

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

Reference No.: R24-58



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R24-58

Is the construction of a 25m² shed at Bridge St, Corofin, Co. Clare development and if so is it exempted development?

AND WHEREAS, Peter Daffy 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) The details and drawing as indicated in submitted documents from the referrer and the intended use of the structure.

And whereas Clare County Council has concluded:

- (a) The development consisting of a shed constitutes "works" and "development" which come within the scope of sections 2 and 3 of the Planning and Development Act 2000, as amended.
- (b) The structure would not meet the exempted development requirements of Article 6 of the Planning and Development Regulations 2001, as amended.
- (c) There are no other provisions under the Planning Acts or Regulations to render the subject structure as exempted development.

THEREFORE: The Planning Authority in exercise of the powers conferred on it by Section 5 of the Planning and Development Act, 2000 (as amended), hereby decides that the construction of a 25m² shed at Bridge St, Corofin, Co. Clare **constitutes development** which is **not exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

A handwritten signature in blue ink, appearing to read 'Anne O'Gorman', with a horizontal line underneath.

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

12th August 2024



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

Peter Daffy
C/o Tadhg O'Regan
O'Regan Engineering Consultants Ltd
Shanaway Road
Kilnacally
Ennis, Co. Clare
V95 F59R

12th August 2024

Section 5 referral Reference R24-58 – Peter Daffy

Is the construction of a 25m² shed at Bridge St, Corofin, Co. Clare development and if so is it exempted development?

A Chara,

I refer to your application received on 22nd July 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



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: 84003
Reference Number: R24-58
Date Referral Received: 22nd July 2024
Name of Applicant: Peter Daffy
Location of works in question: Bridge St, Corofin, Co. Clare

Section 5 referral Reference R24-58 – Peter Daffy

Is the construction of a 25m² shed at Bridge St, 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) The details and drawing as indicated in submitted documents from the referrer and the intended use of the structure.

AND WHEREAS Clare County Council has concluded:

- (a) The development consisting of a shed constitutes “works” and “development” which come within the scope of sections 2 and 3 of the Planning and Development Act 2000, as amended.
- (b) The structure would not meet the exempted development requirements of Article 6 of the Planning and Development Regulations 2001, as amended.
- (c) There are no other provisions under the Planning Acts or Regulations to render the subject structure as exempted development.

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

NOW THEREFORE pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the referral described above, I, Kieran O'Donnell, Administrative Officer, hereby declare that the construction of a 25m² shed at Bridge St, Corofin, Co. Clare is **considered development** which is **not exempted development**.

Signed:


KIERAN O'DONNELL
ADMINISTRATIVE OFFICER 

Date:

12th August 2024

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

FILE REF: R 24/ 58

APPLICANT(S):

REFERENCE: Whether the construction of a 25 sq.m. shed at Bridge St, Corrofin is or is not development and is or is not exempted development.
LOCATION: Corrofin , Co. Clare
DUE DATE: 16/ 08/24

Site Description.

The subject site is zoned 'existing residential' .

The development is not located within the curtilage of a house and neither is it proposed to be used for agricultural purposes. The site is accessed by the road serving the waste water treatment plant. The agent has advised that the applicant is a painter and needs the shed to store his equipment in connection with his business.

Planning History on site

None

Details submitted with the application

- Site location map scale 1: 2000 showing the subject site outlined in red A and other lands owned by the applicant in B.
- Site layout plan scale 1; 500 showing the proposed location of the shed.
- Drawings of the shed to scale 1: 100, elevations and floor plan.
- Dimensions of shed 4.150m by 6 m concrete floor, concrete block wall construction plastered finish to external walls Pitched roof construction Mx 4m high slate finish to roof. Garage roller door to west side. Pedestrian door and window to west side.
- The shed is for storage/ tool shed.
- Completed application form.

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.

Article 6 (3) 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.

Assessment

Basis of Referral

The applicant is seeking a Section 5 Declaration as to whether the construction of a shed at Bridge St Corrofin is development and is or is not exempted development.

Having regard to Section 2 and Section 3 of the Act it is considered that the structure constitutes works and that the works constitute development. I do not consider that the development falls under the scope of Class 3 (Schedule 2 Article 6 Part 1) of the Planning and Development Regulations 2001 (as amended) because the shed is not to be located within the curtilage of a house and is not for domestic purposes having regard to the information received. Neither is it considered that the shed falls under the

scope of class 9 (Part 2, Article 6 Rural) because the shed is not for the purposes of storage in connection with agricultural use and in any event the provisions of Article 6 (3) apply.

Conclusion

Having regard to the above it is considered that the proposed development constitutes both 'works' and 'development' and that there are no classes within Article 6 of the Planning and Development Regulations (as amended) under which it could be considered that the development would fall.

Recommendation

The following questions have been referred to the Planning Authority:

Whether the construction of a 25 Sqm shed at Bridge St. Corrofin 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 and 3 of the Planning and Development Act 2000, as amended,
- (b) The details and drawing as indicated in submitted documents from the referrer and the intended use of the structure .

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

- a) the development consisting of a shed constitutes "works" and "development" which come within the scope of sections 2 and 3 of the Planning and Development Act 2000, as amended.
- b) The structure would not meet the exempted development requirements of Article 6 of the Planning and Development Regulations 2001, as amended.
- c) There are no other provisions under the Planning Acts or Regulations to render the subject structure as exempted development.

Now therefore Clare County Council (Planning Authority), hereby decides that the construction of a 25 sq.m. shed at Bridge St. Corrofin Co. Clare is development and is not exempted development.

Ellen Carey

Ellen Carey
Executive Planner

Date: 08/08/24

Gareth Ruane

Gareth Ruane
Senior Executive Planner

Date: 08/08/24

Appropriate Assessment & Determination

STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	Section 5 R24/ 01
(b) Brief description of the project or plan:	Construction of shed
(c) Brief description of site characteristics:	Field in agricultural use
(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
Corrofin wet lands SPA 04041	Little Grebe Tachybaptus ruficollis [A004] wintering • Whooper Swan Cygnus cygnus [A038] wintering • Wigeon Anas penelope [A050] wintering • Teal Anas crecca [A052] wintering • Black-tailed Godwit Limosa limosa [A156] wintering • Wetlands and Waterbirds [A999]	87m	None	No

<p>East Burren Complex SAC 001926</p>	<p>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 heaths [4060] • Juniperus communis formations on heaths or calcareous grasslands [5130] • Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco Brometalia)(*important orchid sites) [6210] • Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510] • Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210] • Petrifying springs with tufa formation (Cratoneurion) [7220] • Alkaline fens [7230] • Limestone pavements [8240] • Caves not open to the public [8310] • *Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno- Padion, Alnion incanae, Salicion albae) [91E0] Annex II</p>	<p>87m</p>	<p>None</p>	<p>No</p>
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species: • Marsh
 fritillary Euphydryas
 Annex II- Marsh
 Fritillary, lesser horse
 shoe bat and Otter.

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 	Surface water runoff from soil excavation
Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water 	none

- 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

In-combination/Other

none

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

Examples of the type of changes to give consideration to include:

- 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.

In the absence of a hydrological path way linking the subject site to the SAC and SPA , the nature of the development and the location of a development separated from the SPA and SAC by a roadway and field, it is not envisaged that the proposed development will have significant effects on a European sites in view of their 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:**

Ellen Carey.
Name: Ellen Carey E.P.

07/08/ 24

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



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Peter Daffy
C/o Tadhg O'Regan
O'Regan Engineering Consultants Ltd
Shanaway Road
Kilnacally
Ennis
Co. Clare
V95 F59R

23/07/2024

Section 5 referral Reference R24-58 – Peter Daffy

Is the construction of a 25m² shed at Bridge St, Corofin, Co. Clare development and if so is it exempted development?

A Chara,

I refer to your application received on 22nd July 2024 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

Please note that the Planning Authority is considering the matter and a reply will issue to you in due course.

Mise, le meas

Brian Fahy
Planning Department
Economic Development Directorate

An Roinn Pleanála
An 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



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) 682111
Fax No. (065) 689207
Email: planoff@clarecoco.ie
Website: www.clarecoco.ie



CLARE COUNTY COUNCIL
22 JUL 2024
Received
Planning Section

R24-58

**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	<p>PETER DAFFY</p> <hr/> <p>COAD</p> <hr/> <p>KILNABOY</p> <hr/> <p>ENNIS</p> <hr/> <p>CO CLARE V95R67W</p>
(b) Telephone No.:	(- - - - -)
(c) Email Address:	(- - - - -)
(d) Agent's Name and address:	<p>TADHG O'REGAN - O'REGAN ENGINEERING</p> <hr/> <p>CONSULTANTS LTD</p> <hr/> <p>SHANAWAY RD, KILNACALLY, ENNIS,</p> <hr/> <p>CO CLARE, V95F59R.</p>

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 25m² Shed at Bridge St, 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.

25m² Storage/Tool Shed

Floor Area 4.150m x 6m, Concrete floor, Concrete Block wall construction, plastered finish (Sand Cement) to external walls.

Pitched roof construction max 4m high Slate finish to roof.

Garage roller door to west side.

Pedestrian door and window to south side.

(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, Shed - Plan Section Elevation
Site layout map.

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	Bridge St, Corofin, 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? <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>	
(h) Date on which 'works' in question were completed/are likely to take place:	16/09/2024.

SIGNED: Tadhg O'Regan
 Agent for Applicant
 Shanaway Rd, Kilnacally
 Ennis, Co. Clare

DATE: 18/07/2024

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

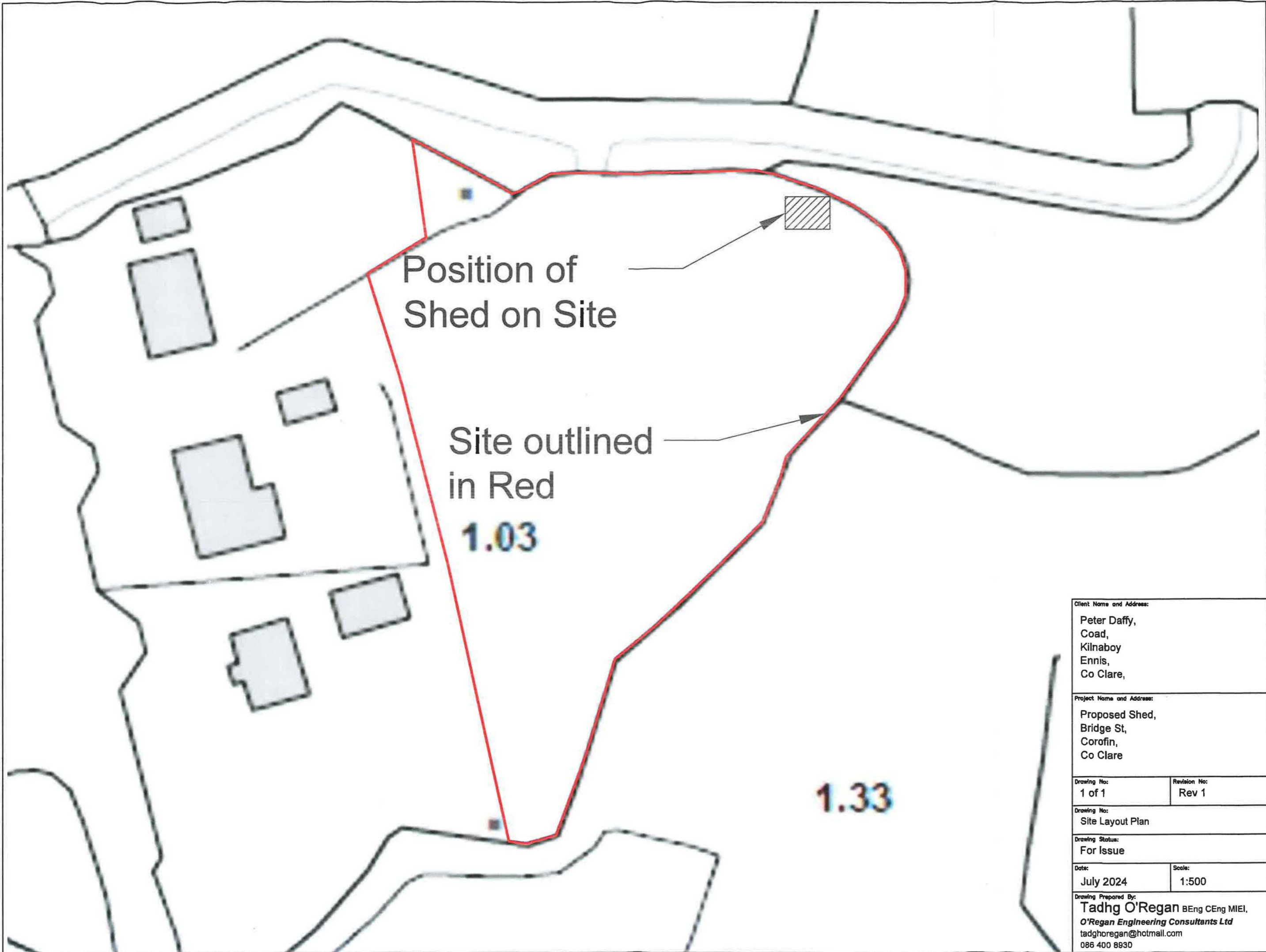
- (i) The request for a declaration under Section 5 must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
- (ii) The request for a declaration 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:	.....	



Position of
Shed on Site

Site outlined
in Red
1.03

1.33

Client Name and Address: Peter Daffy, Coad, Kilnaboy Ennis, Co Clare,	
Project Name and Address: Proposed Shed, Bridge St, Corofin, Co Clare	
Drawing No: 1 of 1	Revision No: Rev 1
Drawing No: Site Layout Plan	
Drawing Status: For Issue	
Date: July 2024	Scale: 1:500
Drawing Prepared By: Tadhg O'Regan BEng CEng MIEI, <i>O'Regan Engineering Consultants Ltd</i> tadhgoregan@hotmail.com 086 400 8930	

Planning Pack Map



Tailte Éireann

CENTRE COORDINATES:
ITM 528716.688496

PUBLISHED: 17/07/2024 **ORDER NO.:** 50411477_1

MAP SERIES: 1:2.500 **MAP SHEETS:** 4088-A, 4088-C

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland
D08F6E4

www.tailte.ie

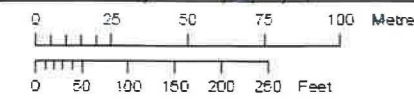
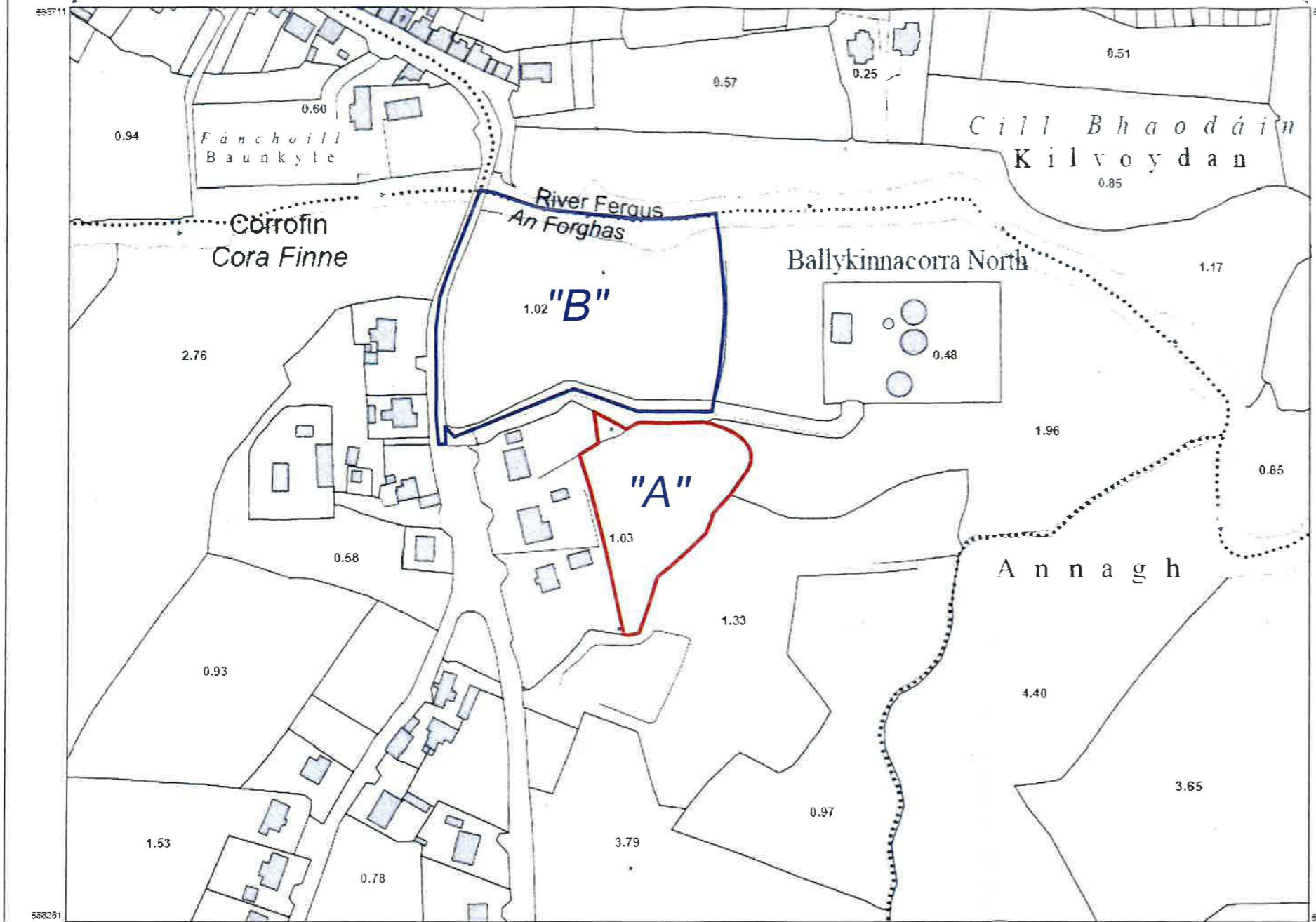
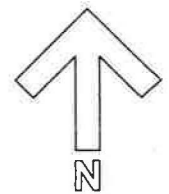
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OUTPUT SCALE: 1:2,500

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

LEGEND:
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'



Site Location Map:

Proposed site for Shed for Peter Daffy

Site Outlined in **Red** and Marked "A"

Adjoining lands owned by Peter Daffy outlined in **Blue** and marked "B"

Client Name and Address:	
Peter Daffy Coad, Kilnaboy Ennis, Co Clare,	
Project Name and Address:	
Proposed Shed, Bridge Street, Corofin, Co Clare	
Drawing No:	Revision No:
1 of 1	Rev 1
Drawing No: Site Location Map	
Drawing Status: For Issue	
Date:	Scale:
July 2024	1:2500
Drawing Prepared By: Tadhg O'Regan BEng CEng MIEI, O'Regan Engineering Consultants Ltd tadhgoregan@hotmail.com 086 400 8930	

Proposed External Finishes:

Roof:
Blue/Black Slate or Tile

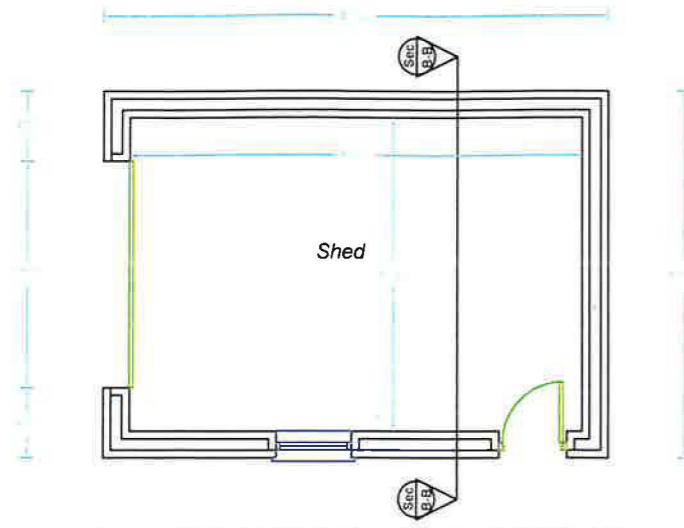
Gutters and Down Pipes:
Aluminium or uPVC - Non White

Fascia and Soffit:
Aluminium or uPVC - Non White

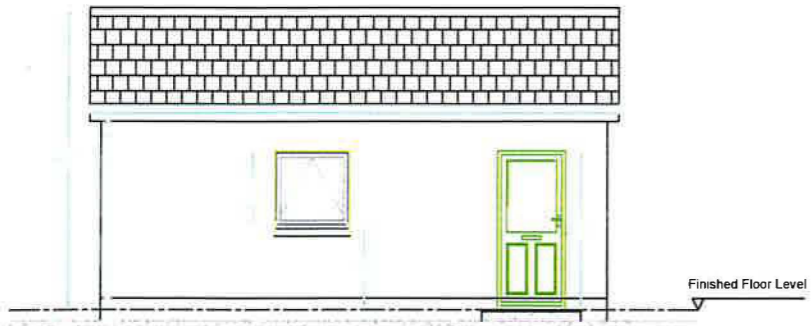
Walls:
Painted Sand and Cement Plaster
Natural Stone Finish where indicated

Windows and Doors:
Aluminium or uPVC tripple or Double glazed - Non White

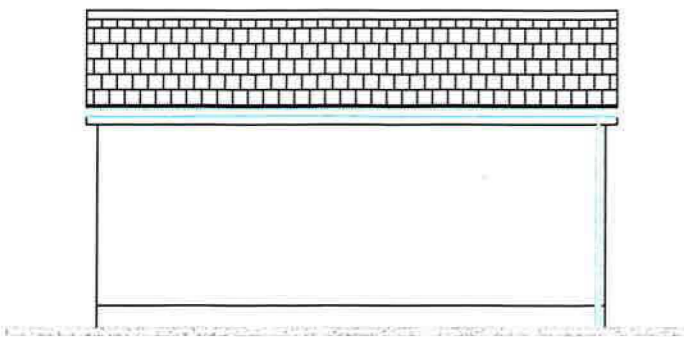
Floor Area:
Ground Floor - 25.00m²



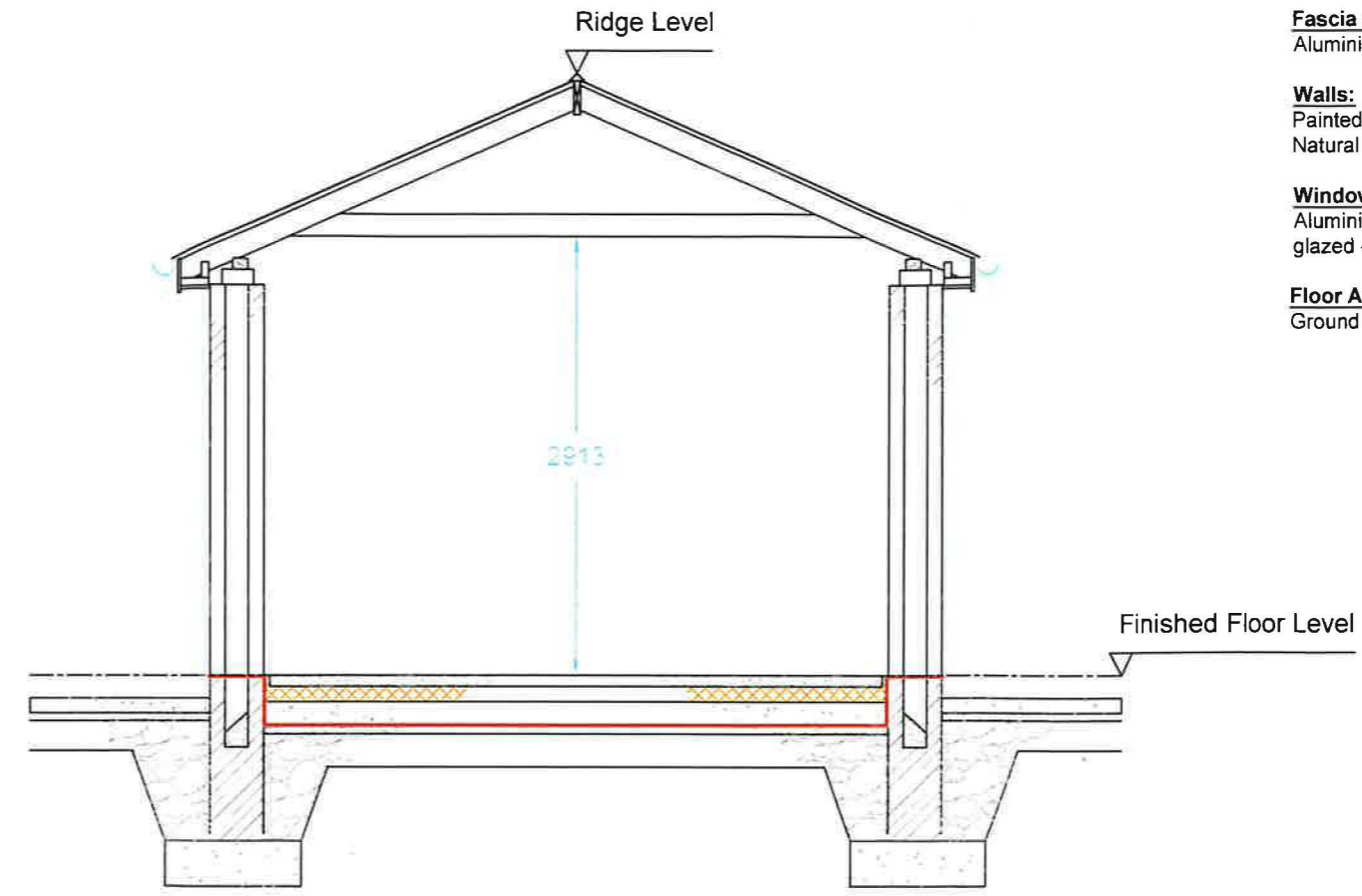
Plan View
Scale 1:100



South Elevation
Scale 1:100



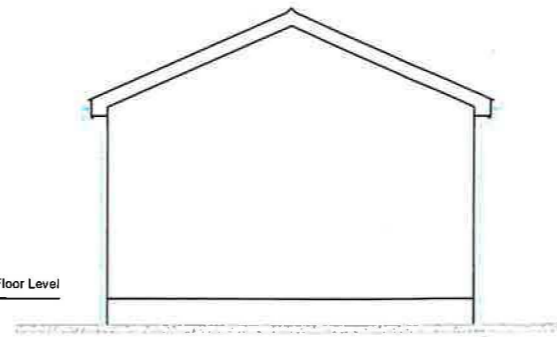
North Elevation
Scale 1:100



Section A-A
Scale 1:50



West Elevation
Scale 1:100



East Elevation
Scale 1:100

Client Name and Address: Peter Daffy Coad, Kilnaboy, Ennis, Co Clare	
Project Name and Address: Proposed Shed Bridge Street Corofin, Co Clare	
Drawing No: 1 of 1	Revision No: Rev 1
Drawing Name: Shed - Plan, Elevations, Section	
Drawing Status: Issued for Construction	
Date: July 2024	Scale: 1:100
Drawing Prepared By: Tadhg O'Regan BEng CEng MIEI, O'Regan Engineering Consultants Ltd tadhgoregan@hotmail.com, 086 400 8930	