



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Registered Post**

John Hickey  
C/o Mark Ward  
Ruane  
Creagh  
Ballinasloe  
Co. Galway

**6th September 2024**

**Section 5 referral Reference R24-69 – John Hickey**

Is the construction of the sheep shed and seepage tanks at Derryfadda, Clonlara development and if so, is it exempted development?

A Chara,

I refer to your application received on 30th August 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 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.: R24-69



Comhairle Contae an Chláir  
Clare County Council

**Section 5 referral Reference R24-69**

**Is the construction of the sheep shed and seepage tanks at Derryfadda, Clonlara development and if so, is it exempted development?**

**AND WHEREAS, John Hickey** 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) Class 6, Part 3 of Schedule 2 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 the construction of a sheep shed and seepage tank 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 said development, consisting of a sheep shed and seepage tank, is exempted development having regard to Article 9 and to Class 6 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended, including the conditions and limitations therein.

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

The proposed development consisting of the construction of a sheep shed and seepage tank at Derryfadda, Clonlara, Co. Clare constitutes development which 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**

**6th September 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:

84140

Reference Number:

R24-69

Date Referral Received:

30th August 2024

Name of Applicant:

John Hickey

Location of works in question:

Derryfadda, Clonlara, Co. Clare

**Section 5 referral Reference R24-69 – John Hickey**

Is the construction of the sheep shed and seepage tanks at Derryfadda, Clonlara 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) Class 6, Part 3 of Schedule 2 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 the construction of a sheep shed and seepage tank 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 said development, consisting of a sheep shed and seepage tank, is exempted development having regard to Article 9 and to Class 6 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended, including the conditions and limitations therein.

**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 declare that the construction of a sheep shed and seepage tank at Derryfadda, Clonlara, Co. Clare is considered development which is exempted development.

Signed:

  
\_\_\_\_\_  
GARETH RUANE  
SENIOR EXECUTIVE PLANNER 

Date:

6th September 2024

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

**FILE REF:** R24/ 69 John Hickey

**APPLICANT(S):**

**REFERENCE:** Whether the construction of a sheep shed and seepage tank at Derryfadda Clonlara Co. Clare is or is not development and is or is not exempted development.

**LOCATION:** Derryfadda Clonlara Co. Clare

**DUE DATE:** 26/09/24

**Site Description.**

The subject site is located approximately 795m north of the public road L3062 at Derryfadda in a rural area to the east of Parteen and is accessed via a narrow cul de sac road that ends to the north of this site.

**Planning History on site**

None

**Planning history adjacent to the subject site**

23/ 60470 John Hickey Application for permission for the construction of a detached two storey dwelling, detached domestic garage/store, new entrance, onsite wastewater treatment system, bored well, together with all associated ancillary and incidental site works at Derryfadda Clonlara. WITHDRAWN

24/60078 John Hickey. Application for permission for the construction of a detached two storey dwelling, new entrance, onsite wastewater treatment system, bored well, together with all associated ancillary and incidental site works at Derryfadda, Appealed 06/06/24. No decision to date.

24/ 60276 John Hickey. Application for permission for construction of detached agricultural equipment storage building, together with all associated ancillary and incidental works at Derryfadda. Due 04/08/ 24.

**Planning History Nearby**

To the west- 11-196 John Hickey

Permission was sought to demolish existing substandard derelict cottages, construct a new dwelling house, install a new waste water treatment plant with soil polishing filter and all associated site works. Permission was refused for the following reason;

1. The site is located in close proximity to the indicative line for the Northern Relief Road as identified in The South Clare Local Area Plan 2009-2015. The proposed development would therefore be premature pending the determination by the Planning Authority and Roads Authority of the road layout for the area.

To the south- 20-777 Permission was sought to construct a farm access road and all associated site works. Permission was granted subject to conditions. This is a farm access road that runs inside the road side boundary of the public road.

### **Section 5 History 5 R24/54**

This section 5 queried whether the construction of a sheep shed and seepage tank development and whether it is was exempted development. The Planning Authority determined that he said development, a sheep shed and seepage tank, was considered not to be exempted development having regard to Article 9 and Class 6 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended, because the seepage tank was inadequately sized to serve the estimated number of livestock (40 ewes) to be housed. The proposed seepage tank was 6.3cubic metres whereas a tank of 7.9 cubic metres was required.

#### **Details submitted with the application**

- Site location map 1:2500.
- Site layout 1: 500
- Floor plans, sections, elevations and cross sections of the proposed slatted shed scale 1: 100 .Dimensions of the slatted shed: overall height is 5.8m to ridge, and 4 m to eaves, total length 14.0 m, width 14.0 m. Floor area 196. sq.m.
- There are no dwellings within 100 sqm. Nearest dwelling is 132 sq.m.
- There are no other class 6 buildings within 100 sq.m.
- Distance from the public road L 3062- 795m .
- Distance from the applicant's dwelling- not currently on site or nearby. See planning history above 23/60.
- Distance from the nearest neighbouring dwelling ( to the west ) is 132 m.

#### **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 6**

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

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

- 1. No such structure shall be used for any purpose other than the purpose of agriculture.*
- 2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.*



3. *Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution*
4. *No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.*
5. *No such structure within 100 metres of any public road shall exceed 8 metres in height.*
6. *No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.*
7. *No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.*

Under Article 9 (1) of the same Regulations, *development to which Article 6 relates shall not be exempted development for the purposes of the Act:*

*(a) if the carrying out of such development would –*

- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act*
- (ii) consist of or compromise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,*
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users,*
- (iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,*
- (iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,*
- (v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,*
- (vii) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.*
- (vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological,*

*historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan, (viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,*

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

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

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

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

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

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

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

## **Assessment**

### **Basis of Referral**

The applicant is seeking a Section 5 Declaration as to whether the construction of a slatted unit is development and is or is not exempted development.

### Class 6

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

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

*The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate. The gross floor space of the proposed structure is to be 196sq.m. The proposal therefore does not exceed any aggregate floor area threshold ( 300 sq.m) for units required for housing of livestock. In this regards it is noted that 24/ 60276 is for a store for agricultural equipment and as such not considered to fall within the same category as class 6.*

2. *Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution. The effluent storage facilities comprising a seepage tank of 6.3 cubic metres. The applicant has demonstrated that the volume of the tank is adequate based on the number of livestock type ( 40 mid season lambing ewes) to be housed, and the period of housing ( 4 weeks) and the volume of effluent to be produced ( 40 ewes by 4 weeks by 0.03cubic metres) = 4.8 cubic metres volume.*
3. *No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road. The structure and effluent seepage tank area approximately 795m distance from the public road.*
4. *No such structure within 100 metres of any public road shall exceed 8 metres in height. The structure is 6.34m in height and as such complies with this height limitation.*
5. *No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof. The structure complies with this requirement*

as the nearest neighbouring dwelling is 132m distance to the north. It is noted that the applicant's application for their own dwelling, granted by CCC has been appealed to ABP.24/ 60078. There is no restriction on the proximity of the applicant own dwelling to the structure.

6. *No unpainted metal sheeting shall be used for roofing or on the external finish of the structure. External finishes are shown as complying with minimum specification for Agricultural Buildings ( S101 and s123). There is cladded sheeting on the roof and mass concrete walls.*

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*

**There are no previous planning permissions on site.**

- (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 arrangements are proposed and that access is from a private laneway.**

- (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.*

**N/A**

- (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,*

**A land holding map of spread lands have been submitted showing the fields identified for spreading. See screening report attached.**

- 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 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.**

## Conclusion

Having regard to the details received it is considered that the proposal constitutes development and is exempted development .

## Recommendation

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

Whether the construction of a sheep shed and seepage tanks at Derryfadda 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) Class 6, Part 3 of Schedule 2 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 the construction of a sheep shed and seepage tank 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 said development, consisting of <sup>Article 9 and to</sup> a sheep shed and seepage tank, is exempted development having regard to Class 6 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, ~~and Article 9~~ as amended, including the conditions and limitations therein.

Now therefore Clare County Council (Planning Authority), hereby decides that construction of a sheep shed and seepage tank at Derryfadda, Clonlara is development and is exempted development.

  
Ellen Carey  
Executive Planner  
Date: 3rd. Sep 2024.

  
Gareth Ruane  
Senior Executive Planner  
Date: 04/09/24.

## Appropriate Assessment & Determination

STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	Section 5 R24/ 69
(b) Brief description of the project or plan:	Sheep shed and seepage tanks
(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 <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
<b>Special Protection Areas: River Shannon and River Fergus Estuaries SPA 004077</b>	Cormorant (Phalacrocorax carbo) [A017] Whooper Swan (Cygnus cygnus) [A038] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Wigeon (Anas penelope) [A050]	5.31 km	None	No



Teal (*Anas crecca*)  
[A052]

Pintail (*Anas acuta*)  
[A054]

Shoveler (*Anas  
clypeata*) [A056]

Scaup (*Aythya  
marila*) [A062]

Ringed Plover  
(*Charadrius  
hiaticula*) [A137]

Golden Plover  
(*Pluvialis apricaria*)  
[A140]

Grey Plover  
(*Pluvialis  
squatarola*) [A141]

Lapwing (*Vanellus  
vanellus*) [A142]

Knot (*Calidris  
canutus*) [A143]

Dunlin (*Calidris  
alpina*) [A149]

Black-tailed Godwit  
(*Limosa limosa*)  
[A156]

Bar-tailed Godwit  
(*Limosa lapponica*)  
[A157]

Curlew (*Numenius  
arquata*) [A160]

Redshank (*Tringa  
totanus*) [A162]

Greenshank (*Tringa  
nebularia*) [A164]

	<p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Wetland and Waterbirds [A999]</p>			
<p>Lower River Shannon SAC 02165</p>	<p>Sandbanks which are slightly covered by sea water all the time [1110]</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals</p>	1.64km	None	Yes

colonising  
mud and sand  
[1310]

Atlantic salt  
meadows  
(*Glauco-  
Puccinellietalia  
maritimae*)  
[1330]

Mediterranean  
salt meadows  
(*Juncetalia  
maritimi*)  
[1410]

Water courses  
of plain to  
montane  
levels with the  
*Ranunculion  
fluitantis* and  
*Callitricho-  
Batrachion*  
vegetation  
[3260]

*Molinia*  
meadows on  
calcareous,  
peaty or  
clayey-silt-  
laden soils  
(*Molinion  
caeruleae*)  
[6410]

Alluvial forests  
with *Alnus  
glutinosa* and  
*Fraxinus  
excelsior*  
(*Alno-Padion*,  
*Alnion  
incanae*,

Salicion albae)  
[91E0]

Margaritifera  
margaritifera  
(Freshwater  
Pearl Mussel)  
[1029]

Petromyzon  
marinus (Sea  
Lamprey)  
[1095]

Lampetra  
planeri (Brook  
Lamprey)  
[1096]

Lampetra  
fluviatilis  
(River  
Lamprey)  
[1099]

Salmo salar  
(Salmon)  
[1106]

Tursiops  
truncatus  
(Common  
Bottlenose  
Dolphin)  
[1349]

Lutra lutra  
(Otter) [1355]

<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.

<b>STEP 3. Assessment of Likely Significant Effects</b>	
<b>(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:</b>	
<b>Impacts:</b>	<b>Possible Significance of Impacts: (duration/magnitude etc.)</b>
Construction phase e.g. <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>	none
Operational phase e.g. <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>	Spreading of effluent

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

- Changes in key indicators of conservation status value (water or air quality etc.)

**(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.



The proposed development comprises a sheep shed and associated seepage shortage tank of 6.3 cubic metre volume. The proposed development is approx. 1.6km distance from the Lower River Shannon SAC. The holding map of spread lands has been submitted. There are no hydrological pathways linking the subject to the SAC.

**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 <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
Signature and Date of Recommending Officer:	03/09/ 24	 <b>Name: Ellen Carey E.P.</b>
Signature and Date of the Decision Maker:		



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

John Hickey  
C/o Mark Ward  
Ruane  
Creagh  
Ballinasloe  
Co. Galway

30/08/2024

**Section 5 referral Reference R24-69 – John Hickey**

Is the construction of the sheep shed and seepage tanks at Derryfadda, Clonlara development and if so, is it exempted development?

A Chara,

I refer to your application received on 30th August 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 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



CONTAE

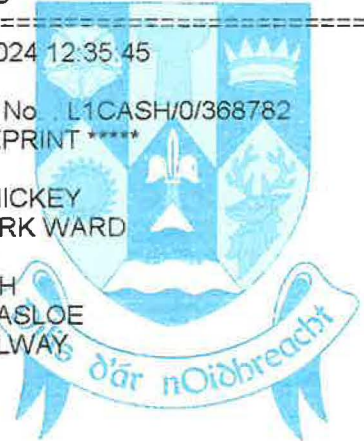
AN CHLÁIR

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

30/08/2024 12:35:45

Receipt No. L1CASH/0/368782  
\*\*\*\*\* REPRINT \*\*\*\*\*

JOHN HICKEY  
C/O MARK WARD  
RUANE  
CREAGH  
BALLINASLOE  
CO. GALWAY  
R24-69



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

COMHAIRLE

Total : 80.00 EUR

CONTAE

Tendered :  
CHEQUES 80.00

AN CHLÁIR

Change : 0.00

Issued By : L1CASH - DEIRDRE FRENCH  
From : MAIN CASH OFFICE LODGEMENT AF  
Vat reg No 0033043E



P07

**CLARE COUNTY COUNCIL  
COMHAIRLE CONTAE AN CHLÁIR**



Planning Department,  
Economic Development Directorate,  
Clare County Council,  
New Road, Ennis,  
Co. Clare.  
Y95DXP2

Telephone No. (065) 6821616  
Fax No. (065) 6892071  
Email: [planoff@clarecoco.ie](mailto:planoff@clarecoco.ie)  
Website: [www.clarecoco.ie](http://www.clarecoco.ie)



R24-69

**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*

<b>1. CORRESPONDENCE DETAILS.</b>	
(a) Name and Address of person seeking the declaration	John Hickey Rose cottage Derryfodda, Clonlara, Co. Clare
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	Mark Ward Ruane, Creagh, Ballinasloe, Co. Galway

## 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 the Sheep shed and Seepage tank at Derryfadda, Clonlara 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.

3 Bay double Sheep shed 196 m<sup>2</sup> and soiled water seepage tank. Please note that there are no dwelling houses within 100m of the proposed sheep shed and Seepage tank.

There are no other Class 6 (Animal housing) buildings within 100 metres of the proposed sheep shed and Seepage Tank.

Currently the applicant does not have any available facilities to house his sheep at lambing time and therefore the proposed shed is necessary as soon as possible.

- (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)*

Full Set of Drawings, Section, Elevations + Floor Plan  
 Site Plan  
 Site Location Map

**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><u>Derryfadha, Clonlara, Co. Clare</u></p>
<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 &amp; Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?</p>	<p><u>No</u></p>
<p>(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):</p>	<p><u>Owner</u></p>
<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><u>N/A</u></p>
<p>(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning &amp; Development Act 2000 (as amended)?:</p>	<p><u>Yes - Owner is applicant.</u></p>
<p>(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:</p>	<p><u>No</u></p>
<p>(g) Were there previous planning application/s on this site? If so please supply details:</p>	<p><u>No</u></p>
<p>(h) Date on which 'works' in question were completed/are likely to take place:</p>	<p><u>Within the next 6 months</u></p>

SIGNED: 

DATE: -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,  
Emis,  
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: .....	

To whom it may concern,

Please send any correspondence relating to this application to Agent:

Mark Ward, Ruano, Crough, Ballinacorney, Co. Galway



Ruane,  
Creagh,  
Ballinasloe,  
Co. Galway

29/08/2024

Planning Department

Economic Development Directorate

Aras Contae an Chlair,

New Road

Ennis,

Co. Clare



**Re Section 5 application John Hickey at Derryfadda**

Please note the following:

1. The proposed sheep shed is for animal husbandry reasons only. Currently the applicant has 30 ewes and plans to increase this flock to 40 mid-season lambing ewes within the next 12 months. Currently the applicant does not have any facilities in place for the lambing of his flock. This shed will be used for the housing of the applicants' ewes for a period of time leading up to lambing until the ewes are lambled. Then depending on weather conditions, the ewes and new born lambs will then be turned out to grass. It is expected that the ewes will not be housed for any more than a four-week period.

During the housing of the ewes, they will be bedded on a straw bed that will be replenished as necessary to keep the lying area of the sheep clean and dry. This bedding will be allowed to build up under the sheep during the housed period. As a result of this, the majority of the soiled water produced by the livestock will be absorbed by the straw bedding. The proposed seepage tank is planned to capture any seepage that would not be absorbed by the straw bedding. Please note that the proposed shed and associated seepage tank comply with department of Agriculture specification for the construction of animal housing S123 and the proposed storage 6.3m<sup>3</sup> is sufficient to the proposed sheep shed floor area.

A. Proposed number of livestock to be housed 40 mid season lambing ewes
B. Housing period 4 week maximum housing period
$40 \text{ ewes} \times 4 \text{ weeks} \times 0.03\text{m}^3/\text{week} = 4.8\text{m}^3$

2. Please find enclosed map showing the lands available for the application of the farmyard manure produced by the proposed sheep shed and seepage tank. Please note that any farm wastes will be spread on lands shortly after the cutting of the applicants Silage. This is to ensure that the nutrients available in the farm waste are used to replenish the nutrients lost with the cutting of the silage



3. Please note that the site layout submitted indicates a proposed hard-core road from the existing & only farm entrance within the applicants folio to the proposed sheep shed. Again there are no other farm buildings on the folio currently so the requested shed is crucial for wintering the existing livestock & support of ongoing farm enterprise.

It is to be noted that this existing farm entrance is the only entrance to the bulk of the applicants farm positioned in the south end of the folio on his private road serving the majority of the lands to the north.

The applicant has cleaned the existing land drains on the farm as part of routine farm maintenance. The excavated materials from these land drains were levelled immediately alongside that drain as is standard practice, thus enhancing the semi hardcore road condition from the existing farm entrance to the proposed sheep shed location. In order to make the road clean, safe & more trafficable in all seasons, it will require a minimum blinding of crushed stone.

The Farm road does have a minor overlap to the proposed but not yet approved splayed entrance serving the proposed dwelling of P24/60078 and machinery shed 24/60276.

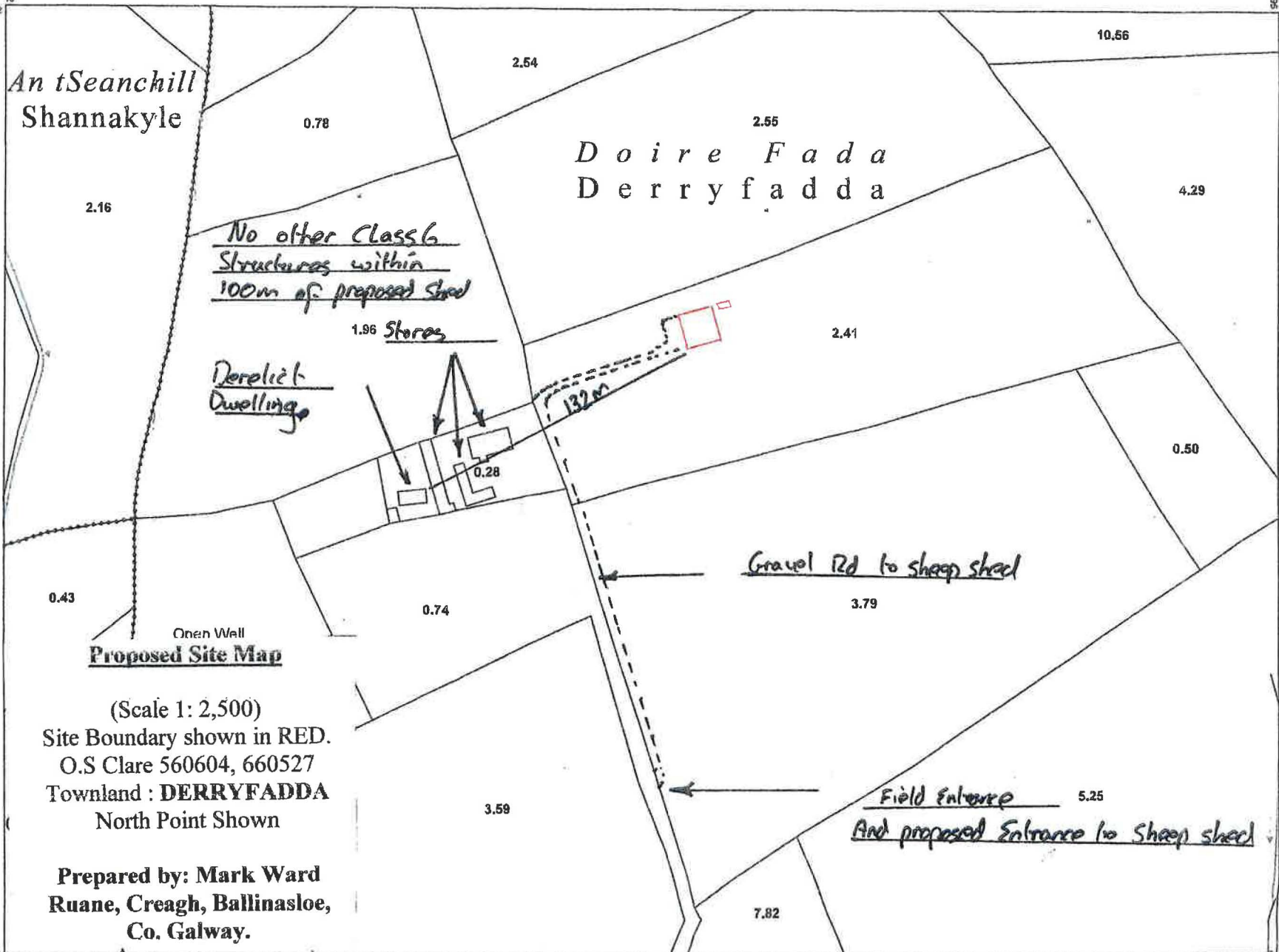
However, until the applicant is granted the required permission to create a new entrance associated with these applications, he accepts that his only current option to serve the farm holding is the one in current daily use from the existing field gate entrance as shown on the site plan. If in the event that an additional entrance is granted as part of planning no P24/60078, this creates an additional more northerly entrance within the applicants folio that is primarily intended for residential purposes with a spur for the machine shed minimizing agricultural land usage. The minor overlap in that eventuality will not impact the road to the proposed sheep shed in any way & is not a reason to impede current agricultural activity.

Regards

Mark Ward

A handwritten signature in black ink, appearing to read 'Mark Ward', with a stylized flourish at the end.

# Planning Pack Map



**CENTRE COORDINATES:**  
ITM 560604,660527

**PUBLISHED:** 03/07/2024    **ORDER NO.:** 50408066\_1

**MAP SERIES:** 1:2,500    **MAP SHEETS:** 4623-C

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

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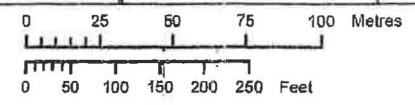
The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

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**Proposed Site Map**  
(Scale 1: 2,500)  
Site Boundary shown in RED.  
O.S Clare 560604, 660527  
Townland : DERRYFADDA  
North Point Shown

**Prepared by: Mark Ward  
Ruane, Creagh, Ballinasloe,  
Co. Galway.**

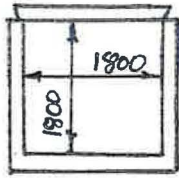


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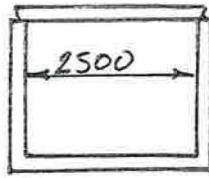
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The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: [www.tailte.ie](http://www.tailte.ie); search 'Capture Resolution'

**LEGEND:**  
To view the legend visit [www.tailte.ie](http://www.tailte.ie) and search for 'Large Scale Legend'

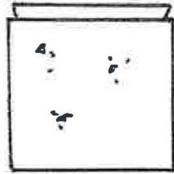




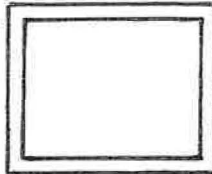
**Section**



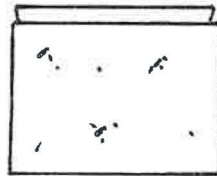
**Section**



**Front & Rear Elevations**



**Floor Plan**



**Left & Right Elevations**

## **PROPOSED SEEPAGE TANK**

**Proposed building to be constructed in accordance with current Department of Agriculture S101 & S123 farm building specifications for Animal housing**

Farmer/Client:

**John Hickey  
Rosecottage,  
Derryfadda,  
Clonlara,  
Co. Clare**

Date 02/07/24

Scale 1:100

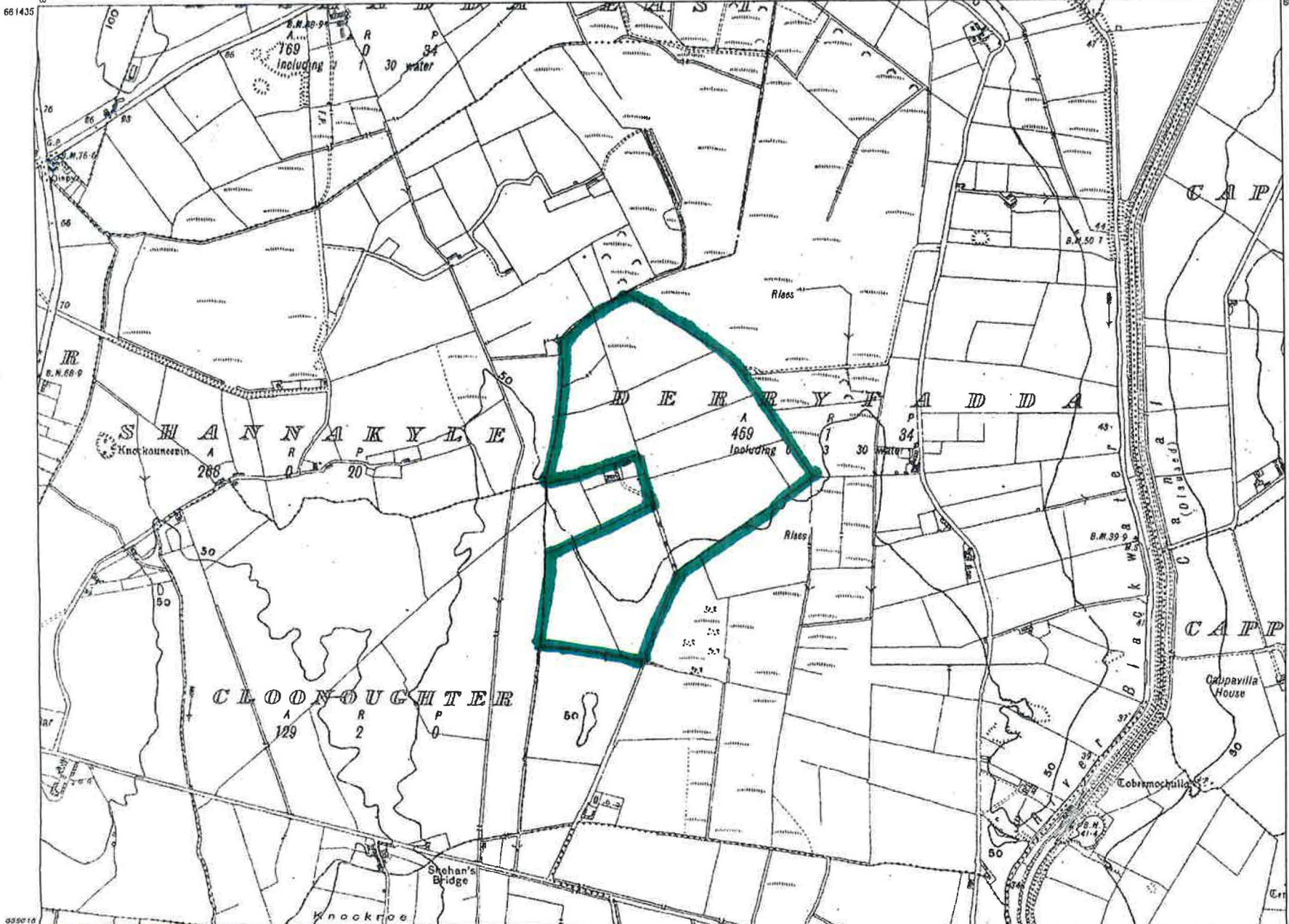
Drawn By:

**Mark Ward,  
Ruane Creagh, Ballinasloe  
Co. Galway**



# Site Location Map

Owned Land outlined 21.21 hectares Folio No CE8388



**CENTRE COORDINATES:**  
ITM 560604,660527

**PUBLISHED:** 03/07/2024 **ORDER NO.:** 50408066\_1

**MAP SERIES:** 6 Inch Raster **MAP SHEETS:** CE063+063A LK005

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

[www.tailte.ie](http://www.tailte.ie)

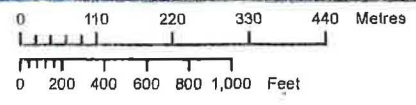
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OUTPUT SCALE: 1:10,560

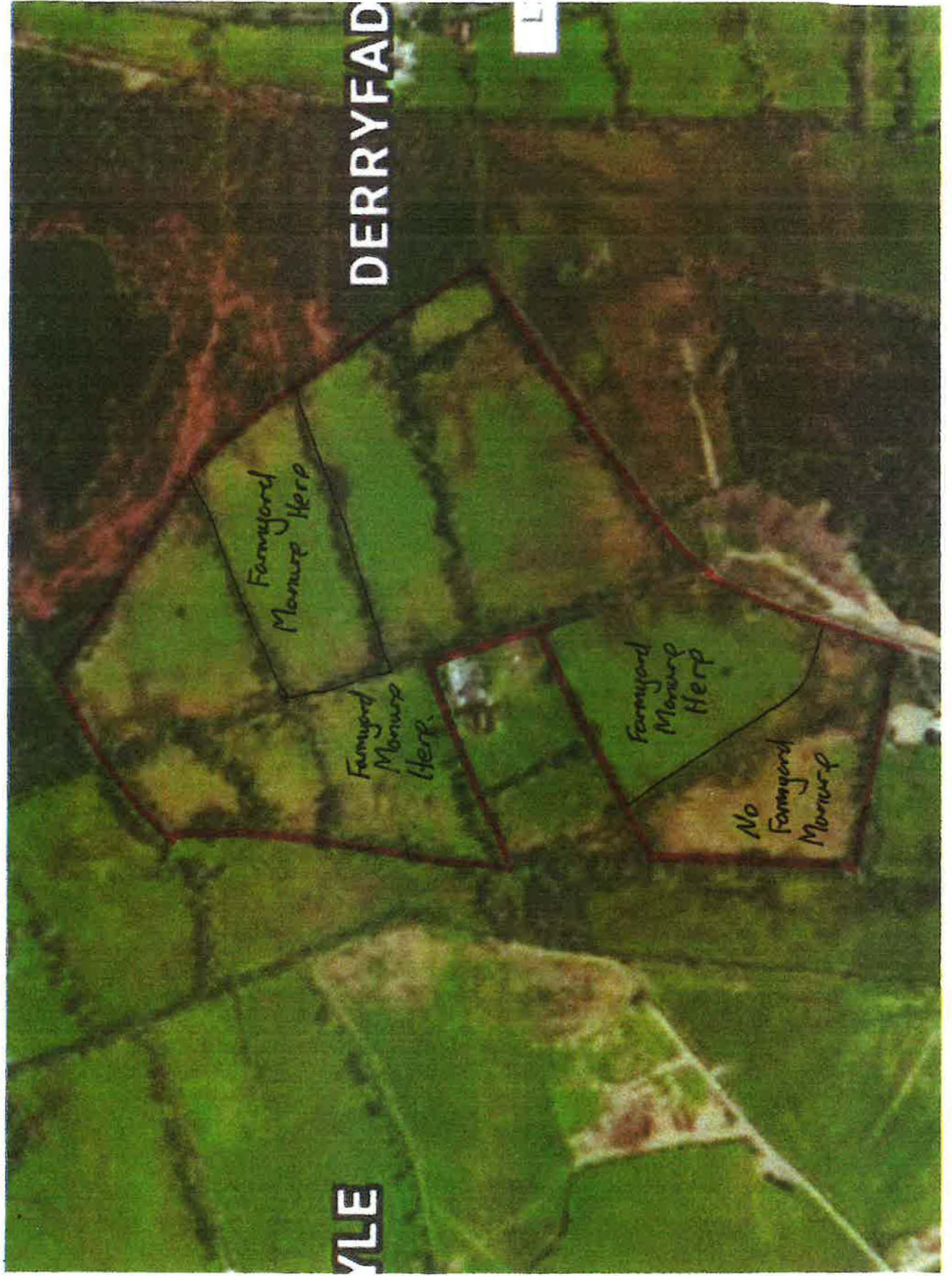
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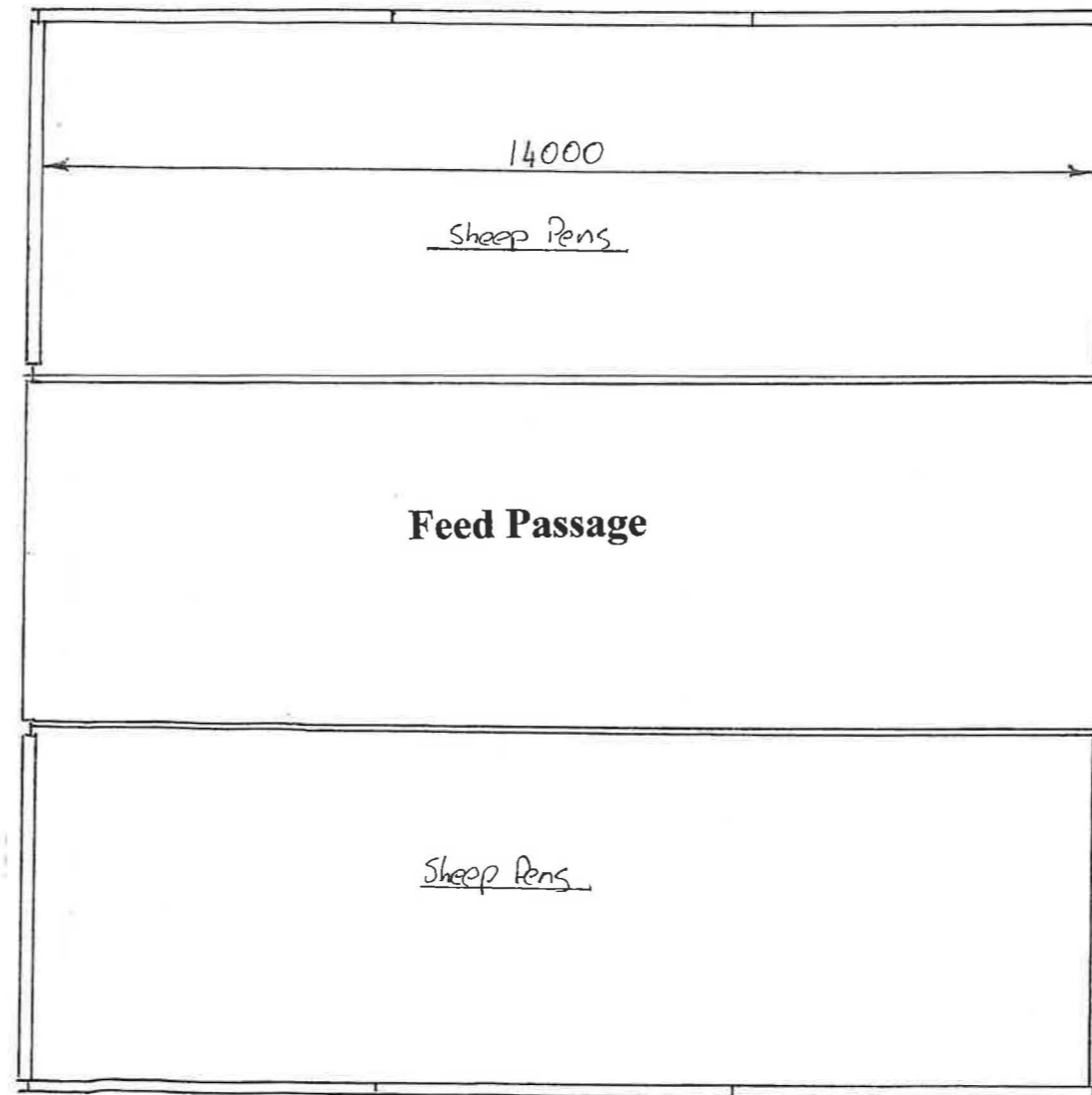
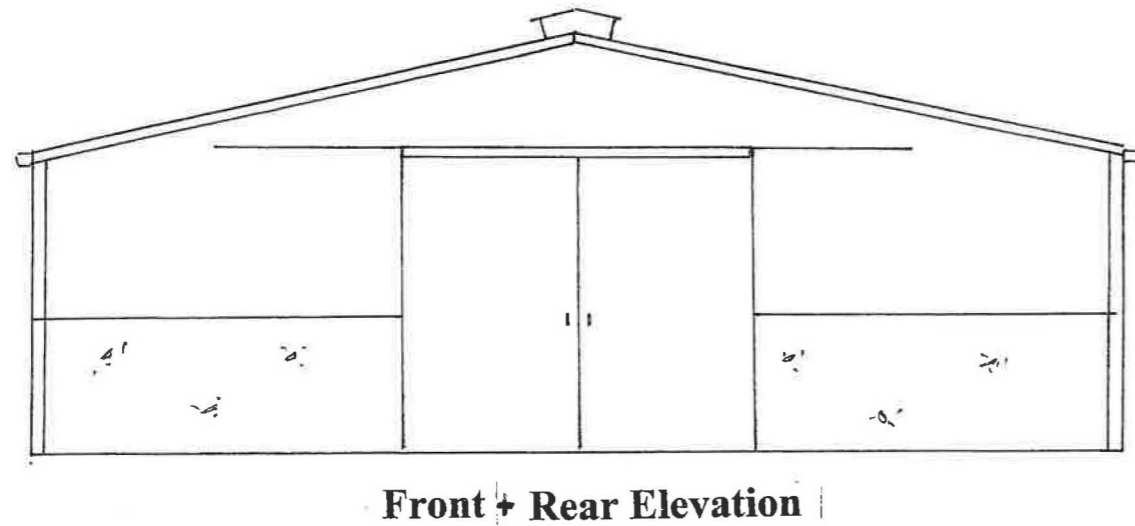
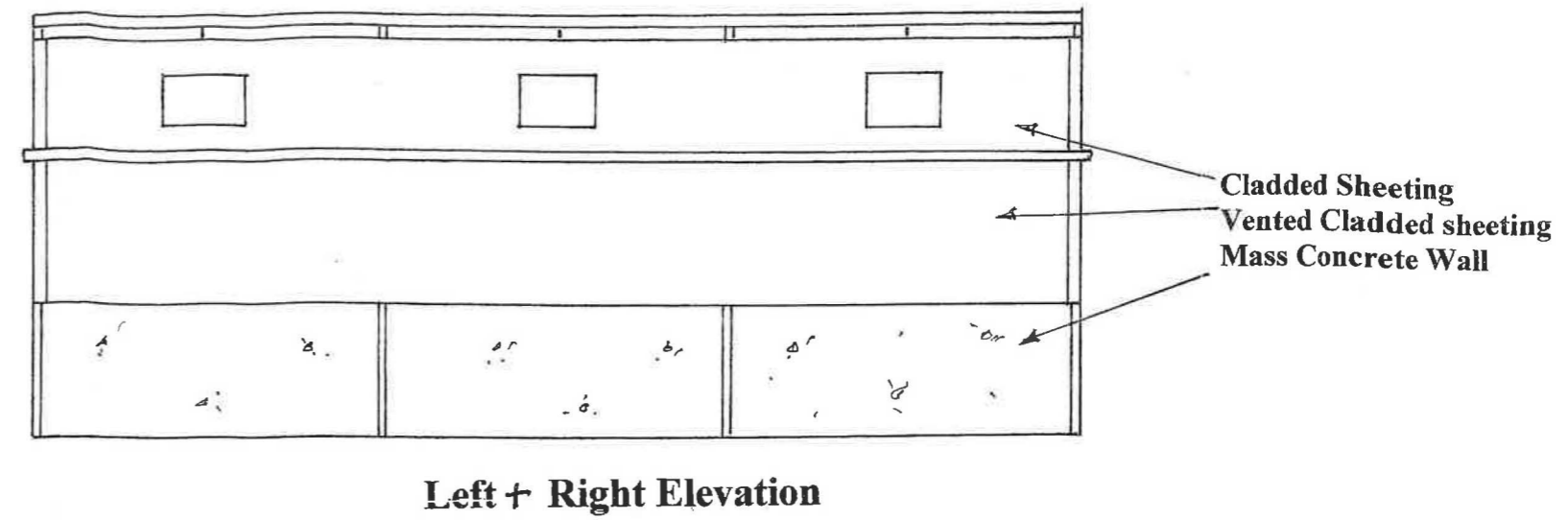
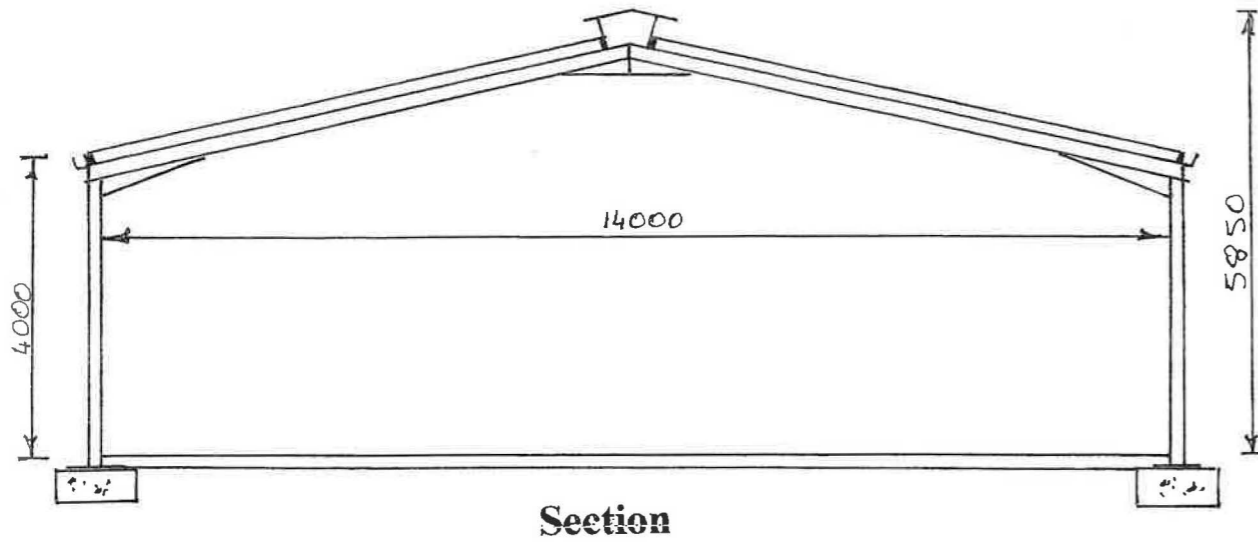
**LEGEND:**  
To view the legend visit [www.tailte.ie](http://www.tailte.ie) and search for 'Large Scale Legend'





Satellite map of 21.21 hectares of land Owned by Applied





Proposed building to be constructed in accordance with current Department of Agriculture S101 & S123 farm building specifications for Animal housing

**PROPOSED SHEEP SHED**

Farmer/Client: **John Hickey**  
**Rosecottage,**  
**Derryfadda,**  
**Clonlara,**  
**Co. Clare**

Date 02/07/24      Scale 1:100

Drawn By: **Mark Ward,**  
**Ruane Creagh, Ballinasloe**  
**Co. Galway**



Land owned by Applicant:

Land owned by applicant:

Neighbouring  
Stores

66m

7m

Proposed  
Seepage Tank

Proposed  
Sheep shed

Proposed Access  
Roadway

Land Owned by applicant:

55m

There are no Class 6  
Animal Housing  
Structures within  
100m of proposed shed

Proposed Hordrons  
Road to shed

Land owned by applicant:

Land owned by applicant:

Farmer/Client: **John Hickey**  
**Rosecottage,**  
**Derryfadda,**  
**Clonlara,**  
**Co. Clare**

Date 02/07/24

Scale 1:500

Drawn By:

Mark Ward,  
Ruane Creagh, Ballinasloe  
Co. Galway