



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**Paul Kearney
C/o Patrick Conlon
Cloanmore
Cree
Co. Clare
V15 HP77**

20th February 2024

Section 5 referral Reference R24-9 – Paul Kearney

Is the construction of a livestock slatted unit at Island, Cratloe, Co. Clare development and if so is it exempted development?

A Chara,

I refer to your application received on 26th January 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 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



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:

83188

Reference Number:

R24-9

Date Referral Received:

26th January 2024

Name of Applicant:

Paul Kearney

Location of works in question:

Island, Cratloe, Co. Clare

Section 5 referral Reference R24-9 – Paul Kearney

Is the construction of a livestock slatted unit at Island, Cratloe, Co. Clare development and if so is it exempted development?

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) The works as indicated in submitted documents from the referrer.



AND WHEREAS Clare County Council has concluded:

- (a) The construction of a livestock slatted unit constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended,
- (b) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended,
- (c) The said construction of a livestock slatted unit is exempted development in accordance with the class of exempted development set out under Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The restrictions on exempted development as set out under Article 9(1) of the Planning Regulations do not apply in this case.

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 a slatted livestock unit at Island, Cratloe, Co. Clare is **considered development** which is **exempted development**.

Signed:


GARETH RUANE
SENIOR EXECUTIVE PLANNER 

Date:

20th February 2024

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

Reference No.: R24-9



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R24-9

Is the construction of a livestock slatted unit at Island, Cratloe, Co. Clare development and if so is it exempted development?

AND WHEREAS, Paul Kearney has requested a declaration from Clare County Council on the said question.

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) The works as indicated in submitted documents from the referrer.

And whereas Clare County Council has concluded:

- (a) The construction of a livestock slatted unit constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended,
- (b) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended,
- (c) The said construction of a livestock slatted unit is exempted development in accordance with the class of exempted development set out under Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The restrictions on exempted development as set out under Article 9(1) of the Planning Regulations do not apply in this case.

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 slatted livestock unit at Island, Cratloe, Co. Clare constitutes development which is exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

A handwritten signature in blue ink, reading "Anne O'Gorman", is positioned above a horizontal line.

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

20th February 2024

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF:	R24-9
APPLICANT(S):	Paul Kearney
REFERENCE:	Is the construction of a Livestock slatted unit at Island Cratloe County Clare development and if so, is it exempted development.
LOCATION:	Island Cratloe County Clare.
DUE DATE:	21-02-24

Site Location

The subject site is located in a rural area to the south east of Sixmilebridge and is accessed via a private agricultural access road off the local road. There are mature trees in the vicinity of the site. There are no existing buildings on this site.



Figure 1: Aerial; View of Site

Recent Planning History

To south of this site

- 05-722

Aidan and Gerrard Collins

For permission for a dwelling and associated works , permission was refused for reasons relating to non compliance with settlement policy, visual impact, and traffic safety.

To the south east of this site:

- 10-298

Robert Ryan

To construct dwelling house, and associated works. This application was withdrawn by the applicant.

- 10-641

Robert Ryan To construct a dwelling and associated works. Permission was granted subject to conditions.

Background to Referral

The applicant is seeking a Section 5 Declaration as to whether the construction of a livestock slatted unit at Island County Clare is development and if so, is it exempted development.

The following information is also proposed as regards the proposed shed:

- The proposed shed has a floor area under 200m².
- The shed will be 6.18m in height.
- Proposed position is 460m from public road.
- No dwelling within 100m.
- Applicant farm 143 acres
- No increase in stock numbers is envisaged
- Maps of spread lands have been submitted.

A location map of the site, a layout plan and plans of the proposed slatted unit have been submitted. From the plans as submitted it can be seen that the proposed shed has a maximum height of 6.180m and a floor area of 184.42m².

Statutory Provisions

Planning and Development Act, 2000 (as amended)

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

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

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

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

- The stated development is considered to be both work's and development.

Planning & Development Regulations, 2001, as amended

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

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

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 by extension of an existing structure), and any ancillary provision for effluent storage.

Conditions and limitations;

- 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,

(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 of a livestock unit at Island Cratloe County Clare is development and if so, is it exempted development.

The particulars of the proposal are as follows;

- The proposed shed has a floor area under 200m².
- The shed will be 6.18m in height.
- Proposed position is 460m from public road.
- No dwelling within 100m.
- Applicant farm 143 acres
- No increase in stock numbers are envisaged
- Maps of spread lands have been submitted.

A location map of the site, a layout plan and plans of the proposed slatted unit have been submitted. From the plans as submitted it can be seen that the proposed shed has a maximum height of 6.180m and a floor area of 184.42m².

The following Planning Legislation has been considered

(1) 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.

Conditions and limitations;

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

Noted

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.

Noted and complied with

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.

Noted. It is stated on the drawings submitted that all works shall comply with and adhere to Department of agriculture Minimum specifications.

4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.

This is complied with.

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

This is complied with. The proposed shed is not within 100m of a road and is less than 8m 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.

This is complied with.

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

Noted.

(2) Under Article 9 (1) of the Planning Regulations

As per Article 9 of the Planning Regulations, development to which Article 6 relates shall not be exempted development for the purposes of the Act:

(b) 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*

Not applicable.

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

Not applicable.

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

Not applicable.

- (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.*

Not applicable.

(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

Not applicable.

(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 license granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

Not applicable.

(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,

Not applicable. I have carried out AA screening for the stated development (as attached to this report) and have determined that AA is not required in this case.

(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."

Not applicable.

(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,

Not applicable.

(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,

Not applicable.

(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,

Not applicable.

(xi) obstruct any public right of way,

Not applicable.

(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.

Not applicable.

Recommendation

The following questions have been referred to the Planning Authority:

Whether the construction of a livestock slatted unit at Island Cratloe County Clare is development and if so, is it exempted development.

The Planning Authority in considering this referral had regard to:

- a. Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- b. Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- c. Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- d. The works as indicated in submitted documents from the referrer.

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

- (a) The construction of a livestock slatted unit constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- (c) The said construction of a livestock slatted unit is exempted development in accordance with the class of exempted development set out under Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The restrictions on exempted development as set out under Article 9(1) of the Planning Regulations do not apply in this case.

Now therefore Clare County Council (Planning Authority), hereby decides that construction of a slatted livestock unit at Island, Cratloe County Clare is development and **is exempted development**.

 16-02-24
Executive Planner
Date: 16-02-24


Senior Executive Planner
Date: 20/02/24.

Clare County Council

Screening for Appropriate Assessment & Determination

1. Table 1 to be filled in for all development applications.
2. Where proposed development is within a European site(s), go directly to table 3.
3. For all other development proposals, fill in table 2, and if required, table 3.
4. A Habitats Directive Screening Statement should be sought for all developments regardless of location which require an EIS

Table 1: Project Details

Planning File Reference	R24-9
Applicant Name	Paul Kearney
Development Location	Island Cratloe County Clare
Application accompanied by an EIS	No
Application accompanied by an NIS	No
Description of the project the construction of a Livestock slatted unit at Island Cratloe County Clare development and if so, is it exempted development.	



Location of site

Table 2: Identification of European sites which may be impacted by the proposed development.

This section identifies the European Sites within the likely zone of impact of the plan or project. For plans an initial 15km zone of influence (NPWS-DAHG)¹ is recommended. For projects, the distance could be much less than 15km, and in some cases less than 100m, but this must be evaluated on a case-by-case basis.

Having regard to the nature, scale and location of the proposed development and the lack of connectivity to European Sites, I consider the likely zone of impact of the project to be no greater than 3km.

Table 2 (a): European Sites within 3km of Applicant Site

European Sites ²	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
Special Protection Areas: River Shannon and River Fergus Estuaries SPA 004077	Cormorant (<i>Phalacrocorax carbo</i>) [A017] Whooper Swan (<i>Cygnus cygnus</i>) [A038] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Scaup (<i>Aythya marila</i>) [A062] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162]	5k

¹ European Sites that are more than 15km from the proposal may have to be considered. For example in the case of sites with water dependent habitats or species and where a proposal could affect water quality or quantity it may be necessary to consider the full extent of the upstream and/or downstream catchment.

² European Site details are available on <http://webgis.npws.ie/npwsviewer/> or maybe obtained from internal mapping systems.

European Sites ²	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
	Greenshank (<i>Tringa nebularia</i>) [A164] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]	
SAC Ratty River site code 002316	Caves not open to the public [8310] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	4.08K
Sac Lower River Shannon 002165	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Water courses of plain to montane levels with the <i>Ranuncion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260] Molinia meadows on calcareous, peaty, or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>) [91E0] <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] <i>Petromyzon marinus</i> (Sea Lamprey) [1095] <i>Lampetra planeri</i> (Brook Lamprey) [1096] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Salmo salar</i> (Salmon) [1106] <i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349] <i>Lutra lutra</i> (Otter) [1355]	4.43k

1	Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.	<i>Is the development in the catchment of or immediately upstream of a watercourse that has been designated as a European site?</i>	No impact envisaged
2	Impacts on terrestrial habitats & species.	<i>Is the development within 1km of a European site with terrestrial based habitats or species?</i>	None. No habitats to be removed to construct the new slatted shed.
3	Impacts on designated marine habitats & species.	<i>Is the development located within marine or intertidal areas and within 5 km of a European site whose qualifying habitats or species include the following: Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs</i>	No
4	Impacts on birds in SPAs	<i>Is the development within 1km of a Special Protection Area</i>	No
5	Indirect effects	<i>Is the development, in combination with other existing or proposed developments likely to impact on an adjacent European site?</i> <i>Is any emission from the development (including noise) likely to impact on an adjacent habitat or species?</i>	No in-combination effects likely No emissions likely

Conclusion:

- If the answer to all of the above is *no*, significant impacts on European sites are unlikely. No further assessment is required; go directly to the conclusion statement.
- If the answer is *unknown* or *yes* proceed to Table 3 and refer to the relevant sections of Table 3.

Appropriate Assessment Screening Determination	
Planning File Reference	R24/9
Proposed Development	Slatted shed
Development Location	Island, Cratloe County Clare
European sites within impact zone	None
Description of the project:	
Slatted shed with a floor area of less than 200m2.	
Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site	
N/A	
Describe how the project or plan (alone or in combination) is likely to affect the European site(s).	
No likely effects due to the nature, scale and location of the proposed development and lack of connectivity to European Sites	
If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?	
N/A – no likely effects	
Documentation reviewed for making this statement	
<ul style="list-style-type: none"> - County Development Plan (including Flood Maps, SEA & AA) - NPWS website - Documents received as part of the Section 5 declaration application 	
Conclusion of assessment; There is no potential for significant effects to European Sites³	
Completed By	Annemarie McCarthy, Executive Planner
Date	16/02/24

A. McCarthy 16-02-24



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Paul Kearney
C/o Patrick Conlon
Clohanmore
Cree
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V15 HP77

26/01/2024

Section 5 referral Reference R24-9 – Paul Kearney

Is the construction of a livestock slatted unit at Island, Cratloe, Co. Clare development and if so is it exempted development?

A Chara,

I refer to your application received on 26th January 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 Stiúrthóireacht Forbairt Gheilleagrach

Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department
Economic Development Directorate

Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



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

26/01/2024 11:22:37

Receipt No.: L1CASH/0/359776
***** REPRINT *****

PAUL KEARNEY
SUNDOWN LODGE, CARROWMORE,
CRATLOE, CO CLARE
REF. R24-9

COMHAIRLE

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

Total : 80.00 EUR

Tendered :
CREDIT CARDS 80.00

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.
V95DXP2

Telephone No. (065) 6821616
Fax No. (065) 6892071
Email: planoff@clarecoco.ie
Website: www.clarecoco.ie



COMHAIRLE CONTAE AN CHLÁIR
CLARE COUNTY COUNCIL

R24-9

**REQUEST FOR A DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT
(Section 5 of the Planning & Development Act 2000 (as amended))**

FEE: €80

This following form is a non-statutory form which has been prepared by Clare County Council for the purpose of obtaining the necessary information required for a declaration to be made under Section 5 by the Planning Authority

1. CORRESPONDENCE DETAILS.

(a) Name and Address of person seeking the declaration	<p>PAUL KEARNEY SUNDOWN LODGE, CARROWMORE, CRAYLOE, CO. CLARE</p> <p>Eircode: V95R251</p>
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	<p>PATRICK CONLON CLOHAMORE CREE CO CLARE 086-3472209</p> <p>EIRCODE: V15HP77</p>

2. DETAILS REGARDING DECLARATION BEING SOUGHT

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

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

IS THE CONSTRUCTION OF A LIVESTOCK SLATTED UNIT AT ISLAND, CRATLOE, CO. CLARE DEVELOPMENT AND IF SO IS IT EXEMPTED DEVELOPMENT?

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

APPLICATION TO CONSTRUCT SLATTED UNIT AT ABOVE ADDRESS WHICH IS UNDER 200m² AND 6.18m IN HEIGHT AND PROPOSED POSITION IS 450m FROM PUBLIC ROAD. NO DWELLING WITHIN 100m. CURRENT STOCK NUMBERS 10 SUCKLER COWS 10 CALVES WHICH ARE SOLD AT 10 MONTHS OLD. (ALL CURRENTLY OUT WINTERED) APPLICANT FARMS 134 ACRES (MAPS ATTACHED) GIVING SUFFICIENT AREA FOR ORGANIC SLURRY SPREADING. NO INCREASE IN STOCK NUMBERS ARE ENVISAGED. APPLICANT INTENDS TO APPLY TO DEPT. AGRICULTURE FOR GRANT-AID TO CONSTRUCT PROPOSED SLATTED UNIT.

- (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)

FARM YARD LOCATION MAP (1:2500) x 2
 FARM YARD LAYOUT PLAN (1:500) x 2
 PROPOSED SLATTED UNIT PLANS (1:100 + 1:200) x 2
 LAND HOLDING MAPS (1:5000)

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	ISLAND CRATLOE CO CLARE
(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	NO
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	OWNER
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question: <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	N/A
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	YES
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	NO
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	NO
(h) Date on which 'works' in question were completed/are likely to take place:	JULY 2024

SIGNED: P. A. KearneyDATE: 25 JAN 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:	

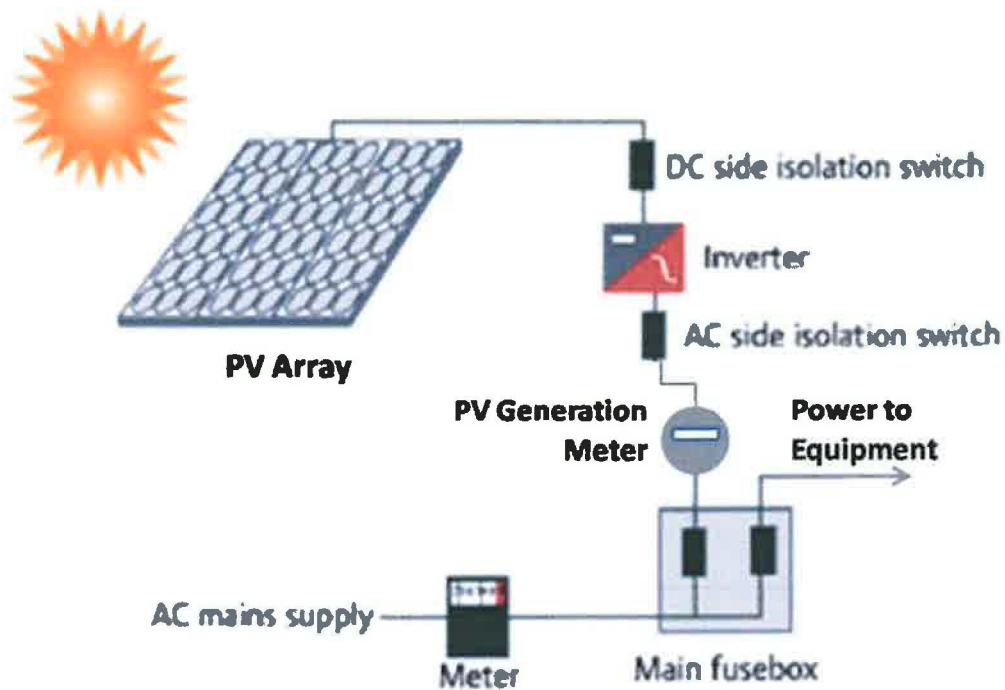


Figure 1 Illustration of Solar PV System (without Battery Storage)

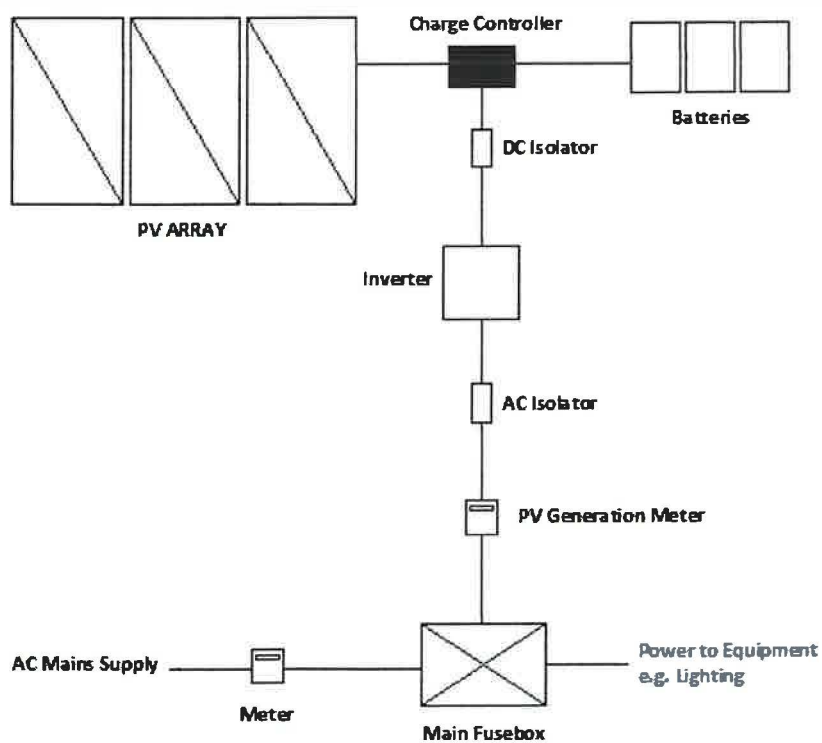


Figure 2 Illustration of Solar PV System with Battery Storage



An Roinn Talmhaíochta,
Bia agus Mara
Department of Agriculture,
Food and the Marine

For Basic Payment Scheme,
Areas of Natural Constraint Scheme and
other Area-Based Schemes Purposes only
Year: 2021 Scale: 1:5000

Name: Paul Kearney
Address: Sundown Lodge
Carrowmore
Cratloe
Co Clare

Townland Code: C20421
Townland Name: ISLAND

Parcel	Digitised	MEA*	Claimed
C20421029	10.09	9.89	9.89

Exclusions	Parcel	Excl	Area	Red%	Elig	Type
C20421029	X01	2.05	20%	1.64	Scrub	
C20421029	X02	0.199	100%	0.00	Farm Road	

Ortho Used: Color Ortho Full Coverage

All areas displayed above are in hectares
* MEA calculation available online via agfood.ie
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rr - Tue Nov 16 08:19:09 GMT 2021





An Roinn Talmhaíochta,
Bia agus Mara
Department of Agriculture,
Food and the Marine

For Basic Payment Scheme,
Areas of Natural Constraint Scheme and
other Area-Based Schemes Purposes only
Year: 2021 Scale: 1:5000

Name: Paul Kearney
Address: Sundown Lodge
Carrowmore
Cratloe
Co Clare

Townland Code: C20110
Townland Name: CLOGHOLIA

Parcel	Digitised	MEA*	Claimed
C20110165	0.15	0	0.00
C20110168	0.34	0	0.34
C20110169	0.25	0	0.25
C20110170	0.14	0	0.00
C20110171	1.25	0	1.25

Townland Code: C21312
Townland Name: OATFIELD

Parcel	Digitised	MEA*	Claimed
C21312028	4.60	0	0.00
C21312066	0.85	0	0.85
C21312067	3.52	0	3.52
C21312068	7.95	0	7.95
C21312073	1.71	0	1.71
C21312075	1.81	0	1.81
C21312120	0.25	0	0.00
C21312121	0.22	0	0.22
C21312122	1.41	0	1.41
C21312124	0.24	0	0.00
C21312125	2.03	0	2.03
C21312177	0.13	0.13	0.13
C21312178	0.10	0.1	0.10
C21312179	0.08	0.07	0.07
C21312181	2.00	2	2.00
C21312182	0.03	0.03	0.03

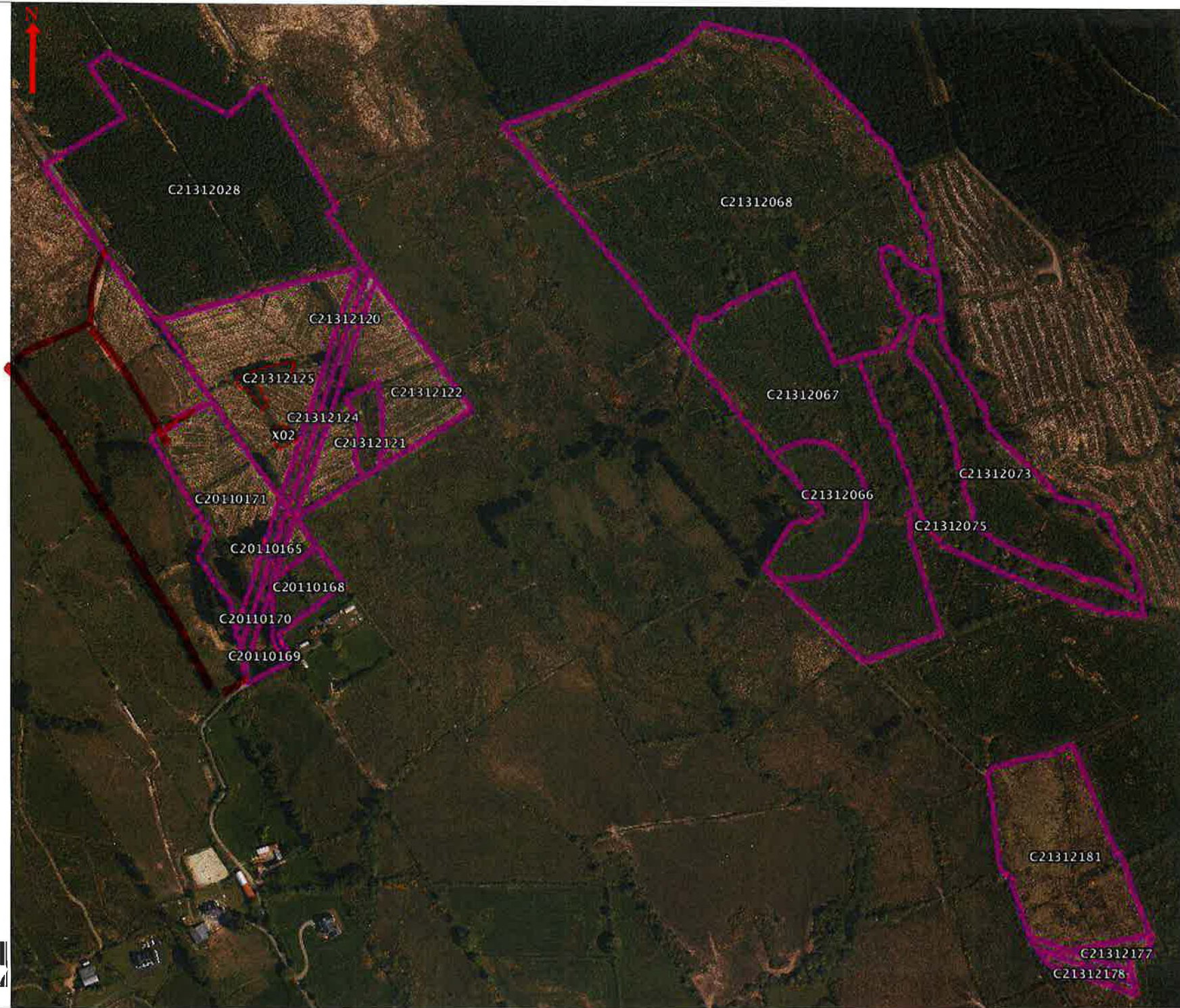
Exclusions					
Parcel	Excl	Area	Red%	Elig	Type
C21312125	X01	0.1	100%	0.00	Scrub
C21312125	X02	0.03	100%	0.00	Scrub

Ortho Used: Color Ortho Full Coverage

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An Roinn Talmhaíochta,
Bia agus Mara
Department of Agriculture,
Food and the Marine

For Basic Payment Scheme,
Areas of Natural Constraint Scheme and
other Area-Based Schemes Purposes only
Year: 2021 Scale: 1:5000

Name: Paul Kearney
Address: Sundown Lodge
Carrowmore
Cratloe
Co Clare

Townland Code: C20110
Townland Name: CLOGHOLIA

Parcel	Digitised	MEA*	Claimed
C20110141	1.11	1.11	1.11
C20110142	0.07	0	0.00
C20110143	0.42	0.42	0.42
C20110144	0.02	0	0.00
C20110145	0.12	0.12	0.12
C20110146	0.09	0	0.00
C20110159	0.17	0	0.00

Deductions

Parcel	Fixed Area	Reason
C20110144	0.02	Foreslry section reductions

Townland Code: C21312
Townland Name: OATFIELD

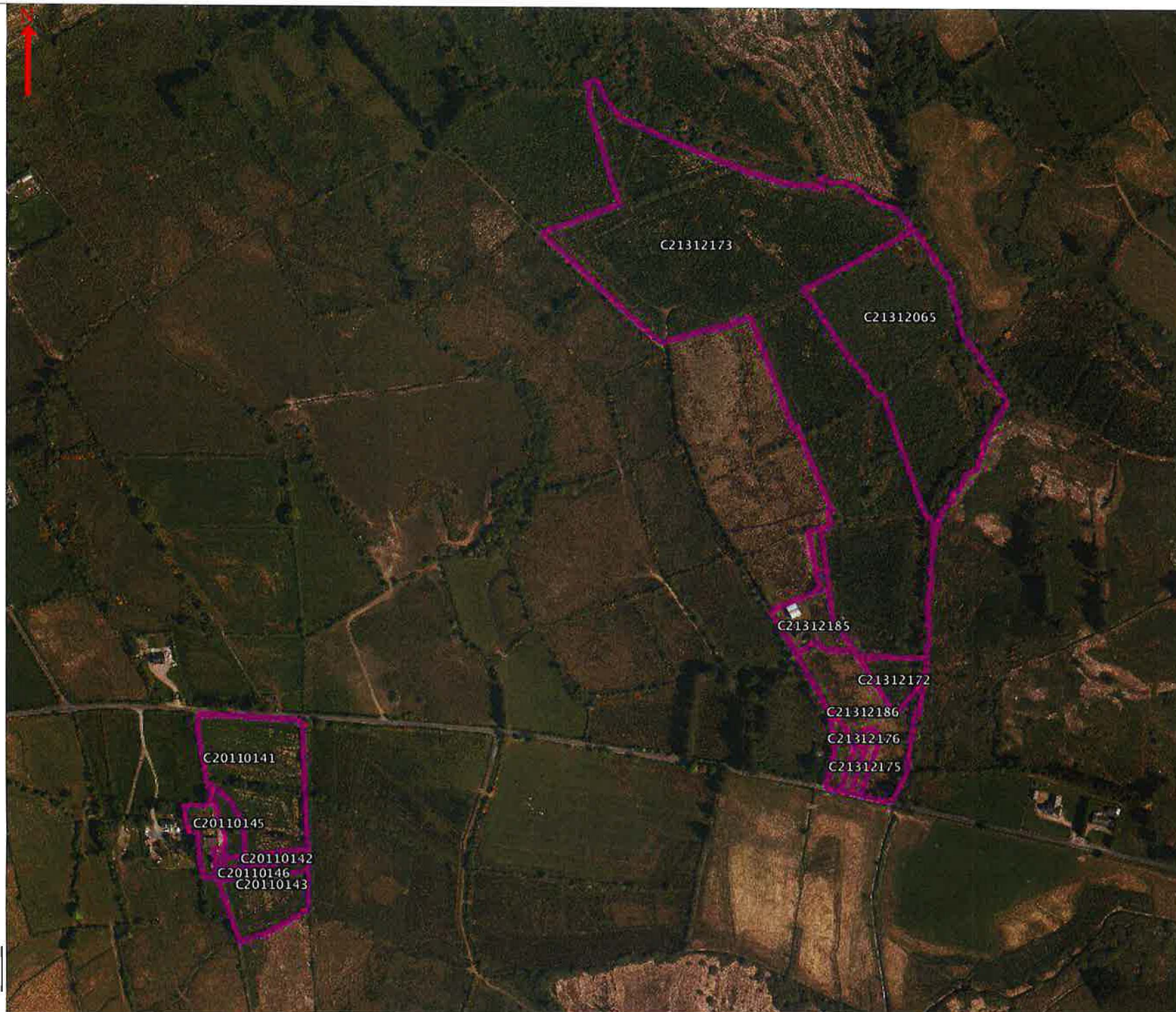
Parcel	Digitised	MEA*	Claimed
C21312065	2.63	0	2.63
C21312170	0.12	0.11	0.11
C21312171	0.05	0.05	0.05
C21312172	0.21	0	0.21
C21312173	7.28	0	7.28
C21312175	0.06	0.06	0.06
C21312176	0.02	0.02	0.02
C21312185	0.35	0	0.00
C21312186	0.78	0	0.78

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An Roinn Talmhaíochta,
Bia agus Mara
Department of Agriculture,
Food and the Marine

For Basic Payment Scheme,
Areas of Natural Constraint Scheme and
other Area-Based Schemes Purposes only
Year: 2021 Scale: 1:5000

Name: Paul Kearney
Address: Sundown Lodge
Carrowmore
Cratloe
Co Clare

Townland Code: C20110
Townland Name: CLOGHOLIA

Parcel	Digitised	MEA*	Claimed
C20110172	0.77	0	0.77
C20110191	1.68	0	1.68
C20110217	2.46	2.4	2.09
C20110225	0.14	0.06	0.06

Exclusions				
Parcel	Excl	Area	Red%	Elig Type
C20110172	X04	0.051	100%	0.00 Scrub
C20110217	X01	0.32	60%	0.13 Scrub
C20110217	X03	0.057	100%	0.00 Farm Road
C20110225	X01	0.076	100%	0.00 Scrub

Townland Code: C21312
Townland Name: OATFIELD

Parcel	Digitised	MEA*	Claimed
C21312027	5.41	0	0.00

Ortho Used: Color Ortho Full Coverage

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Department of Agriculture,
Food and the Marine

For Basic Payment Scheme,
Areas of Natural Constraint Scheme and
other Area-Based Schemes Purposes only
Year: 2021 Scale: 1:5000

Name: Paul Kearney
Address: Sundown Lodge
Carrowmore
Cratloe
Co Clare

Townland Code: C20110
Townland Name: CLOGHOOLIA

Parcel	Digitised	MEA*	Claimed
C20110122	0.97	0.97	0.97
C20110174	1.01	1	0.55

Exclusions	Parcel	Excl	Area	Red%	Elig	Type
C20110174	X01	0.0070	100%	0.00		Farm Road

Ortho Used: Color Ortho Full Coverage

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Department of Agriculture,
Food and the Marine

For Basic Payment Scheme,
Areas of Natural Constraint Scheme and
other Area-Based Schemes Purposes only
Year: 2021 Scale: 1:5000

Name: Paul Kearney
Address: Sundown Lodge
Carrowmore
Cratloe
Co Clare

Townland Code: C20110
Townland Name: CLOGHOOLIA

Parcel	Digitised	MEA*	Claimed
C20110199	14.29	14.12	1.68

Exclusions	Parcel	Excl	Area	Red%	Elig	Type
C20110199	X01	0.115	100%	0.00	Farm Road	
C20110199	X02	0.027	100%	0.00	Scrub	
C20110199	X03	0.033	100%	0.00	Scrub	

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Land Registry Compliant Map

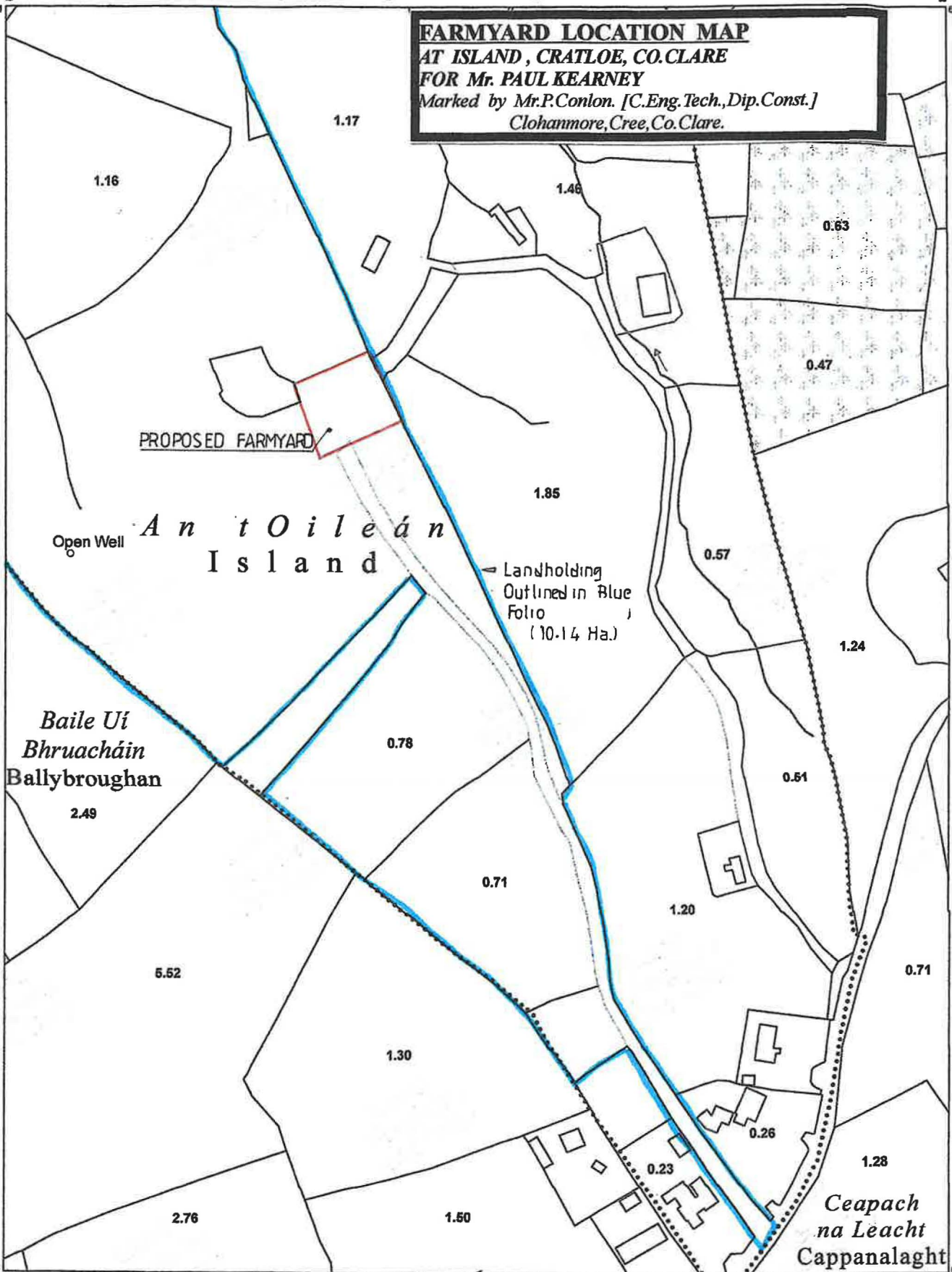
FARMYARD LOCATION MAP

AT ISLAND, CRATLOE, CO. CLARE

FOR Mr. PAUL KEARNEY

Marked by Mr. P. Conlon. [C.Eng. Tech., Dip. Const.]

Clohanmore, Cree, Co. Clare.



0 20 40 60 80 Metres
0 30 60 90 120 150 Feet

OUTPUT SCALE: 1:2,500

CENTRE
COORDINATES:
ITM 549776,664590

PUBLISHED:
30/11/2023

MAP SERIES:
1:5,000
1:2,500
1:2,500
1:2,500
1:2,500

ORDER NO.:
50371285_1

MAP SHEETS:
4561
4561-A
4561-B
4561-C
4561-D

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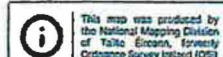
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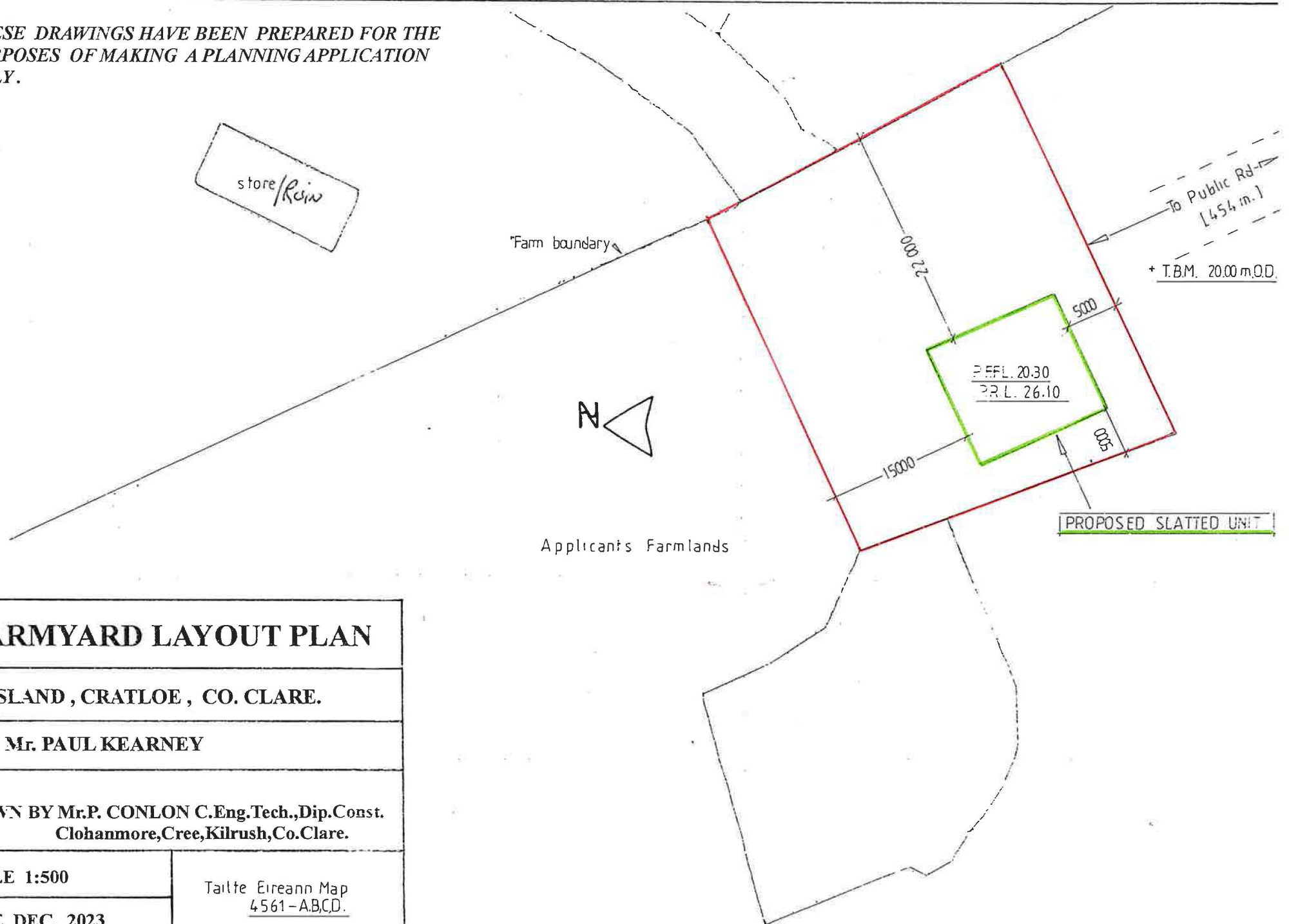
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ONLY.



FARMYARD LAYOUT PLAN

AT ISLAND, CRATLOE, CO. CLARE.

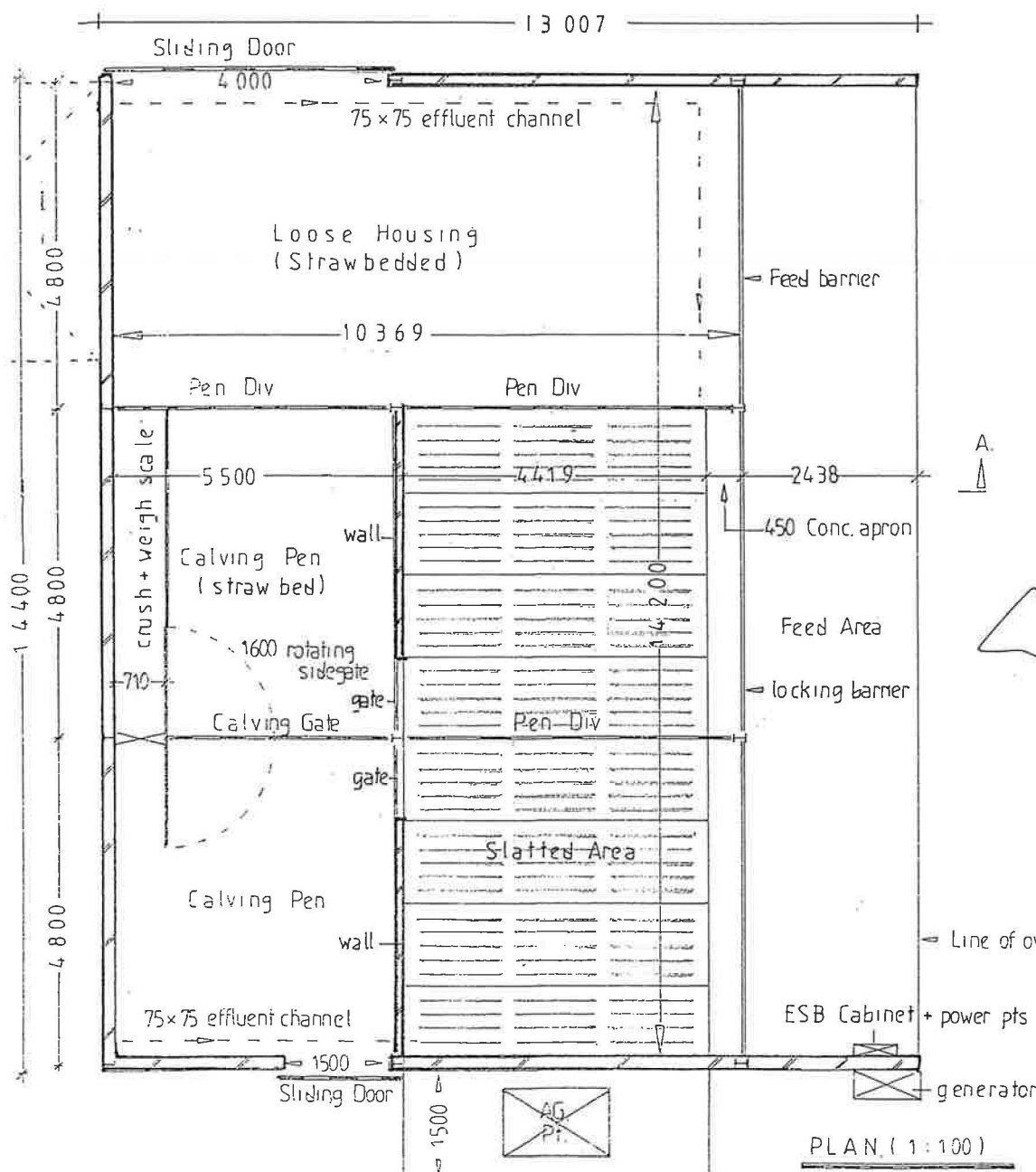
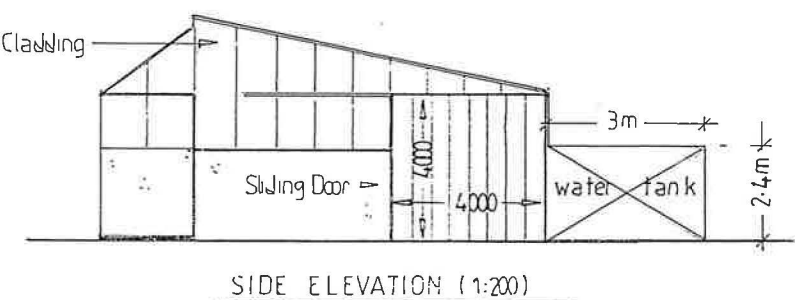
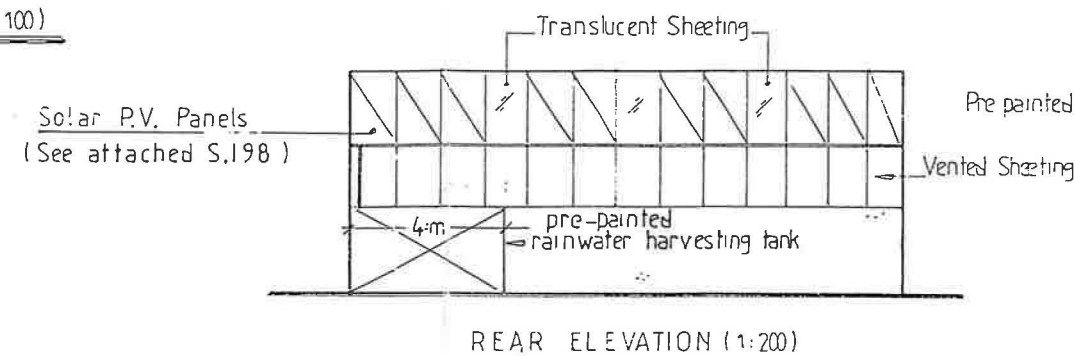
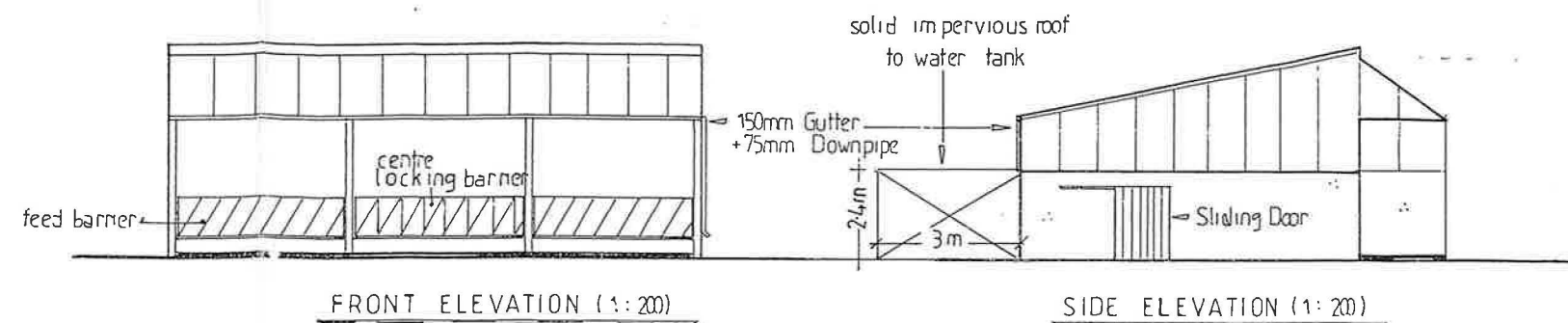
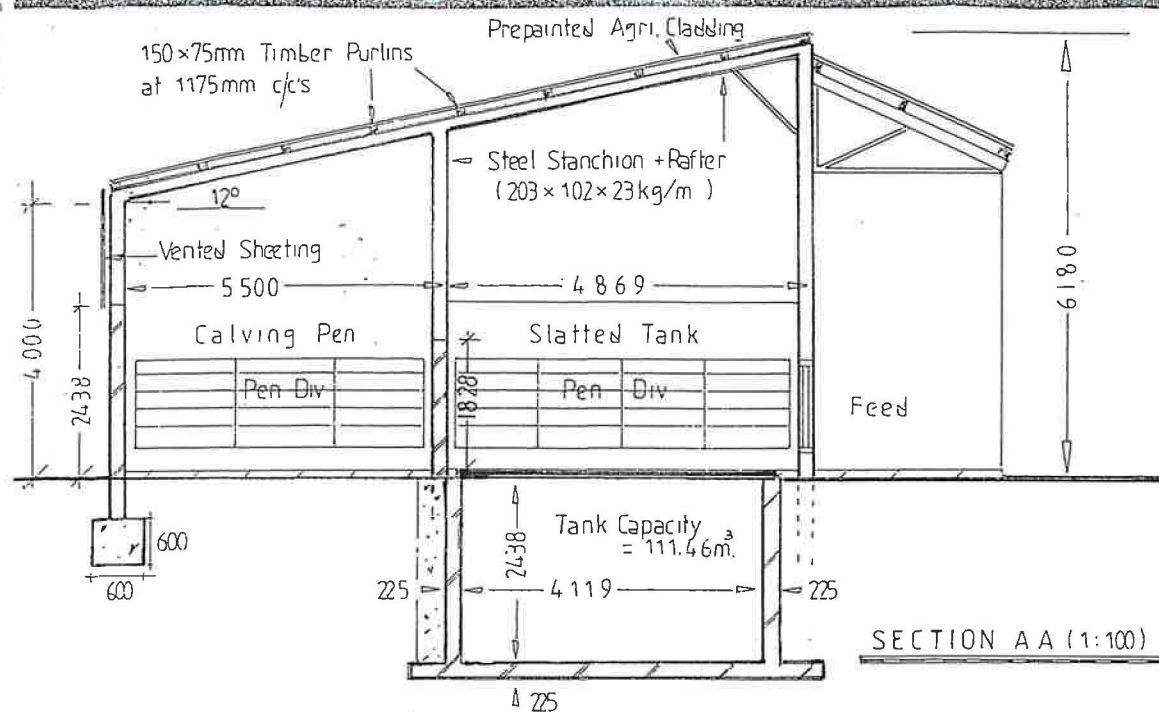
FOR Mr. PAUL KEARNEY

DRAWN BY Mr. P. CONLON C.Eng.Tech., Dip.Const.
Clohanmore, Cree, Kilrush, Co. Clare.

SCALE 1:500

DATE DEC. 2023

Tailte Eireann Map
4561-A.B.C.D.



ALL WORKS TO COMPLY AND ADHERE WITH DEPT AGRICULTURE MINIMUM SPECIFICATIONS- S100,S101, S123,S147.

FLOOR AREA = 184.42 m² (incl. Canopy)

THESE DRAWINGS HAVE BEEN PREPARED FOR THE PURPOSES OF MAKING A PLANNING APPLICATION ONLY.

PROPOSED LIVESTOCK SLATTED UNIT

AT ISLAND, CRATLOE, CO. CLARE.

FOR Mr. PAUL KEARNEY

DRAWN BY Mr.P. CONLON C.Eng.Tech.,Dip.Const.
Clohanmore,Cree,Kilrush,Co.Clare.

SCALE 1:100 + 1:200

DATE DEC. 2023

Do not scale! Use given dimensions