



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**Annette & Ciara Daffy
C/o Niall Geoghegan
Ballybeg
Ennis
Co. Clare**

18th February 2025

Section 5 referral Reference R25-12 – Annette & Ciara Daffy

Is the construction of a horse gallop at Lismuinga, Ruan, Co. Clare development and if so, is it exempted development?

A Chara,

I refer to your application received on 7th February 2025 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: 84959

Reference Number: R25-12

Date Referral Received: 7th February 2025

Name of Applicant: Annette & Ciara Daffy

Location of works in question: Lismuinga, Ruan, Co. Clare

Section 5 referral Reference R25-12 – Annette & Ciara Daffy

Is the construction of a horse gallop at Lismuinga, Ruan, Co. Clare development and if so, is it exempted development?

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

- (a) Sections 2 and 3 of the Planning and Development Act 2000, as amended,
- (b) Schedule 2, Part 3, Class 10 of the Planning and Development Regulations 2001 (as amended)
- (c) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- (d) The details and drawing as indicated in submitted documents from the referrer.

AND WHEREAS Clare County Council has concluded:

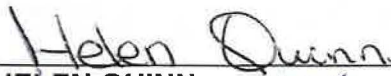

- (a) The development consisting of the construction of an unroofed and unfenced fenced horse gallop for the training and exercising of horses for private use under Class 10 constitutes "works" and "development" which come within the scope of sections 2 and 3 of the Planning and Development Act 2000, as amended.
- (b) The structure falls within the scope of Class 10 of Part 1, Schedule 2 of the Planning & Development Regulations 2001, including the conditions and limitations therein.

ORDER: Whereas by Chief Executive's Order No. HR 46 dated 1st January 2025, Carmel Kirby, Interim 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 Helen Quinn, Senior 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, Helen Quinn, Senior Planner, hereby declare that the development consisting of the construction of an unroofed and

unfenced fenced horse gallop for the training and exercising of horses at Lismuinga, Ruan, Co. Clare is considered development which is exempted development.

Signed:


HELEN QUINN
SENIOR PLANNER 

Date:

18th February 2025

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

Reference No.: R25-12



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R25-12

Is the construction of a horse gallop at Lismuinga, Ruan, Co. Clare development and if so, is it exempted development?

AND WHEREAS, Annette & Ciara Daffy has requested a declaration from Clare County Council on the said question.

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


- (a) Sections 2 and 3 of the Planning and Development Act 2000, as amended,
- (b) Schedule 2, Part 3, Class 10 of the Planning and Development Regulations 2001 (as amended)
- (c) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- (d) The details and drawing as indicated in submitted documents from the referrer.

And whereas Clare County Council has concluded:

- (a) The development consisting of the construction of an unroofed and unfenced fenced horse gallop for the training and exercising of horses for private use under Class 10 constitutes “works” and “development” which come within the scope of sections 2 and 3 of the Planning and Development Act 2000, as amended.
- (b) The structure falls within the scope of Class 10 of Part 1, Schedule 2 of the Planning & Development Regulations 2001, including the conditions and limitations therein.

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

The proposed development consisting of the construction of an unroofed and unfenced fenced horse gallop for the training and exercising of horses at Lismuinga, Ruan, 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

18th February 2025

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

FILE REF: R 25/ 12 Annette and Ciara Daffy

APPLICANT(S):

REFERENCE: Whether the construction of an horse gallop is or is not development and is or is not exempted development.

LOCATION: Lismuinga Ruan , Co. Clare

DUE DATE: 5 March 25

Site Description.

The proposed development is to be located across an area of two fields currently in agricultural use. There are four dwellings west of the subject site, the distances from which the gallop is located are shown on the drawings submitted. The farmyard is located to the southeast.

There is a national monument CL017- 144 located in the field north of the subject site, the zone of notification for which overlaps partially with the proposed location of the horse gallop.

Planning History on site

None

Details submitted with the application

- Site layout plan scale 1: 1000 showing the gallop in red and the distances to nearby dwellings and buildings.
- A cross section GG of the gallop.
- The holding map outlined in blue with the outline of the horse gallop outlined in red.
- Letter of consent from Joe Keane (dwelling no. 2) to build the gallop beside his house on the drawings submitted.
- Letter of consent from Chris Daffy, owner of house no 1., to build the gallop beside his house on the drawings submitted.
- Letter of consent from Anette Daffy, owner of house no 3, to build the gallop beside her house on the drawings submitted.
- The gallop is not fenced and is not roofed.

Background to Referral

The applicant is seeking to establish whether the construction of an unroofed horse gallop is or is not development and is or is not exempted development.

The agent has advised that the applicants are looking to construct a sand based ring/ gallop on their existing field for exercising the horses. The ring will be used periodically for exercising horses. There will be very little disturbance to the existing field. Sillage will still be cut from the field in the centre of the gallop and the outside of the gallop for the remainder of the field. The field will not be altered other than creating 2 bunds either side of the gallop 3 meters apart for containing the sand. The existing level of the field will remain the same. There's no fencing proposed around gallop.

Statutory Provisions

Planning and Development Act, 2000 (as amended)

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

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

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

'Development' are defined in Section 3 of the *Planning and Development Act 2000, as amended* as follows:

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

Planning & Development Regulations, 2001, as amended

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

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

Part 3 Exempted Development Rural- Article 6

Class 10

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 10

The erection of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface.

- No such structure shall be used for any purpose other than the exercising or training of horses or ponies.
- No such area shall be used for the staging of public events.
- No such structure shall be situated within 10 metres of any public road, and no entrance to such area shall be directly off any public road.
- The height of any such structure shall not exceed 2 metres.

Schedule 2, Article 6, Part 1 – Exempted Development General.

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

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

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

in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

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

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

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

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

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

(xi) obstruct any public right of way,

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

Assessment

Basis of Referral

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

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

Class 10

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 10

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 10

The erection of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface.

1.No such structure shall be used for any purpose other than the exercising or training of horses or ponies.

The purpose is only for the training and exercise of horses.

2.No such area shall be used for the staging of public events.

It is not proposed to be used for staging of public events.

3.No such structure shall be situated within 10 metres of any public road, and no entrance to such area shall be directly off any public road.

The structure is located 15m distance from the public road. It is not proposed to construct an entrance.

4.The height of any such structure shall not exceed 2 metres.

The structure is roofless.

Article 9 of the Planning and Development Regulations 2001, as amended

Article 9 of the Planning and Development Regulations 2001, as amended outlines restrictions on exempted development, and these are assessed below:

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

N/A- No planning history on site

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

No alterations to the existing access point are proposed.

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

N/A.

(iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,

N/A.

- (iv) *interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.*

N/A.

- (v) *consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,*

N/A This is not applicable in this instance.

- (vi) *consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development*

plan or the local area plan or the draft development plan or draft local area plan,

There is a national monument CL017- 144 located in the field north of the subject site, the zone of notification for which overlaps partially with the proposed location of the horse gallop. However having regard to the cross section of the gallop it is noted that there is not significant ground works. There are no foundations proposed and no concrete. The level of the gallop is the same as a the field within which it is located.

(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,*

There is a national monument CL017- 144 located in the field north of the subject site, the zone of notification for which overlaps partially with the proposed location of the horse gallop. However having regard to the cross section of the gallop it is noted that there is not significant ground work excavations. There are no foundations proposed and no concrete. The level of the gallop is the same as a the field within which it is located. There is also a field boundary separating the monument from the field in question.

- 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,*

N/A The subject site is 552.12m distance from Dromore Woods and Lough SAC. Having regard to the separation distance no significant effect on the integrity of a European site is envisaged. In this regard it is noted that no flood lighting is proposed as part of the development.

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

This is not applicable in this instance as the subject site is not located in a NHA or p NHA.

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

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,*

This is not applicable in this instance.

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

This is not applicable in this instance.

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

This is not applicable in this instance.

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

This is not applicable in this instance.

Conclusion

Having regard to the above it is considered that the proposed development constitutes both 'works' and 'development'.

Regard has been had to Class 10, of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended and Article 9 as amended of the same Regulations.

Recommendation

The following questions have been referred to the Planning Authority:

Whether the construction of a horse gallop is or is not development and is or is not exempted development.

The Planning Authority in considering this referral had regard to:


- (a) Sections 2 and 3 of the Planning and Development Act 2000, as amended,
- (b) Schedule 2, Part 3, Class 10 of the Planning and Development Regulations 2001 (as amended)
- (c) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- (d) The details and drawing as indicated in submitted documents from the referrer.

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

- a) the development consisting of the construction of an unroofed and unfenced fenced horse gallop for the training and exercising of horses for private use under Class 10 constitutes "works" and "development" which come within the scope of sections 2 and 3 of the Planning and Development Act 2000, as amended.
- b) The structure falls within the scope of Class 10 of Part 1, Schedule 2 of the Planning & Development Regulations 2001, including the conditions and limitations therein,

Now therefore Clare County Council (Planning Authority), hereby decides the development consisting of the construction of an unroofed and unfenced fenced horse gallop for the training and exercising of horses constitutes "works" and "development" which are exempted development.


Ellen Carey
Executive Planner
Date: 18/02/24


Helen Quinn
Senior Planner
Date: 18-02-2025.

Appropriate Assessment & Determination

STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	Section 5 R24/ 07
(b) Brief description of the project or plan:	Horse arena (unroofed)
(c) Brief description of site characteristics:	Field in agricultural use
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.				
European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N

Dromore Woods and Lough SAC	xxxxxxxxxxxx	552.12m to the east.	None	No.
-----------------------------	--------------	----------------------	------	-----

- ¹ Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.
- ² If the site or part thereof is within the European site or adjacent to the European site, state here.

STEP 3. Assessment of Likely Significant Effects	
(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:	
Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> ● Vegetation clearance ● Demolition ● Surface water runoff from soil excavation/infill/landscaping (including borrow pits) ● Dust, noise, vibration ● Lighting disturbance ● Impact on groundwater/dewatering ● Storage of excavated/construction materials ● Access to site ● Pests 	None due to nature of works comprising a laying of soft sand surface.
Operational phase e.g.	none

<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 	
In-combination/Other	none

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

<p>Examples of the type of changes to give consideration to include:</p> <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- The subject site is not within an SAC
---	---

(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
---	--

Step 4. Screening Determination Statement

The assessment of significance of effects:

Describe how the proposed development (alone or in-combination) is/is not likely to have significant effects on European site(s) in view of its conservation objectives.

The proposed works comprise and the laying of a soft sand surface in a ring for the purpose of exercising horses . The nearest SACs are Dromore Woods and Lough which is located 552m east of the subject site. There is no hydrological pathway linking the subject site to the SAC.

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

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input 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.**

06/02/24

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



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Annette & Ciara Daffy
C/o Niall Geoghegan
Ballybeg
Ennis
Co. Clare

10/02/2025

Section 5 referral Reference R25-12 – Annette & Ciara Daffy

Is the construction of a horse gallop at Lismuinga, Ruan, Co. Clare development and if so, is it exempted development?

A Chara,

I refer to your application received on 7th February 2025 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 Stiúrtóireacht Forbairt Gheilleagrach

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

Planning Department
Economic Development Directorate

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



**CLARE
COUNTY COUNCIL**

07 FEB 2025

P07 Request for a Declaration on Development and Exempted Development (March 2017)

P07

Received
CLARE COUNTY COUNCIL
Planning Section
COMHAIRLE CONTAE AN CHLÁIR



Comhairle Contae an Chláir
Clare County Council

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

R25-12

**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	<u>Annette and Ciara Daffy</u> <u>Lismuinga, Ruan, Ennis, Co Clare</u>
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	<u>Niall Geoghegan</u> <u>Ballybeg, Ennis, Co. Clare</u> <hr/> <hr/> <hr/>

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 horse gallop at Lismuinga, Ruan, 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.

The applicants are looking to construct a sand based ring on their existing field for exercising the horses, this ring (gallop) will be used periodically for exercising horses. There will be very little disturbance to the existing field, silage will be still be cut from the field in the centre of the gallop and the outsides of the gallop for the remainder of the field. The field will not be altered other than creating two bunds either side of the gallop 3.0 meters apart for containing the sand. the existing level of the field will remain the same. There is no fencing proposed around the gallop.

(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)

2 Copies of map extract scale 1:1000 showing section of gallop and distances from neighbouring residences 2 copies of scale 1:2500 map showing location of ring in red and landholding in blue

2 Copies of letters of consent from residences within 100meters of Proposed Gallop

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	Lismuinga , Ruan, 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):	applicants are land owners _____ _____
(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>	applicants are landowners _____ _____
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	applicants are the landowners
(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>	None on gallop site
(h) Date on which 'works' in question were completed/are likely to take place:	July 2025

SIGNED: Ciarra Daffy

DATE: 07/02/2025

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

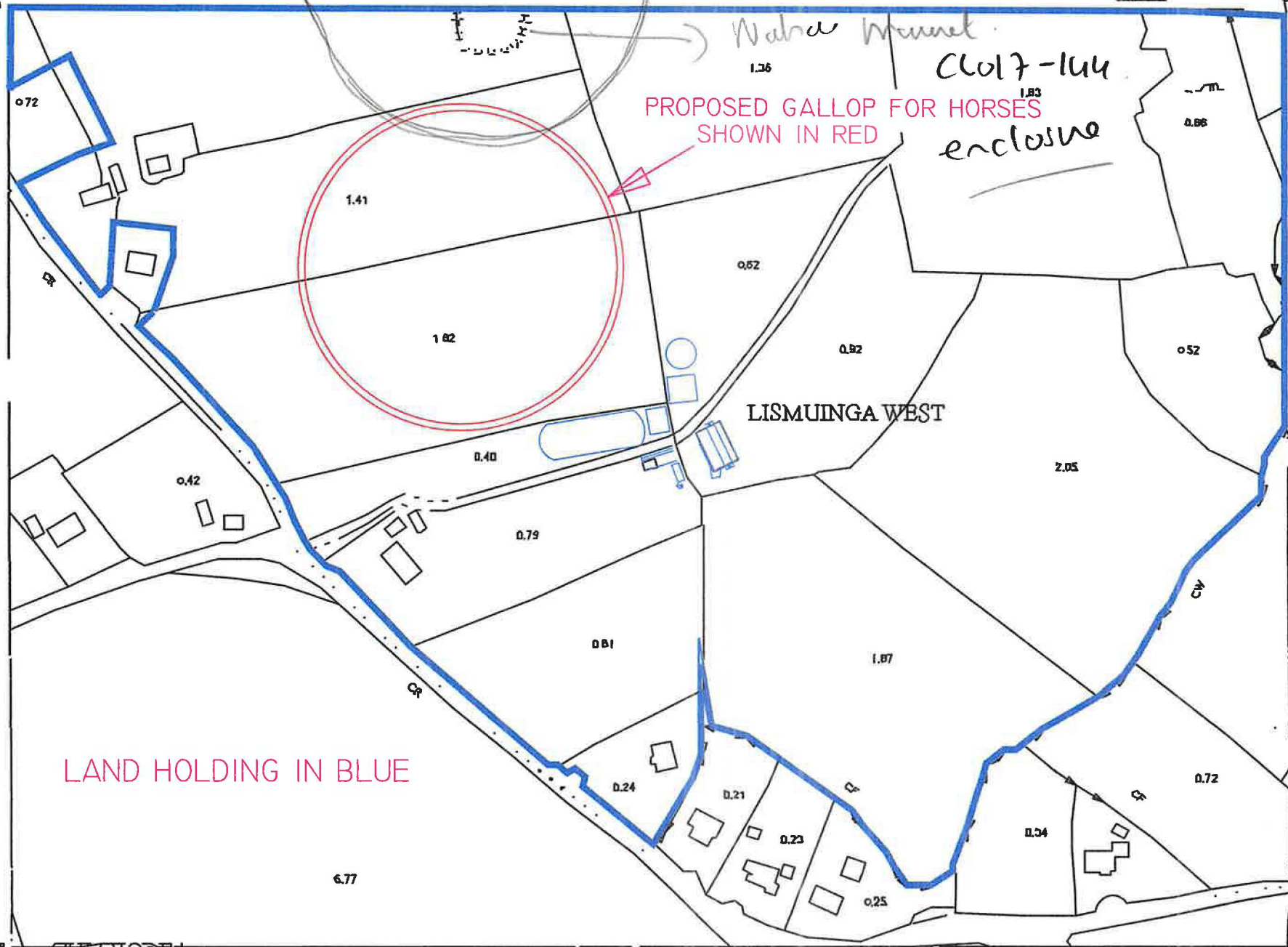
- (v) Notwithstanding the completion of the above form, the Planning Authority may require the submission of further information with regard to the request in order to enable the Authority to issue a declaration on the question.
- (vi) The Planning Authority may also request other persons to submit information 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:	

Surveyed 1995
 Revised 2004
 Levelled

Rural PLACE Map



TYPE: RURAL PLACE
 532593, 687661

DESCRIPTION

MAP SHEETS

Digital Map
 408B



Produced by The Map Store,
 Galway County Council, County Buildings,
 Prospect Hill Co. Galway
 Ordnance Survey Ireland,
 Parnell Park, Dublin 8

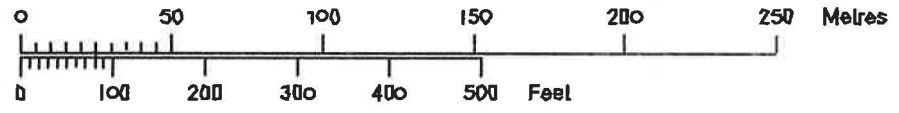
Seoicéir na n-ádhúlachtaí agus na n-ádhúlachtaí
 Stáisiún na n-ádhúlachtaí
 Flúcháil na n-ádhúlachtaí
 Úsáid neamhothráilíoch
 Saite: Ireland and Government of Ireland
 copyright.

Each card contains the coordinates and other
 data for each map sheet. A map sheet is
 a sheet of paper on which the map is
 printed. All rights reserved. No part of this publication may
 be copied, reproduced or transmitted in any form
 or by any means without the prior written
 permission of the copyright owner.

© Suirbhíreachtí Ordánais Éireann, 2007
 © Ordnance Survey Ireland, 2007

LAND HOLDING IN BLUE

Scale:- 1:2,500
 Scale:- 1:2,500



Plot Ref. No. I180904_7_6
 Plot Date 15-JAN-2007



I Joe Keane the owner of dwelling number 2 on the map give permission to build gallop beside my house as show on the drawing.

Joe Keane
4/2/25

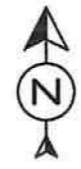
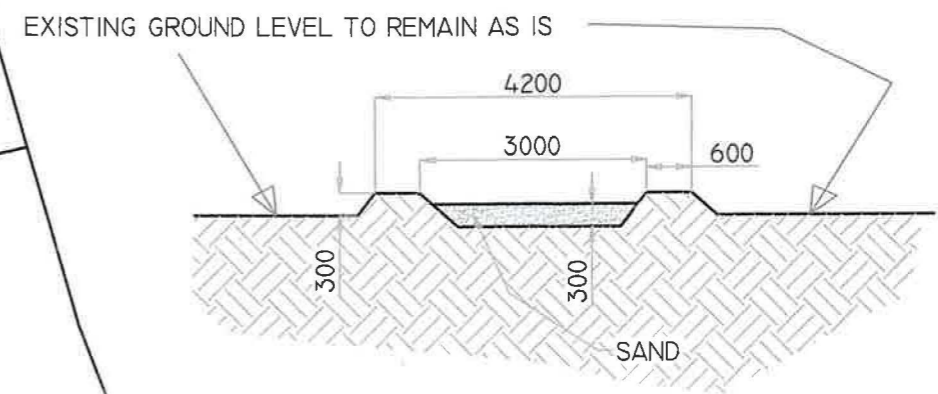
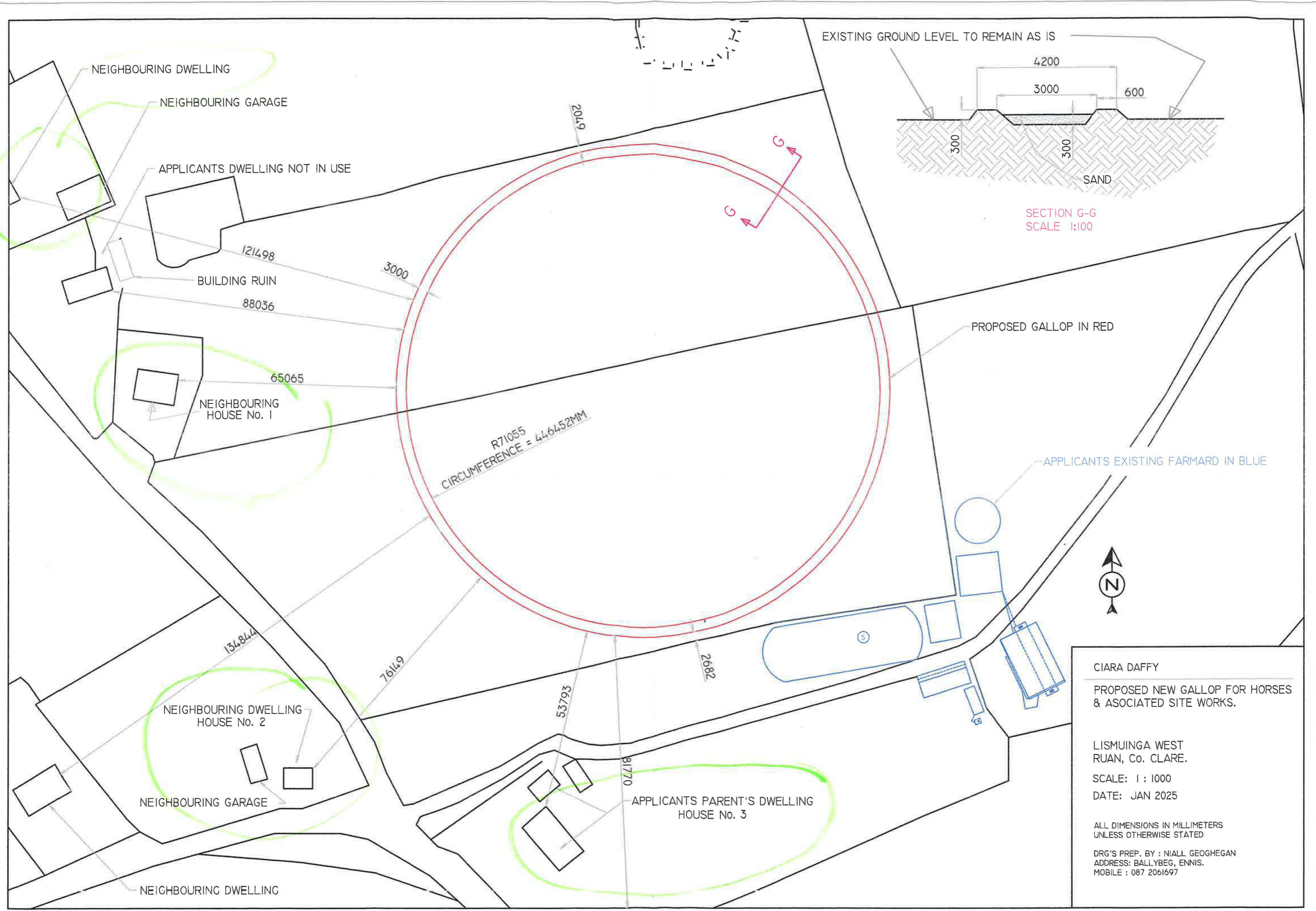
I Chris Daffy the owner of dwelling number 1 on the map give permission to build gallop beside my house as show on the drawing.

Christine Daffy

4/2/25

I Annette Daffy the owner of dwelling number 3 on the map give permission to build gallop beside my house as show on the drawing.

Annette Daffy
4/2/25



CIARA DAFFY
 PROPOSED NEW GALLOP FOR HORSES
 & ASSOCIATED SITE WORKS.

 LISMUNGA WEST
 RUAN, Co. CLARE.
 SCALE: 1 : 1000
 DATE: JAN 2025

 ALL DIMENSIONS IN MILLIMETERS
 UNLESS OTHERWISE STATED

 DRG'S PREP. BY : NIALL GEOGHEGAN
 ADDRESS: BALLYBEG, ENNIS.
 MOBILE : 087 2061697