

Registered Post

Mike Lane C/o Niall Geoghegan Ballybeg **Ennis** Co. Clare

26th September 2025

Section 5 referral Reference R25-67 - Mike Lane

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

A Chara,

I refer to your application received on 25th 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.

Mise, le meas

Anne O'Gorman Staff 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.: R25-67



Section 5 referral Reference R25-67

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

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

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

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

And whereas Clare County Council has concluded:

- (a) The development of a slatted unit at Hurdleston, Broadford, Co. Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended:
- (b) The said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended;
- (c) The said development of a slatted unit at Hurdleston, Broadford, Co. Clare is exempted development having regard to Class 6 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended.

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

The proposed development consisting of the construction of a slatted unit at Hurdleston, Broadford, Co. Clare <u>constitutes development</u> which is <u>exempted development</u> as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

Anne O'Gorman Staff Officer

Planning Department

Economic Development Directorate

26th September 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:

86360

Reference Number:

R25-67

Date Referral Received:

25th July 2025

Date Further Information Received:

8th September 2025

Name of Applicant:

Mike Lane

Location of works in question:

Hurdleston, Broadford, Co. Clare

Section 5 referral Reference R25-67 - Mike Lane

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

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

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

AND WHEREAS Clare County Council has concluded:

- (a) The development of a slatted unit at Hurdleston, Broadford, Co. Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended;
- (c) The said development of a slatted unit at Hurdleston, Broadford, Co. Clare is exempted development having regard to Class 6 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, 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 Garreth Ruane, Senior Executive Planner, the powers, functions and duties as set out herein.

NOW THEREFORE pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended)

and having considered the various submissions and reports in connection with the referral described above, I, Garreth Ruane, Senior Executive Planner, hereby declare that the construction of a slatted unit at Hurdleston, Broadford, Co. Clare is <u>considered development</u> which is <u>exempted development</u>.

Signed:

GARRETH RUANE

SENIOR EXECUTIVE PLANNER

Date:

26th September 2025

CLARE COUNTY COUNCIL SECTION 5 DECLARATION OF EXEMPTION APPLICATION PLANNERS REPORT

FILE REF:

R25-67

APPLICANT(S):

Mike Lane

REFERENCE:

Whether the construction of a slatted unit is or is not development and is or is not

exempted development.

LOCATION:

Hurdleston, Broadford, Co. Clare

DUE DATE:

29th September 2025

The applicant is seeking a Section 5 Declaration as to whether the construction of a slatted unit at Hurdlestown, Broadford, Co. Clare is or is not development and is or is not exempted development.

Further information was requested as follows:

1. The Planning Authority notes that the proposed slatted shed generally complies with the conditions and limitations of Schedule 2, Part 3, Class 6 of the Planning and Development Regulations, 2001 (as amended).

However, under Article 9 of said Regulations, development shall not be exempted development if it would 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.

It is noted that the proposed slatted shed is located approximately 13m from a stream / drainage channel which provides hydrological connectivity to Doon Lough NHA. Insufficient information has been provided with the referral to allow the Planning Authority to assess to potential impacts of the proposal on the NHA. You are required to submit additional information, clearly outlining the applicant's proposals to prevent contamination of nearby watercourses during the construction and operational phase of the development.

On 08th September 2025 the applicant submitted a response to the further information requested. The submitted information included a written description of the drainage arrangements on the site / landholding, photographs of the proposed development location and revised plans and elevation drawings.

Assessment

Basis of Referral

The applicant is seeking a Section 5 Declaration as to whether the construction of a slatted unit at Hurdlestown, Broadford, Co Clare is or is not development and is or is not exempted development.

Particulars of Proposal

The particulars of the proposal and site are set out below:

Height

5.5 metres

Proposed Floor Area

193.6m²

Distance from public road

Greater than 10 metres

Distance from dwellings

Greater than 100m.

Having regard to Section 2(1) of the Planning and Development Act 2001 (as amended), I consider that the proposed development, come within the scope of "works" and hence constitutes development in accordance with Section 3(1) of the Planning and Development Act 2001 (as amended).

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

Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

The proposed shed will fall under Class 6 – roofed structure for housing animals. The floor area will be less than 200m².

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

The use proposed is agricultural.

2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.

There are no existing structures either on the site or within 100m of same.

3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of

the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.

Underground storage tanks proposed.

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

The proposed development is in excess of 10 metres from the public road.

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

This height threshold is not exceeded in this instance. The proposed shed shall be 5.5m in height.

6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

There are no dwelling houses in close proximity to the proposal site

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

No unpainted sheet metal proposed as part of the development.

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

No onsite planning permission. It is proposed that the use will be agricultural.

(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 new access point to the public road proposed

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

No risk to public safety is envisaged.

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

Not applicable to the current proposal.

(i) 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,

Not applicable to the current proposal.

(ii) 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 the current proposal.

(iii) 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.

Lands in the area are undulating. The development site is well-screened by mature trees on the estate periphery. The proposed shed will be a low-rise structure located in an agricultural setting. It will not interfere with the character of the local landscape.

(iv) 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 the current proposal. Hurdlestown House is a Protected Structure. There is sufficient separation distance between the proposal site and the house to ensure there is no impact on same.

(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,

Not applicable to the current proposal. Hurdlestown House is a Recorded Monument. The proposed development location is not within or adjoining the Zone of Notification associated with same.

(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 and scale of the proposed development, the likely zone of impact is no greater than 3km.

There are no European sites within 3km 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."

The proposed slatted shed location is c.13m from a watercourse which provides hydrological connectivity to Doon Lake NHA. The NHA is 1km downstream, when measured via the water channel.

The applicant has submitted details which indicate that part of the subject stream is culverted as it passes through the landholding. The open parts of the channel are dry for much of the year, and the finished floor level of the proposed shed is lower than the level of the drain.

There is a small embankment on the perimeter of the field in which the shed will be located which acts as a physical barrier for any run-off towards the drain (photographs submitted). The applicant intends to reinforce this embankment as part of the development works. The applicant has also submitted revised plans for the proposed shed, incorporating a concrete kerb which will prevent any potential seepage from the shed onto adjoining land.

Based on the information provided, the proposed development will not have an adverse impact on any Natural Heritage Area.

(v) 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 to the current proposal.

(vi) 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 to the current proposal.

(vii) 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 to the current proposal.

(viii) obstruct any public right of way,

Not applicable to the current proposal.

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

Not applicable to the current proposal.

Recommendation

The following questions have been referred to the Planning Authority:

Whether the construction of a slatted unit at Hurdleston, Broadford, Co. Clare 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) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended:
- (d) The works as indicated in submitted documents from the referrer.

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

- (a) the development of a slatted unit at Hurdlestown, Broadford, Co. Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended;
- (c) the said development of a slatted unit at Hurdlestown, Broadford, Co. Clare is exempted development having regard to Class 6 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended.

Now therefore Clare County Council (Planning Authority), hereby decides that the construction of a slatted unit at Hurdlestown, Broadford, Co Clare is development and is exempted development.

Evecutive Planner

Date: 25/09/2025

Senior Executive Planner

Date: 25/08/25.



Mike Lane (R25-67) c/o Niall Geoghegan Ballybeg, Ennis. 05/09/2025

Secretary
Planning Section,
Clare County Council,
New Road, Ennis.

Dear Secretary,

In Relation stream / Drainage channel located approx 13meters from the proposed development. We are asked what measures we could take to remove ant risk of pollution to the NHA Doon lake further down the line from the proposed development of a slatted unit.

 Where the proposed slatted unit in to be build is an existing self contained paddock
 with bounds using a combination of earth bunded walls and natural stone
 walls. Please see attached photographs showing the same.

The Stream / Drainage channel in question is an actual field drain there is no water in it for the majority of the year. Please see photograph of the drain in its present state, dry. The ground level is higher in the field outside the paddock where the proposed slatted unit is to be built. It is in that field that the drain is located. The finished floor level of the proposed slatted unit will be lower than the bottom of the drain. The western boundary has an earth bunded wall, this is to be reinforced. The southern wall of the paddock is an earth bunded wall, this is to be reinforced. There is a gate out to the field on this same boundary wall, this entrance to the field is to get a earth bunded speed bump like bund at this location at the gate, Keeping in

mind that the area outside the gate is higher. There is a portion of the eastern wall on the right hand side on the photo behind the temporary cattle crush that can be earth bunded on the outside of the wall. Please see site layout showing locations of the earth bunded wall and bunded entrance to field.

• In the slatted unit itself we are proposing to put in concrete kerbs to ensure no seepage from the proposed slatted unit please see slatted unit drawings attached showing this.

We hope this addresses the concerns of Clare Co Council, Please let us know if anything else is required or any questions on the above.

Regards,

Niall Geoghegan

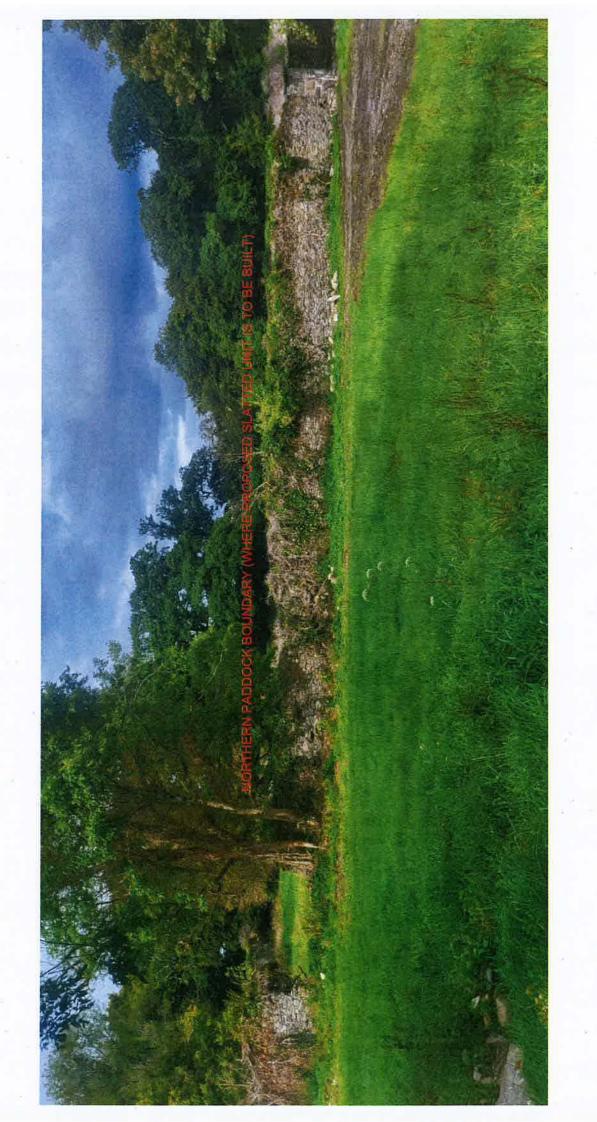
Will Gut

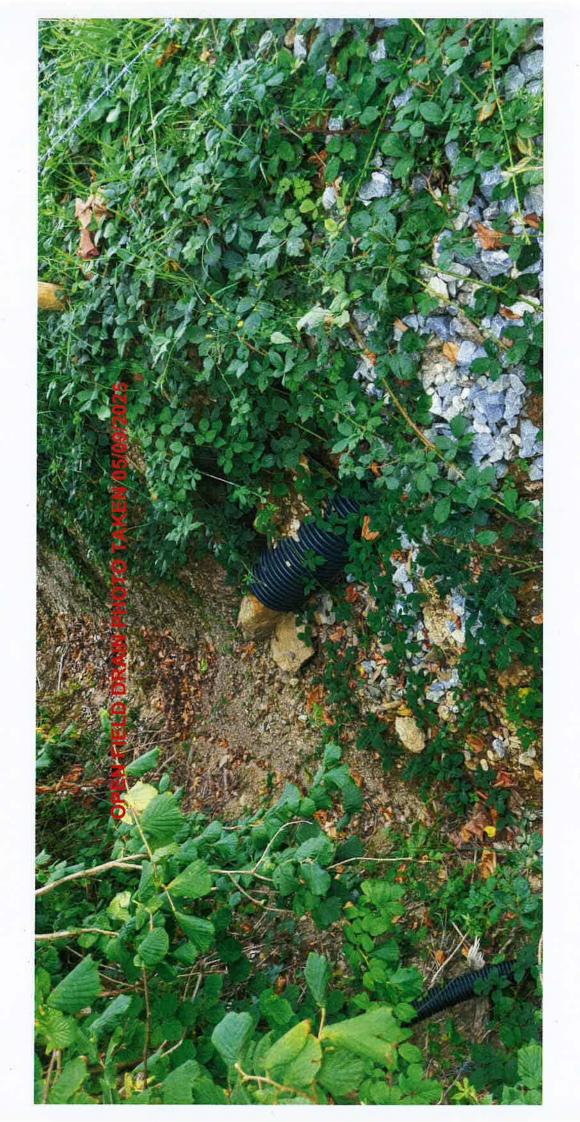
Please find attached below

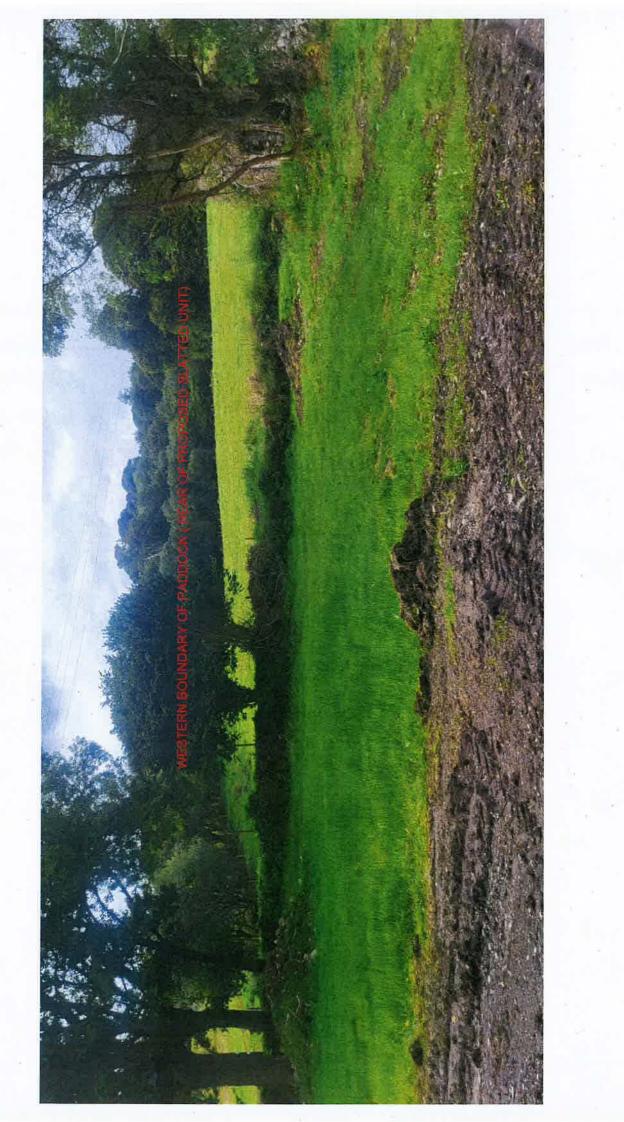
- 1. Drawings of proposed slatted unit with kerb addition (1:200_1:100 scale)
- 2. Site layout showing bunded walls direction of fall etc (1:500 Scale)
- 3. Photographs of the proposed site (Paddock)
- 4. This letter addressing concerns of Clare Co Council.

VIEW ALONG SOUTHERN BOUNDARY ON THE OUTSIDE OF THE PADDOCK WHERE NEW SLATTED UNIT IS TO BE BUILT under ground Ø000 pipe underground here for the field fish











e f

ROOF

"TEGRAL AGRIBUILD 2000" STEEL CLADDING OR FIBRE-CEMENT CLADDING ON 150MM x 75MM TREATED TIMBER PURLINES WITH D. P. C. STRIP COVERING ON DIPPED STEEL STANCHIONS TO COMPLY WITH DEPT OF AGRICULTURE SPECIFICATION S.123, S.101 & 102

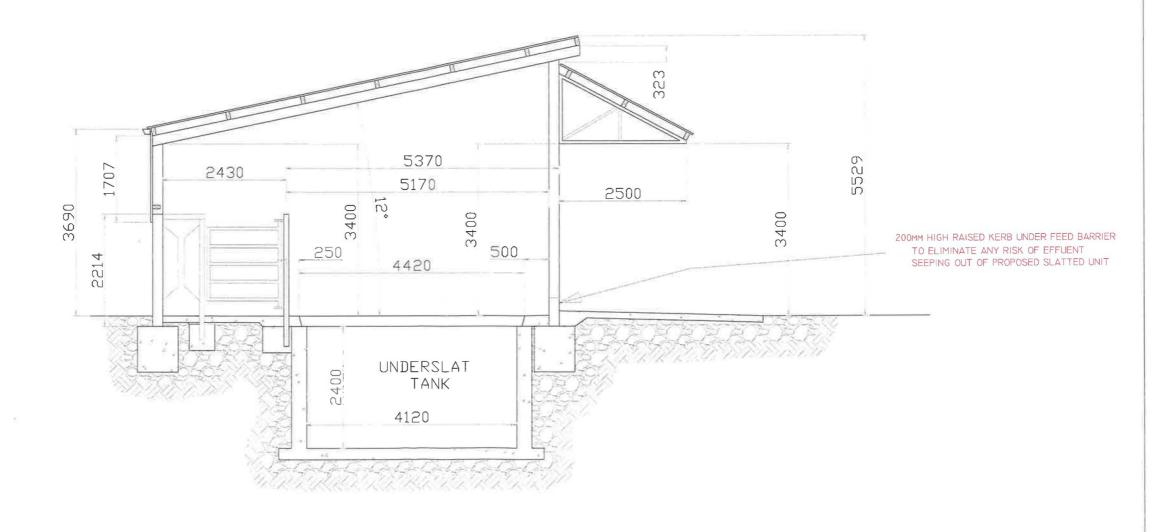
WALLS

TO CONSIST OF EITHER 225MM CONC BLOCK WALL CONSTRUCTION PLASTERED BOTH INTERNALLY & EXTERNALLY OR OF 225MM SHUTTERED SOLID CONC WALL WITH 28 DAY CRUSHING STRENGTH OF 37 N/MM² TO COMPLY WITH DEPT OF AGRICULTURE S.101, S.102 & S.123

FLOOR

125MM CONC SLAB WITH 28 DAY CRUSHING STRENGTH OF 37 N/MM² ON 50MM SAND/DUST BLINDING ON 150MM HARDCORE. TO COMPLY WITH DEPT OF AGRICULTURE S.101, S.123

FOUNDATIONS TO DEPARTMENT SPEC. S.101 & S.123 TO ENGINEERS DETAIL.



MIKE LANE

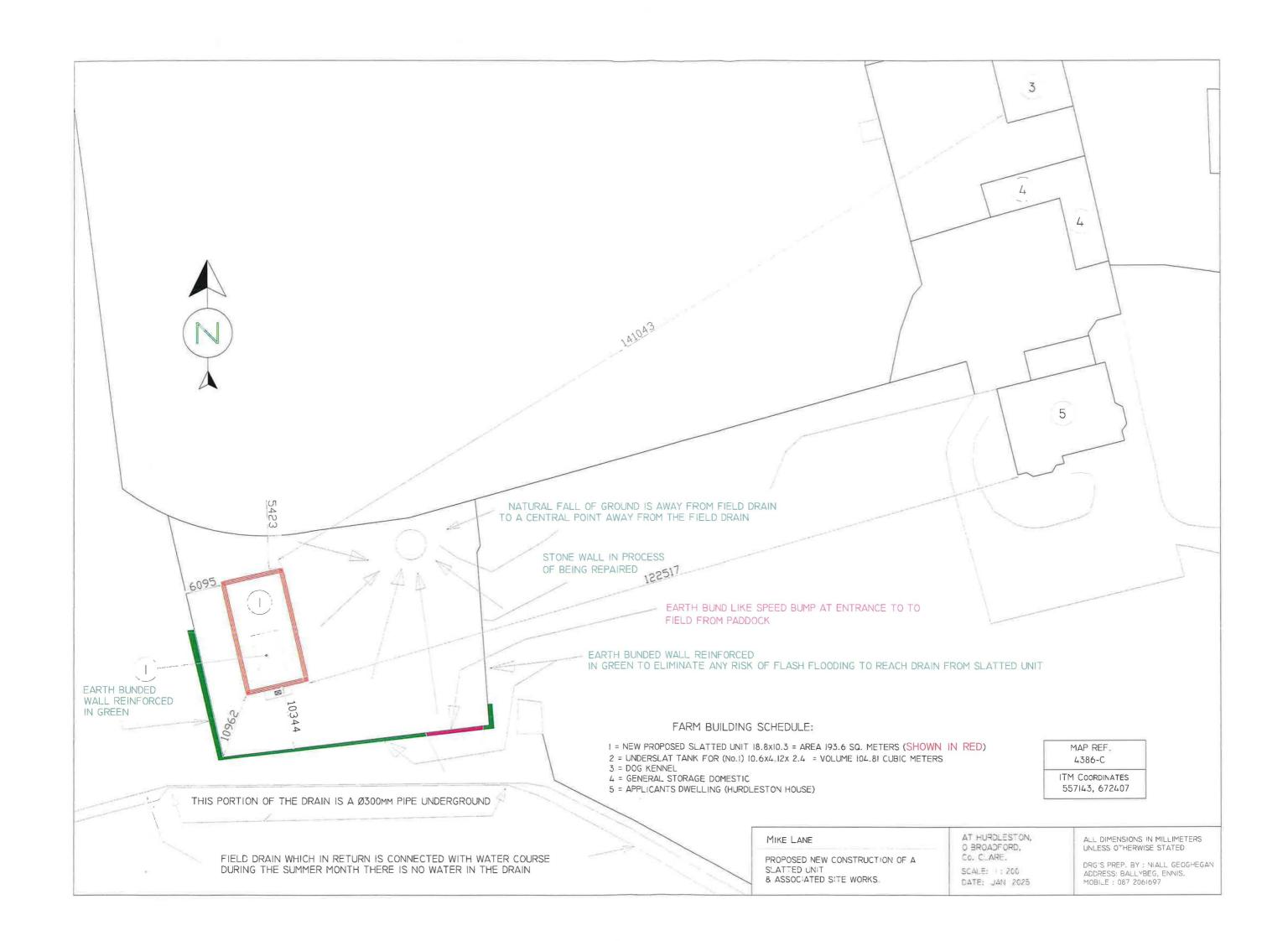
PROPOSED NEW CONSTRUCTION OF A SLATTED UNIT & ASSOCIATED SITE WORKS.

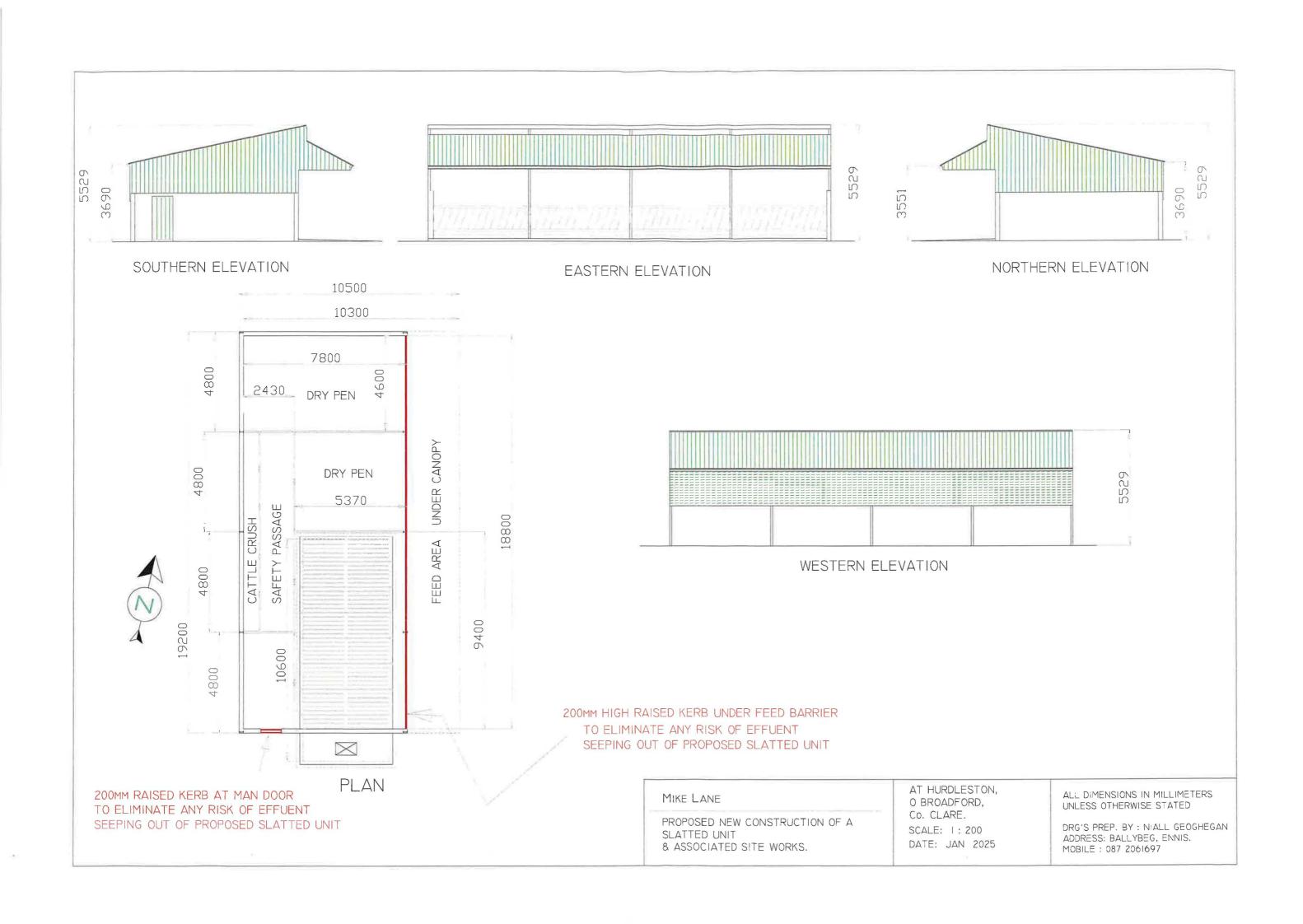
AT HURDLESTON, O BROADFORD, Co. CLARE. SCALE: 1:100

DATE: JAN 2025

ALL DIMENSIONS IN MILLIMETERS UNLESS OTHERWISE STATED

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







COMHAIRLE CONTAE AN CHLÁIR

COUNTY COUNCIL

Mike Lane C/o Niall Geoghegan Ballybeg **Ennis** Co. Clare

15/08/2025

Section 5 referral Reference R25-67 - Mike Lane

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

A Chara.

I refer to your application received on 25th July 2025 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

I wish to advise that in accordance with Section 5 (2) (b) of the Planning & Development Act, 2000, as amended, the following further information is required:

1. The Planning Authority notes that the proposed slatted shed generally complies with the conditions and limitations of Schedule 2, Part 3, Class 6 of the Planning and Development Regulations, 2001 (as amended).

However, under Article 9 of said Regulations, development shall not be exempted development if it would 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.

It is noted that the proposed slatted shed is located approximately 13m from a stream / drainage channel which provides hydrological connectivity to Doon Lough NHA. Insufficient information has been provided with the referral to allow the Planning Authority to assess to potential impacts of the proposal on the NHA.

You are required to submit additional information, clearly outlining the applicant's proposals to prevent contamination of nearby watercourses during the construction and operational phase of the development.

Mise, le meas

Administrative Officer Planning Department

Economic Development Directorate

An Roinn Pleanála An Stiúrthóireacht Forbairt Gheilleagrach

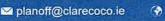
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department Economic Development Directorate

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











CLARE COUNTY COUNCIL SECTION 5 DECLARATION OF EXEMPTION APPLICATION PLANNERS REPORT

FILE REF:

R25-67

APPLICANT(S):

Mike Lane

REFERENCE:

Whether the construction of a slatted unit is or is not development and is or is not

exempted development.

LOCATION:

Hurdlestown, Broadford, Co. Clare

DUE DATE:

21st August 2025

Site Location

The proposal site is located a rural area to the south of Broadford village. The site is within the grounds of Hurdlestown House, approximately 120m west of the main house. The proposed shed location is surrounded by agricultural lands

Recent Planning History

No previous planning applications in the vicinity of the proposal site.

Background to Referral

This Referral under Section 5(1) of the Planning and Development Act 2000 (as amended) has been made by Mike Lane. He states that he is the owner of the site.

The applicant is seeking a Section 5 Declaration as to whether the construction of a slatted unit at Hurdlestown, Broadford, Co. Clare is or is not development and is or is not exempted development.

Statutory Provisions

Planning and Development Act, 2000 (as amended)

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

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.

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.

The applicant has stated that the slatted shed will be used to house animals during the winter months.

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

Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

- 1. No such structure shall be used for any purpose other than the purpose of agriculture.
- The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.
- 3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution
- 4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.
- 5. No such structure within 100 metres of any public road shall exceed 8 metres in height.
- 6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.
- 7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

<u>Under Article 9 (1) of the same Regulations</u>, 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, exception, 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,
- (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 slatted unit at Hurdlestown, Broadford, Co Clare is or is not development and is or is not exempted development.

Particulars of Proposal

The particulars of the proposal and site are set out below:

Height

5.5 metres

Proposed Floor Area

193.6m²

Distance from public road

Greater than 10 metres

Distance from dwellings

Greater than 100m.

Having regard to Section 2(1) of the Planning and Development Act 2001 (as amended), I consider that the proposed development, come within the scope of "works" and hence constitutes development in accordance with Section 3(1) of the Planning and Development Act 2001 (as amended).

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

Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

The proposed shed will fall under Class 6 – roofed structure for housing animals. The floor area will be less than 200m².

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

The use proposed is agricultural.

 The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.

There are no existing structures either on the site or within 100m of same.

3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of

the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.

Underground storage tanks proposed.

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

The proposed development is in excess of 10 metres from the public road.

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

This height threshold is not exceeded in this instance. The proposed shed shall be 5.5m in height.

6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

There are no dwelling houses in close proximity to the proposal site

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

No unpainted sheet metal proposed as part of the development.

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

No onsite planning permission. It is proposed that the use will be agricultural.

(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 new access point to the public road proposed

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

No risk to public safety is envisaged.

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

Not applicable to the current proposal.

(i) 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,

Not applicable to the current proposal.

(ii) 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 the current proposal.

(iii) 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.

Lands in the area are undulating. The development site is well-screened by mature trees on the estate periphery. The proposed shed will be a low-rise structure located in an agricultural setting. It will not interfere with the character of the local landscape.

(iv) 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 the current proposal. Hurdlestown House is a Protected Structure. There is sufficient separation distance between the proposal site and the house to ensure there is no impact on same.

(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,

Not applicable to the current proposal. Hurdlestown House is a Recorded Monument. The proposed development location is not within or adjoining the Zone of Notification associated with same.

(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 and scale of the proposed development, the likely zone of impact is no greater than 3km.

There are no European sites within 3km 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."

The proposed slatted shed location is c.13m from a watercourse which provides hydrological connectivity to Doon Lake NHA. The NHA is 1km downstream, when measured via the water channel. It is unclear how this watercourse will be protected from contamination during the construction and operational phase of the development. Further information is required.

A map of available spreadlands has also been provided which appears to indicate a buffer to all watercourses on the landholding,

(v) 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 to the current proposal.

(vi) 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 to the current proposal.

(vii) 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 to the current proposal.

(viii) obstruct any public right of way,

Not applicable to the current proposal.

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

Not applicable to the current proposal.

Recommendation

It is recommended that the following FURTHER INFORMATION is requested from the applicant.

- The Planning Authority notes that the proposed slatted shed generally complies with the conditions and limitations of Schedule 2, Part 3, Class 6 of the Planning and Development Regulations, 2001 (as amended).
 - However, under Article 9 of said Regulations, development shall not be exempted development if it would 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.
 - It is noted that the proposed slatted shed is located approximately 13m from a stream / drainage channel which provides hydrological connectivity to Doon Lough NHA. Insufficient information has been provided with the referral to allow the Planning Authority to assess to potential impacts of the proposal on the NHA. You are required to submit additional information, clearly outlining the applicant's proposals to prevent contamination of nearby watercourses during the construction and operational phase of the development.

Executive Planner

Date: 11 05 2025

Senior Executive Planner

Date: 14/08/2025

Noted 14/08/25



CLARE COMHAIRLE COUNTY COUNCIL CONTAE AN CHLÁIR

Mike Lane C/o Niall Geoghegan Ballybeg **Ennis** Co. Clare

28/07/2025

Section 5 referral Reference R25-67 - Mike Lane

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

A Chara,

I refer to your application received on 25th 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

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







COMHAIRLE

CONTAE



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

25/07/2025 12:06:40

Receipt No. L1CASH/0/382051
***** REPRINT *****

MIKE LANE C/O NIALL GEOGHEGAN BALLYBEG, ENNIS, CO CLARE

COMHAIRLE

CONTAE

SECTION 5 REFERENCES
GOODS 80,00
VAT Exempt/Non-vatable A

Total:

80.00 EUR

80.00

Tendered : CHEQUES

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 CLARE COUNTY COUNCIL

2 5 JUL 2025

Received Planning Section



R25-67

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	Mike Lane		
seeking the declaration	Hurdleston House,		
	Hurdleston, Broadford		
	Co.Clare		
(b) Telephone No.:	5,		
(c) Email Address:	None		
(d) Agent's Name and address:	Niall Geoghegan		
	Ballybeg		
	Ennis		
	Co. Clare		

2. DETAILS REGARDING DECLARATION BEING SOUGHT
(a) PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGH 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 slatted unit at Hurdleston, Broadford, Co. Clare.
development and if so is is exempted development?
(b) Provide a full description of the question/matter/subject which arises wherein a declaration of the question is sought.
The applicant is looking to build a small slatted unit, the slatted unit proposed
is less than 200 sq. meters, it is more that 100 meters away from any other cattle housing
There is no farm sheds within 100 meters of the proposed structure. (no cattle sheds on far
The applicant will be housing 16 weanlons (6-18 month old) for the winter period
Please see attached land maps showing 31,49 hectares.
(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)
(1) Drawings of slatted unit (scale 1:100/1:200) (2) Site layout 1:500
(3) Site Map 1:2500 (4) land map 1:10560

	3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT				
(a)	Postal Address of the Property/Site/Building for	Hurdleston,			
which the declaration sought:		Broadford,			
		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	No			
	amended) been requested or issued for the property by the Planning Authority?				
(c)	Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	The applicant is the landowner			
(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:	The applicant is the landowner			
	Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.				
(e)	Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	The applicant is the landowner			
(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	Sept 2025			

SIGNED: Mill Gal

DATE: 22/07/2025

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

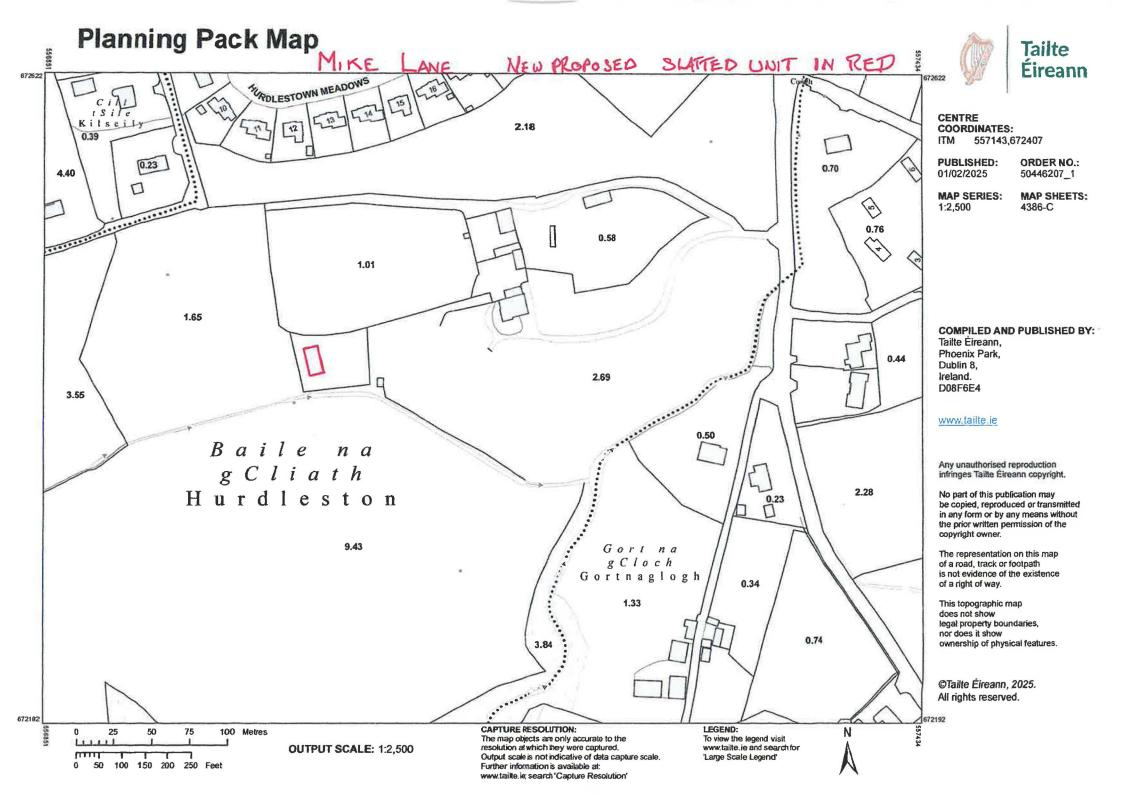
- (i) The request for a declaration under Section 5 must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
- (ii) The request for a declaration 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:

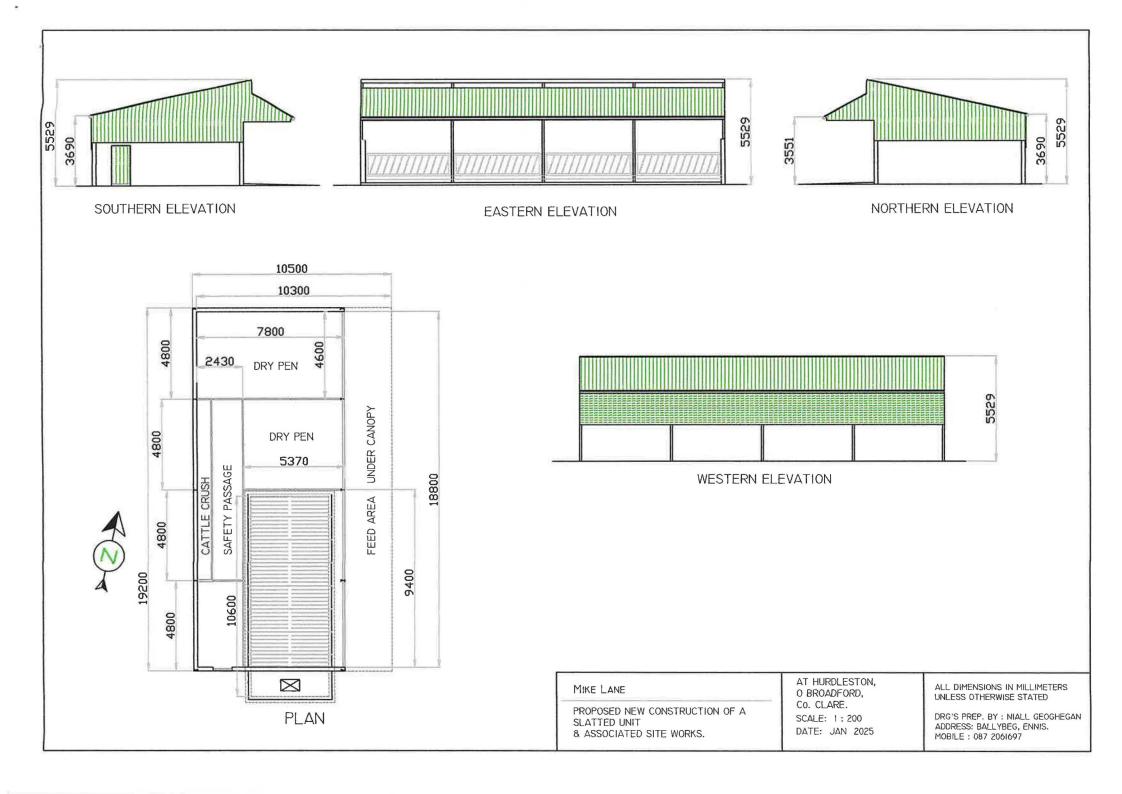
Planning Department,
Economic Development Directorate,
Clare County Countil
Aras Contae an Chlair,
New Road,
Ennis,
Co. Clare
V95DXP2

- (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	7		
Date Received:		Fee Paid:	
Date Acknowledged:		Reference No.:	
Date Declaration made:		CEO No.:	************************
Decision:		*************************	

Site Location Map MIKE LANE PROPOSED SLATTED UNIT IN RED **Tailte** LANDHOLDING IN Éireann CENTRE COORDINATES: ITM 557143,672407 The Cottage PUBLISHED: ORDER NO.: 01/02/2025 50446207_1 Black Horse Inn Broadford MAP SERIES: MAP SHEETS: 6 Inch Raster CE044 200 Poulnten COMPILED AND PUBLISHED BY: Tailte Éireann. Phoenix Park, Dublin 8, Hilseily State Quarries Ireland. D08F6E4 www.talite.ie Any unauthorised reproduction infringes Tailte Èireann copyright. 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. The representation on this map of a road, track or footpath is not evidence of the existence of a right of way. This topographic map does not show legal property boundaries, nor does it show ownership of physical features. ©Tailte Éireann, 2025. 1000 All rights reserved. Ordnance Survey Ireland CAPTURE RESOLUTION: 440 LEGEND: The map objects are only accurate to the To view the legend visit OUTPUT SCALE: 1:10,560 resolution at which they were captured. www.taite.ie and search for Output scale is not indicative of data capture scale. 'Large Scale Legend' 0 200 400 600 800 1,000 Feet Further information is available at. www.tailte.ie; search'Capture Resolution'





ROOF

"TEGRAL AGRIBUILD 2000" STEEL CLADDING OR FIBRE-CEMENT CLADDING ON 150MM X 75MM TREATED TIMBER PURLINES WITH D.P.C. STRIP COVERING ON DIPPED STEEL STANCHIONS TO COMPLY WITH DEPT OF AGRICULTURE SPECIFICATION S.123, S.101 & 102

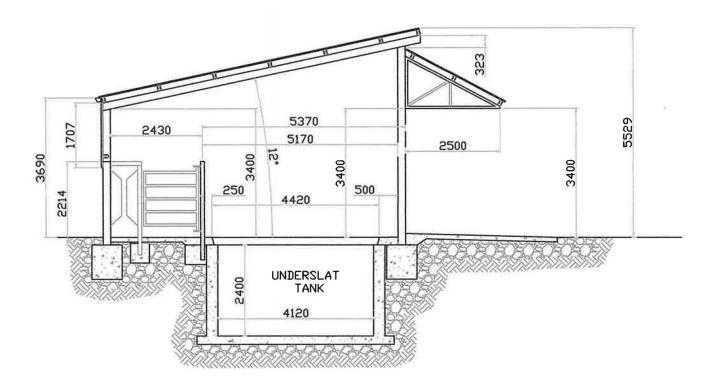
WALLS

TO CONSIST OF EITHER 225MM CONC BLOCK WALL CONSTRUCTION PLASTERED BOTH INTERNALLY & EXTERNALLY OR OF 225MM SHUTTERED SOLID CONC WALL WITH 28 DAY CRUSHING STRENGTH OF 37 N/MM² TO COMPLY WITH DEPT OF AGRICULTURE S.101, S.102 & S.123

FLOOR

125MM CONC SLAB WITH 28 DAY CRUSHING STRENGTH OF 37 N/mm² ON 50MM SAND/DUST BLINDING ON 150MM HARDCORE. TO COMPLY WITH DEPT OF AGRICULTURE S.101, S.123

FOUNDATIONS TO DEPARTMENT SPEC. S.101 & S,123 TO ENGINEERS DETAIL.



MIKE LANE

PROPOSED NEW CONSTRUCTION OF A SLATTED UNIT & ASSOCIATED SITE WORKS.

AT HURDLESTON, O BROADFORD, Co. CLARE.

SCALE: 1:100 DATE: JAN 2025 ALL DIMENSIONS IN MILLIMETERS UNLESS OTHERWISE STATED

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

