



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**Bernadette Kenny
C/o Grealish Glynn & Associates
1 The Punchbowl
Ennis Road
Gort
Co. Galway**

8th January 2025

Section 5 referral Reference R24-96 – Bernadette Kenny

Is the construction of an extension to an existing dwelling house and associated works development and if so, is it exempted development?

A Chara,

I refer to your application received on 9th December 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



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

Reference No.: R24-96



Section 5 referral Reference R24-96

Is the construction of an extension to an existing dwelling house and associated works development and if so, is it exempted development?

AND WHEREAS, Bernadette Kenny 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) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended.
- (c) Class 2 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

And whereas Clare County Council has concluded:

- (a) The construction of an extension to an existing dwelling house and associated works at Aughinish is considered development which is exempted development under Class 2 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 as amended.

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 an extension to an existing dwelling at Aughinish, 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

8th January 2025

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: 84732
Reference Number: R24-96
Date Referral Received: 9th December 2024
Name of Applicant: Bernadette Kenny
Location of works in question: Aughinish, Co. Clare

Section 5 referral Reference R24-96 – Bernadette Kenny

Is the construction of an extension to an existing dwelling house and associated works 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) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended.
- (c) Class 2 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

AND WHEREAS Clare County Council has concluded:

- (a) The construction of an extension to an existing dwelling house and associated works at Aughinish is considered development which is exempted development under Class 2 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 as amended.

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 an extension to an existing dwelling at Aughinish, Co. Clare is **considered development** which is **exempted development**.

Signed:



GARETH RUANE
SENIOR EXECUTIVE PLANNER 

Date:

8th January 2025

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

FILE REF: 24/ 70
APPLICANT(S): Bernadette Kenny
REFERENCE: Whether the construction of an extension to an existing dwelling house and associated works development and if so is it exempted development .
LOCATION: Aughinish, County Clare
DUE DATE: 14 Jan 25

Site Location

The site is Located in Aughinish in a designated Heritage landscape. There is a single storey dwelling and shed on site. The front of the house faces southwards and the gable faces the road. There is one dwelling to the north

Recent Planning History on site.

None

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Bernadette Kenny who claims to be the owner.

The applicant is seeking a Section 5 Declaration as to whether the construction of an extension to an existing dwelling house and associated works 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*.

Section 2(1) – Interpretation

In this Act, except where the context otherwise requires –

- “habitable house” means a house which—

(a) is used as a dwelling,

(b) is not in use but when last used was used, disregarding any unauthorised use, as a dwelling and is not derelict, or

(c) was provided for use as a dwelling but has not been occupied;

“house” means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

“structure” as any building, structure, excavation or other thing constructed or made on, in or under any land, or part of a structure so defined, and where the context so admits, includes the land on, in or under which the structure is situated

“use”, in relation to land, does not include the use of the land by the carrying out of any works thereon.

Section 2 (1) ‘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.

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.*

Exempted Development

4.—(1) *The following shall be exempted developments for the purposes of this Act—*

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

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 1, Class 1 (extension) and Class 7 (Porch)

Class 1

The extension of a house, by the construction or erection of an extension to the rear of the house or by the conversion for use as part of the house of any garage, store shed or other similar structure attached to the rear or to the side of the house.

Schedule 2, Article 6, Part 1 of the Planning and Development Regulations 2001 (as amended) sets out the following classes of exempted development:

Column 1 Description of Development	Column 2 Conditions & Limitations
<p><i>Development within the curtilage of a house</i></p> <p>Class 1</p> <p>The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.</p>	<p>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.</p> <p>(c) Subject to paragraph (a), where the house is detached, the floor area of any extension</p>

above ground level shall not exceed 20 square metres.

2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

	<p>6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</p> <p>(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</p> <p>c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p>
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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

The agent has advised the following in the documents submitted:

Particulars of the Development

- 39.50 sq.m. single storey extension to the of the dwelling
- Site location map
- Site layout plan
- Drawings to scale of the existing and proposed development

Planning Exemption Assessment

The construction of the rear extension.

Column 1 Description of Development	Column 2 Conditions & Limitations
<p><i>Development within the curtilage of a house</i></p> <p>Class 1</p> <p>The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.</p>	<p>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>The floor area is 39.5 sq.m.</p> <p>(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.</p> <p>N/A</p>

(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

N/A

2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

No previous extensions have been constructed.

(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

N/A

(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

N/A

3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.

N/A

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

This is the case

(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

N/A

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

This is the case

5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

The private open space remaining exceeds 25 sq.m.

	<p>6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</p> <p>This is the case</p> <p>(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</p> <p>N/A</p> <p>c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.</p> <p>N/A</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p> <p>N/A</p>
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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 (for both the dwelling extension and the garage):

- (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,*

No alterations to the existing access point are proposed.

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

Not applicable in this instance.

- (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.*

It is considered that same does not interfere with the character of the landscape or views in the area.

- (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,*

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,*

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,*

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,*

This is not applicable in this instance. 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.

- (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

With reference to the above assessment, and the stated restrictions on exempted development, and Article 9 of the Planning and Development Regulations 2001- 2024 that the proposed development can be considered exempted development as per Section 5.

Recommendation

Having regard to Articles 6, and 9 of the Planning and Development Regulations, 2001-2011
And Class 2 of Part 1 of Schedule 2 of the Planning and Development Regulations, as amended

WHEREAS a question has arisen as to whether the construction of an extension to an existing dwelling house is development and is or is not exempted development.

AND WHEREAS Clare County Council in considering this referral, had regard particularly to -

- (a) Sections 2 and 3 of the Planning and Development Act, 2000, as amended
- (b) Articles 6, and 9 of the Planning and Development Regulations, 2001-~~2011~~ *as amended*
- (c) Class 2 of Part 1 of Schedule 2 of the Planning and Development Regulations, ^{2001,} as amended:

AND WHEREAS Clare County Council has concluded that –

The construction of an extension to an existing dwelling house and associated works at **Aughinish** is considered development which is exempted ^{development} under Class 2 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 as amended:

NOW THEREFORE Clare County Council, in exercise of the powers conferred on it by section 5(2) (a) of the 2000 Act, hereby decides

The construction of an extension to an existing dwelling is considered development which is exempted development.

Ellen Carey

Ellen Carey
Executive Planner

Date: 03/01/25.

Garreth Ruane

Garreth Ruane
Senior Executive Planner

07/01/25.

Appropriate Assessment & Determination

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

(a) File Reference No:	R24/ 96
(b) Brief description of the project or plan:	Extension to dwelling
(c) Brief description of site characteristics:	Built and artificial surface and domestic garden
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	NPWS
(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
Galway bay SAC 0268	Annex I habitats: <input type="checkbox"/> Mudflats and sandflats not covered by seawater at low tide [1140] <input type="checkbox"/> *Coastal lagoons [1150] <input type="checkbox"/> Large shallow inlets and bays [1160] <input type="checkbox"/> Reefs [1170] <input type="checkbox"/> Perennial vegetation of stony banks [1220] <input type="checkbox"/> <i>Salicornia</i> and other annuals colonising mud and sand [1310] <input type="checkbox"/> Atlantic salt meadows (<i>Glaucopuccinetalia maritima</i>) [1330]	100m to the southeast as its closest distance.	None	Yes

	<input type="checkbox"/> Mediterranean salt meadows (<i>Juncetalia maritima</i>) [1410] <input type="checkbox"/> *Turloughs [3180] <input type="checkbox"/> <i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130] <input type="checkbox"/> Semi-natural dry grasslands and scrubland facies on calcareous grasslands (Festuco-Brometalia)(*Important orchid sites) [6210] <input type="checkbox"/> Calcareous fens with <i>Cladium mariscus</i> and species of the Caricion <i>davallianae</i> [7210] <input type="checkbox"/> Alkaline fens [7230] Annex II Species <input type="checkbox"/> Otter <i>Lutra lutra</i> [1355] <input type="checkbox"/> Harbour seal <i>Phoca vitulina</i> [1365]			
Inner Galway Bay 04031	Great northern diver <i>Gavia immer</i> [A003] wintering <input type="checkbox"/> Cormorant <i>Phalacrocorax carbo</i> [A017] wintering + breeding <input type="checkbox"/> Grey heron <i>Ardea cinerea</i> [A028] <input type="checkbox"/> Light-bellied brent goose <i>Branta bernicla hrota</i> [A046] wintering <input type="checkbox"/> Wigeon <i>Anas penelope</i> [A050] - wintering <input type="checkbox"/> Teal <i>Anas crecca</i> [A052] wintering <input type="checkbox"/> Shoveler <i>Anas clypeata</i> [A056] wintering <input type="checkbox"/> Red-breasted merganser <i>Mergus serrator</i> [A069] wintering <input type="checkbox"/> Ringed plover <i>Charadrius hiaticula</i> [A137] wintering	As above	None	Yes

<input type="checkbox"/> Golden plover <i>Pluvialis apricaria</i> [A140] wintering <input type="checkbox"/> Lapwing <i>Vanellus vanellus</i> [A142] wintering <input type="checkbox"/> Dunlin <i>Calidris alpina</i> [A149] wintering <input type="checkbox"/> Bar-tailed godwit <i>Limosa lapponica</i> [A157] wintering <input type="checkbox"/> Curlew <i>Numenius arquata</i> [A160] wintering <input type="checkbox"/> Redshank <i>Tringa tetanus</i> [A162] wintering <input type="checkbox"/> Black-headed gull <i>Chroicocephalus ridibundus</i> [A179] wintering <input type="checkbox"/> Common gull <i>Larus canus</i> [A182] wintering <input type="checkbox"/> Sandwich tern <i>Sterna sandvicensis</i> [A191] breeding <input type="checkbox"/> Common tern <i>Sterna hirundo</i> [A193] breeding <input type="checkbox"/> Wetland and water birds [A999]				
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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	
<p>(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:</p>	
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 	None

pits) <ul style="list-style-type: none"> • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	
Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	None
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 	None
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(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	
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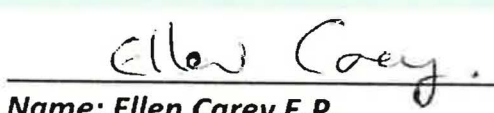
Step 4. Screening Determination Statement

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 existing dwelling has two bedrooms and is served by an existing septic tank. There is no increase in the number of bedrooms proposed as a result of the proposed extension. The PE loading to the existing septic tank remains unchanged as a result of the proposed development. The site is 100 m from the nearest European site. There is no hydrological pathway linking the subject site to the SAC and SPA. The proposed development is not likely to have significant effects on European site(s) in view of its conservation objectives.

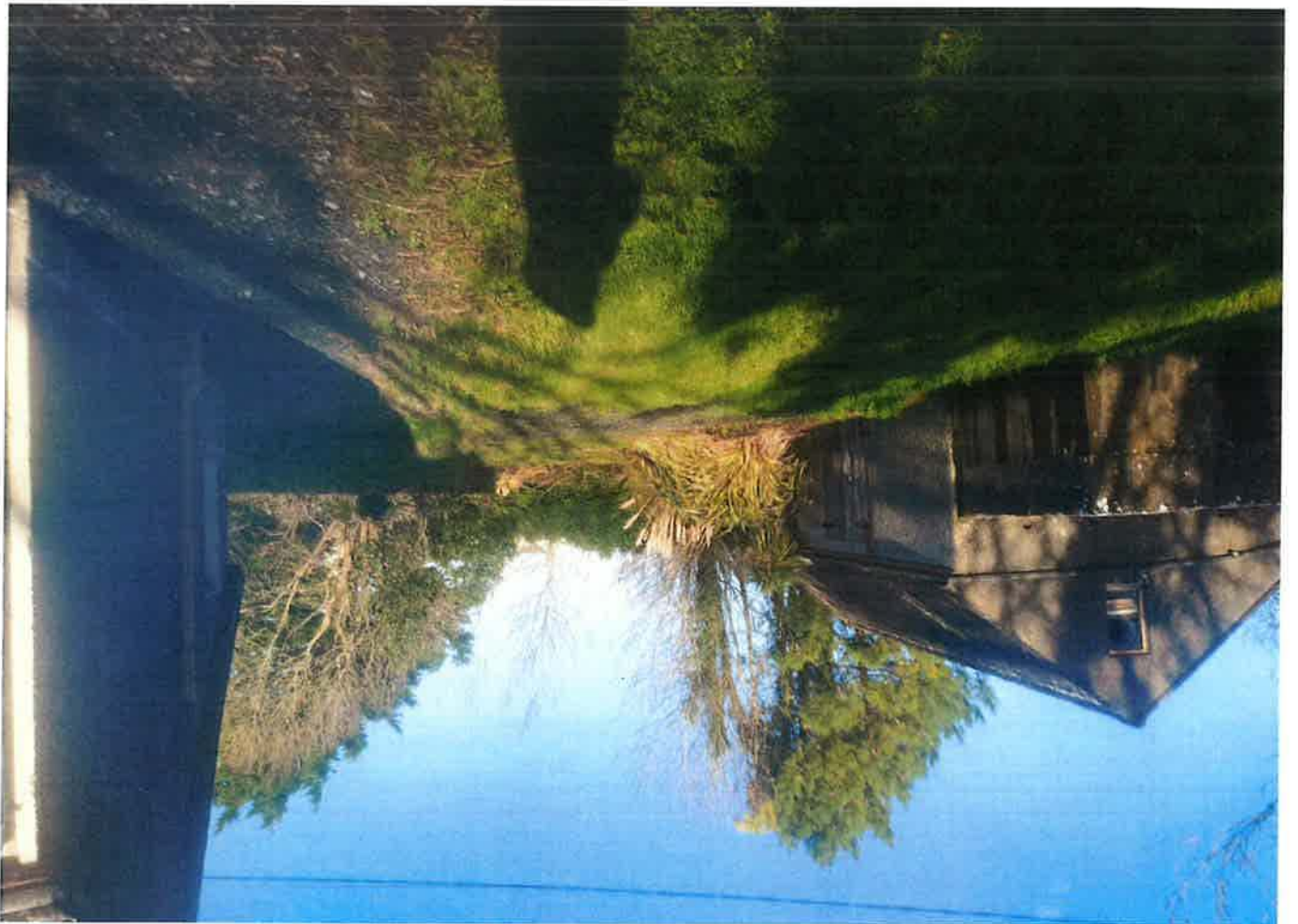
Conclusion: The proposed development is not likely to have significant effects on European site(s) in view of its conservation objectives.

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	 Name: Ellen Carey E.P.	
	18/12/24	
Signature and Date of the		

Decision Maker:





















COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Bernadette Kenny
C/o Grealish Glynn & Associates
1 The Punchbowl
Ennis Road
Gort
Co. Galway

09/12/2024

Section 5 referral Reference R24-96 – Bernadette Kenny

Is the construction of an extension to an existing dwelling house and associated works development and if so, is it exempted development?

A Chara,

I refer to your application received on 9th December 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





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

COMHAIRLE

09/12/2024 14:34:06

CONTAE

Receipt No. : L1CASH/0/372897
***** REPRINT *****

AN CHLÁIR

BERNADETTE KENNY,
C/O GREATISH GLYNN AND ASSOCIATES,
1 THE PUNCH BOWL,
ENNIS ROAD, GORT, CO. GALWAY
RE R24/96



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

Total : 80.00 EUR

Tendered .
CREDIT CARDS 80.00

Change : 0.00

COMHAIRLE

Issued By : L1CASH - Noelette Barry
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



R24-96

**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

I. CORRESPONDENCE DETAILS.	
(a) Name and Address of person seeking the declaration	Bernadette Kenny Aughinish Kinvara Co.Clare H91 X2TX
(b) Telephone No.:	0831233559
(c) Email Address:	TaraHealingArtsCentre@gmail.com
(d) Agent's Name and address:	Grealish Glynn & Associates 1 The Punchbowl, Ennis Road, Gort, 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 an extension to an existing dwelling house and associated works exempted development

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

It is proposed to construct new 39.5 sq m extension

to the rear of the existing dwelling house. The removal of internal walls and chimnies will also be completed as part of Energy Upgrade works.

- (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)

Plans, Elevations and Sections, Site layout and Site Location Map

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	Aughinish Kinvara Co. Clare H91 x2 TX
(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)?:	n/a
(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:	2024/2025

SIGNED: Mairtin Grealish (Agent)

DATE: 09/12/24

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:

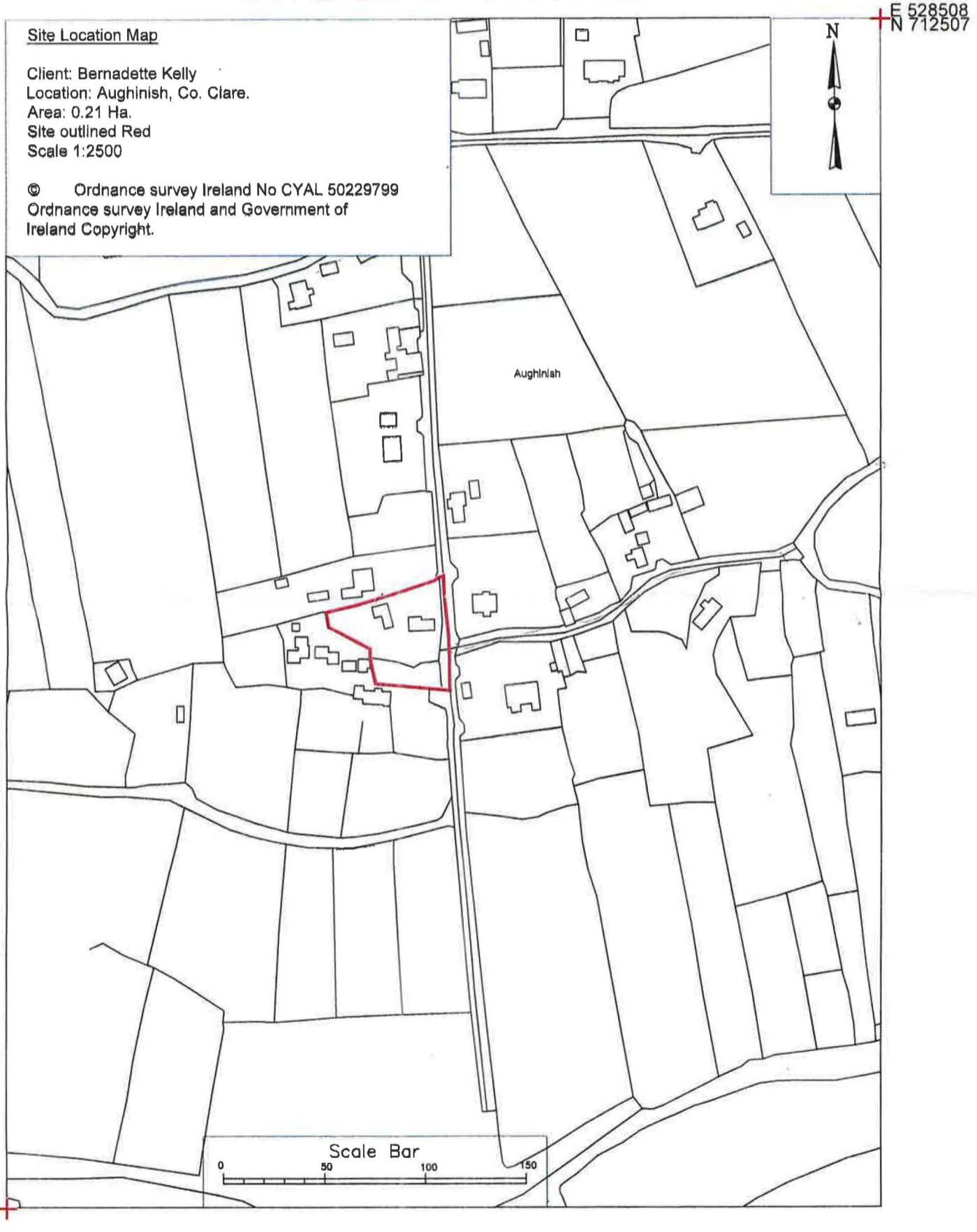
Planning Department,
Economic Development Directorate,
Clare County Council
Aras Contae an Chlair,
New Road,
Ennis,
Co. Clare
V95DXP2

- (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

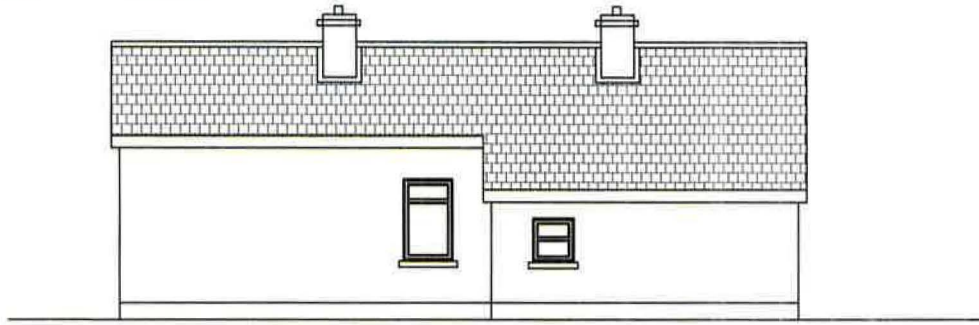
FOR OFFICE USE ONLY

Date Received:	.....	Fee Paid:	.....
Date Acknowledged:	.....	Reference No.:	.....
Date Declaration made:	.....	CEO No.:	.....
Decision:	.....	

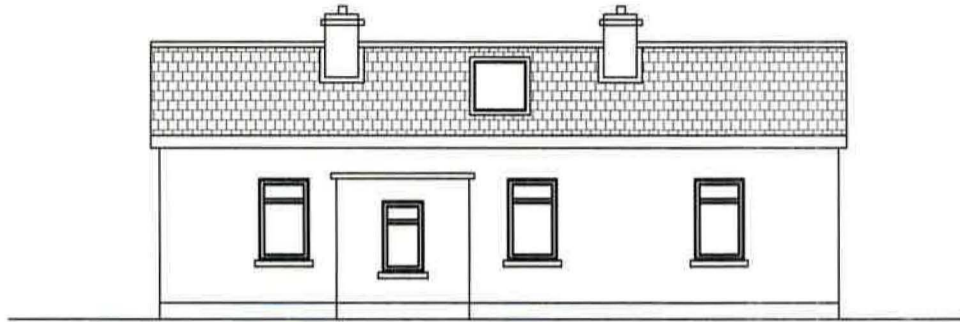
SITE LOCATION MAP



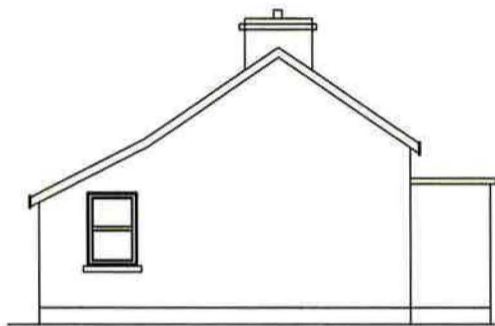
Existing Dwelling



REAR ELEVATION



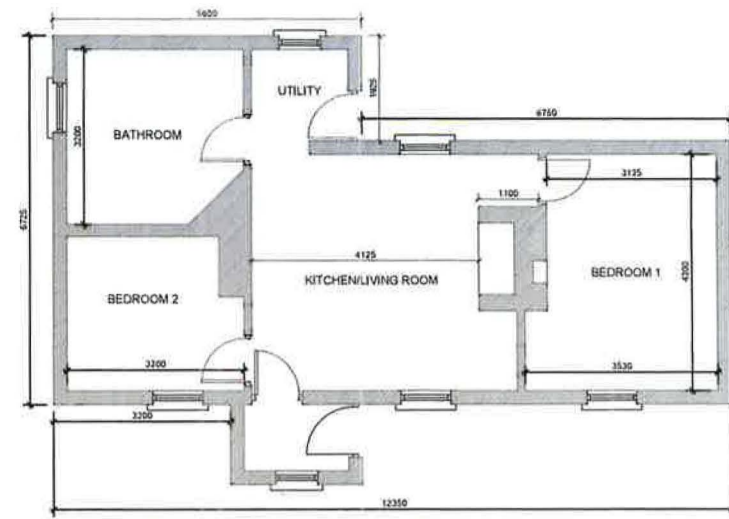
FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION

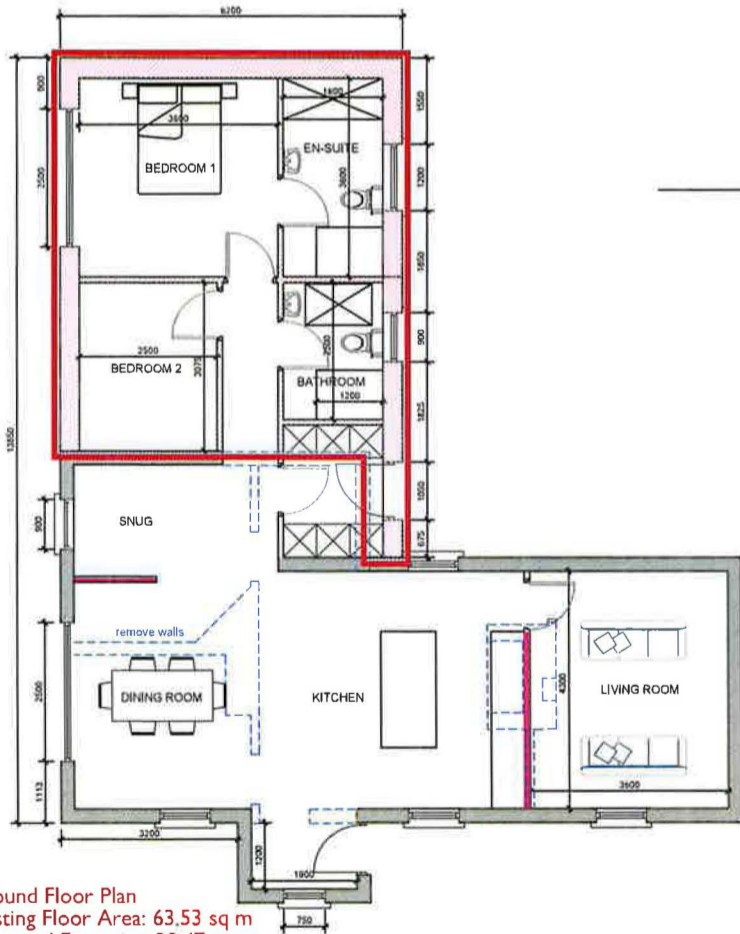


Ground Floor Plan
Existing Floor Area: 63.53 sq m

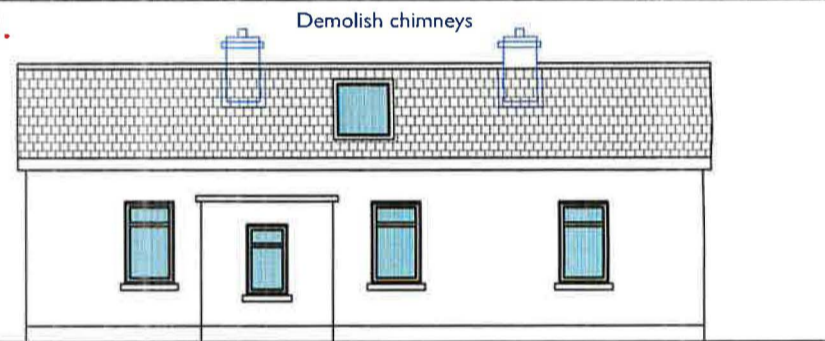


SECTION (existing)

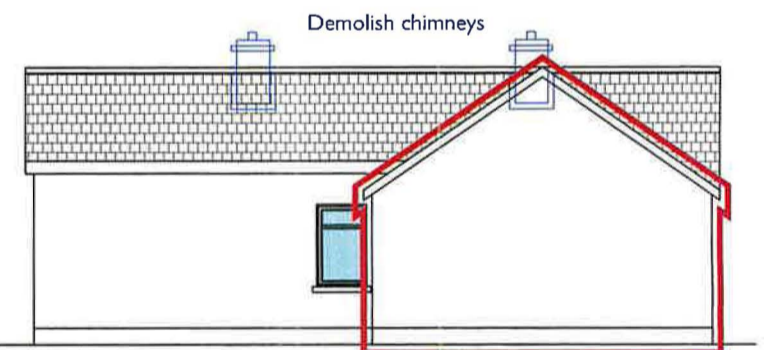
Proposed Extension (39.47 sq m) edged in red.



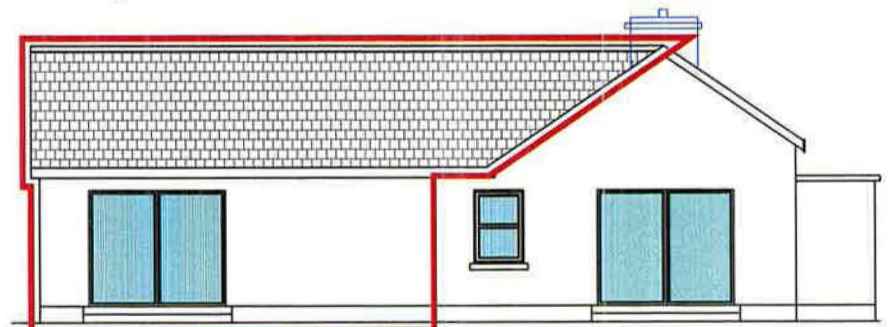
Ground Floor Plan
Existing Floor Area: 63.53 sq m
Proposed Extension 39.47 sq m



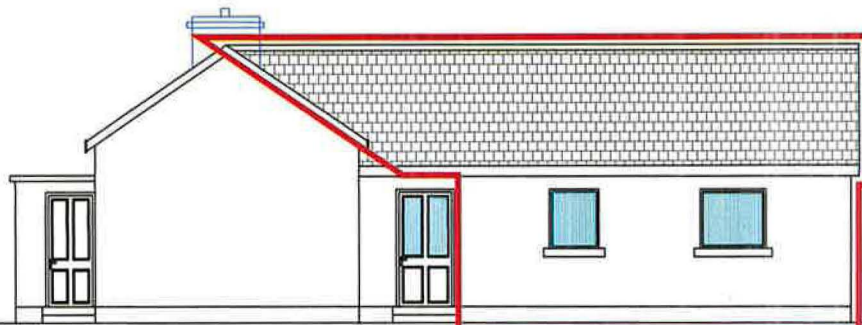
FRONT ELEVATION



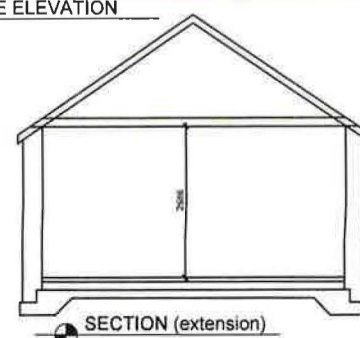
REAR ELEVATION



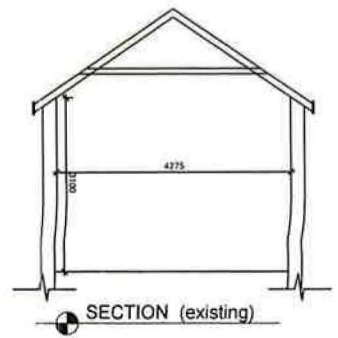
SIDE ELEVATION



SIDE ELEVATION



SECTION (extension)



SECTION (existing)