridge and as such meets this requirement .

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

The site layout plan submitted shows a 100 radius diameter from the proposed shed. No dwellings fall within this radius .

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

No unpainted metal sheeting shall be used as a n external finish.

Article 9 of the Planning and Development Regulations 2001, as amended

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*

N/A- No planning history

- (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,*

No alterations to the existing access point are proposed.

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

N/A.

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

N/A.

- (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 site is within designated settled landscape which does not have views or prospects of special amenity value or special interest.

- (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,*

N/A This is 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,*

N/A This is 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,*

N/A 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,*

N/A

- 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 as the subject site is not located in a NHA or p NHA.

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

N/A.

- (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 preceeding 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

Having regard to the above it is considered that the proposed development constitutes both 'works' and 'development'.

Regard has been had to Class 9, of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended and Article 9 as amended of the same Regulations.

Recommendation

The following questions have been referred to the Planning Authority:

Whether a farm storage shed at Killeen , Corrofin 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 and 3 of the Planning and Development Act 2000, as amended,
- (b) Schedule 2, Part 3, Class 9 of the Planning and Development Regulations 2001 (as amended)
- (c) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- (d) The details and drawing as indicated in submitted documents from the referrer.

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

- a) the development consisting of a farm storage shed comprises "works" and "development" which come within the scope of sections 2 and 3 of the Planning and Development Act 2000, as amended.
- b) The said development falls within the scope of the Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 9.

Now therefore Clare County Council (Planning Authority), hereby decides that the farm storage shed at Killeen , Corrofin Co. Clare is development and is exempted development.

Note to Applicant.

Having regard to the details received the Planning Authority notes that other buildings on site comprise 3 sheds for the housing of livestock, the total floor area of which is 475 sq.m.(385 sq.m. plus 90 sq.m.) This floor area of 475s sq.m. significantly exceeds the threshold limit for Class 6 (roofed structures for the housing of cattle not exceeding 300 sq.m aggregate) and therefore floor area above ~~200~~ 300 sq.m is unauthorized. You are advised to regularise this matter.

300

Appropriate Assessment & Determination

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

(a) File Reference No:	Section 5 R24/ 47
(b) Brief description of the project or plan:	Agricultural storage shed
(c) Brief description of site characteristics:	Shed with yard space
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
East Burren Complex SAC	Annex I - Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140] • *Turloughs [3180] • Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] • Alpine and Boreal	212m to the north	None	No

	<p>heaths [4060] • <i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130] • Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco</i> <i>Brometalia</i>)(*important orchid sites) [6210] • Lowland hay meadows (<i>Alopecurus pratensis</i>, <i>Sanguisorba</i> <i>officinalis</i>) [6510] • Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion</i> <i>davallianae</i> [7210] • Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220] • Alkaline fens [7230] • Limestone pavements [8240] • Caves not open to the public [8310] • *Alluvial forests with <i>Alnus</i> <i>glutinosa</i> and <i>Fraxinus</i> <i>excelsior</i> (<i>Alno-</i> <i>Padion</i>, <i>Alnion</i> <i>incanae</i>, <i>Salicion</i> <i>albae</i>) [91E0] Annex II species: • Marsh fritillary <i>Euphydryas</i> Annex II- Marsh Fritillary, lesser horse shoe bat and Otter.</p>			
Corrofin wetlands SPA	<p>Little Grebe <i>Tachybaptus ruficollis</i> [A004] wintering • Whooper Swan <i>Cygnus</i> <i>cygnus</i> [A038] wintering • Wigeon</p>	212m to the north	None	No

	Anas penelope [A050] wintering • Teal Anas crecca [A052] wintering • Black-tailed Godwit Limosa limosa [A156] wintering • Wetlands and Waterbirds [A999]			
Ballycullinan Lough SAC	Clacareous fen with Cladium marisus and species of davallinae.	800m to the south	None	No

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

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

STEP 3. Assessment of Likely Significant Effects	
(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:	
Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <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 	Surface water run off from soil

<ul style="list-style-type: none"> • Pests 	
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	None- dry shed (no effluent arising)
In-combination/Other	none

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

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

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.

Having regard to the separation distance between the subject site and nearest SAC, and SPA, the use of the sheds being dry storage and the absence of hydrological connection between the subject site and the European site, the proposed development is not likely to have significant effects on European site(s) in view of its conservation objectives

Conclusion: The proposed development is not likely to have significant effects on European site(s) in view of its conservation objectives.

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

**Signature and Date of
Recommending Officer:**

24/06/24

Ellen Carey.
Name: Ellen Carey E.P.

**Signature and Date of the
Decision Maker:**

Ellen Carey

From: Jamie Vaughan <jamievaughandesign@gmail.com>
Sent: Monday 24 June 2024 12:32
To: Ellen Carey
Subject: Farm Shed Drawings
Attachments: 2413-A101-Ground Floor Plan.pdf; 2413-A102-Section A.pdf; 2413-A200-Elevations.pdf

Hi Ellen,

Please see attached plans, section and elevations of the proposed farm shed for Stephen Culliney, Killeen, Corofin, Co. Clare.

Regards,
Jamie Vaughan
BSc. Arch Tech

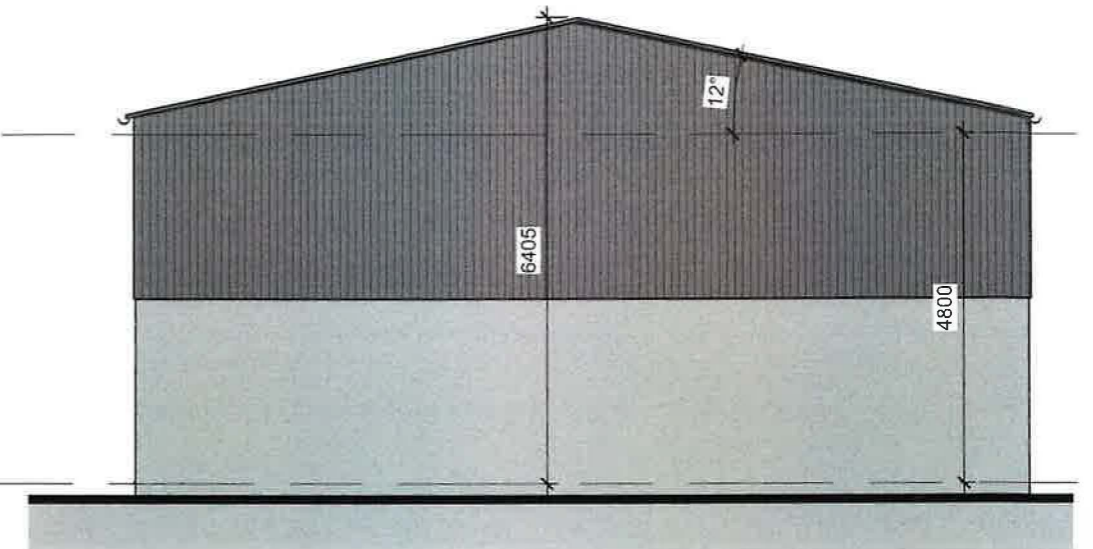
Jamie Vaughan Design
Architectural Technology | Furniture | BIM
Deerpark West, Ennistymon, Co Clare
Tel: +353871626667
Email: jamievaughandesign@gmail.com

EXTERNAL FINISHES

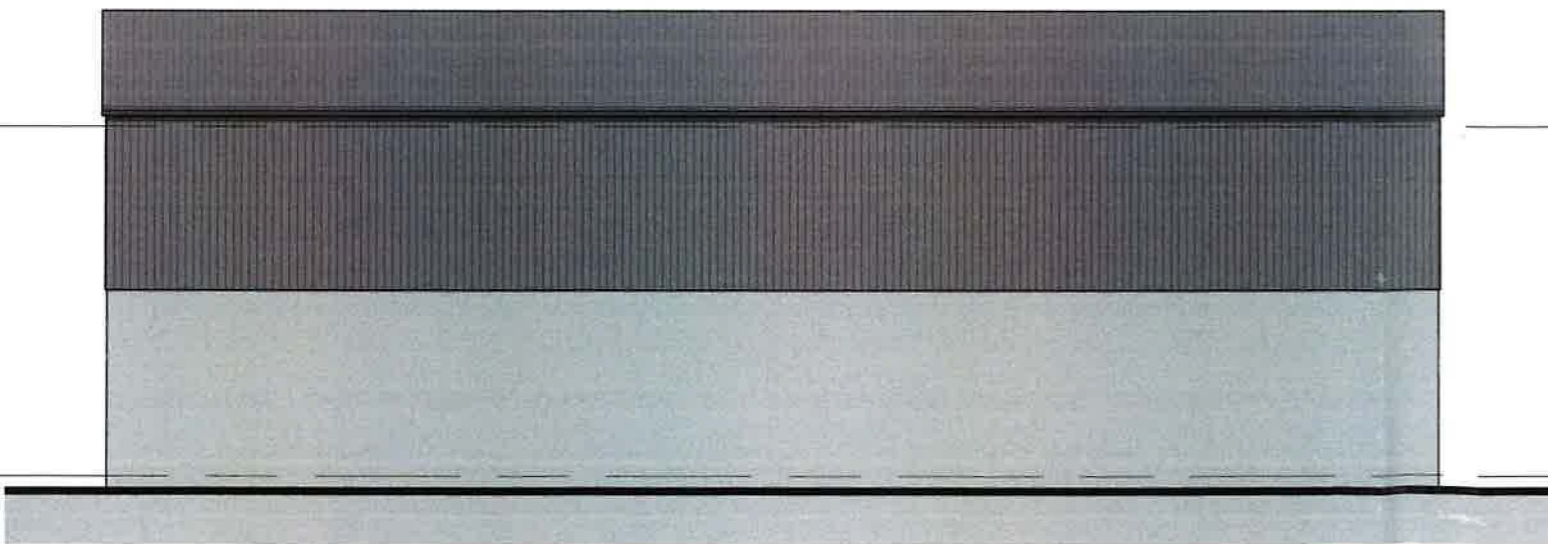
ROOF FINISHES:
GREY PAINTED METAL CLADDING
WALL FINISHES:
GREY PAINTED METAL CLADDING
2.4M HIGH IN-SITU CONCRETE WALLS
DOORS:
DARK GREY ROLLER DOOR & PEDESTRIAN DOOR



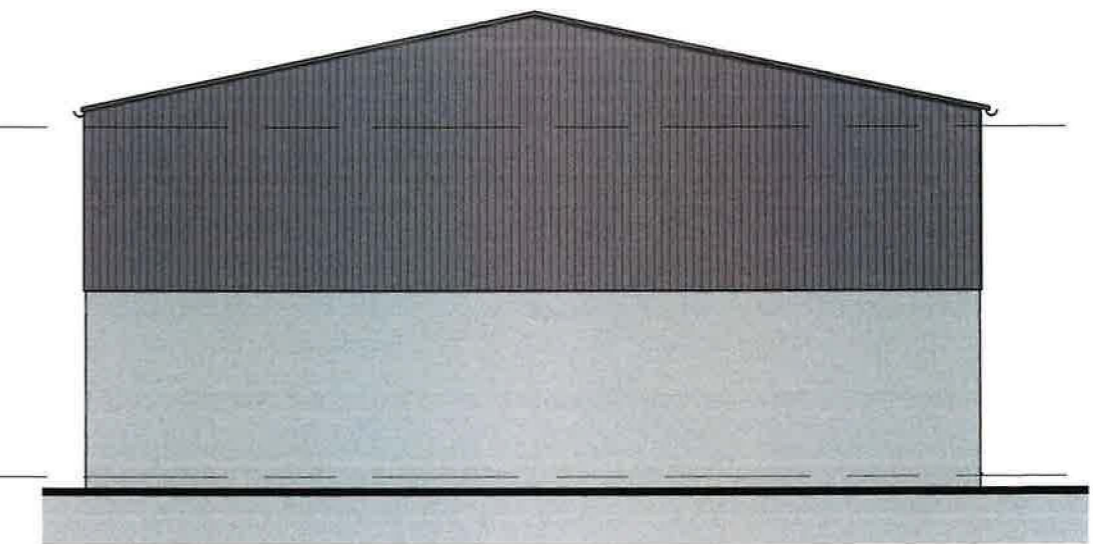
1 North East Elevation
Scale: 1 : 100



3 North West Elevation
Scale: 1 : 100



2 South West Elevation
Scale: 1 : 100



4 South East Elevation
Scale: 1 : 100

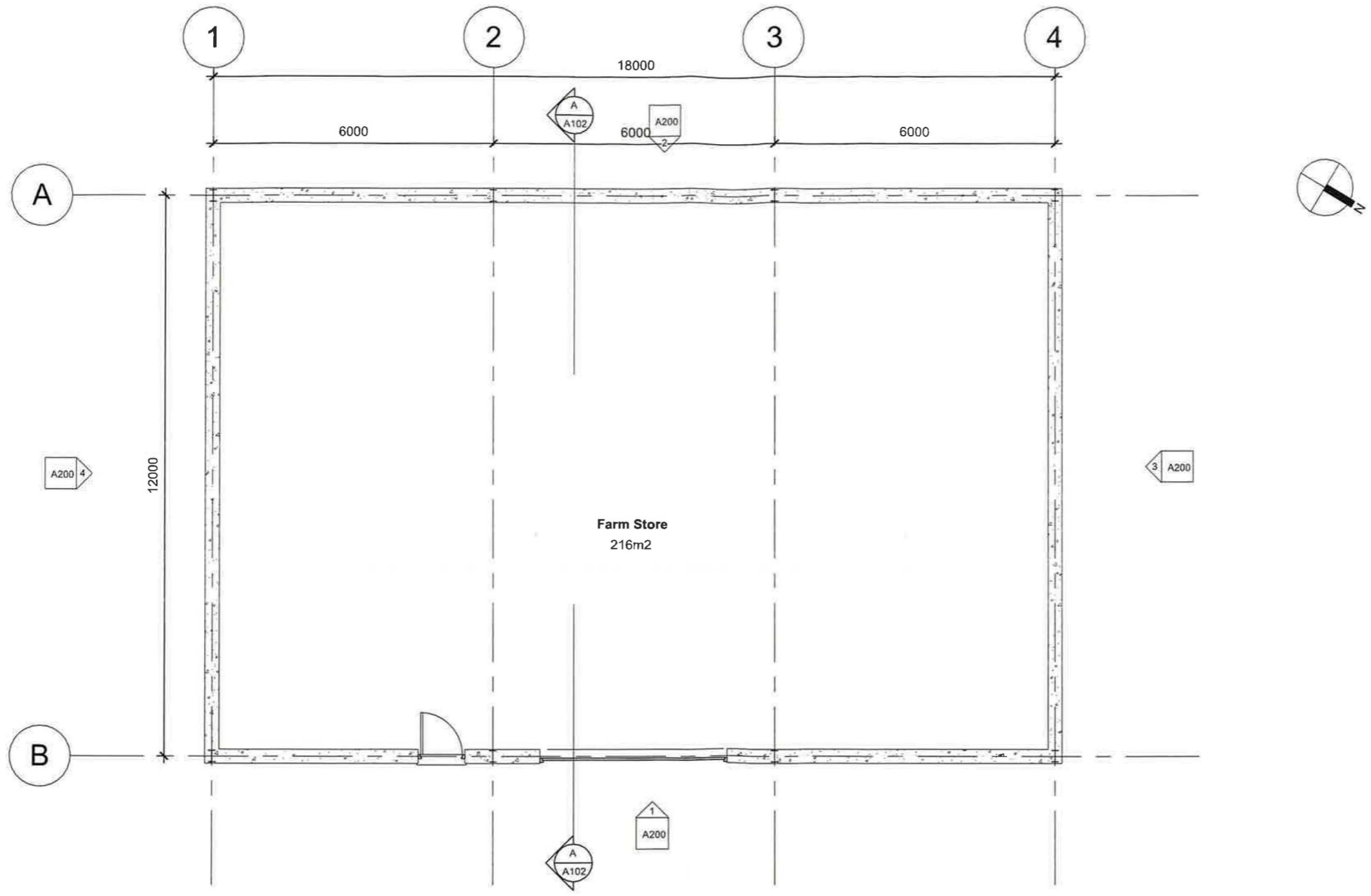
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Report any discrepancies found on site immediately to Jamie Vaughan Design.

Rev No.	Description	Date
0	PLANNING ISSUE	24-06-2024

JVD Jamie Vaughan Design
Architecture | Furniture | BIM Services
Deerpark West, Ennistymon, Co. Clare, Ireland, V95 Y925
Phone: +353 871626667 | Email: jamievaughandesign@gmail.com

PROJECT	Proposed Shed
CLIENT	Stephen Culliney
PROJECT ADDRESS	Killeen, Corofin, Co. Clare

DRAWING NAME		Elevations
Date	Project Number	DRAWING PURPOSE
June 2024	2413	PLANNING
Drawn by	Scale (@ A3)	DRAWING NUMBER
JV	1 : 100	A200
REV		
		0



1 Ground Floor Plan
Scale: 1 : 100

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Phone: +353 871626667 | Email: jamievaughandesign@gmail.com

PROJECT	Proposed Shed
CLIENT	Stephen Culliney
PROJECT ADDRESS	Killeen, Corofin, Co. Clare

DRAWING NAME		Ground Floor Plan	
Date	Project number	DRAWING PURPOSE	
June 2024	2413	PLANNING	
Drawn by	Scale (@ A3)	DRAWING NUMBER	REV
JV	1 : 100	A101	0



A Section A
Scale: 1 : 100

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Rev No.	Description	Date
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PROJECT	Proposed Shed
CLIENT	Stephen Culliney
PROJECT ADDRESS	Killeen, Corofin, Co. Clare

DRAWING NAME		Section A	
Date	Project number	DRAWING PURPOSE	
June 2024	2413	PLANNING	
Drawn by	Scale (@ A3)	DRAWING NUMBER	REV
JV	1 : 100	A102	0



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Stephen Culliney
C/o Jamie Vaughan Design
Deerpark West
Ennistymon
Co.Clare

11/06/2024

Section 5 referral Reference R24-47

**Is the construction of a farm storage shed at Killeen Corofin Co.Clare development ?
And if so is it exempted Development?**

A Chara,

I refer to your application received on 11th June 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



R24-47

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



Comhairle Contae an Chláir
Clare County Council

**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	STEPHEN CULLINEY Killeen, Corofin, Co. Clare
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	Jamie Vaughan Design DEERPARK WEST, ENNISTYMON, CO.CLARE

2. DETAILS REGARDING DECLARATION BEING SOUGHT

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

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

IS THE CONSTRUCTION OF A FARM STORAGE SHED AT KILLEEN, COROFIN,
CO. CLARE DEVELOPMENT? AND IF SO IS IT EXEMPTED DEVELOPMENT

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

WE ARE SEEKING AN EXEMPTION DECLARATION FROM THE PLANNING AUTHORITY
FOR THE CONSTRUCTION OF A TYPE 4 FARM STORAGE BUILDING (NOT FOR
HOUSING ANIMALS) AS PROPOSED ON THE ATTACHED MAP & DRAWING.

(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)

SITE LOCATION MAP 1:2500 SCALE

SITE LAYOUT PLAN 1:1000 SCALE

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
<p>(a) Postal Address of the Property/Site/Building for which the declaration sought:</p>	<p>Killeen, Corofin, Co. Clare</p> <hr/> <hr/> <hr/> <hr/>
<p>(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?</p>	<p>NO</p> <hr/> <hr/> <hr/>
<p>(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):</p>	<p>OWNER</p> <hr/> <hr/>
<p>(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:</p> <p><i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i></p>	<p>N/A</p> <hr/> <hr/> <hr/>
<p>(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:</p>	<p>YES</p>
<p>(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i></p>	<p>NO</p>
<p>(g) Were there previous planning application/s on this site? <i>If so please supply details:</i></p>	<p>NO</p>
<p>(h) Date on which 'works' in question were completed/are likely to take place:</p>	<p>2024</p>

SIGNED: Samie Vaejh

DATE: 07-06-2024

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:

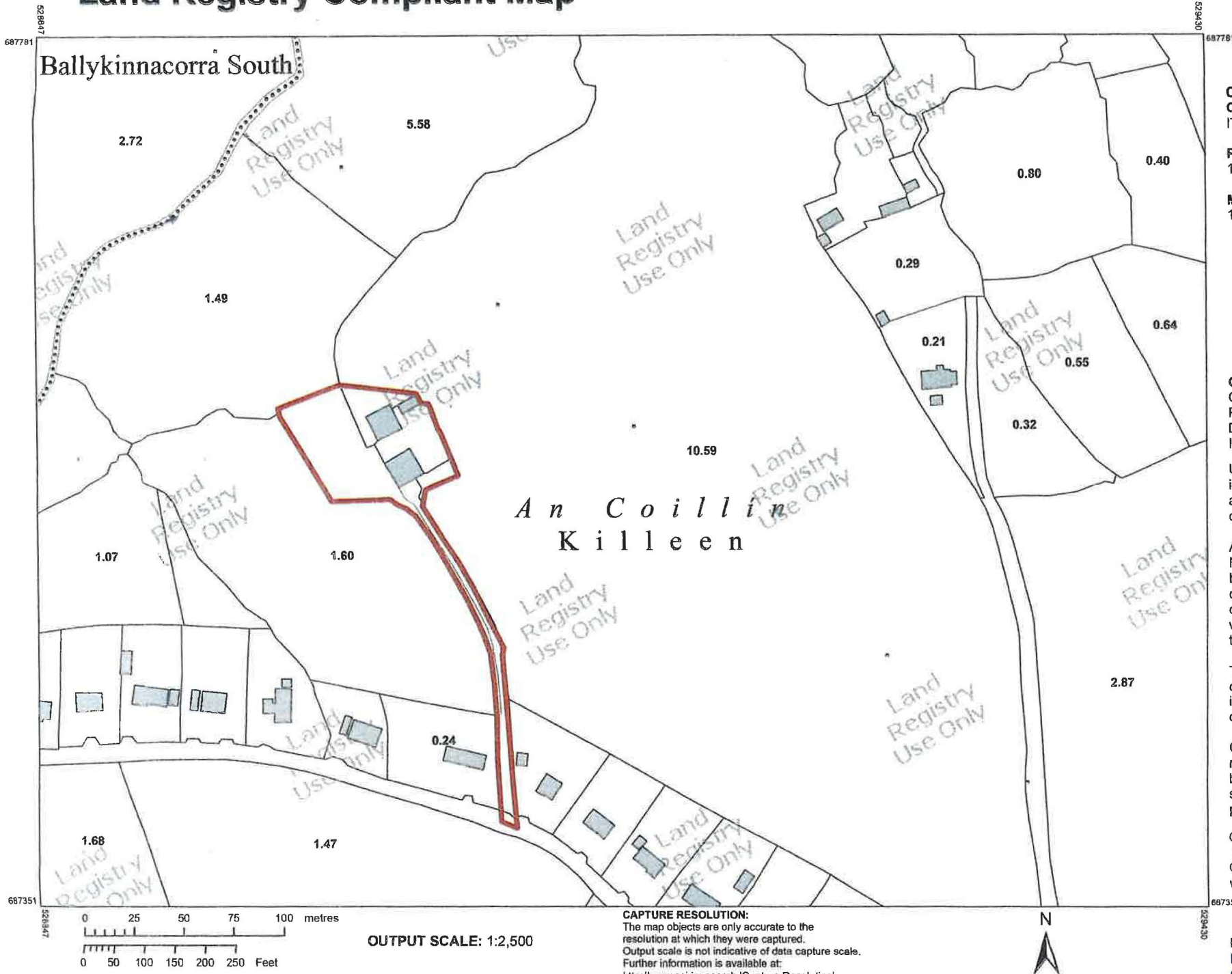
Planning Department,
Economic Development Directorate,
Clare County Council
Aras Contae an Chlair,
New Road,
Ennis,
Co. Clare
V95DXP2

- (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:	.....	

Land Registry Compliant Map



CENTRE COORDINATES:
ITM 529139,687566

PUBLISHED: 17/09/2021
ORDER NO.: 50220497_1

MAP SERIES: 1:2,500
MAP SHEETS: 4088-C

COMPILED AND PUBLISHED BY:
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<http://www.osi.ie>;
search 'Large Scale Legend'

SITE INFORMATION

OSI MAP SHEETS : 4088-C
 CONTROL SURVEY DWG NO. 20-135-01
 ALL LEVELS ARE RELATIVE TO THE
 ORDINANCE DATUM MALIN HEAD



TOTAL FARMYARD AREA EDGED IN RED = 0.47HA

EXISTING STORAGE SHED (TYPE 4) 90M²
 EXISTING ANIMAL HOUSING (TYPE 1) 90M²

EXISTING ANIMAL HOUSING (TYPE 1) 385M²

PROPOSED STORAGE SHED (TYPE 4)
 AREA =216M²
 FFL = 23M

FFL = 23.39

EXISTING HOUSE

R 100 m

EXISTING SHED

EXISTING NEIGHBORING DWELLINGS

1 Farmyard Plan
 Scale: 1 : 1000

EXEMPTION NOTES
 PROPOSED TYPE 4 FARM STORAGE BUILDING (NOT FOR HOUSING ANIMALS) HAS A FLOOR AREA LESS THAN 300M². EXISTING TYPE 4 BUILDING =90M²
 IF COMPLETED ALL TYPE 4 STRUCTURES IN FARMYARD WILL BE LESS THAN 900M²
 THE FARMYARD IS IN A RURAL AREA.
 PROPOSED STRUCTURE IS MORE THAN 10M FROM PUBLIC ROAD.
 PROPOSED STRUCTURE IS MORE THAN 100M FROM ANY HOUSE, SCHOOL, CHURCH OR OTHER PUBLIC BUILDING.
 HEIGHT ABOVE GROUND LEVEL IS LESS THAN 8M
 NO UNPAINTED METAL SHEETING SHALL BE USED AS AN EXTERNAL FINISH.
 THE PROPOSED STRUCTURE WILL ONLY BE USED FOR AGRICULTURAL PURPOSES.

0	PLANNING ISSUE	07-06-2024
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PROJECT	Proposed Shed
CLIENT	Stephen Culliney
PROJECT ADDRESS	Killeen, Corofin, Co. Clare

DRAWING NAME			PROPOSED SITE PLAN
Date	Product number	DRAWING PURPOSE	
02-04-2024	2413	PLANNING	
Drawn by	Scale (@ A3)	DRAWING NUMBER	
JV	1 : 1000	A104	
			REV 0