



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**Paul & Orla Burke
C/o Brian Foudy & Associates Ltd
Osprey House, Carmody Street
Ennis, Co. Clare
V95 F720**

18th February 2025

Section 5 referral Reference R25-8 – Paul & Orla Burke

Is the proposed rear extension as shown in the enclosed plans considered exempted development under Schedule 2, Part 1, Class 1 of the Planning & Development Regulations?

A Chara,

I refer to your application received on 23rd January 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:

84958

Reference Number:

R25-8

Date Referral Received:

23rd January 2025

Name of Applicant:

Paul & Orla Burke

Location of works in question:

Ballymaclinaun, Clahane, Co. Clare

Section 5 referral Reference R25-8 – Paul & Orla Burke

Is the proposed rear extension as shown in the enclosed plans considered exempted development under Schedule 2, Part 1, Class 1 of the Planning & Development Regulations?

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 9 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 a rear extension to an existing dwelling 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 said development falls within the scope of the Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 9.

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 construction of a rear extension to an existing dwelling, in accordance

with the drawings and details received by the Planning Authority at Ballymaclinaun, Clahane, Co. Clare is considered development which is exempted development.

Signed:


HELEN QUINN
SENIOR PLANNER *Asf*

Date:

18th February 2025

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

Reference No.: R25-8



**Comhairle Contae an Chláir
Clare County Council**

Section 5 referral Reference R25-8

Is the proposed rear extension as shown in the enclosed plans considered exempted development under Schedule 2, Part 1, Class 1 of the Planning & Development Regulations?

AND WHEREAS, Paul & Orla Burke 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 9 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 a rear extension to an existing dwelling 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 said development falls within the scope of the Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 9.

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

The proposed development consisting of the construction of a rear extension to an existing dwelling, in accordance with the drawings and details received by the Planning Authority at Ballymaclinaun, Clahane, 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

COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION

FILE REF:	R25- 8
APPLICANT(S):	Paul and Orla Burke
REFERENCE:	Is the proposed rear extension as shown in enclosed plans considered exempted development under Schedule 2 part 1 Class1 of the Planning and Development Regulations and if so, is it exempted development,
LOCATION:	Ballymaclinaun, Clahane.
DUE DATE:	19th February 2025

Site Location

The site is located in Ballymaclinaun. There are no developments on either side of the subject site. The dwelling is single storey detached.

Planning History

05/ 2330 Anna Droney. Permission granted to construct dwelling house, garage and sewerage treatment system.

UD 07/ 246. File closed. (related to noncompliance with conditions)

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Paul and Orla Burke .

The referral question is as follows- whether the proposed rear extension is considered development and if so, is it exempted development.

Statutory Provisions

(1) 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.

(2) Planning & Development Regulations, 2001, as amended

Subject to article 9, development of a class specified in column 1 of Part 1 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 1 opposite the mention of that class in the said column 1

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 1

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.

1. (a)

Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

(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.

(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.

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.*

6. (a)

Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

(b)

Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

(c)

Where the house is detached and the floor area of the extension aboveground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

7. *The roof of any extension shall not be used as a balcony or roof garden.*

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,

(vi) 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 unauthorized structure or a structure the use of which is an unauthorized 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 proposed rear extension at Ballymaclinaun is considered development and if so, is it exempted development.

Particulars of the Development

- Floor area of extension:39.4m²
- It is proposed to construct the extension to the rear of the existing cottage.
- Elevation and layout drawings show the existing and proposed development . The agent has advised that the proposed zinc standing seam fascia is slightly higher than the exiting fascia and may not be in full compliance with 4 (c) in the conditions and limitations of this exemption. The section 5 is lodged to seek clarification in this regard.
- The proposed extension comprises a bedroom and sun lounge.

The proposed extension to the rear of the cottage is considered in the context of Schedule 2, Part 1, Class1 of the Planning and Development Regulations 2001 (as amended) which provides for the following class of exempted development.

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.

The extension is located to the rear of the existing dwelling house.

1. (a)

Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

The house has not been previously extended. The floor area of the extension is 39.4m².

(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.

N/A. The house is detached.

(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. The subject dwelling is a single storey detached structure.

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 were undertaken. The floor area of the subject extension is less than 40m²

(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. The house is detached.

(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. The proposed extension is located on the ground floor area only.

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

Not applicable – extension is at ground floor level.

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.

The rear wall of the house includes a gable.

(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.

The rear wall of the house includes a gable.

The height of the walls of the rear extension does not exceed the height of the side walls of the house. The height of the walls of the extension match the height of the walls of the house. This is measured assuming that the height of the wall excludes the zinc cladding roof.

(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.

In this case the height of the highest part of the roof structure does not exceed the height of the highest part of the roof of the dwelling.

4. 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.

In excess of 25m² remains.

5. (a)

Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

This is complied with.

(b)

Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

N/A

(c)

Where the house is detached and the floor area of the extension aboveground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

N/A

6. *The roof of any extension shall not be used as a balcony or roof garden.*

Not applicable.

Having regard to the above and to the details as submitted, I consider that the extension as constructed is exempt from the requirement to obtain permission under Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended) as the conditions and limitations on this form of exempted development as are set out in of Schedule 2, Part 1, Class1 of the Planning and Development Regulations 2001 (as amended) have been met.

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

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

The proposal does not contravene a condition of any previous permission.(Hold for 05/2330)

(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 access points onto the public road network are affected by the proposal.

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

The proposal does not create a traffic hazard or obstruct road users in the area.

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

The proposal site is not located in a solar safeguard zone.

(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,

No applicable to the proposal

(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

Not applicable to this proposal

(vi) 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.

The subject extension is located to the rear of a rural residence. The development does not interfere with the character of the area.

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

Not applicable to this proposal

(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,

There are no known archaeological features in the vicinity of the proposal site.

(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,

Having regard to the nature, scale and location of the proposed development, the likely zone of influence is no greater than 1km.

There are no European sites within 1km of the proposed development location.

In the absence of proximity or connectivity to a European Site, no Appropriate Assessment issues arise and I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects, on a European Site.

Appropriate assessment is not therefore required.

(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."

No applicable in this instance

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

Not applicable to this proposal

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

Not applicable 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,

Not applicable in this instance

(xi) obstruct any public right of way,

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.

The development site is not within an Architectural Conservation Area.

Assessment;

The following question has been referred to the Planning Authority:

“ Whether the construction of a rear extension at Ballymaclinaun is development and if so, is it exempted development”.

In this case the proposed extension meets the conditions and limitation that apply to the class of exempted development as set out under Schedule 2, Part 1, Class1 of the Planning and Development Regulations 2001 (as amended) which provides for the following class of exempted development.

Conclusion

Having regard to the above it is considered that the proposed development constitutes both ‘works’ and ‘development’. Regard has been had to Class 9, 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 rear extension at Ballymaclinaun, Clanhane is development and if so, is it exempted development 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 9 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 a rear extension to an existing dwelling 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 said development falls within the scope of the Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 9.

Now therefore Clare County Council (Planning Authority), hereby decides that the construction of a rear extension to an existing dwelling in accordance with the drawings and details received by the Planning Authority, at Ballymaclinaun, Clahane, Co. Clare is development and is exempted development.


Ellen Carey
Executive Planner
Date: 18/04/25


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

Assessment & Determination

STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	Section 5 R 25- 8
(b) Brief description of the project or plan:	Domestic extension
(c) Brief description of site characteristics:	Dwelling, artificial surfaces and garden
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.				
European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Inagh River estuary SAC	<p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p>	3.21km	None	No

	Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]			

¹ Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.

² If the site or part thereof is within the European site or adjacent to the European site, state here.

STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	Surface water runoff from soil excavation
Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing 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) 	

<ul style="list-style-type: none"> • 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

(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	

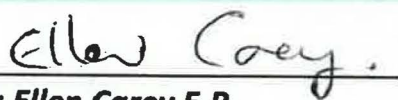
Step 4. Screening Determination Statement

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 subject site is 3.21km distance from the Inagh River estuary SAC. 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:	<div style="text-align: center;">  <hr/> Name: Ellen Carey E.P. </div>	
Signature and Date of the Decision Maker:	17/ 02/25	



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Paul & Orla Burke
C/o Brian Foudy & Associates Ltd
Osprey House, Carmody Street
Ennis, Co. Clare
V95 F720

27/01/2025

Section 5 referral Reference R25-8 – Paul & Orla Burke

Is the proposed rear extension as shown in the enclosed plans considered exempted development under Schedule 2, Part 1, Class 1 of the Planning & Development Regulations?

A Chara,

I refer to your application received on 23rd January 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, Dúthar Nua, Iúis, Co. an Chláir, V95 DXP2

Planning Department
Economic Development Directorate

Áras Contae an Chláir, New Road, Ennis, Co. Clare, V06 DXP2

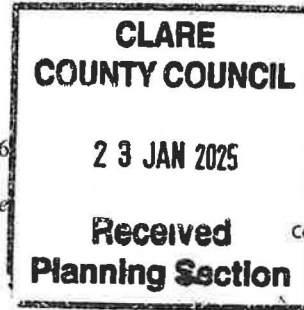


P07

**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



R25-8

**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	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Paul & Orla Burke</td> <td style="width: 40%;">c/o Brian Foudy & Associates Ltd</td> </tr> <tr> <td colspan="2"><hr/></td> </tr> <tr> <td>Sandeel</td> <td></td> </tr> <tr> <td colspan="2"><hr/></td> </tr> <tr> <td>Clahane</td> <td></td> </tr> <tr> <td colspan="2"><hr/></td> </tr> <tr> <td>Liscannor</td> <td></td> </tr> <tr> <td colspan="2"><hr/></td> </tr> <tr> <td>Co. Clare</td> <td>V95 TH70</td> </tr> </table>	Paul & Orla Burke	c/o Brian Foudy & Associates Ltd	<hr/>		Sandeel		<hr/>		Clahane		<hr/>		Liscannor		<hr/>		Co. Clare	V95 TH70
Paul & Orla Burke	c/o Brian Foudy & Associates Ltd																		
<hr/>																			
Sandeel																			
<hr/>																			
Clahane																			
<hr/>																			
Liscannor																			
<hr/>																			
Co. Clare	V95 TH70																		
(b) Telephone No.:																			
(c) Email Address:																			
(d) Agent's Name and address:	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Brian Foudy</td> <td></td> </tr> <tr> <td colspan="2"><hr/></td> </tr> <tr> <td>Brian Foudy & Associates Ltd</td> <td></td> </tr> <tr> <td colspan="2"><hr/></td> </tr> <tr> <td>Osprey House, Carmody Street</td> <td></td> </tr> <tr> <td colspan="2"><hr/></td> </tr> <tr> <td>Ennis, Co. Clare</td> <td></td> </tr> <tr> <td colspan="2"><hr/></td> </tr> <tr> <td>V95 F720</td> <td>info@foudyconsulting.ie</td> </tr> </table>	Brian Foudy		<hr/>		Brian Foudy & Associates Ltd		<hr/>		Osprey House, Carmody Street		<hr/>		Ennis, Co. Clare		<hr/>		V95 F720	info@foudyconsulting.ie
Brian Foudy																			
<hr/>																			
Brian Foudy & Associates Ltd																			
<hr/>																			
Osprey House, Carmody Street																			
<hr/>																			
Ennis, Co. Clare																			
<hr/>																			
V95 F720	info@foudyconsulting.ie																		

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 proposed rear extension as shown in the enclosed plans considered exempt development under

Schedule 2, Part 1, Class 1 of the Planning & Development Regulations

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

Our clients intend to construct an extension, fully contained to the rear of their property. The internal floor area of the

extension will be 39.4m². Normally a Section 5 wouldn't be submitted in such cases however the top of the proposed Zinc

standing seam fascia is slightly higher than the existing fascia and may not be in full compliance with 4(c) in the conditions

and limitations of the exemption. We have sought this declaration to clarify the matter prior to commencing construction.

(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)

Please find plan, elevations, site layout and site location map attached

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	Sandeel Clahane Liscannor Co. Clare V95 TH70
(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):	Applicant are registered owners under Folio CE58554F
(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)?:	No
(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>	P05/2330
(h) Date on which 'works' in question were completed/are likely to take place:	Start - June 2025 and complete by December 2025

SIGNED: Brian Jaudy
Agent

DATE: 23 - 01 - 25

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:

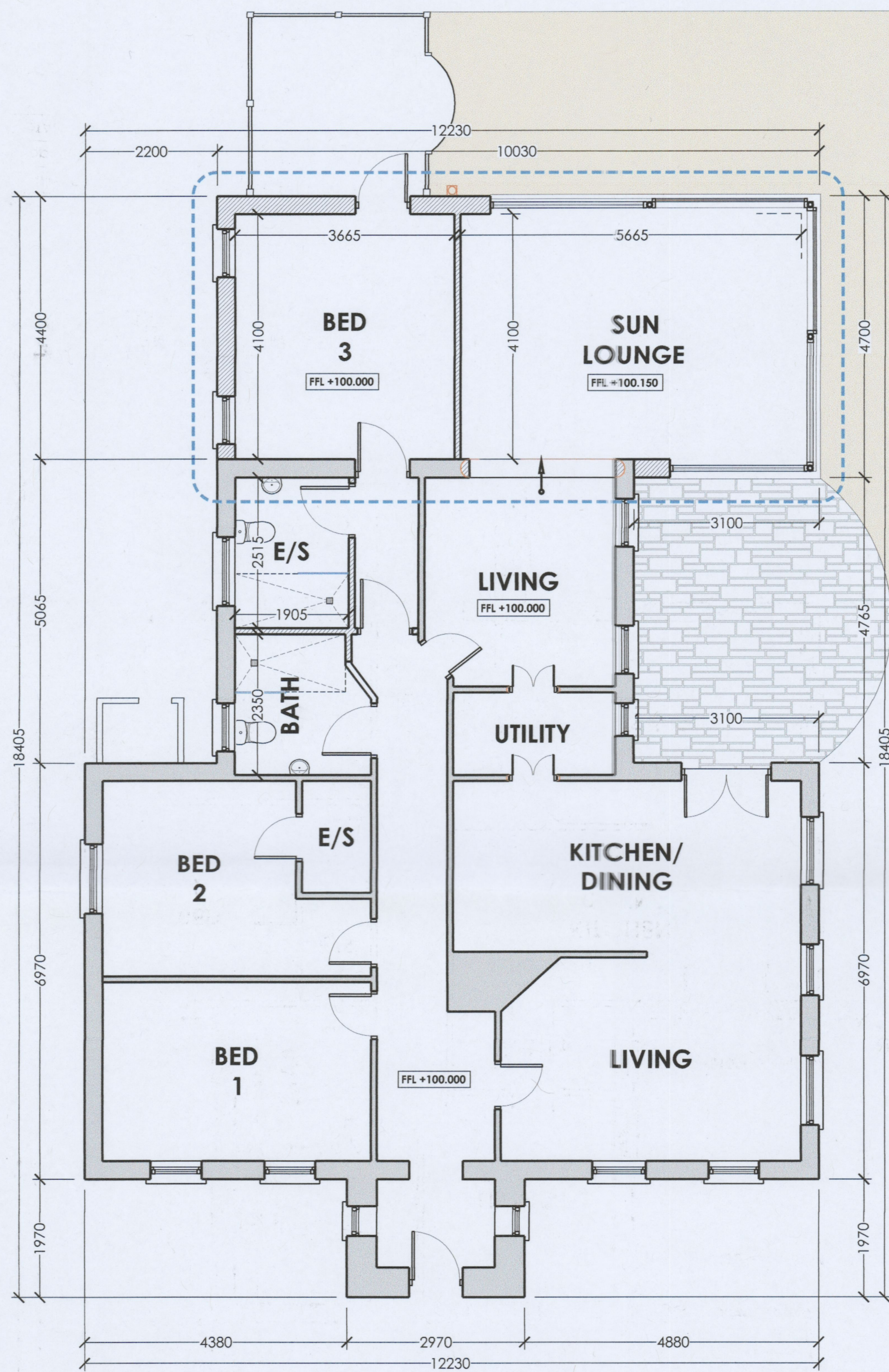
Planning Department,
Economic Development Directorate,
Clare County Council
Aras Contae an Chlair,
New Road,
Ennis,
Co. Clare
V95DXP2

- (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:	.....	

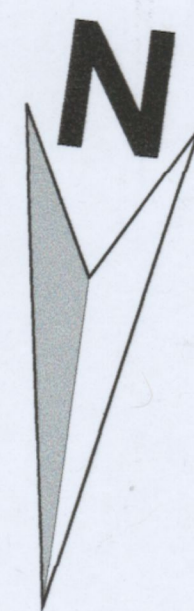
Note:
This drawing is for **SECTION 5** purposes only and copyright protected by Brian Foudy & Associates Ltd.



GROUND FLOOR PLAN
Scale 1:100

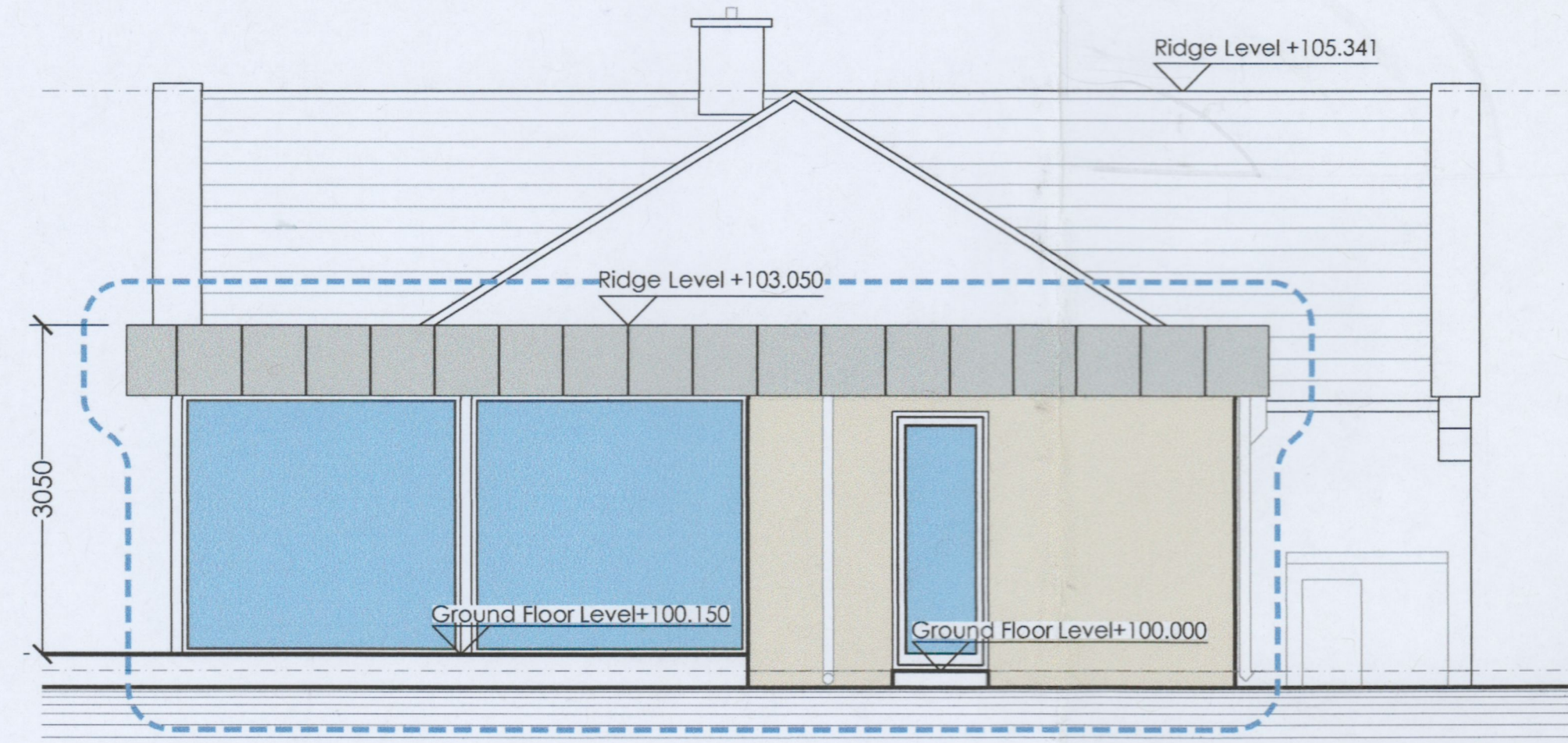
Floor Areas		
	M ²	Sq Ft
Existing Dwelling	109.6	1,180
Proposed Extension	39.4	424
TOTAL	149.0	1,604

LEGEND
--- Area to which "Section 5" refers

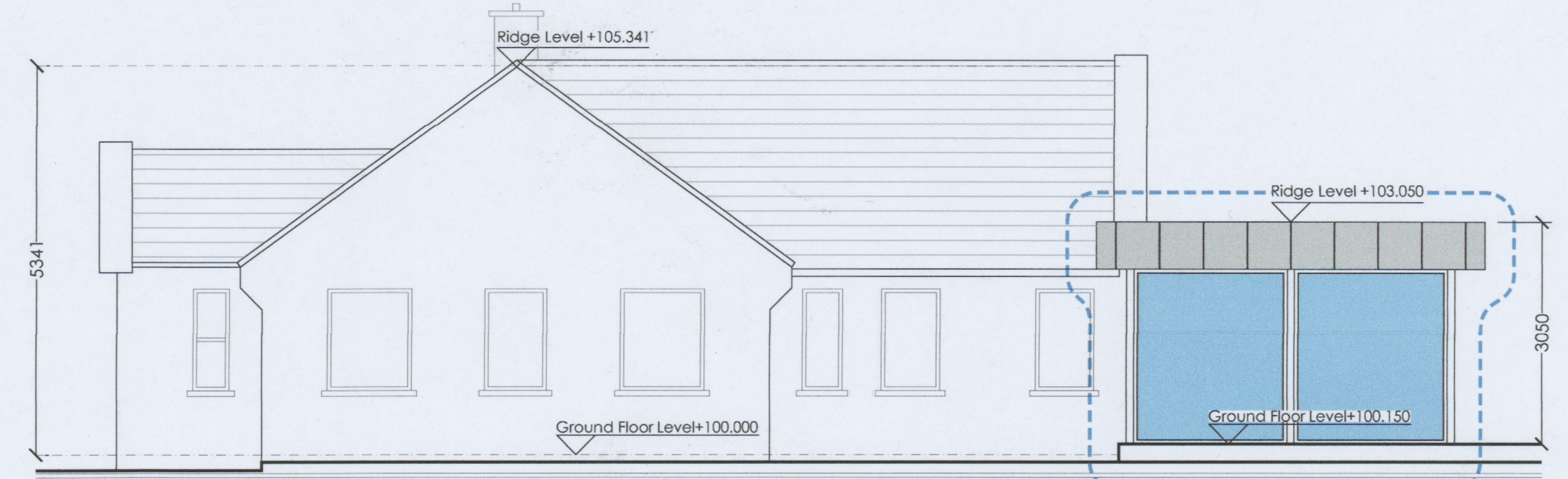


NORTH ELEVATION
Scale 1:100

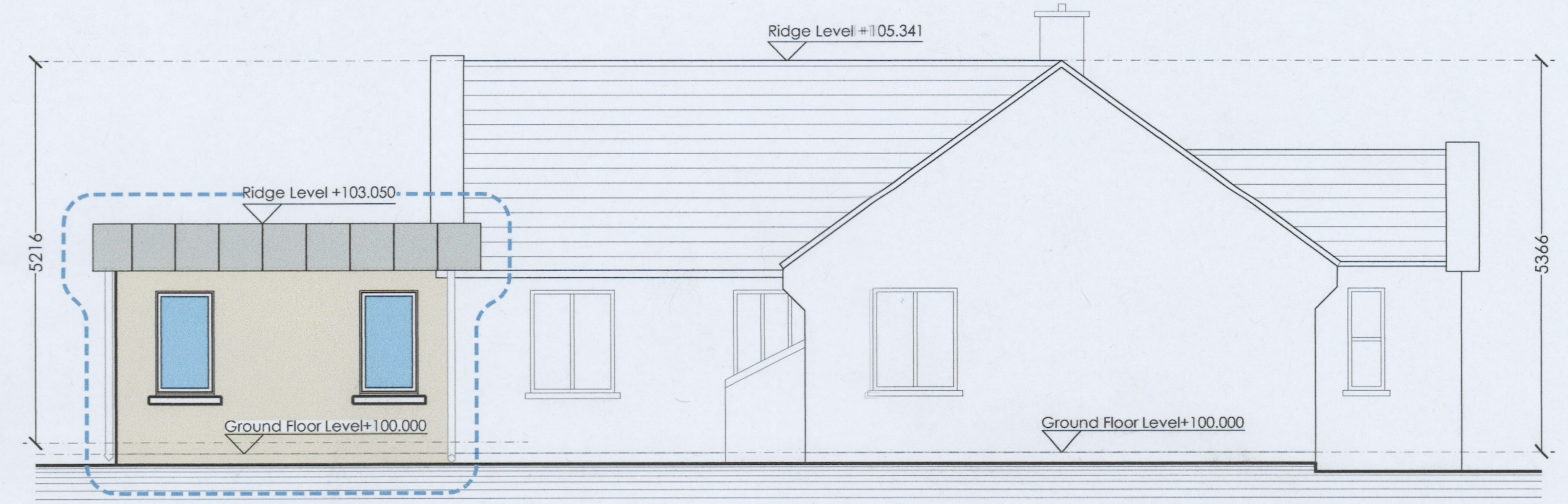
LEGEND
--- Area to which "Section 5" refers



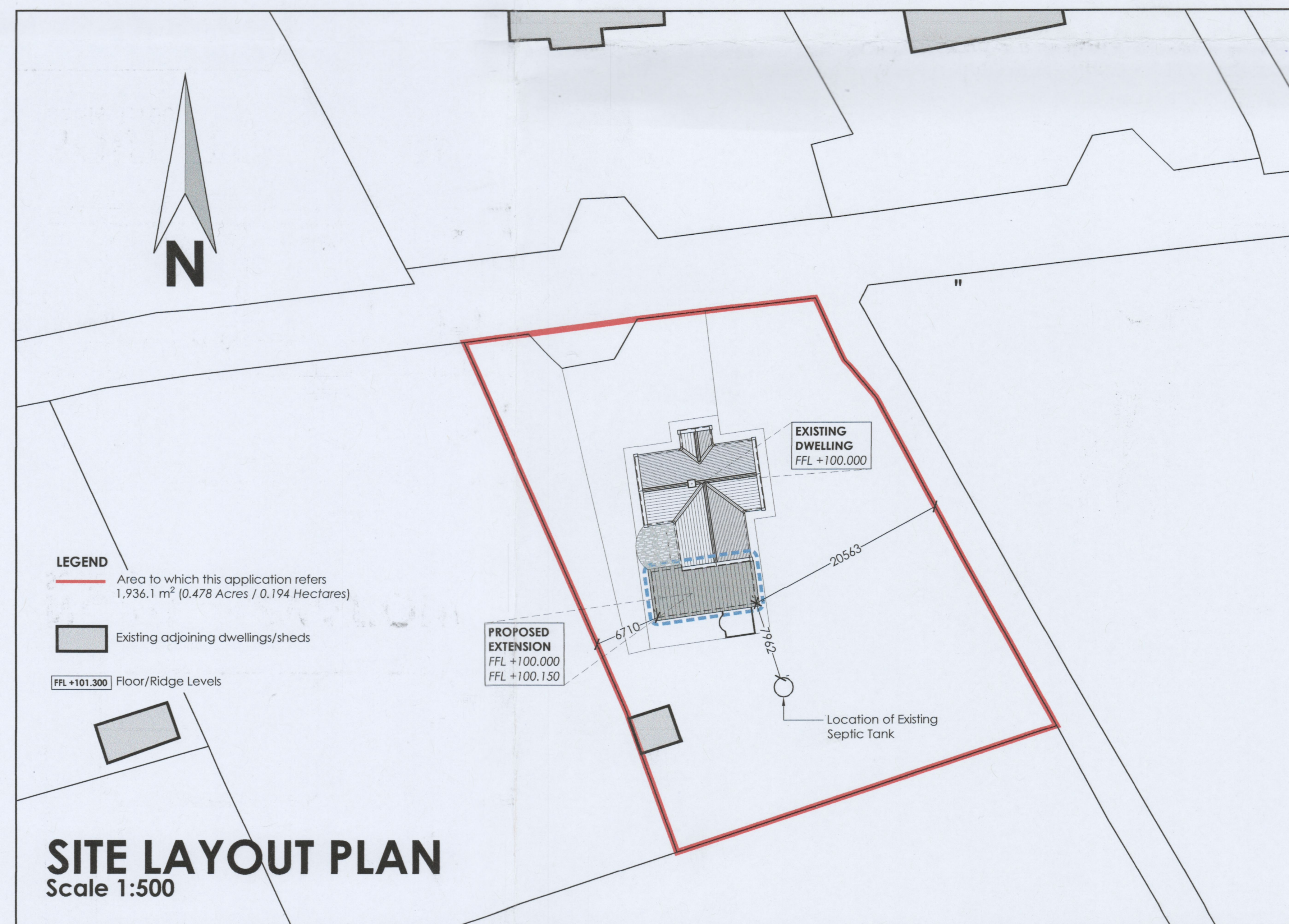
SOUTH ELEVATION
Scale 1:100



WEST ELEVATION
Scale 1:100



EAST ELEVATION
Scale 1:100



SITE LAYOUT PLAN
Scale 1:500

LEGEND
--- Area to which this application refers
1,936.1 m² (0.478 Acres / 0.194 Hectares)
--- Existing adjoining dwellings/sheds
--- Floor/Ridge Levels



Chartered Engineers, Planning Consultants & Property Surveyors

Osprey House, Carmody Street, Ennis, Co. Clare, V95 F720
Tel: 0656893565 e-mail: info@foudyconsulting.ie

Client: **PAUL & ORLA BURKE**

Address: Sandeel, Clahane, Liscannor Co. Clare, V95 TH70

Title: **FLOOR PLAN, ELEVATIONS & SITE LAYOUT PLAN**

Scale: **SECTION 5** 1:100 & 1:500 @ A2
Date: January 2025

POB 01 01 25