



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

Anastasiia Podolska
Plop Cottage
Lemonfield
Crecora
Co. Limerick
V94 W0YC

15th August 2025

Section 5 referral Reference R25-64 – Anastasiia Podolska

Is the temporary placement of a mobile sauna (in a trailer) at Ballycuggeran Blueway access point development and if so, is it exempted development?

A Chara,

I refer to your application received on 22nd July 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 Coimisiún Pleanála of the required fee, refer a declaration for review by An Coimisiún 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.

Advice Note to Applicant:

Please note that the proposed location of the mobile sauna is public land. A license under Section 254 of the Planning & Development Act 2000, as amended will be required. Please contact the Property Management Section of Clare County Council regarding consent of the use of public land, which will be required in order to commence the Section 254 license application process.

Mise, le meas

Kieran O'Donnell
Administrative Officer
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



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

Reference No.: R25-64



**Comhairle Contae an Chláir
Clare County Council**

Section 5 referral Reference R25-64

Is the temporary placement of a mobile sauna (in a trailer) at Ballycuggeran Blueway access point development and if so, is it exempted development?

AND WHEREAS, Anastasiia Podolska 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) The works as indicated in submitted documents from the referrer.

And whereas Clare County Council has concluded:

- (a) The temporary placement of a mobile sauna (on a trailer) at Ballycuggeran Blueway Access Point, Killaloe, Co. Clare does not constitute "works" as defined under Section 2(1) of the Planning and Development Act 2000, as amended;
- (b) The temporary placement of a mobile sauna (on a trailer) at Ballycuggeran Blueway Access Point does not constitute a material change of use of any land.
- (c) The said temporary placement of a mobile sauna (on a trailer) at Ballycuggeran Blueway access point, Killaloe, Co. Clare does not constitute "development" as defined under Section 3(1) of the Planning and Development Act 2000, 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 temporary placement of a mobile sauna (on a trailer) at Ballycuggeran Blueway Access Point, Killaloe, Co. Clare **does not constitute development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

**Kieran O'Donnell
Administrative Officer
Planning Department
Economic Development Directorate**

15th August 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:

86117

Reference Number:

R25-64

Date Referral Received:

22nd July 2025

Name of Applicant:

Anastasiia Podolska

Location of works in question:

Ballycuggeran Blueway Access Point,
Twomilegate, Killaloe, Co. Clare

Section 5 referral Reference R25-64 – Anastasiia Podolska

Is the temporary placement of a mobile sauna (in a trailer) at Ballycuggeran Blueway access point 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) The works as indicated in submitted documents from the referrer.

AND WHEREAS Clare County Council has concluded:

- (a) The temporary placement of a mobile sauna (on a trailer) at Ballycuggeran Blueway Access Point, Killaloe, Co. Clare does not constitute "works" as defined under Section 2(1) of the Planning and Development Act 2000, as amended;
- (b) The temporary placement of a mobile sauna (on a trailer) at Ballycuggeran Blueway Access Point does not constitute a material change of use of any land.
- (c) The said temporary placement of a mobile sauna (on a trailer) at Ballycuggeran Blueway access point, Killaloe, Co. Clare does not constitute "development" as defined under Section 3(1) of the Planning and Development Act 2000, as amended;

ORDER:

Whereas by Chief Executive's Order No. HR 343 dated 19th May 2025, Gordon Daly, 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 Kieran O'Donnell, Administrative Officer, 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, Kieran O'Donnell, Administrative Officer, hereby declare that the temporary placement of a mobile sauna (on a trailer) at

Ballycuggeran Blueway Access Point, Killaloe, Co. Clare is not considered development.

Signed:


KIERAN O'DONNELL
ADMINISTRATIVE OFFICER

Date:

15th August 2025

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF:	R25-64
APPLICANT(S):	Anastasiia Podolska
REFERENCE:	Whether the temporary placement of a mobile sauna (in a trailer) is or is not development and is or is not exempted development.
LOCATION:	Ballycuggeran Blueway Access Point, Twomilegate, Killaloe, Co Clare
DUE DATE:	21 st August 2025

Site Location

The proposal site is located at the Ballycuggeran Amenity Area, on the lakeshore between Ogonelloe and Killaloe. A short stretch of local road c.60m in length, links the Regional Road to the pier and jetty/pontoon which are the access point to the Ballycuggeran Blueway. There is a formally delineated parking area on the north side of the local road. These are parallel spaces, with room for 5 to 6 vehicles. More haphazard, informal parking also occurs on the verge/footpath on the south side of the local road and on the pier itself.

Based on the submitted map, it appears that the applicant intends to place the mobile sauna in one of the delineated parallel parking spaces on the north side of the local road.

Recent Planning History

No previous planning applications on the proposal site.

To the East

P16/168 Waterway Ireland granted permission. The development will consist of upgrade and enhancement of the existing Canoe Trail at Lough Derg in Counties Tipperary, Clare, Galway and thirteen concurrent applications are being made to the requisite authorities. The development at Ballycuggeran will consist of new trail signage, canoe storage cage, upgrade infrastructure in order to facilitate the enhanced Canoe Trail. A Natura Impact Statement has been prepared in respect of the overall proposed Canoe Trail and submitted with the application.

Background to Referral

This Referral under Section 5(1) of the Planning and Development Act 2000 (as amended) has been made by Anastasiia Podolska. She states that the land is owned by Clare County Council. It is stated that as the public land authority, the Council is aware of the submission.

The applicant is seeking a Section 5 Declaration as to whether the temporary placement of a mobile sauna (in a trailer) is or is not development and is or is not exempted development.

Drawings of the sauna unit have been submitted. The referral documents state that the sauna is a wooden structure mounted on a double-axle trailer, approximately 3 meters long and 1.7 meters wide. It is fully mobile and towed by a car. The sauna does not have a permanent foundation and is not connected to services (electricity, water, drainage).

It is submitted that the sauna will be placed at Ballycuggeran for occasional use. It was be placed for a few hours at a time and then removed after each session. No structural works will take place on the site. The sauna will be operated year-round. It will be placed near the public car park.

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.

Assessment

It is firstly necessary to determined whether the placement of a mobile sauna on the site comes within the scope of *works*" as defined under Section 2(1) of the Planning and Development Act 2001 (as amended).

Given that the sauna is trailer-mounted, with no permanent foundation and no connection to service, the proposal does not include any act or operations of:

- Construction
- Excavation
- Demolition
- Extension
- Alteration
- Repair
- Renewal

The proposal does not therefore constitute *works* as defined in the Act.

Having regard to the definition of *development* set out under Section 3(1) of the Act, and noting that the placing of a mobile sauna is not *works*, it must then be determined whether the proposal constitutes *the making of any material change in the use of any land or structures situated on land*.

The exact location for the placing of the sauna is not clearly defined in the submitted drawings. In any event, given that the Ballycuggeran Amenity Area has a high level of activity and is an intensely used amenity space during the summer season, the sauna unit is unlikely to consistently secure the same parking location on each occasion it is present on the site.

The proposed siting will therefore be either a formally delineated parking space, an informal location on the public road, or on the pier itself. The current use of the lands can be considered to be a parking, roads and access use associated with the Blueway and wider amenity area.

The mobile sauna is a business use. It is temporary in nature. The primary use of the area for parking and access is unaltered once the mobile sauna is removed, nor will the primary function of the surrounding land be altered by the proposal. In this regard, I do not consider the placing of a mobile sauna unit (on a trailer) constitutes a material change of use of the lands.

The temporary placement of a mobile sauna (on a trailer) at Ballycuggeran Blueway Access Point is not development.

Notwithstanding the foregoing, the area in which it is proposed to locate to mobile sauna is public land. A licence under Section 254 of the Act will be required for the activity. The applicant should be advised to contact the Property Management Section of Clare County Council to commence discussions regarding the proposal.

Recommendation

The following questions have been referred to the Planning Authority:

Whether the temporary placement of a mobile sauna (on a trailer) at Ballycuggeran Blueway Access Point, Killaloe, Co. Clare access point 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, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) The works as indicated in submitted documents from the referrer.

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

- (a) The temporary placement of a mobile sauna (on a trailer) at Ballycuggeran Blueway Access Point, Killaloe, Co. Clare does not constitute "works" as defined under Section 2(1) of the Planning and Development Act 2000, as amended;
- (b) The temporary placement of a mobile sauna (on a trailer) at Ballycuggeran Blueway Access Point does not constitute a material change of use of any land.
- (c) the said temporary placement of a mobile sauna (on a trailer) at Ballycuggeran Blueway access point, Killaloe, Co. Clare does not constitute "development" as defined under Section 3(1) of the Planning and Development Act 2000, as amended;

Now therefore Clare County Council (Planning Authority), hereby decides that the temporary placement of a mobile sauna (on a trailer) at Ballycuggeran Blueway Access Point, Killaloe, Co. Clare is not development.


Executive Planner

Date: 11/08/2025

Noted

KOD

14/08/25



Senior Planner

Date: 14/08/2025

MB :

Please inform the applicant that the proposed location of the mobile sauna is public land. A licence under Section 254 of the Act will be required. They are advised to contact the Property Management Section of Clare Council regarding consent for the use of public land, which will be required in order to commence the licence application process.



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Anastasiia Podolska
Plop Cottage
Lemonfield
Crecora
Co. Limerick
V94 W0YC

22/07/2025

Section 5 referral Reference R25-64 – Anastasiia Podolska

Is the temporary placement of a mobile sauna (in a trailer) at Ballycuggeran Blueway access point development and if so, is it exempted development?

A Chara,

I refer to your application received on 22nd July 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
Aras Contae an Chlair
New Road
Ennis
Co Clare

22/07/2025 11:50:50

Receipt No : L1CASH/0/381877
***** REPRINT *****

Anastasia Podolska
Plop Cottage
Lernonfield, Crecora,
Limerick V94 WOYC
ref. R25-64

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

Total : 80.00 EUR

Tendered :
MONEY ORDER 80.00

Change : 0.00

Issued By : L1CASH - Colm Murphy
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



R25-64

**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><i>ANASTASIJA Podolska</i> <i>Plop Cottage; Lemontfield;</i> <i>Crecora; Limerick</i></p> <p>Eircode: <i>V94W0YC</i></p>
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	<p>EIRCODE:</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 temporary placement of a mobile SAUNA (in a trailer) at Ballycuggeran Blueway Access Point considered 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 SAUNA is a wooden structure mounted on a double-axle trailer, approximately 3 meters long and 1.7 meters wide. It is fully mobile and towed by a car. The SAUNA doesn't have a permanent foundation and is not connected to services (electricity, water, drainage).

It is intended to be temporarily placed at Ballycuggeran Blueway Access Point for occasional use. The SAUNA will be placed for a few hours at a time and then removed after each session. No structural works will take place on site. The SAUNA will be operated year-round. It will be placed near the public car park.

- (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)

- site location map (1:2500);
- floor plan of the SAUNA (top-down)
- side elevation drawing of the SAUNA trailer;
- postal order
- photo of SAUNA (inside and outside)

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	Pier area beside Ballycuggeran Bluenway Access Point, Near Public car park, Killaloe; 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):	Not an owner. Mobile sauna placed temporarily on public land under the control of Clare County Council. No works in.
(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>	Clare County Council
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?	Yes, Clare County Council as the public land authority is aware of submission.
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	No
(g) Were there previous planning application/s on this site? If so please supply details:	No
(h) Date on which 'works' in question were completed/are likely to take place:	From August 2025, with occasional short term use throughout the year.

SIGNED: Anastasia PodolskaDATE: 15.07.2025

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:.....	

Planning Pack Map



COMPILED AND PUBLISHED BY:

Tailte Éireann,
Loenix Park,
Dublin 8,
Ireland.
08F6E4

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ITM 568669,676407

PUBLISHED:
22/07/2025

MAP SERIES:
1:5,000

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MAP SHEETS:
4331

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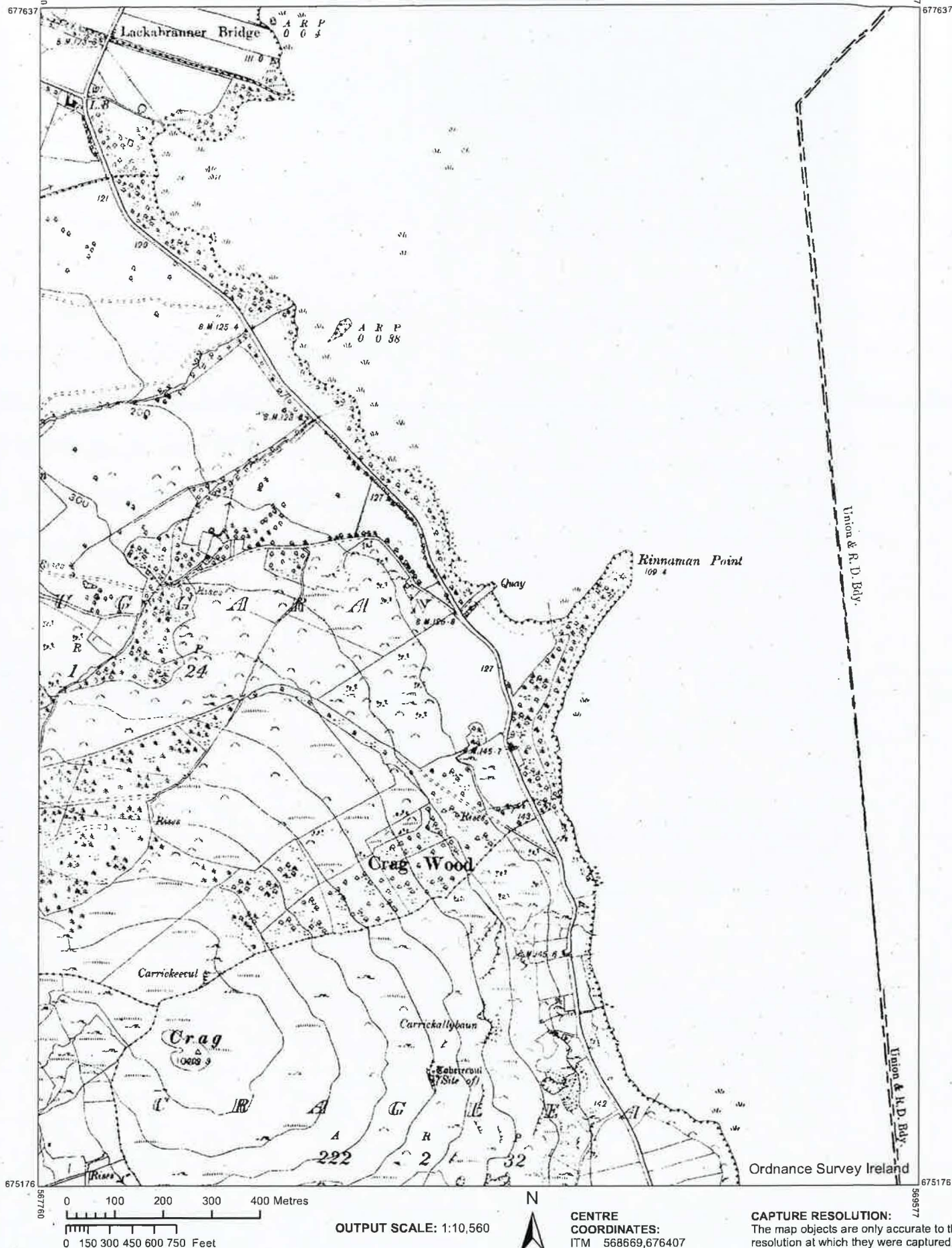
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Site Location Map



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CENTRE

COORDINATES:
ITM 568669,676407

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22/07/2025

MAP SERIES:
6 Inch Raster
6 Inch Raster
6 Inch Raster

ORDER NO.:
50480049_1

MAP SHEETS:
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TY019
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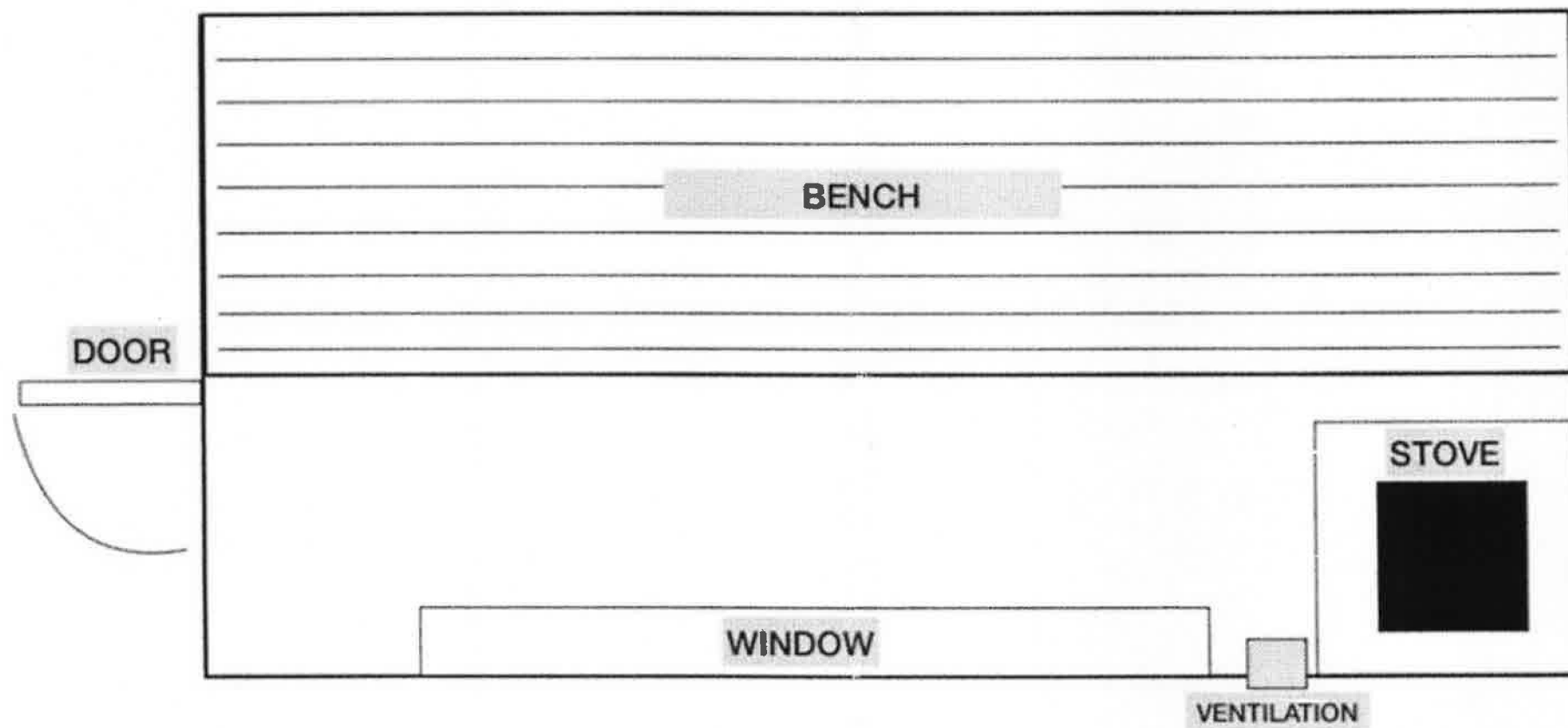
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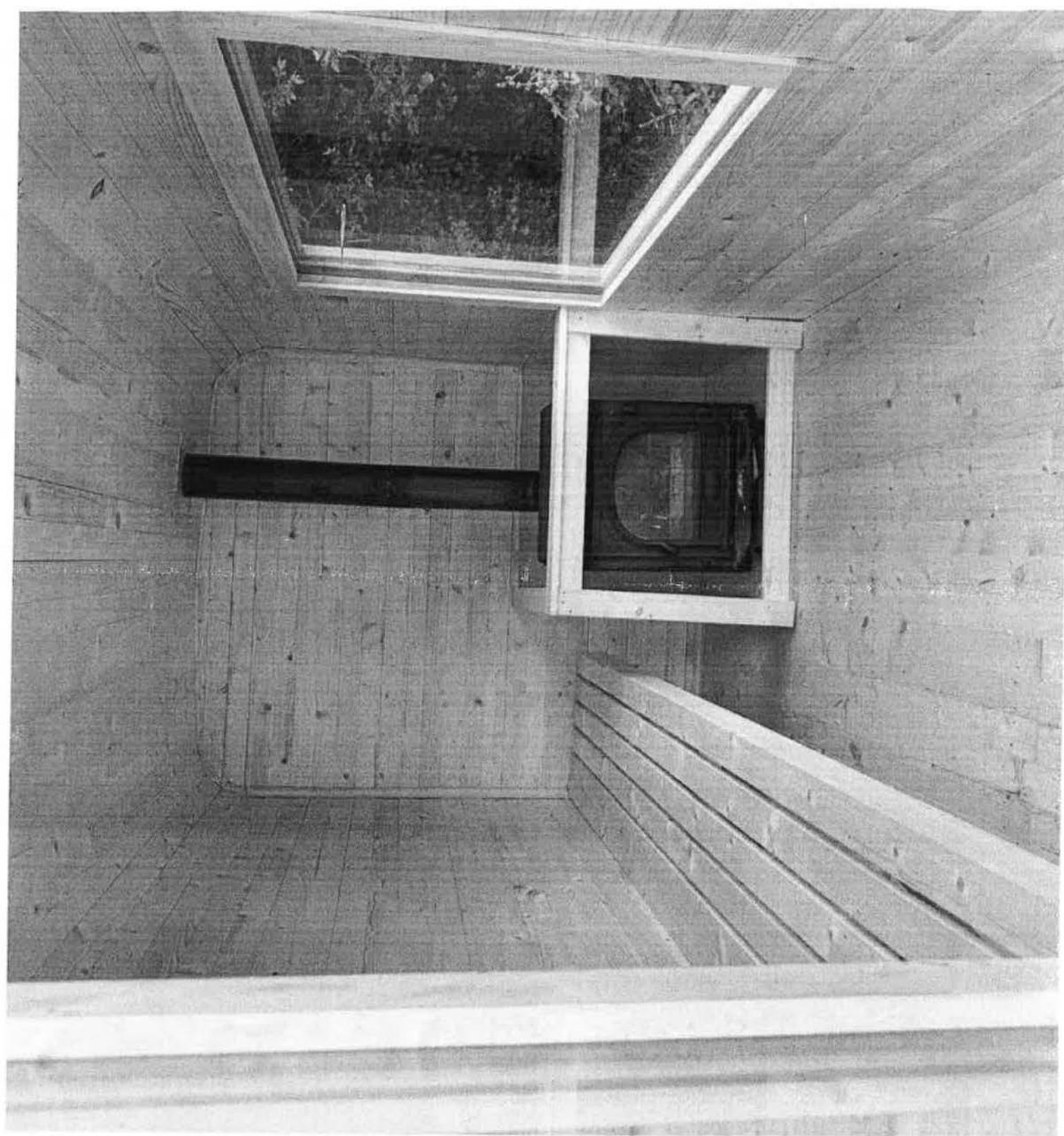
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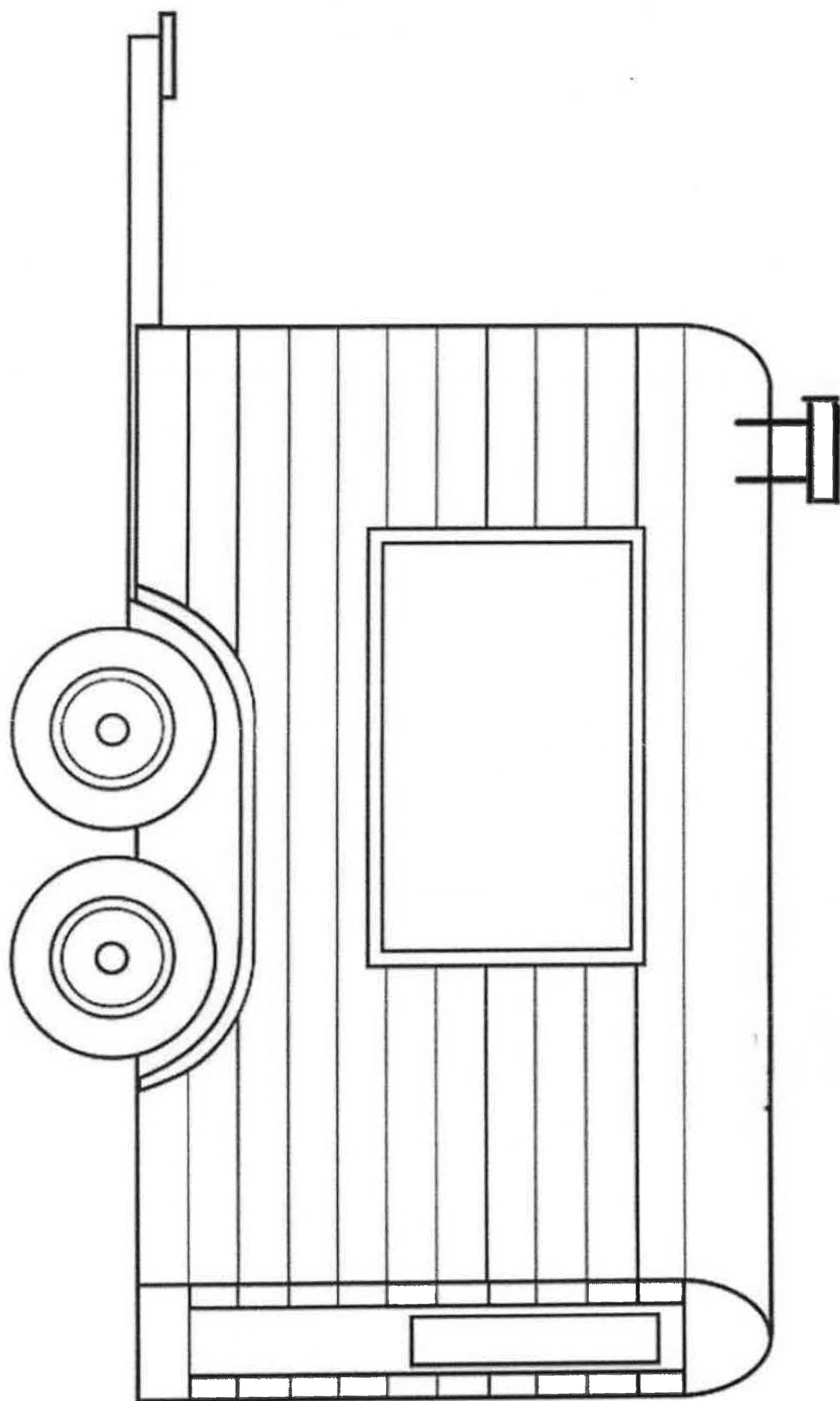
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**Tailte
Éireann**







Ballycuggaran

Ballycuggaran

Blueway Access Point

Нещодавно переглянуті

Castleconnell
cursions (Killaloe)

щодавно переглянуті

ourse

дник

West Lake Aqua
Park Killaloe

Нещодавно переглну тті