



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

Michael Hogan
C/o Deirdre Foran
Lisdoonvarna
Co. Clare

8th September 2025

Section 5 referral Reference R25-70 – Michael Hogan

Is the agricultural shed at Ballytigue development and if so, is it exempted development?

A Chara,

I refer to your application received on 12th August 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 Stiúirthóireacht Forbairt Gheilleagrach

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

Planning Department
Economic Development Directorate

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



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

Reference No.: R25-70



Section 5 referral Reference R25-70

Is the agricultural shed at Ballytigue development and if so, is it exempted development?

AND WHEREAS, Michael Hogan 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 –

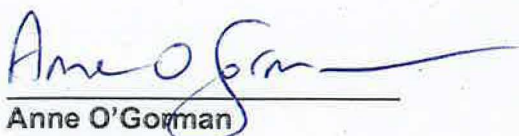
- a. Sections 2,3 and 4 of the Planning and Development Act, 2000, as amended.
- b. Articles 6 and 9 of the Planning and Development Regulations 2001, as amended.
- c. Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- d. The works as indicated in submitted documents from the referrer and received by the Planning Authority 12th August 2025.

And whereas Clare County Council has concluded:

- (a) The construction of a livestock slatted unit constitutes “works” which come within the scope of the section 2 (1) of the Planning and Development Act 2000, as amended.
- (b) The said works constitute “development” which comes within the scope of the section 3(1) of the Planning and Development Act 2000, as amended.
- (c) The said construction of a livestock slatted unit is exempted development in accordance with the class of exempted development set out under Class 6 of Part 3 Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The restrictions on exempted development as set out under Article 9(1) of the planning Regulations do not apply in this case.

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

The proposed development consisting of the construction of an agricultural shed at Ballytigue, Lisdoonvarna, Co. Clare constitutes development which is exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

A handwritten signature in blue ink, appearing to read 'Anne O'Gorman', with a long horizontal flourish extending to the right.

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

8th 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: 86259

Reference Number: R25-70

Date Referral Received: 12th August 2025

Name of Applicant: Michael Hogan

Location of works in question: Ballytigue, Lisdoonvarna, Co. Clare

Section 5 referral Reference R25-70 – Michael Hogan

Is the agricultural shed at Ballytigue 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 received by the Planning Authority 12th August 2025.

AND WHEREAS Clare County Council has concluded:

- (a) The construction of a livestock slatted unit constitutes "works" which come within the scope of the section 2 (1) of the Planning and Development Act 2000, as amended.
- (b) The said works constitute "development" which comes within the scope of the section 3(1) of the Planning and Development Act 2000, as amended.
- (c) The said construction of a livestock slatted unit is exempted development in accordance with the class of exempted development set out under Class 6 of Part 3 Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The restrictions on exempted development as set out under Article 9(1) of the planning Regulations do not apply in this case.

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 an agricultural shed at Ballytigue, Lisdoonvarna, Co. Clare is considered development which is exempted development.

Signed:



GARRETH RUANE
SENIOR EXECUTIVE PLANNER



Date:

8th September 2025

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF:	R25-70
APPLICANT(S):	Michael Hogan
REFERENCE:	Is the agricultural shed at Ballytigue, Lisdoonvarna Development and if so, is it exempted development.
LOCATION:	Ballytigue Lisdoonvarna County Clare
DUE DATE:	8 th September

Site Location

The subject site is in a rural area to the south- east of Lisdoonvarna and is accessed via a private access road. The site is a green field at present.

As per the Clare County Development Plan 2-23-2029 this site is in an area that is outside of any area of special control in terms of rural housing policy, and which is not designated as a visually sensitive area and is not designated as being within or close to any Natura 2000 site. There is a recorded monument on lands to the east of this site, and the site is outside of the zone of archaeological potential of this recorded monument. There is a house to the north- east of the subject site.



Figure 1: Aerial; View of Site

Recent Planning History

On this site- none

To the east of this site.

95-648

Margaret Murphy	Ballytigue, Lisdoonvarna.	Permission to construct a dwelling house and septic tank.
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Permission was granted subject to conditions.

20-996

Michael Hogan & Louise Collins	Ballytigue Lisdoonvarna Co Clare	to construct a dwelling house, wastewater treatment system, new driveway to be accessed from the existing farm road and all associated site works
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Permission was granted subject to conditions.

Background to Referral

The applicant is seeking a Section 5 Declaration as to whether the construction of a livestock slatted unit at Ballytigue, Lisdoonvarna County Clare is development and if so, is it exempted development.

The following information is provided (by way of the application form and site layout plan submitted) as regards the proposed shed:

- The proposed slatted shed will have a floor area of 200m².
- The proposed slatted shed will include a calf creep area and feeding area.
- The applicant Michael Hogan is the owner of the site.
- Elevation drawings of the proposed slatted shed have been submitted, as per the drawings the proposed shed is to have a maximum height of 5.5m and to be constructed using materials generally associated with the design and construction of such units.
- A map showing the location of the spread lands to be used for the land spreading of waste associated with the proposed development has been submitted.
- It is proposed that the slatted shed will be constructed at a point 17m from the private access road by which the site is accessed.
- As per the site layout plan submitted, it can be seen that the proposed slatted shows is to be 108 m from the closest dwelling, which is the referrers uncle's house.
- There is an existing hay barn located approx. 115m to the east of the proposed location the slatted shed and there are no other slatted units within 100m of the site of the proposed slatted unit.

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.

The stated development is considered to be both work's and development.

Planning & Development Regulations, 2001, as amended

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

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

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 by extension of an existing structure), and any ancillary provision for effluent storage.

Conditions and limitations;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(xi) obstruct any public right of way,

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

Assessment

Basis of Referral

The applicant is seeking a Section 5 Declaration as to whether the construction of a livestock slatted unit at Ballytighe, Lisdoonvarna County Clare is development and if so, is it exempted development.

- The proposed slatted shed will have a floor area of 200m².
- The proposed slatted shed will include a calf creep area and feeding area.
- The applicant Michael Hogan is the owner of the site.
- Elevation drawings of the proposed slatted shed have been submitted, as per the drawings the proposed shed is to have a maximum height of 5.5m and to be constructed using materials generally associated with the design and construction of such units.
- It is proposed that the slatted shed will be constructed at a point 17m from the private access road by which the site is accessed.
- As per the site layout plan submitted it can be seen that the proposed slatted shows is to be 108 m from the closest dwelling, which is the referrers uncle's house.
- There is an existing hay barn located approx. 115m to the east of the proposed location the slatted shed and there are no other slatted units within 100m of the site of the proposed slatted unit.

The following Planning Legislation has been considered

(1) 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.

Conditions and limitations.

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

Noted and complied with

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.*

Noted and complied with, there are no slatted structures within 100m.

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.

Noted. *It is also noted that a site location map showing the proposed location of lands to be used for the spreading of effluent associated with the proposed development has been submitted and it would appear that sufficient lands are available.*

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

Noted.

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

This is complied with. The proposed shed will have a height of 5.5m.

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.

This is complied with.

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

Noted. *As per the elevation drawings submitted, the exact materials for use have not been specified, however from the drawings submitted, it would appear that painted metal sheeting is proposed for use, and this is acceptable.*

(2) Under Article 9 (1) of the Planning Regulations

As per Article 9 of the Planning Regulations, development to which Article 6 relates shall not be exempted development for the purposes of the Act:

(b) *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*

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

(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.

(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 license granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,*

Not applicable.

(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,*

Not applicable. I have carried out AA screening for the stated development (as attached to this report) and have determined that AA is not required in this case.

(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."*

Not applicable.

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

Not applicable.

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

Not applicable.

(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.

(xi) obstruct any public right of way,

Not applicable.

(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.

Recommendation

The following questions have been referred to the Planning Authority:

The applicant is seeking a Section 5 Declaration as to whether the construction of a livestock slatted unit at Ballytighe, Lisdoonvarna County Clare is development and if so, is it 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 received by the Planning Authority on 12th August 2025.


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

- (a) The construction of a livestock slatted unit 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 construction of a livestock slatted unit is exempted development in accordance with the class of exempted development set out under Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The restrictions on exempted development as set out under Article 9(1) of the Planning Regulations do not apply in this case.

Now therefore Clare County Council (Planning Authority), hereby decides that construction of a slatted livestock unit construction of a livestock slatted unit at Ballytighe, Lisdoonvarna County Clare is development and is exempted development.

 08-09-25
Executive Planner

Date: 08-09-25


Senior Executive Planner

Date: 08/09/25

Clare County Council
Screening for Appropriate Assessment & Determination

1. Table 1 to be filled in for all development applications.
2. Where proposed development is within a European site(s) site, go directly to table 3.
3. For all other development proposals, fill in table 2, and if required, table 3.
4. A Habitats Directive Screening Statement should be sought for all developments regardless of location which require an EIS

Table 1: Project Details

Planning File Reference	R25/70
Applicant Name	Michael Hogan
Development Location	Proposed Slatted shed at Ballytigue Lisdoonvarna County Clare
Application accompanied by an EIS	No
Application accompanied by an NIS	No
Description of the project	
<p>Proposed Slatted shed at Ballytigue Lisdoonvarna County Clare</p> <ul style="list-style-type: none"> • The proposed slatted shed will have a floor area of 200m². • The proposed slatted shed will include a calf creep area and feeding area. • The applicant Michael Hogan is the owner of the site. • Elevation drawings of the proposed slatted shed have been submitted, as per the drawings the proposed shed is to have maximum height of 5.5m and to be constructed using materials generally associated with the design and construction of such units. • It is proposed that the slatted shed will be constructed at a point 17m from the private access road by which the site is accessed. • As per the layout plan submitted the proposed slatted shows is to be 108 m from the closest dwelling, which is the referrers uncle's house. • There is an existing hay barn located approx. 115m to the east of the proposed location the slatted shed and there are no other slatted units within 100m of the site of the proposed slatted unit. 	

Table 2: Identification of European sites which may be impacted by the proposed development.

This section identifies the European Sites within the likely zone of impact of the plan or project. For plans an initial 15km zone of influence (NPWS-DAHG)¹ is recommended. For projects, the distance could be much less than 15km, and in some cases less than 100m, but this must be evaluated on a case-by-case basis.

Having regard to the nature, scale and location of the proposed development and the lack of connectivity to European Sites, I consider the likely zone of impact of the project to be no greater than 3km.

Table 2 (a): European Sites within 3km of Applicant Site

European Sites ²	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
SAC BallyTeigue (Clare) SAC 000994	Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]	1k
SAC Moneen Mountains 000054	Turloughs [3180] Alpine and Boreal heaths [4060] Juniperus communis formations on heaths or calcareous grasslands [5130] Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] Petrifying springs with tufa formation (Cratoneurion) [7220] Limestone pavements [8240] Euphydryas aurinia (Marsh Fritillary) [1065] Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	6.4k
SAC Black Head Poulsallagh Complex 000020	Reefs [1170] Perennial vegetation of stony banks [1220] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] Alpine and Boreal heaths [4060]	7k

¹ European Sites that are more than 15km from the proposal may have to be considered. For example in the case of sites with water dependent habitats or species and where a proposal could affect water quality or quantity it may be necessary to consider the full extent of the upstream and/or downstream catchment.

² European Site details are available on <http://webgis.npws.ie/npwsviewer/> or maybe obtained from internal mapping systems.

European Sites ²	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
	<p>Juniperus communis formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Limestone pavements [8240]</p> <p>Submerged or partially submerged sea caves [8330]</p> <p>Petalophyllum ralfsii (Petalwort) [1395]</p>	

1	Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.	<i>Is the development in the catchment of or immediately upstream of a watercourse that has been designated as a European site?</i>	No impact envisaged
2	Impacts on terrestrial habitats & species.	<i>Is the development within 1km of a European site with terrestrial based habitats or species?</i>	None. No habitats to be removed to construct the new slatted shed.
3	Impacts on designated marine habitats & species.	<i>Is the development located within marine or intertidal areas and within 5 km of a European site whose qualifying habitats or species include the following: Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs</i>	No
4	Impacts on birds in SPAs	<i>Is the development within 1km of a Special Protection Area</i>	No
5	Indirect effects	<i>Is the development, in combination with other existing or proposed developments likely to impact on an adjacent European site?</i> <i>Is any emission from the development (including noise) likely to impact on an adjacent habitat or species?</i>	No in-combination effects likely No emissions likely

Conclusion:

- If the answer to all of the above is *no*, significant impacts on European sites are unlikely. No further assessment is required; go directly to the conclusion statement.
- If the answer is *unknown* or *yes* proceed to Table 3 and refer to the relevant sections of Table

Appropriate Assessment Screening Determination	
Planning File Reference	R 25-70
Proposed Development	Slatted shed
Development Location	Ballytigue Lisdoonvarna
European sites within impact zone	None
Description of the project:	
Slatted shed with a floor area of 200m2.	
Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site	
N/A	
Describe how the project or plan (alone or in combination) is likely to affect the European site(s).	
No likely effects due to the nature, scale and location of the proposed development and lack of connectivity to European Sites	
If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?	
N/A – no likely effects	
Documentation reviewed for making this statement	
<ul style="list-style-type: none"> - County Development Plan (including Flood Maps, SEA & AA) - NPWS website - Documents received as part of the Section 5 declaration application 	
Conclusion of assessment; There is no potential for significant effects to European Sites³	
Completed By	Annemarie McCarthy, Executive Planner <i>A McCarthy</i>
Date	08/09/25 <i>08/09/25</i>



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Michael Hogan
C/o Deirdre Foran
Lisdoonvarna
Co. Clare

12/08/2025

Section 5 referral Reference R25-70 – Michael Hogan

Is the agricultural shed at Ballytigue development and if so, is it exempted development?

A Chara,

I refer to your application received on 12th August 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 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



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



R25-70

**REQUEST FOR A DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT
(Section 5 of the Planning & Development Act 2000 (as amended))**

FEE: €80

This following form is a non-statutory form which has been prepared by Clare County Council for the purpose of obtaining the necessary information required for a declaration to be made under Section 5 by the Planning Authority

1. CORRESPONDENCE DETAILS.

(a) Name and Address of person seeking the declaration	<u>MICHAEL HOGAN</u> <u>BALLYTIGUE, LISDOONVARNA,</u> <u>CO CLARE</u>
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	<u>DEIRDRE FORAN</u> <u>LISDOONVARNA</u> <u>CO CLARE</u>



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 AGRICULTURAL SHED AT BALLYTIGUE DEVELOPMENT AND IF
SO IS IT EXEMPTED DEVELOPMENT

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

PROPOSED SLATTED SHED WITH CALF CREEP AND FEEDING AREA

200 SQM

ENCLOSED MAP SHOWING SPREADING AREA FOR SLURRY

- (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)

DRAWINGS; SITE LOCATION MAP; SITE LAYOUT PLAN

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT

(a) Postal Address of the Property/Site/Building for which the declaration sought:	BALLYTIGUE, LISDOONVARNA, CO CLARE _____ _____
(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	___NO___ _____ _____ _____
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	MICHAEL IS THE OWNER
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question: <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	_____ _____ _____
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	YES
(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>	
(h) Date on which 'works' in question were completed/are likely to take place:	

SIGNED:



AGENT

DATE: 04-08-2025

GUIDANCE NOTES

This following are non-statutory advice notes prepared by Clare County Council for the purpose of advising people what information is required for a decision to be made under Section 5 by the Planning Authority

- (i) The request for a declaration under Section 5 must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
- (ii) The request for a declaration under Section 5 must be accompanied by the required fee of €80.00.
- (iii) If submitting any additional plans/reports etc. as part of the request for a declaration, please submit 2 copies.
- (iv) The request for a declaration should be sent to the following address:

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

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

FOR OFFICE USE ONLY

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

Land Registry Compliant Map



Tailte
Éireann

**CENTRE
COORDINATES:**
ITM 514465,696936

PUBLISHED: 27/07/2025
ORDER NO.: 50481165_1

MAP SERIES: 1:5,000
MAP SHEETS: 3909

SITE LOCATION MAP

MICHAEL HOGAN

**BALLYTIGUE
LISDONVARNA
WOOD PARK BENG.**

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

www.tailte.ie

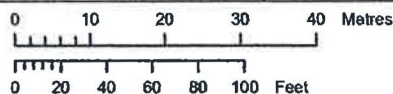
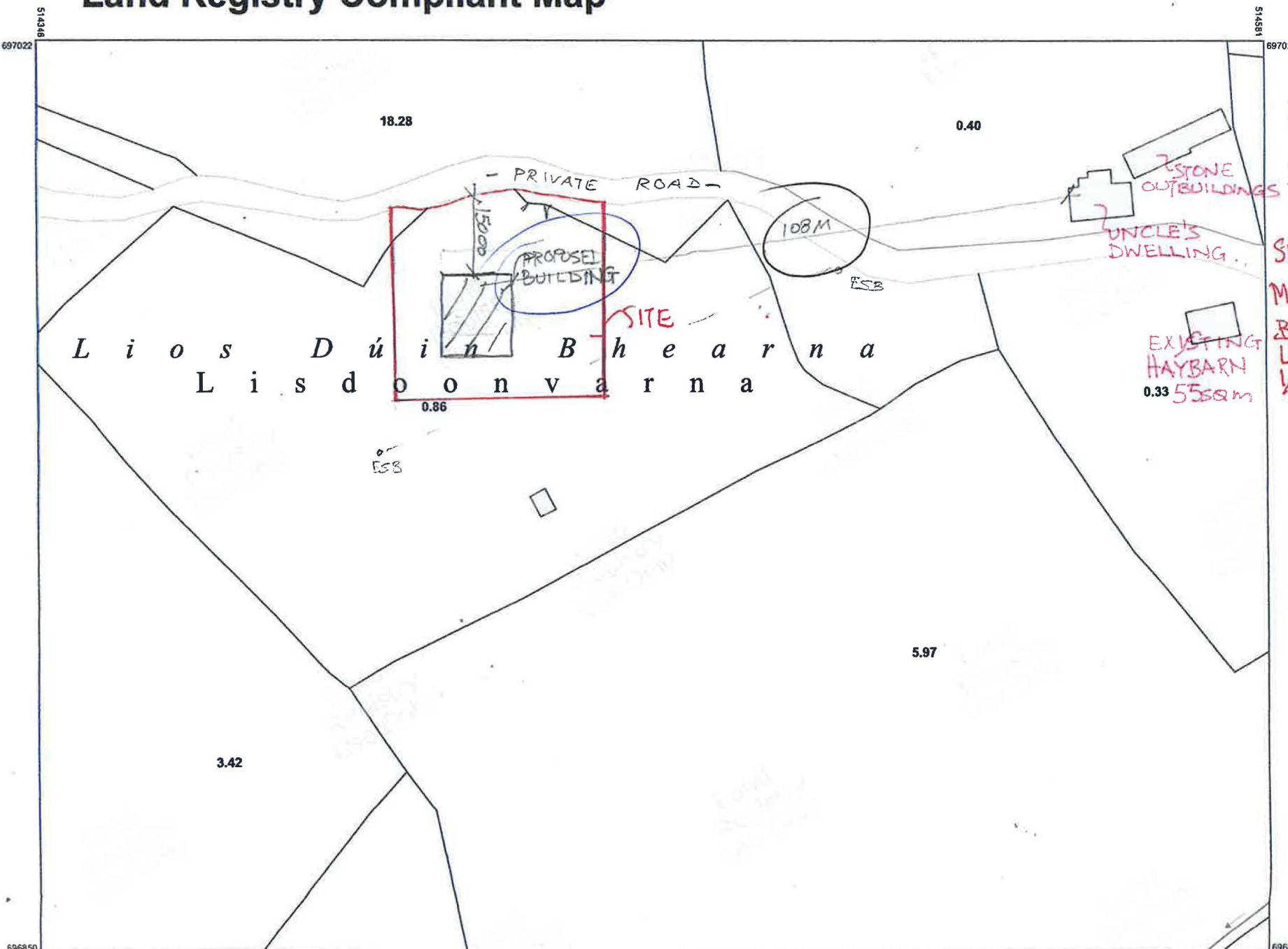
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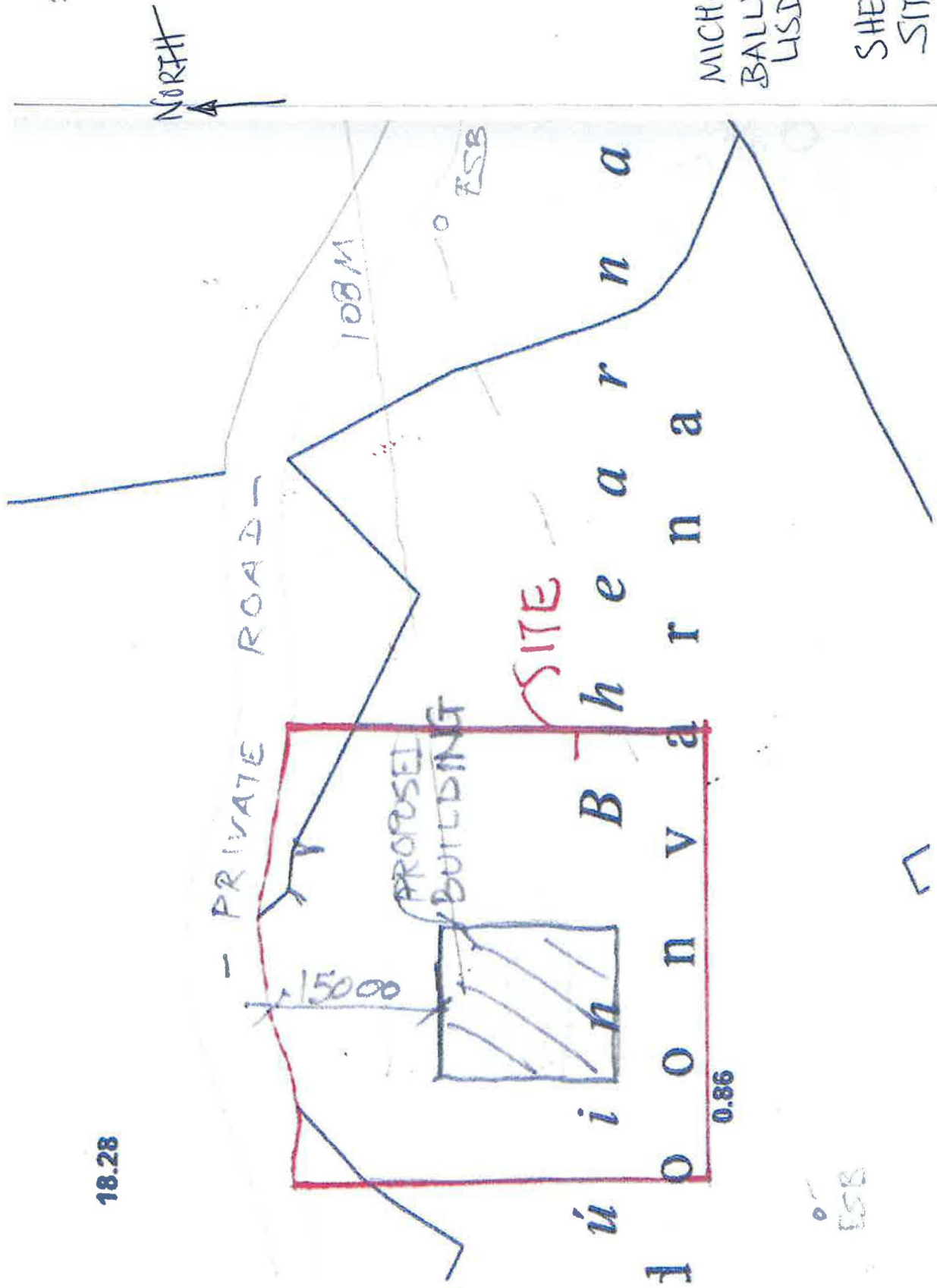
OUTPUT SCALE: 1:1,000

CAPTURE RESOLUTION:
The map objects are only accurate to the
resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at:
www.tailte.ie; search 'Capture Resolution'

LEGEND:
To view the legend visit
www.tailte.ie and search for
'Large Scale Legend'

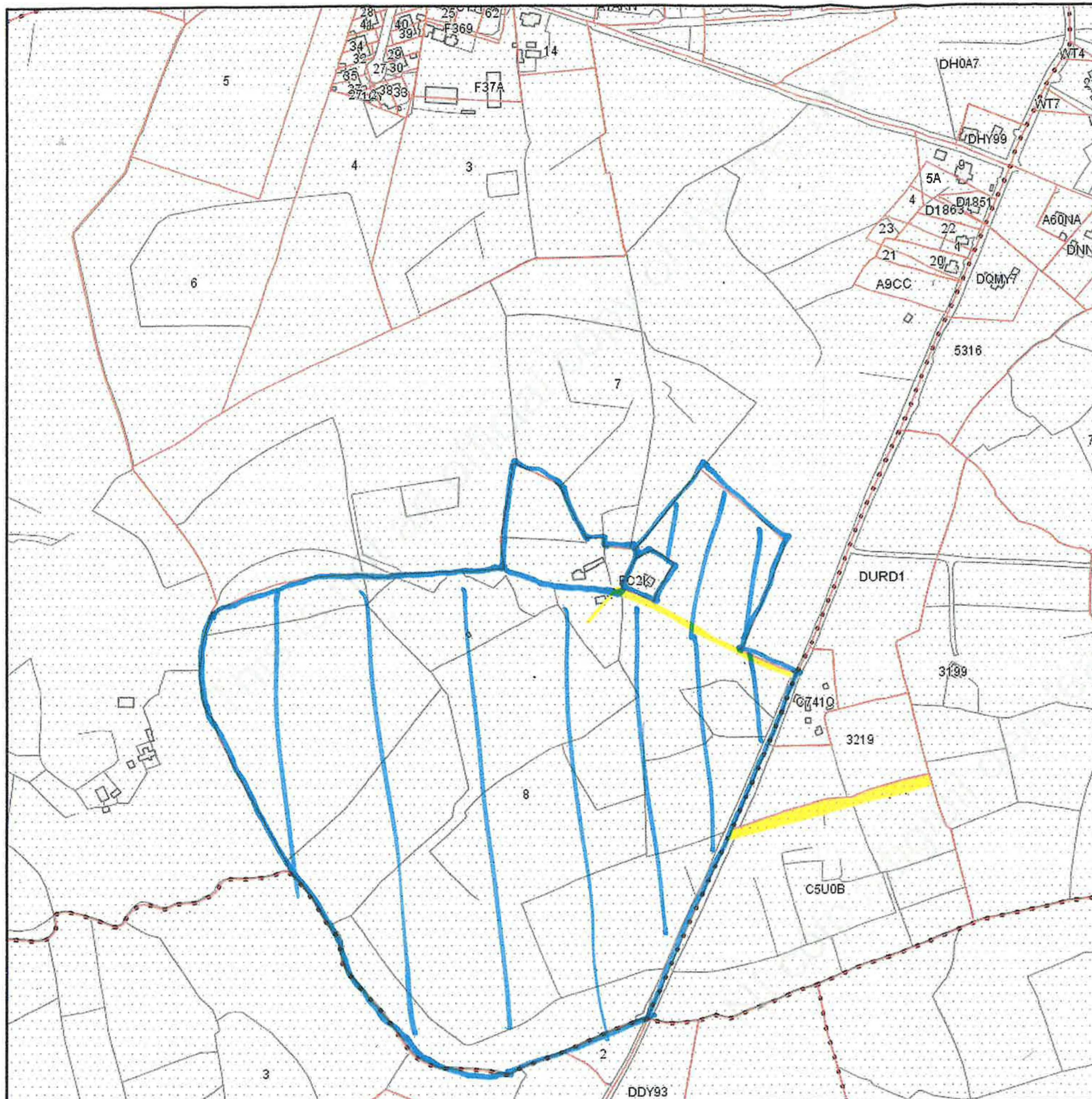


18.28



MICHAEL HOGAN
BALLYTIGUE
LISDOONVARNNA

SHEET 2:
SITE LAYOUT PLAN
1/500 03.08.2025
DORAN BENG.



Tailte Éireann

Clárúchán, Luacháil,
Suirbhéireacht
Registration, Valuation,
Surveying

Official Tailte Éireann Registration Map

This map should be read in conjunction with the folio.

Tailte Éireann (TÉ) Registration mapping is based on TÉ Surveying mapping. Where TÉ Registration maps are printed at a scale that is larger than the TÉ Surveying scale, accuracy is limited to that of the TÉ Surveying map scale.

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(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- SubLeasehold
- 'S' Register

(see Section 8(b)(II) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- Soak Pit

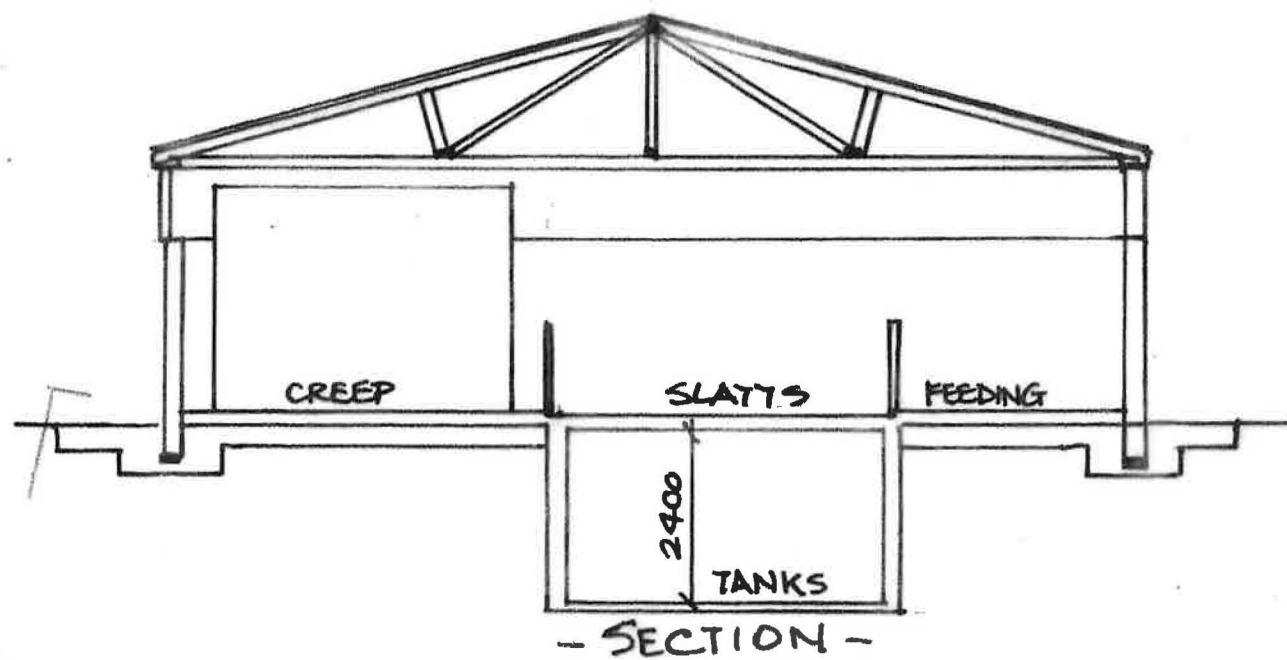
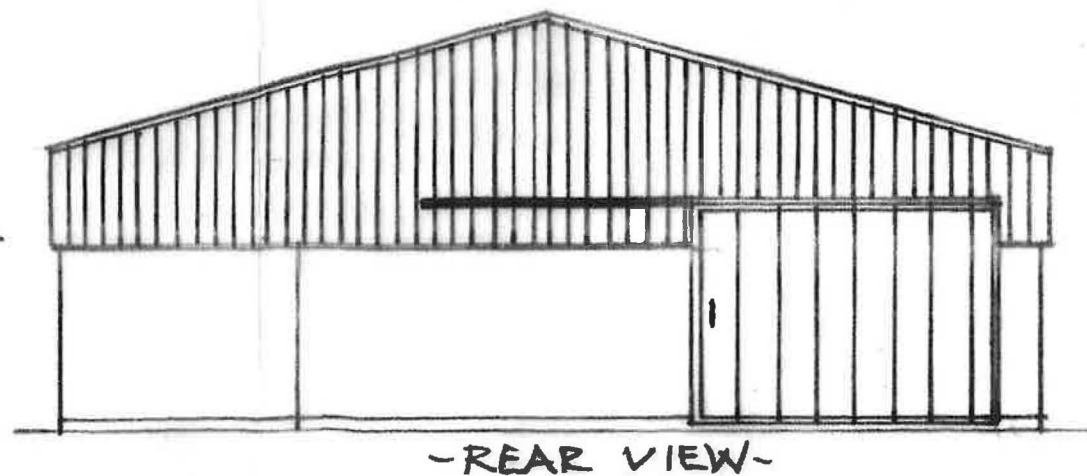
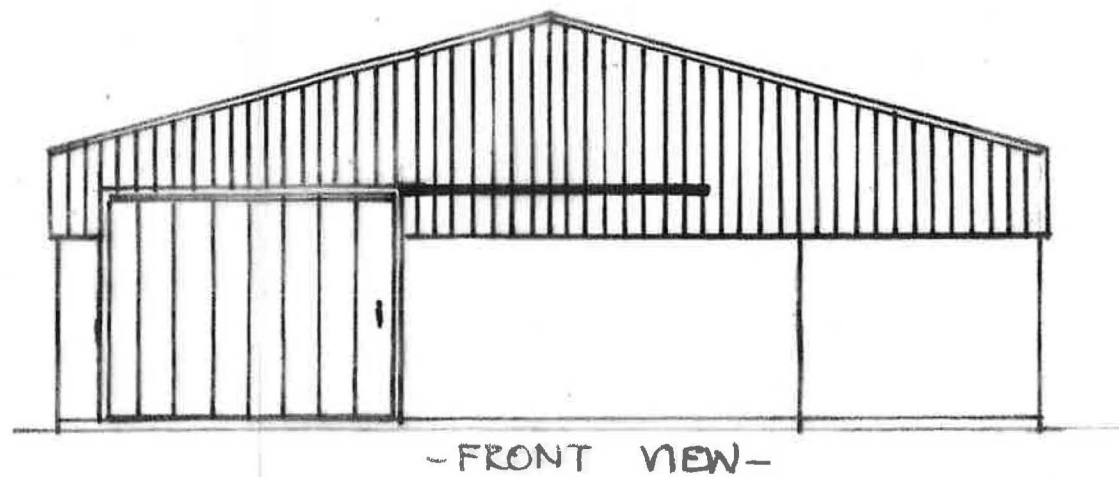
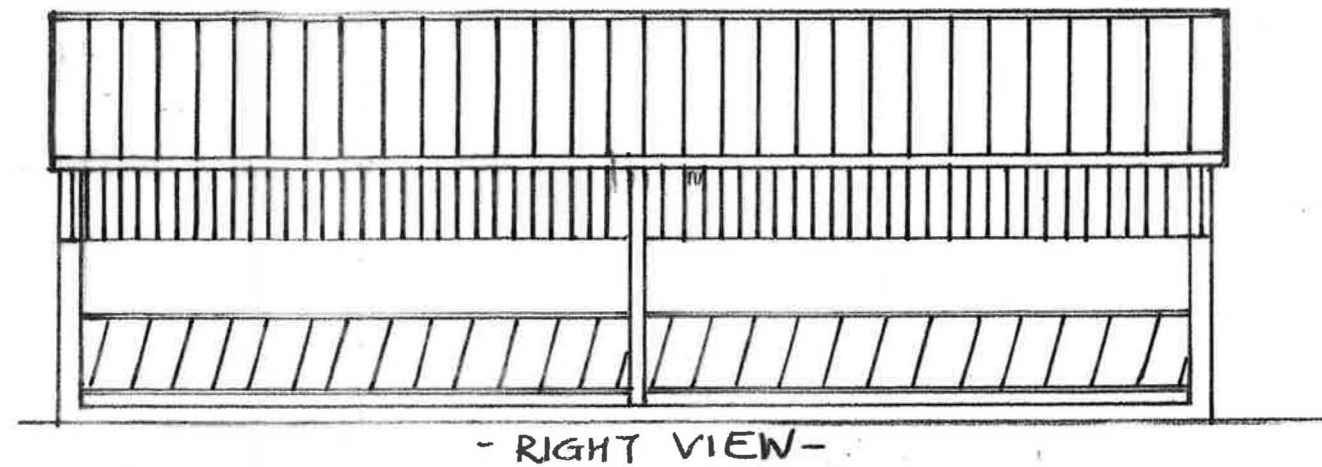
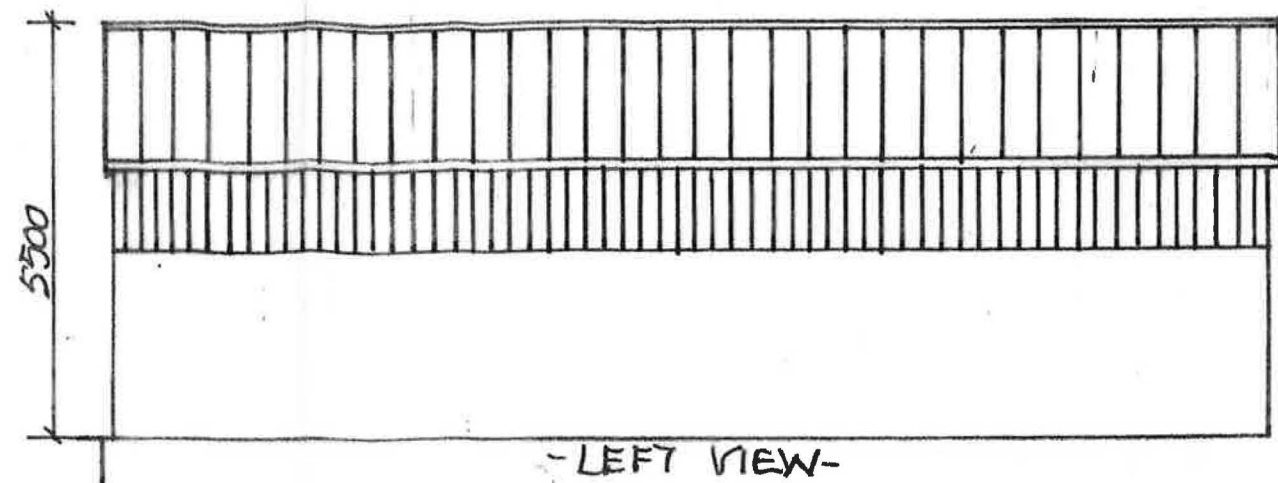
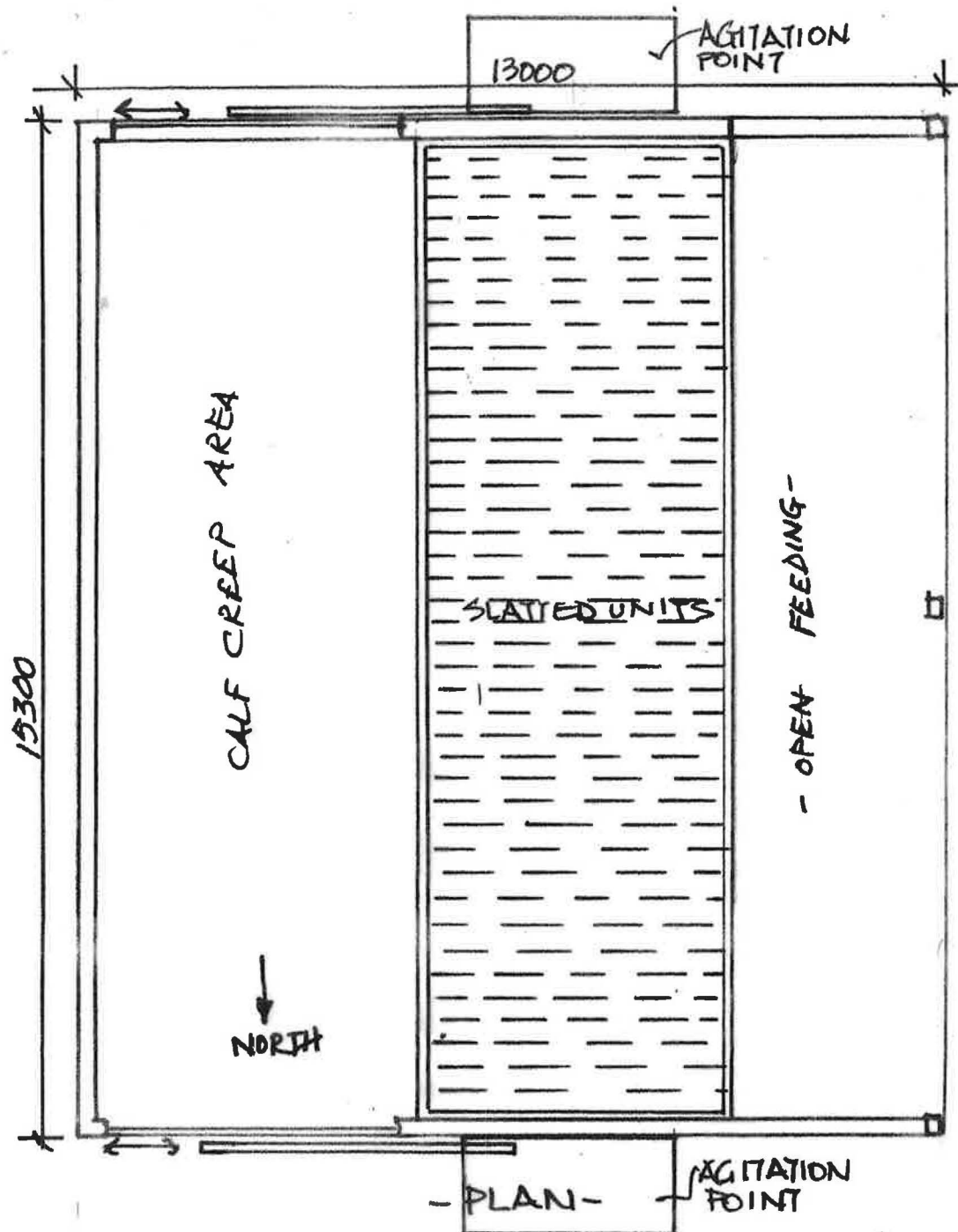
A full list of burdens and their symbology can be found at: www.landdirect.ie

Tailte Éireann Registration operates a non-conclusive boundary system. The TÉ Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TÉ Registration map is conclusive as to the boundaries or extent.

(see Section 85 of the Registration of Title Act, 1964). As Inserted by Section 62 of the Registration of Deed and Title Act 2006.

Area for Slurry Spreading
in CE 15638 (Total 21.55ha)
(21 ha for spreading.)





MICHAEL HOGAN
 BALLYTIGUE
 LISDOONVARNA
 CO CLARE
 1/100 03.08.2025
 D. FORAN B.ENG.
 LISDOONVARNA
 SHEET 1: PLAN; VIEWS