



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

Michael Moloney
Clountismara
Inagh
Co. Clare

22nd October, 2024

Section 5 referral Reference R24-77 – Michael Moloney

Is the construction of a shed (stables) at Clountismara, Inagh development and if so, is it exempted development?

A Chara,

I refer to your application received on 30th September 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 Stiúrtóireacht Forbairt Gheilleagrach
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

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



CLARE COUNTY COUNCIL

SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED

DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT

Chief Executive's Order No: 84358

Reference Number: R24-77

Date Referral Received: 30th September 2024

Name of Applicant: Michael Moloney

Location of works in question: Clountismara, Inagh, Co. Clare

Section 5 referral Reference R24-77 – Michael Moloney

Is the construction of a shed (stables) at Clountismara, Inagh 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 6 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 stables for the housing of horses 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 floor area of the proposed development when taken together with the floor area of existing slatted units in the same farm yard complex exceeds 300 sq.m. and as such is not exempted development having regard to Class 6, Limitation no. 2 of Schedule 2, Part 3, whereby in order for the development to be considered exempted development 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.
- (c) Class 6 (d) states that 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. No details were submitted regarding proposals for dung store i.e. location, dimensions and cubic volume are not shown in the information received.

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

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

Signed:



GARETH RUANE
SENIOR EXECUTIVE PLANNER 

Date:

22nd October, 2024

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

Reference No.: R24-77



**Comhairle Contae an Chláir
Clare County Council**

Section 5 referral Reference R24-77

Is the construction of a shed (stables) at Clountismara, Inagh development and if so, is it exempted development?

AND WHEREAS, Michael Moloney 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 6 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 stables for the housing of horses 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 floor area of the proposed development when taken together with the floor area of existing slatted units in the same farm yard complex exceeds 300 sq.m. and as such is not exempted development having regard to Class 6, Limitation no. 2 of Schedule 2, Part 3, whereby in order for the development to be considered exempted development 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.
- (c) Class 6 (d) states that 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. No details were submitted regarding proposals for dung store i.e. location, dimensions and cubic volume are not shown in the information received.

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 stables at Clountismara, Inagh, 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", written over a horizontal line.

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

22nd October, 2024

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

FILE REF: R 24/ 77

APPLICANT(S):

REFERENCE: Whether the construction stables at Clountismara, Inagh is or is not development and is or is not exempted development.

LOCATION: Clountismara, Inagh, Co. Clare

DUE DATE: 25/10/ 24

Site Description.

The site is occupied by a farm house, farm buildings and a detached slatted shed.

Planning History on site

03/ 2688 Michael Moloney- Permission granted for a slatted shed .228 sq.m.

Details submitted with the application

- Land holding map showing land holding outline in red and hatched in grey and rights of way in yellow.
- Scaled drawings of the shed, floorplans and elevations
- The proposed stable is to replace a stable that is unsafe
- The building will provide 3 stables a line, a tack room and a store room all under the one roof.
- The building is 4m high to ridge
- The floor area is 90.55 sq.m.(This includes the 3 stables, the tack room, the feed store and a covered area . (Dimensions 11.73 by 7.72 m).
- Distance from the public road- 43m
- Distance from the applicant's dwelling- 25m
- Distance from the nearest neighbouring dwelling 150m

Background to Referral

The applicant is seeking to establish whether the construction of stables(2 stables, a tack room and a store room all under the one roof) is or is not development and is or is not exempted development.

Statutory Provisions

Planning and Development Act, 2000 (as amended)

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

'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.*

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,

(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.

(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 stables is or is not development and is or is not exempted development.

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.

- (b) No such structure shall be used for any purpose other than the purpose of agriculture.*

The structure is for the housing of horses and is for the purpose of agriculture.

- (c) 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 floor space of the existing slatted shed to the north is 228 sq.m. (which is within the same farm yard) and the floor area of the stable is 90.55sq.m.. giving a total floor area of 318.55 sq,m. There is also another slated shed on the western side of the farm yard complex the floor area of which is not indicated.

- (d) 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.*

Details of proposals for dung store i.e. location, dimensions and volume are not shown in the information received.

- (e) No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.*

The structure is 43m distance from the public road. There is no information regarding the location of the effluent storage facility.

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

This is the case as the total height is 4m.

(g) 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.

Details of the location of the effluent storage/ dung storage facility is not shown on the details received so it is not clear of this condition is complied with on site.

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

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:

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:*

(i) if the carrying out of such development would –

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

The proposal does not contravene a condition of 03/ 2688.

(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,

N/A

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

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

(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,

N/A

(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,

N/A

(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,

N/A

(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.”

N/A

(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,

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,

N/A

(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,

N/A

(xi) obstruct any public right of way,

N/A

(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.

N/A

Conclusion

Having regard to the above it is considered that the proposed development constitutes both 'works' and 'development' and that the proposed development is not exempted

development having regard to limitation no 2 of Class 6 whereby 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 total floor area of Class 6 (housing of cattle, horses etc) buildings with the farm complex which exceeds 300 sq.m. when taken in conjunction with the proposed development .

Regard has been had to Class 6 , 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 the construction stables at Clountismara 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 6 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 stables for the housing of horses 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 floor area of the proposed development when taken together with the floor area of existing slatted units in the same farm yard complex exceeds 300 sq.m. and as such is not exempted development having regard to Class 6 , Limitation no.2 of Schedule 2, Part 3, whereby in order for the development to be considered exempted development 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.
- c) Class 6 (d) states that 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. No details were submitted regarding proposals for dung store i.e. location, dimensions and cubic volume are not shown in the information received.

Now therefore Clare County Council hereby decides the construction ^{of} stables at Clountismara Inagh constitutes "works" and "development" which are not exempted development.

Ellen Carey
Ellen Carey
Executive Planner
Date: 22/10/24

Gareth Ruane
Gareth Ruane
Senior Executive Planner
Date: 22/10/24

Appropriate Assessment & Determination

STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	Section 5 R24/ 77
(b) Brief description of the project or plan:	Stables
(c) Brief description of site characteristics:	Farm yard
(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
Inagh River estuary SAC	Annex I Habitats • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (Glaucopuccinellietalia maritima) [1330] • Mediterranean salt meadows Juncetalia maritima) [1410] • Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] • *Fixed coastal dunes along the shoreline with	8.10km	None	No

	herbaceous vegetation (grey dunes) [2130]			

- 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 ● Surface water runoff containing 	Spreading of dung on land holding ' B'

contaminant or sediment <ul style="list-style-type: none"> • 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: <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 	N/A

(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

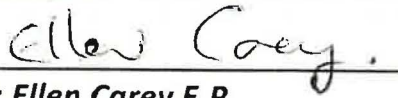
Step 4. Screening Determination Statement

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 works comprise construction of stables . The nearest SAC is 8.10km away. There are hydrological pathways linking the spread lands 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 no likelihood of significant effects on a European site.	<input type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input 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:	<div style="border: 1px solid black; padding: 5px; display: inline-block;">  Name: Ellen Carey E.P. </div>	
	22/ 10/ 24	
Signature and Date of the		

Decision Maker:



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Michael Moloney
Clountismara
Inagh
Co. Clare

02/10/2024

Section 5 referral Reference R24-77 – Michael Moloney

Is the construction of a shed (stables) at Clountismara, Inagh development and if so, is it exempted development?

A Chara,

I refer to your application received on 30th September 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

CLARE COUNTY COUNCIL
30 SEP 2024
Received
Planning Section



Planning Department,
Economic Development Directorate,
Clare County Council,
New Road, Ennis,
Co. Clare.
V95DXP2

Telephone No. (065) 6821616
Fax No. (065) 689207
Email: planoff@clarecoco.ie
Website: www.clarecoco.ie

R24-77

**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	MICHAEL MOLONEY CLOUNTISMARA INAGH ENNIS CO - CLARE
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	

2. DETAILS REGARDING DECLARATION BEING SOUGHT

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

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

IS THE CONSTRUCTION OF A SHED (SPABLES)
AT CLOUNTISMARA, INAGH, EXEMPTED FROM
PLANNING PERMISSION.

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

I INTEND TO CONSTRUCT 3 IN LINE STABLES
TACK ROOM, STORE ROOM ALL UNDER THE
SAME ROOF AT CLOUNTISMARA,
91 METRE² IN TOTAL,
STABLES WILL BE REPLACING AN OLD
BLOCK WALL SHED ON THE EXACT SAME
SPOT, THIS OLD SHED IS NOT SAFE ANY
MORE AND NEEDS TO BE TAKEN DOWN
AND REPLACED WITH NEW STABLES.
PLANS INCLUDED.

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

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	<p>CLOUNTISMARA</p> <p>INAGH</p> <p>ENNIS</p> <p>CO-CLARE</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>NO</p>
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	<p>OWNER.</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: <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	<p>NA</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>YES</p>
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	<p>NO</p>
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	<p>NO</p>
(h) Date on which 'works' in question were completed/are likely to take place:	<p>JAN 2025</p>

SIGNED: Michael Maloney

DATE: 30/9/2024

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

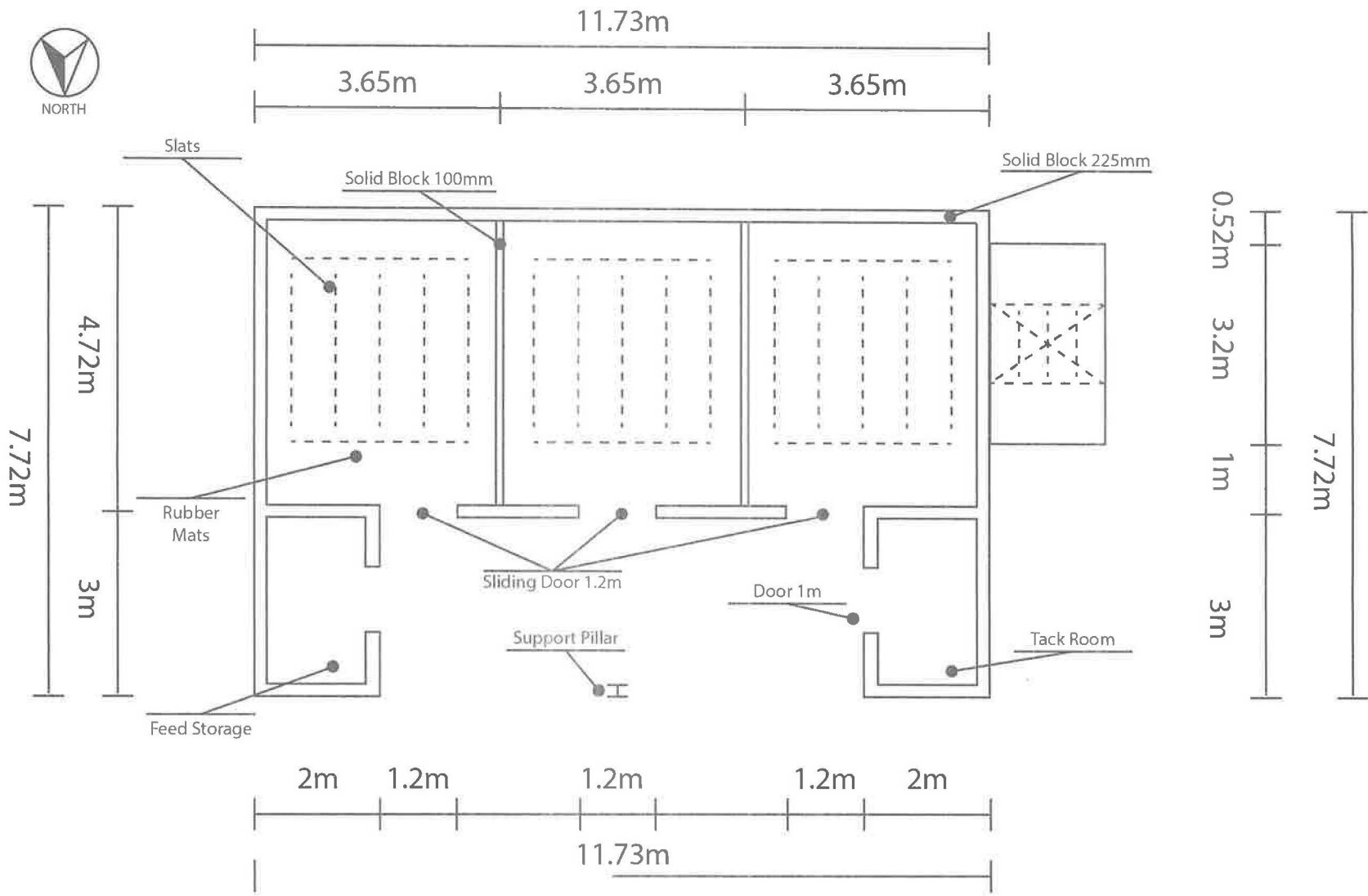
- (i) The request for a declaration under Section 5 must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
- (ii) The request for a declaration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



25/09/2024

Plan View - Scale 1:100

Gerard Fitzgerald

516740 mE, 681640 mN

The Property Registration Authority An tÚdaráis Clárúcháin Maoine



Official Property Registration Map
This map should be read in conjunction with the folio.

Registry maps are based on OSI topographic mapping. Where registry maps are printed at a scale that is larger than the OSI published scale, accuracy is limited to that of the original OSI map scale

For details of the terms of use and limitations as to scale, accuracy and other conditions relating to Land Registry maps, see www.prai.ie.

This map incorporates Ordnance Survey Ireland (OSI) mapping data under a licence from OSI. Copyright © OSI and Government of Ireland.

(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- SubLeasehold
- 'S' Register

(see Section 8(b)(ii) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

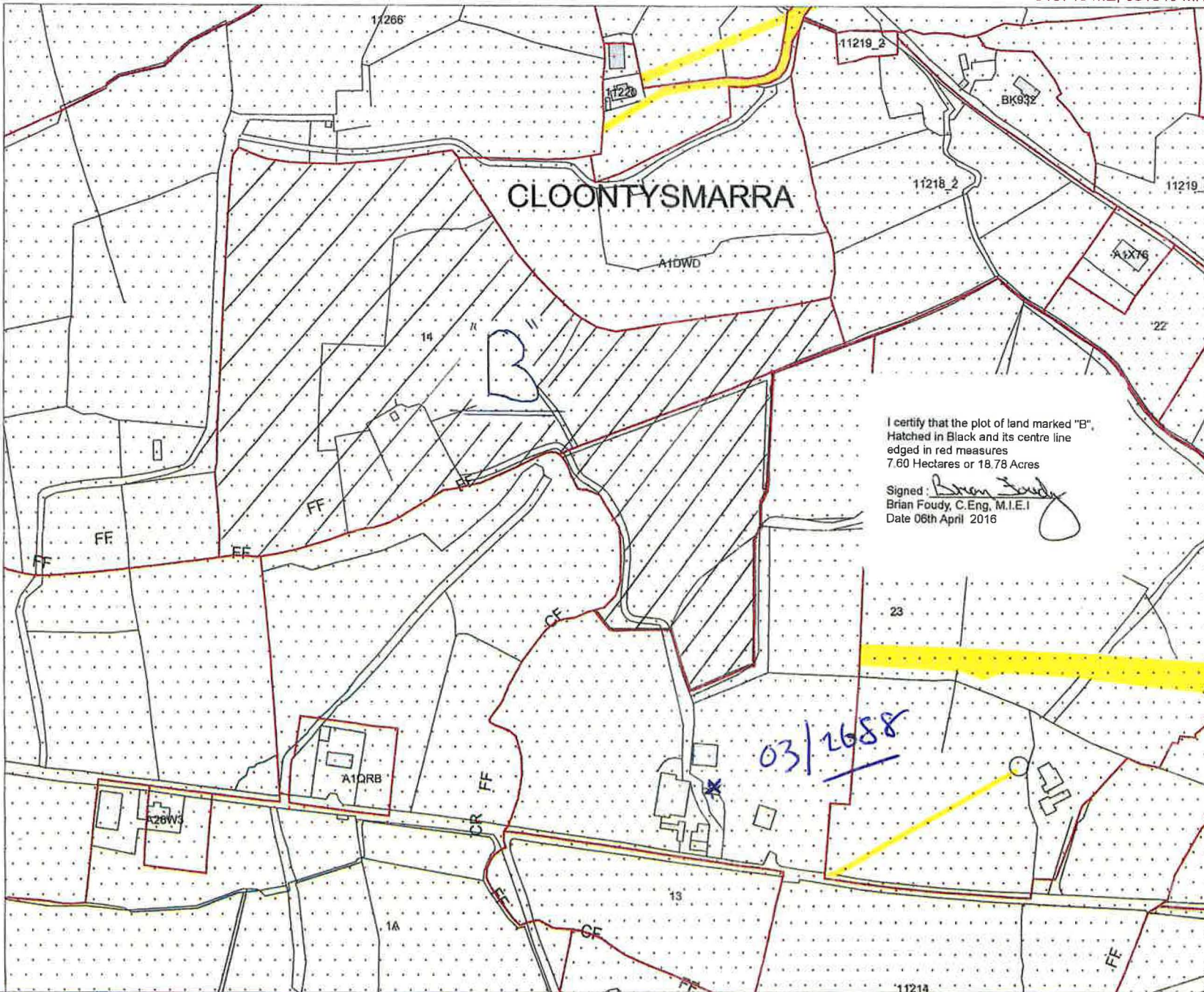
Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- ▭ Soak Pit



A full list of burdens and their symbology can be found at: www.landdirect.ie

The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964), As inserted by Section 62 of the Registration of Deed and Title Act 2006.



CLOONTYSMARRA

I certify that the plot of land marked "B",
Hatched in Black and its centre line
edged in red measures
7.60 Hectares or 18.78 Acres

Signed: *Brian Foudy*
Brian Foudy, C.Eng, M.I.E.I
Date 06th April 2016

03/2658

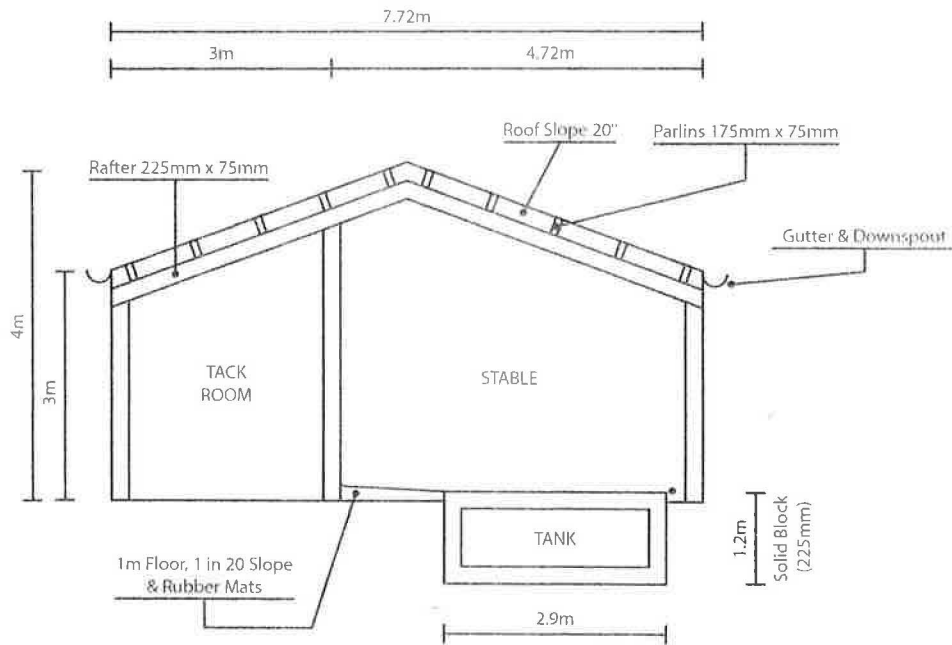
515940 mE, 680990 mN

Creation Date: 30 March 2016 10:39:27

Application Number: S2016LR004878U

1:2500





25/09/2024

Elevation View - Scale 1:100

Gerard Fitzgerald