



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

Josephine & John Talty
C/o Deirdre Foran
Lisdoonvarna
Co. Clare

3rd October 2025

Section 5 referral Reference R25-71 – Josephine & John Talty

Are the agricultural sheds at Cloonlaheen Middle development and if so, are they 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



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: 86405

Reference Number: R25-71

Date Referral Received: 12th August 2025

Date Further Information Received: 16th September 2025

Name of Applicant: Josephine & John Talty

Location of works in question: Cloonlaheen Middle, Mullagh, Co. Clare

Section 5 referral Reference R25-71 – Josephine & John Talty

Are the agricultural sheds at Cloonlaheen Middle development and if so, are they 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 and Class 9 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 on the 23rd April 2025.

AND WHEREAS Clare County Council has concluded:

- (a) The development of the agricultural sheds at Cloonlaheen Middle, County 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 agricultural machinery storage shed and the slatted shed at Cloonlaheen Middle, County Clare are exempted development having regard to Class 6 and Class 9 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended.
- (d) The hay shed at Cloonlaheen Middle, County Clare is not exempted development having regard to Class 9(6) of Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended as unpainted metal sheeting has been used for roofing the external finish of the structure.

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 agricultural machinery storage shed and the slatted shed at Cloonlaheen Middle, Mullagh, Co. Clare is considered development which is exempted development and the hay shed at Cloonlaheen Middle, Mullagh, Co. Clare is considered development which is not exempted development.

Signed:



GARRETH RUANE
SENIOR EXECUTIVE PLANNER

As
✓

Date:

3rd October 2025

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

Reference No.: R25-71



**Comhairle Contae an Chláir
Clare County Council**

Section 5 referral Reference R25-71

Are the agricultural sheds at Cloonlaheen Middle development and if so, are they exempted development?

AND WHEREAS, Josephine & John Talty 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 and Class 9 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 on the 23rd April 2025.

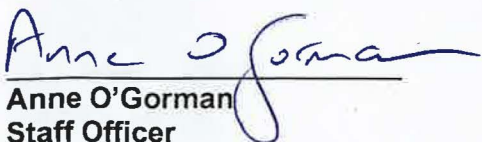
And whereas Clare County Council has concluded:

- (a) The development of the agricultural sheds at Cloonlaheen Middle, County 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 agricultural machinery storage shed and the slatted shed at Cloonlaheen Middle, County Clare are exempted development having regard to Class 6 and Class 9 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended.
- (d) The hay shed at Cloonlaheen Middle, County Clare is not exempted development having regard to Class 9(6) of Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended as unpainted metal sheeting has been used for roofing the external finish of the structure.

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 agricultural machinery storage shed and the slatted shed at Cloonlaheen Middle, Mullagh, Co. Clare **constitutes development** which is **exempted development** and the hay shed at Cloonlaheen Middle, Mullagh, Co. Clare

constitutes development which is not exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

A handwritten signature in blue ink, reading "Anne O'Gorman", with a horizontal line drawn underneath the name.

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

3rd October 2025

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT 2

FILE REF:	R25-71
APPLICANT(S):	Josephine & John Talty
REFERENCE:	Whether the agricultural sheds at Cloonlaheen Middle, Mullagh, County Clare, is not development and is or is not exempted development.
LOCATION:	Cloonlaheen Middle, County Clare
DUE DATE:	06 th October 2025

Introduction

The following further information was requested on the 04th September. The response was received on the 16th September. Outlined below is an assessment of the response received and a subsequent reassessment of the overall proposal in light of the response received.

- 1. With regard to the planning status of the hay shed and the slatted shed, the Planning Authority considers that these sheds constitute both works and development and are not exempted development. This is due to the fact that the hay shed is less than 10 metres from the public road and includes an unpainted metal roof finish, and that the slatted shed constitutes the extension and alteration of this unauthorised hays shed structure. With regard to Shed number 1 in the west of the site it is stated that this is in use for the storage of agricultural machinery. However, this shed is located within a fenced area which includes an unauthorised quarry and builders shed/yard, and on the basis of the available information, the Planning Authority considers that this shed may be being used for quarrying or building related activities. Therefore, you are requested to outline the use of the shed and to submit any supporting documentary evidence which demonstrates the use of the shed.*

The response received states that the hay shed is 10.73 metres from the public road. It is also stated that the hay shed and the slatted shed are 2 separate buildings. It is stated that shed number 11 is used for the storage of machinery only and was constructed prior to the subsequent erection of the fence and gate. These were erected to prevent theft of machinery. It is further stated that there is no machinery associated with quarrying stored in the shed.

Site Location

The proposal site is located in the rural townland of Cloonlaheen Middle and is to the south west of "The Hand" cross road. It is to the north of the LP2116 local primary road and accommodates 3 agricultural sheds. To the east of the site is the applicants dwelling. To the west of the site is a quarried area and a builders shed. The surface treatments within the site comprise for the most part of crushed stone. It is in an upland location. The main views are passing and approach views on the adjacent road.

Recent Planning History

Onsite

Quarry Reference EUQY314 – This does not have the benefit of planning permission or Section 261 registration.

West

05-3 – Incomplete application.

05-152 – Granted - Cloonlaheen Group Water Scheme - to relocate water storage reservoir and ancillary works on site as granted previously under Planning Ref. P03/984.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Josephine & John Talty. They are seeking a Section 5 Declaration as to whether the agricultural sheds at Cloonlaheen Middle, County Clare, 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.

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.*
- 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.*

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 9

Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

- 1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.*
- 2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.*
- 3. No such structure shall be situated within 10 metres of any public road.*
- 4. No such structure within 100 metres of any public road shall exceed 8 metres in height.*

5. *No such structure shall be situated 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.*
6. *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,

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

(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 applicants are seeking a Section 5 Declaration as to whether the agricultural sheds at Cloonlaheen Middle, County Clare, is not development and is or is not exempted development.

Particulars of Proposal

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

Shed 1

- Machinery shed
- Floor area 165.5 sqm
- Height 5.3 metres

Shed 2

- Slatted shed
- Floor area 173 sqm

- Height 5.6 metres

Shed 3

- Hay shed
- Floor area 119 sqm
- Height 5.3 metres

Shed 1

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 9

Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

The floor area is less than 300sqm and its stated use is for the storage of agricultural machinery. On the basis of the further information response received I note that the shed is in use for agricultural purposes.

1. *No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.*

The stated use is for the storage of agricultural machinery.

2. *The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.*

Not exceeded.

3. *No such structure shall be situated within 10 metres of any public road.*

It is greater than 10 metres from the public road.

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

Not exceeded.

5. *No such structure shall be situated 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.*

No third-party dwelling within 100 metres.

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

Grey external cladding.

Shed 2

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.

This is a slatted shed for the housing of cattle.

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

This is a slatted shed for the housing of cattle.

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.*

Not exceeded.

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*

The report received from the Environment Department (Appendix 1) is noted with regard to the above. Compliance with same has been demonstrated.

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

It is more than 10 metres from the road.

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

Not exceeded.

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.*

No third-party dwellings within 100 metres.

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

Grey metal sheeting.

Shed 3

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 9

Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

The floor area is less than 300sqm and its use is for the storage of hay.

1. *No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.*

Its use is for the storage of hay.

2. *The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.*

Not exceeded.

3. *No such structure shall be situated within 10 metres of any public road.*

The further information response demonstrates that the shed is 10.73 metres from the road.

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

Not exceeded.

5. *No such structure shall be situated 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.

No third-party dwelling within 100 metres.

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

Painted external cladding to walls. The roof is unpainted.

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:

- (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*

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,*

Site is served by an existing access point.

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

No impact on aviation envisaged.

- (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.*

This site is located within a Settled Landscape. Having regard to the nature of the proposed development, that nature of the proposal site and its receiving environs, and

the views available towards the site I consider that development proposed does not interfere with the character of the landscape or views in the area.

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

Not applicable.

(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.

(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,

The proposal site is approximately 10.8km from the Mid-Clare Coast SPA and the Carrowmore Point to Spanish Point and Islands SAC. Having regard to the nature and scale of the proposed development and 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. An appropriate assessment screening report and determination is attached to this report.

(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 development would not be likely to have an adverse impact on an area designated as a natural heritage area.

(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,

The site accommodates an unauthorised quarry. Immediately adjacent to the sheds is a builders shed which does not have the benefit of planning permission and which does not constitute exempted development. Shed number 1 is within a fenced builders yard and quarry area. However, it is in agricultural use.

The roof of shed number 3 comprises of unpainted metal sheeting. The shed does not constitute exempted development. It has been demonstrated that shed number 2 is a separate building.

(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.

Conclusion

The response received has demonstrated that the agricultural machinery storage shed and the slatted shed constitute exempted development. The hay shed is not exempted development as it includes unpainted metal sheeting on the roof.

Recommendation

The following question has been referred to the Planning Authority:

Whether the agricultural sheds at Cloonlaheen Middle, County Clare, 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 and Class 9 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 on the 23rd April 2025.

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

- (a) the development of the agricultural sheds at Cloonlaheen Middle, County 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 agricultural machinery storage shed and the slatted shed at Cloonlaheen Middle, County Clare are exempted development having regard to Class 6 and Class 9 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended.
- (d) the hay shed at Cloonlaheen Middle, County Clare is not exempted development having regard to Class 9(6) of Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended as unpainted metal sheeting has been used for roofing the external finish of the structure.

Now therefore Clare County Council (Planning Authority) hereby decides that the agricultural machinery storage shed and the slatted shed at Cloonlaheen Middle, County Clare is development and is exempted development, and that the hay shed at Cloonlaheen Middle, County Clare is development that is not exempted development.



Executive Planner
Date: 03rd October 2025



Senior Executive Planner
Date: 03/10/25

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	R25-71
Applicant Name	Talty
Development Location	Cloonlaheen Middle, Mullagh, Co Clare
Application accompanied by an EIS	No
Application accompanied by an NIS	No
Description of the project (To include a site location map):	
Agricultural sheds	
	

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 with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects. Qualifying Interests/Special conservation Interests for each site and the distance relevant to the proposal are listed (Table 2 (a)).

Table 2 (a): European Sites within 15km 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)
Mid Clare Coast SPA	Cormorant (<i>Phalacrocorax carbo</i>) [A017] Barnacle Goose (<i>Branta leucopsis</i>) [A045] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Sanderling (<i>Calidris alba</i>) [A144] Purple Sandpiper (<i>Calidris maritima</i>) [A148] Dunlin (<i>Calidris alpina</i>) [A149] Turnstone (<i>Arenaria interpres</i>) [A169] Wetland and Waterbirds [A999]	10.8
Carrowmore Point to Spanish Point and Islands SAC	Coastal lagoons [1150] Reefs [1170] Perennial vegetation of stony banks [1220] Petrifying springs with tufa formation (Cratoneurion) [7220]	10.8

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.

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
2	Impacts on terrestrial habitats and species.	<i>Is the development within 1km of a European site with terrestrial based habitats or species?</i>	No
3	Impacts on designated marine habitats and 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? Is any emission from the development (including noise) likely to impact on an adjacent habitat or species?</i>	No impacts envisaged

Appropriate Assessment Screening Determination	
Planning File Reference	R25-71
Proposed Development	Agricultural sheds
Development Location	Cloonlaheen Middle
European sites within impact zone	As per report
Description of the project	
Agricultural sheds	
Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site	
As per report	
Describe how the project or plan (alone or in combination) is likely to affect the European site(s).	
Water quality & general disturbance	
If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?	
Having regard to the nature and scale of the proposed development and 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.	
Documentation reviewed for making this statement	
NPWS website Plans and particulars received GIS mapping database	
Conclusion of assessment (a, b, c or d)	
(a) The proposed development is directly connected with or necessary to the nature conservation management of a European Site(s) ³	No
(b) There is no potential for significant effects to European Sites ³	Yes
(c) The potential for significant effects to European Site(s) cannot be ruled out ⁴	No

³ Appropriate Assessment is not required and therefore Planning permission may be granted at this stage subject to all other planning considerations. However, no changes may be made to the proposed development after this conclusion has been reached as this would invalidate the findings of the screening exercise.

⁴ In accordance with S177U of the Planning and Development (Amendment) Act 2010, the applicant should be requested to submit an 'Appropriate Assessment Screening Matrix' completed by a suitably qualified ecologist, by way of Further Information. Following receipt of this information a new Appropriate Screening Report should be completed. The requested 'Appropriate Assessment Screening Matrix' should be in accordance with the template outlined in Annex 2, Figure 1 of the EU (2001) guidance

(d) Significant effects to European sites are certain or likely or where potential for significant effects to European sites remains following receipt of Further Information requested under S177U of the Planning and Development (Amendment) Act 2010⁵	No
Completed By	John O'Sullivan
Date	03 rd October 2025

document 'Assessment of plans and projects significantly affecting European Sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. This guidance document is available from http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf

Alternatively, where other planning concerns arise the proposal could be refused planning permission.

⁵ The proposed development must either be refused planning permission or alternatively an 'Appropriate Assessment' (AA) should be carried out by the Planning Authority. In order to facilitate the preparation of an AA the applicant should be requested to submit a Natura Impact Statement (NIS) in accordance with S177 (T) of the Planning and Development (Amendment) Act 2010. However, in the case of an application to retain unauthorised development of land and where the authority decides that an 'appropriate assessment' should have been carried out prior to the commencement of development, the application is required to be invalidated by the Planning Authority as per S34 (12) of the Planning and Development (Amendment) Act 2010 and accordingly an NIS should not be requested in such instances.

Appendix 1- Environment Report

Background

Under the provisions of the Water Framework Directive (WFD) & River Basin Management Plans all waters must achieve at least good status by 2027. Where good or high status exists already it must be protected and maintained.

Clare County Council is required to ensure that appropriate actions are taken to ensure that the status of poor water bodies is restored to good water status and where high and good status exists that this is protected. Any development proposed must be addressed to adhere to and support the above stated objectives. The statutory implementation of the River Basin Management Plans is provided for by (inter alia) the Environmental Objectives (Surface Water) Regulations 2009 as amended and the Groundwater Regulations 2010 as amended.

This planning application is also assessed in terms of ensuring adherence with provisions of the Good Agricultural Practice Regulations 2022 as amended, the purpose of which gives effect to supporting the Nitrate's Action Programme in Ireland for the protection of waters against pollution caused by agricultural sources.

Comments/Observations

Townland:	Cloonlaheen Middle, Mullagh, Co. Clare.
Catchment:	Annageeragh 020
Water Quality:	Poor water quality status, at risk of not achieving the WFD objectives. Agriculture is not considered a significant pressure in the catchment.
Water Body:	Close proximity to Doolough lake (Article 7 Abstraction for Drinking Water) IE_SH_28_82 · Within the WFD Areas For Action Doolough and Annageeragh in the WFD cycle 2. · Targeting Agricultural Measures, White Flag - Protect measures
Soil Type:	Peat type Blanket Peat, Bedrock at or close to surface.

Based upon the information provided, it has been demonstrated that the total storage capacity of the existing tank shall provide adequate slurry and soiled water storage in accordance with the provisions of the European Union (Good Agricultural Practice For Protection Of Waters) Regulations 2022 as amended.

The applicant has also demonstrated that the land-spreading of slurry shall be conducted over a sufficient area owned by the applicant to ensure that nitrogen application shall be below the limit of 170kg/ha/year.

The Exempted floor area limits are as follows:

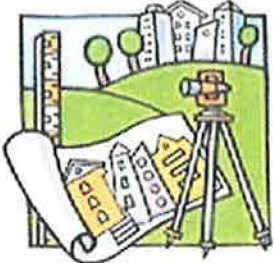
- Class 6 - slatted shed – up to 300sqm,
- Class 9 – Store/barn – 300sqm (up to a max of 900sqm within the same yard).

The applicant has also demonstrated that the combined area of the three sheds listed in the application are within the Exempted floor area.

Recommendations:

In the event that the Planning Authority determine it appropriate to grant a declaration of exempted development under section 5 of the planning & development act 2000 for the existing development, it is recommended that the following be included as conditions in the interest of environmental legislative compliance and environmental protection:

- The development shall be operated in such a manner that no pollution of any waters, including groundwater, shall take place.
- All farm effluents and farmyard manures associated with this development shall be collected, managed and disposed of in compliance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022 as amended.
- Clean surface water and rainwater run-off from roofs from the site shall only be directed to appropriate soak-aways, but shall not be allowed to flow onto any roadway or into soiled water /slurry/effluent storage areas. The clean water soak-away shall not be located in close proximity of a well or located such that it impacts the water quality of a well or any other water body.
- Organic fertiliser (slurry, farmyard manure, etc.) shall only be spread on suitable lands in accordance with the details submitted as part of the planning application.
- Furthermore, organic fertiliser shall only be spread in accordance with the specified setbacks from water courses and drinking water abstraction points as specified under Regulation 17 of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022 as amended.
- In accordance with Regulation 18(2) of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022 as amended, organic and chemical fertilisers or soiled water shall not be applied to land in any of the following circumstances—
 - a) the land is waterlogged;
 - b) the land is flooded or likely to flood;
 - c) the land is snow covered or frozen;
 - d) heavy rain is forecast within 48 hours, or
 - e) the ground slopes steeply and there is a risk of water pollution having regard to factors such as surface runoff pathways, the presence of land drains, the absence of hedgerows to mitigate surface flow, soil conditions and ground cover.
- Any increase in stock numbers above those that are submitted in the application, shall be restricted to an appropriate number in order to comply with Regulation 20 of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022 as amended.

	Deirdre Foran, B.Eng. (Civil), M.E.I., Chartered Building Engineer, Lisdoonvarna, Co Clare. dforandesign@gmail.com 087 675 0327
 ENGINEERS IRELAND	 cabe chartered building engineer  cabe chartered association of building engineers

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

13-09-2025



Reference: Section 5 Referral R25-71; Josephine and John Talty, Cloonlaheen Middle, Mullagh A Chara,

Thank you for your recent correspondence to the request under Section 5 for opinion on exemption of the agricultural sheds at Cloonlaheen Middle.

Please accept the following clarifications in response:

Picture showing the distance between the hayshed and the public road as more than 10m

It is unclear as to relevance of the unpainted roof?

The slatted house and the hayshed are in fact two separate buildings as shown on both site layout and location maps, see attached picture supporting this fact

The machinery shed houses farm machinery only, see pictures showing machinery to be stored for the winter and machinery already stored in the shed.

The shed was built prior to the wall and gate, which were erected to provide security from theft of machinery. Security cameras have also been installed to protect the property. As the slatted shed and hayshed are the sheds most used during the Winter months, including them within a walled area would impede on farming practices. There is no machinery associated with quarrying stored in this shed.

The owner's 86 year father lives in the dwelling to the east of the farm buildings and the provision of cameras and having an area to store valuable machinery, which, if exposed in an open yard, would attract attention from intruders, is a priority to make the property as safe as possible for his continued good welfare, safety and peace of mind.

The agents of the planning authority are welcome to arrange a full inspection of the yard with the owners if necessary.

Mise, le meas,

Deirdre Foran

Camera (2)



B-C-D-G-H
Showing Farm
Machinery to
be Stored over the
winter along with
Machinery Stored
all year round.



Distance from
Hayshed to Road.
10.73m.



Camera (1)

Hayshed
Slatted Shed

REF: R25-71 Josephine & John Talty
Cloonlaken Middle
Mullagh



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Josephine & John Talty
c/o Deirdre Foran
Lisdoonvarna
Co.Clare

4th September 2025

Section 5 referral Reference R25-71 – Josephine & John Talty

Are the agricultural sheds at Cloonlaheen Middle development and if so, are they 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.

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:

Having regard to the details as submitted with this Section 5 Referral application, the following further information is required to allow for a full assessment of this referral:

1. With regard to the planning status of the hay shed and the slatted shed, the Planning Authority considers that these sheds constitute both works and development and are not exempted development. This is due to the fact that the hay shed is less than 10 metres from the public road and includes an unpainted metal roof finish, and that the slatted shed constitutes the extension and alteration of this unauthorised hayshed structure. With regard to Shed number 1 in the west of the site it is stated that this is in use for the storage of agricultural machinery. However, this shed is located within a fenced area which includes an unauthorised quarry and builders shed/yard, and on the basis of the available information, the Planning Authority considers that this shed may be being used for quarrying or building related activities. Therefore, you are requested to outline the use of the shed and to submit any supporting documentary evidence which demonstrates the use of the shed.

Mise, le meas

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stiúirtheoireacht 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 1

FILE REF:	R25-71
APPLICANT(S):	Josephine & John Talty
REFERENCE:	Whether the agricultural sheds at Cloonlaheen Middle, Mullagh, County Clare, is not development and is or is not exempted development.
LOCATION:	Cloonlaheen Middle, County Clare
DUE DATE:	08 th September 2025

Site Location

The proposal site is located in the rural townland of Cloonlaheen Middle and is to the south west of "The Hand" cross road. It is to the north of the LP2116 local primary road and accommodates 3 agricultural sheds. To the east of the site is the applicants dwelling. To the west of the site is a quarried area and a builders shed. The surface treatments within the site comprises for the most part of crushed stone. It is in an upland location. The main views are passing and approach views on the adjacent road.

Recent Planning History

Onsite

Quarry Reference EUQY314 – This does not have the benefit of planning permission or Section 261 registration.

West

05-3 – Incomplete application.

05-152 – Granted - Cloonlaheen Group Water Scheme - to relocate water storage reservoir and ancillary works on site as granted previously under Planning Ref. P03/984.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Josephine & John Talty. They are seeking a Section 5 Declaration as to whether the agricultural sheds at Cloonlaheen Middle, County Clare, 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.

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.*
- 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.*

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 9

Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

1. *No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.*
2. *The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.*
3. *No such structure shall be situated within 10 metres of any public road.*
4. *No such structure within 100 metres of any public road shall exceed 8 metres in height.*
5. *No such structure shall be situated 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.*
6. *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,*
 - (iii)(a) *endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,*
 - (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 applicants are seeking a Section 5 Declaration as to whether the agricultural sheds at Cloonlaheen Middle, County Clare, is not development and is or is not exempted development.

Particulars of Proposal

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

Shed 1

- Machinery shed
- Floor area 165.5 sqm
- Height 5.3 metres

Shed 2

- Slatted shed
- Floor area 173 sqm
- Height 5.6 metres

Shed 3

- Hay shed
- Floor area 119 sqm
- Height 5.3 metres

Shed 1

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 9

Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

The floor area is less than 300sqm and its stated use is for the storage of agricultural machinery. However, the shed is within a fenced builders yard and quarry, both of which are unauthorised, and it is unclear whether the subject shed is being used for agricultural purposes.

1. *No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.*

The stated use is for the storage of agricultural machinery. However, the shed is within a fenced builders yard and quarry, both of which are unauthorised, and it is unclear whether the subject shed is being used for agricultural purposes.

2. *The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.*

Not exceeded.

3. *No such structure shall be situated within 10 metres of any public road.*

It is greater than 10 metres from the public road.

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

Not exceeded.

5. *No such structure shall be situated 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.*

No third-party dwelling within 100 metres.

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

Grey external cladding.

Shed 2

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.

This is a slatted shed for the housing of cattle.

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

This is a slatted shed for the housing of cattle.

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.*

Not exceeded.

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*

The report received from the Environment Department (Appendix 1) is noted with regard to the above. Compliance with same has been demonstrated.

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

It is unclear if it is more than 10 metres from the road.

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

Not exceeded.

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.*

No third-party dwellings within 100 metres.

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

Grey metal sheeting.

Shed 3

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 9

Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

The floor area is less than 300sqm and its use is for the storage of hay.

1. *No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.*

Its use is for the storage of hay.

2. *The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.*

Not exceeded.

3. *No such structure shall be situated within 10 metres of any public road.*

It is less than 10 metres from the public road.

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

Not exceeded.

5. *No such structure shall be situated 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.*

No third-party dwelling within 100 metres.

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

Painted external cladding to walls. The roof is unpainted.

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:

- (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*

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,*

Site is served by an existing access point.

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

No impact on aviation envisaged.

- (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.*

This site is located within a Settled Landscape. Having regard to the nature of the proposed development, that nature of the proposal site and its receiving environs, and the views available towards the site I consider that development proposed does not interfere with the character of the landscape or views in the area.

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

Not applicable.

- (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.

(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,

The proposal site is approximately 10.8km from the Mid-Clare Coast SPA and the Carrowmore Point to Spanish Point and Islands SAC. Having regard to the nature and scale of the proposed development and 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. An appropriate assessment screening report and determination is attached to this report.

(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 development would not be likely to have an adverse impact on an area designated as a natural heritage area.

(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,

The site accommodates an unauthorised quarry. Immediately adjacent to the sheds is a builders shed which does not have the benefit of planning permission and which does not constitute exempted development. Shed number 1 is within a fenced builders yard and quarry area.

Shed number 3 is less than 10 metres from the road and the roof comprises of unpainted metal sheeting. The shed does not constitute exempted development. Shed number 2 (i.e. the slatted shed) comprises the extension and alteration of this unauthorised structure.

(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

I recommend that the following FURTHER INFORMATION be requested by the Planning Authority:

1. With regard to the planning status of the hay shed and the slatted shed, the Planning Authority considers that these sheds constitute both works and development and are not exempted development. This is due to the fact that the hay shed is less than 10 metres from the public road and includes an unpainted metal roof finish, and that the slatted shed constitutes the extension and alteration of this unauthorised hayshed structure. With regard to Shed number 1 in the west of the site it is stated that this is in use for the storage of agricultural machinery. However, this shed is located within a fenced area which includes an unauthorised quarry and builders shed/yard, and on the basis of the available information, the Planning Authority considers that this shed may be being used for quarrying or building related activities. Therefore, you are requested to outline the use of the shed and to submit any supporting documentary evidence which demonstrates the use of the shed.


Executive Planner
Date: 03/09/2025


Senior Executive Planner
Date: 04/09/25

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	R25-71
Applicant Name	Talty
Development Location	Cloonlaheen Middle, Mullagh, Co Clare
Application accompanied by an EIS	No
Application accompanied by an NIS	No
Description of the project (To include a site location map):	
Agricultural sheds	
	

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 with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects. Qualifying Interests/Special conservation Interests for each site and the distance relevant to the proposal are listed (Table 2 (a)).

Table 2 (a): European Sites within 15km 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)
Mid Clare Coast SPA	Cormorant (<i>Phalacrocorax carbo</i>) [A017] Barnacle Goose (<i>Branta leucopsis</i>) [A045] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Sanderling (<i>Calidris alba</i>) [A144] Purple Sandpiper (<i>Calidris maritima</i>) [A148] Dunlin (<i>Calidris alpina</i>) [A149] Turnstone (<i>Arenaria interpres</i>) [A169] Wetland and Waterbirds [A999]	10.8
Carrowmore Point to Spanish Point and Islands SAC	Coastal lagoons [1150] Reefs [1170] Perennial vegetation of stony banks [1220] Petrifying springs with tufa formation (Cratoneurion) [7220]	10.8

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.

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
2	Impacts on terrestrial habitats and species.	<i>Is the development within 1km of a European site with terrestrial based habitats or species?</i>	No
3	Impacts on designated marine habitats and 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? Is any emission from the development (including noise) likely to impact on an adjacent habitat or species?</i>	No impacts envisaged

Appropriate Assessment Screening Determination	
Planning File Reference	R25-71
Proposed Development	Agricultural sheds
Development Location	Cloonlaheen Middle
European sites within impact zone	As per report
Description of the project	
Agricultural sheds	
Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site	
As per report	
Describe how the project or plan (alone or in combination) is likely to affect the European site(s).	
Water quality & general disturbance	
If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?	
Having regard to the nature and scale of the proposed development and 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.	
Documentation reviewed for making this statement	
NPWS website Plans and particulars received GIS mapping database	
Conclusion of assessment (a, b, c or d)	
(a) The proposed development is directly connected with or necessary to the nature conservation management of a European Site(s) ³	No
(b) There is no potential for significant effects to European Sites ³	Yes
(c) The potential for significant effects to European Site(s) cannot be ruled out ⁴	No

³ Appropriate Assessment is not required and therefore Planning permission may be granted at this stage subject to all other planning considerations. However, no changes may be made to the proposed development after this conclusion has been reached as this would invalidate the findings of the screening exercise.

⁴ In accordance with S177U of the Planning and Development (Amendment) Act 2010, the applicant should be requested to submit an 'Appropriate Assessment Screening Matrix' completed by a suitably qualified ecologist, by way of Further Information. Following receipt of this information a new Appropriate Screening Report should be completed. The requested 'Appropriate Assessment Screening Matrix' should be in accordance with the template outlined in Annex 2, Figure 1 of the EU (2001) guidance

(d) Significant effects to European sites are certain or likely or where potential for significant effects to European sites remains following receipt of Further Information requested under S177U of the Planning and Development (Amendment) Act 2010⁵	No
Completed By	John O'Sullivan
Date	03 rd September 2025

document 'Assessment of plans and projects significantly affecting European Sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. This guidance document is available from http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf

Alternatively, where other planning concerns arise the proposal could be refused planning permission.

⁵ The proposed development must either by refused planning permission or alternatively an 'Appropriate Assessment' (AA) should be carried out by the Planning Authority. In order to facilitate the preparation of an AA the applicant should be requested to submit a Natura Impact Statement (NIS) in accordance with S177 (T) of the Planning and Development (Amendment) Act 2010. However, in the case of an application to retain unauthorised development of land and where the authority decides that an 'appropriate assessment' should have been carried out prior to the commencement of development, the application is required to be invalidated by the Planning Authority as per S34 (12) of the Planning and Development (Amendment) Act 2010 and accordingly an NIS should not be requested in such instances.

Appendix 1- Environment Report

Background

Under the provisions of the Water Framework Directive (WFD) & River Basin Management Plans all waters must achieve at least good status by 2027. Where good or high status exists already it must be protected and maintained.

Clare County Council is required to ensure that appropriate actions are taken to ensure that the status of poor water bodies is restored to good water status and where high and good status exists that this is protected. Any development proposed must be addressed to adhere to and support the above stated objectives. The statutory implementation of the River Basin Management Plans is provided for by (inter alia) the Environmental Objectives (Surface Water) Regulations 2009 as amended and the Groundwater Regulations 2010 as amended.

This planning application is also assessed in terms of ensuring adherence with provisions of the Good Agricultural Practice Regulations 2022 as amended, the purpose of which gives effect to supporting the Nitrates Action Programme in Ireland for the protection of waters against pollution caused by agricultural sources.

Comments/Observations

Townland:	Cloonlaheen Middle, Mullagh, Co. Clare.
Catchment:	Annageeragh 020
Water Quality:	Poor water quality status, at risk of not achieving the WFD objectives. Agriculture is not considered a significant pressure in the catchment.
Water Body:	Close proximity to Doolough lake (Article 7 Abstraction for Drinking Water) IE_SH_28_82 · Within the WFD Areas For Action Doolough and Annageeragh in the WFD cycle 2. · Targeting Agricultural Measures, White Flag - Protect measures
Soil Type:	Peat type Blanket Peat, Bedrock at or close to surface.

Based upon the information provided, it has been demonstrated that the total storage capacity of the existing tank shall provide adequate slurry and soiled water storage in accordance with the provisions of the European Union (Good Agricultural Practice For Protection Of Waters) Regulations 2022 as amended.

The applicant has also demonstrated that the land-spreading of slurry shall be conducted over a sufficient area owned by the applicant to ensure that nitrogen application shall be below the limit of 170kg/ha/year.

The Exempted floor area limits are as follows:

- Class 6 - slatted shed – up to 300sqm,
- Class 9 – Store/barn – 300sqm (up to a max of 900sqm within the same yard).

The applicant has also demonstrated that the combined area of the three sheds listed in the application are within the Exempted floor area.

Recommendations:

In the event that the Planning Authority determine it appropriate to grant a declaration of exempted development under section 5 of the planning & development act 2000 for the existing development, it is recommended that the following be included as conditions in the interest of environmental legislative compliance and environmental protection:

- The development shall be operated in such a manner that no pollution of any waters, including groundwater, shall take place.
- All farm effluents and farmyard manures associated with this development shall be collected, managed and disposed of in compliance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022 as amended.
- Clean surface water and rainwater run-off from roofs from the site shall only be directed to appropriate soak-aways, but shall not be allowed to flow onto any roadway or into soiled water /slurry/effluent storage areas. The clean water soak-away shall not be located in close proximity of a well or located such that it impacts the water quality of a well or any other water body.
- Organic fertiliser (slurry, farmyard manure, etc.) shall only be spread on suitable lands in accordance with the details submitted as part of the planning application.
- Furthermore, organic fertiliser shall only be spread in accordance with the specified setbacks from water courses and drinking water abstraction points as specified under Regulation 17 of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022 as amended.
- In accordance with Regulation 18(2) of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022 as amended, organic and chemical fertilisers or soiled water shall not be applied to land in any of the following circumstances—
 - a) the land is waterlogged;
 - b) the land is flooded or likely to flood;
 - c) the land is snow covered or frozen;
 - d) heavy rain is forecast within 48 hours, or
 - e) the ground slopes steeply and there is a risk of water pollution having regard to factors such as surface runoff pathways, the presence of land drains, the absence of hedgerows to mitigate surface flow, soil conditions and ground cover.
- Any increase in stock numbers above those that are submitted in the application, shall be restricted to an appropriate number in order to comply with Regulation 20 of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022 as amended.

Sheds 2 and 3



Shed 1













Environment Report

Planning Application: R 25/71

Development Address: Cloonlaheen Middle, Mullagh, Co. Clare.

Development Description: Request for a declaration on development and exempted development.

Report by: Noreen Shannon, A/Assistant Scientist.

Date: 03/09/2025

Background.

Under the provisions of the Water Framework Directive (WFD) & River Basin Management Plans all waters must achieve at least good status by 2027. Where good or high status exists already it must be protected and maintained.

Clare County Council is required to ensure that appropriate actions are taken to ensure that the status of poor water bodies is restored to good water status and where high and good status exists that this is protected. Any development proposed must be addressed to adhere to and support the above stated objectives. The statutory implementation of the River Basin Management Plans is provided for by (inter alia) the Environmental Objectives (Surface Water) Regulations 2009 as amended and the Groundwater Regulations 2010 as amended.

This planning application is also assessed in terms of ensuring adherence with provisions of the Good Agricultural Practice Regulations 2022 as amended, the purpose of which gives effect to supporting the Nitrate's Action Programme in Ireland for the protection of waters against pollution caused by agricultural sources.

Comments/Observations.

Townland:	Cloonlaheen Middle, Mullagh, Co. Clare.
Catchment:	Annageeragh 020
¹ Water Quality:	Poor water quality status, at risk of not achieving the WFD objectives. Agriculture is not considered a significant pressure in the catchment.
Water Body:	• Close proximity to Doolough lake (Article 7 Abstraction for Drinking Water) IE_SH_28_82 • Within the WFD Areas For Action Doolough and Annageeragh in the WFD cycle 2. • Targeting Agricultural Measures, White Flag - Protect measures
Soil Type:	Peat type Blanket Peat, Bedrock at or close to surface.

¹ Based on the biological monitoring Q system, developed by EPA. Data used is the most available, sourced either in-house or from the EPA.

Based upon the information provided, it has been demonstrated that the total storage capacity of the existing tank shall provide adequate slurry and soiled water storage in accordance with the provisions of the European Union (Good Agricultural Practice For Protection Of Waters) Regulations 2022 as amended.

The applicant has also demonstrated that the land-spreading of slurry shall be conducted over a sufficient area owned by the applicant to ensure that nitrogen application shall be below the limit of 170kg/ha/year.

The Exempted floor area limits are as follows:

Class 6 - slatted shed – up to 300sqm,

Class 9 – Store/barn – 300sqm (up to a max of 900sqm within the same yard).

The applicant has also demonstrated that the combined area of the three sheds listed in the application are within the *Exempted floor area*.

Recommendations:

In the event that the Planning Authority determine it appropriate to grant a declaration of exempted development under section 5 of the planning & development act 2000 for the existing development, it is recommended that the following be included as conditions in the interest of environmental legislative compliance and environmental protection:

- The development shall be operated in such a manner that no pollution of any waters, including groundwater, shall take place.
- All farm effluents and farmyard manures associated with this development shall be collected, managed and disposed of in compliance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022 as amended.
- Clean surface water and rainwater run-off from roofs from the site shall only be directed to appropriate soak-aways, but shall not be allowed to flow onto any roadway or into soiled water /slurry/effluent storage areas. The clean water soak-away shall not be located in close proximity of a well or located such that it impacts the water quality of a well or any other water body.
- Organic fertiliser (slurry, farmyard manure, etc.) shall only be spread on suitable lands in accordance with the details submitted as part of the planning application.
- Furthermore, organic fertiliser shall only be spread in accordance with the specified setbacks from water courses and drinking water abstraction points as specified under Regulation 17 of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022 as amended.
- In accordance with Regulation 18(2) of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022 as amended, organic and chemical fertilisers or soiled water shall not be applied to land in any of the following circumstances —
 - a) the land is waterlogged;
 - b) the land is flooded or likely to flood;
 - c) the land is snow covered or frozen;
 - d) heavy rain is forecast within 48 hours, or
 - e) the ground slopes steeply and there is a risk of water pollution having regard to factors such as surface runoff pathways, the presence of land drains, the absence of hedgerows to mitigate surface flow, soil conditions and ground cover.

- Any increase in stock numbers above those that are submitted in the application, shall be restricted to an appropriate number in order to comply with Regulation 20 of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022 as amended.

Noreen Shannon.



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Josephine & John Talty
C/o Deirdre Foran
Lisdoonvarna
Co. Clare

12/08/2025

Section 5 referral Reference R25-71 – Josephine & John Talty

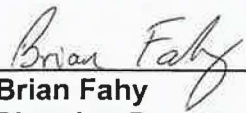
Are the agricultural sheds at Cloonlaheen Middle development and if so, are they exempted development?

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





COMHAIRLE
CONTAE

AN CHLÁIR

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

12/08/2025 11:50:07

Receipt No: L1CASH/0/382726
***** REPRINT *****

Josephine & John Tally
c/o Deirdre Foran
Lisdoonvarna, Co Clare
REF. R25-71



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

Total : 80.00 EUR

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



R25-71

**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

JOSEPHINE & JOHN TALTY,
CLOONLAHEEN MIDDEL, MULLAGH,
CO CLARE

(b) Telephone No.:

(c) Email Address:

(d) Agent's Name and address:

DEIRDRE FORAN
LISDOONVARNA
CO CLARE



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?

ARE THE AGRICULTURAL SHEDS AT CLOONLAHEEN MIDDLE

DEVELOPMENT AND IF SO ARE THEY EXEMPTED DEVELOPMENT

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

3 SHEDS WITHIN THE FARM YARD COMPLEX:

TYPE 1: SHED 2, SLATTED SHED OF 173 SQM.

TYPE 4:

SHED 1, MACHINERY SHED OF 165.5 SQM &

SHED 3, HAYSHED OF 119 SQM, COMBINED AREA OF LESS THAN 900 SQM

SHED 1- MACHINERY SHED BUILT IN 2005; SHED 2- SLATTED SHED BUILT IN 1999

SHED 3- HAYSHED BUILT IN 1973

- (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:	CLOONLAHEEN MIDDLE, MULLAGH, 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):	JOSEPHINE & JOHN ARE FULL OWNERS
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question: <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	
(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: 31-07-2025

GUIDANCE NOTES

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

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

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

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

FOR OFFICE USE ONLY

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

Land Registry Compliant Map



Tailte
Éireann

**CENTRE
COORDINATES:**
ITM 514068,674874

PUBLISHED: 27/07/2025
ORDER NO.: 50481165_2

MAP SERIES: 1:5,000
MAP SHEETS: 4375

**JOSEPHINE & JOHN TALTY
CLOONLAHEEN MIDDLE
MULLAGH**

**1/1000 28.07.2025
D FORAN B. ENG.**

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

www.tailte.ie

SITE LOCATION MAP

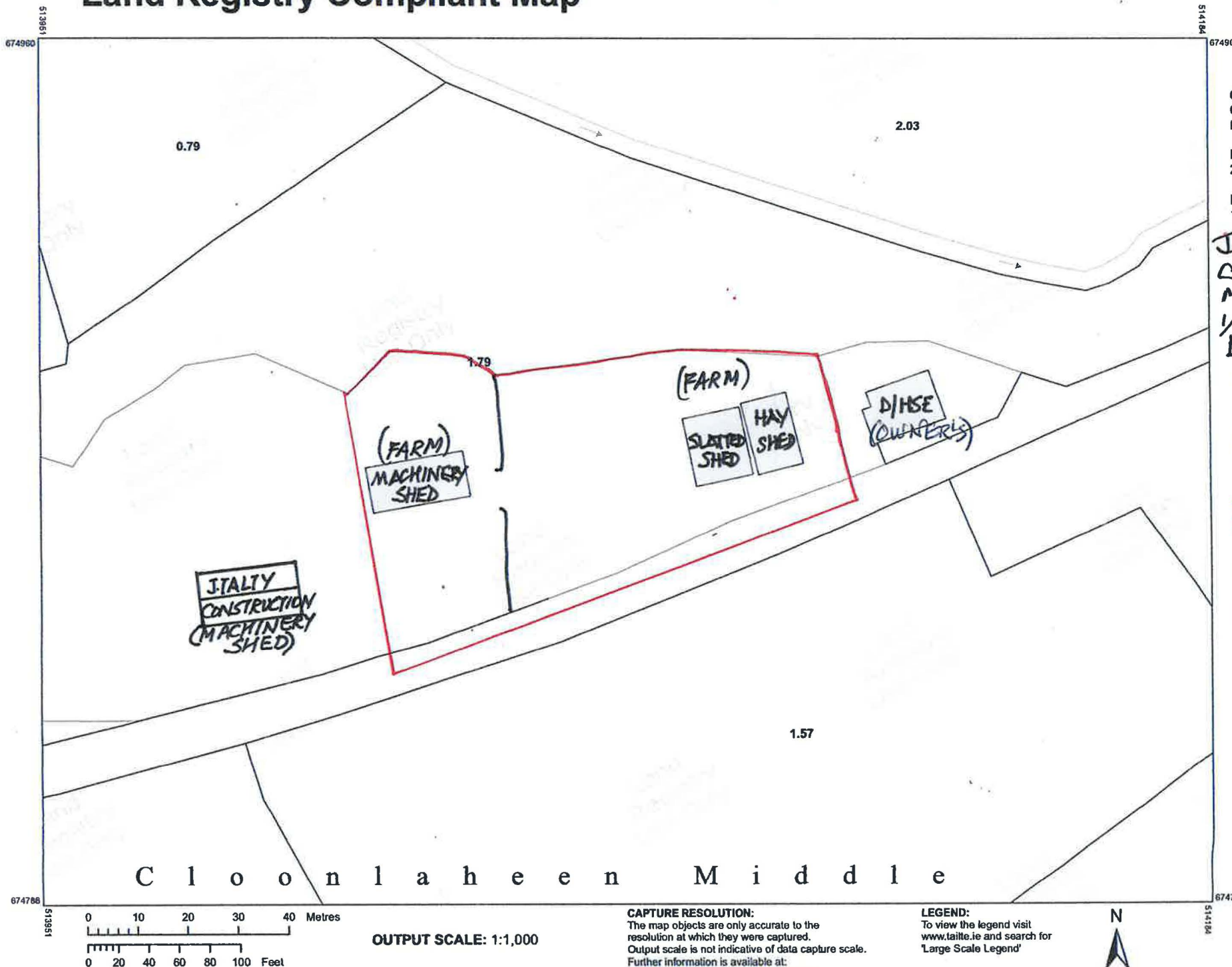
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This topographic map
does not show
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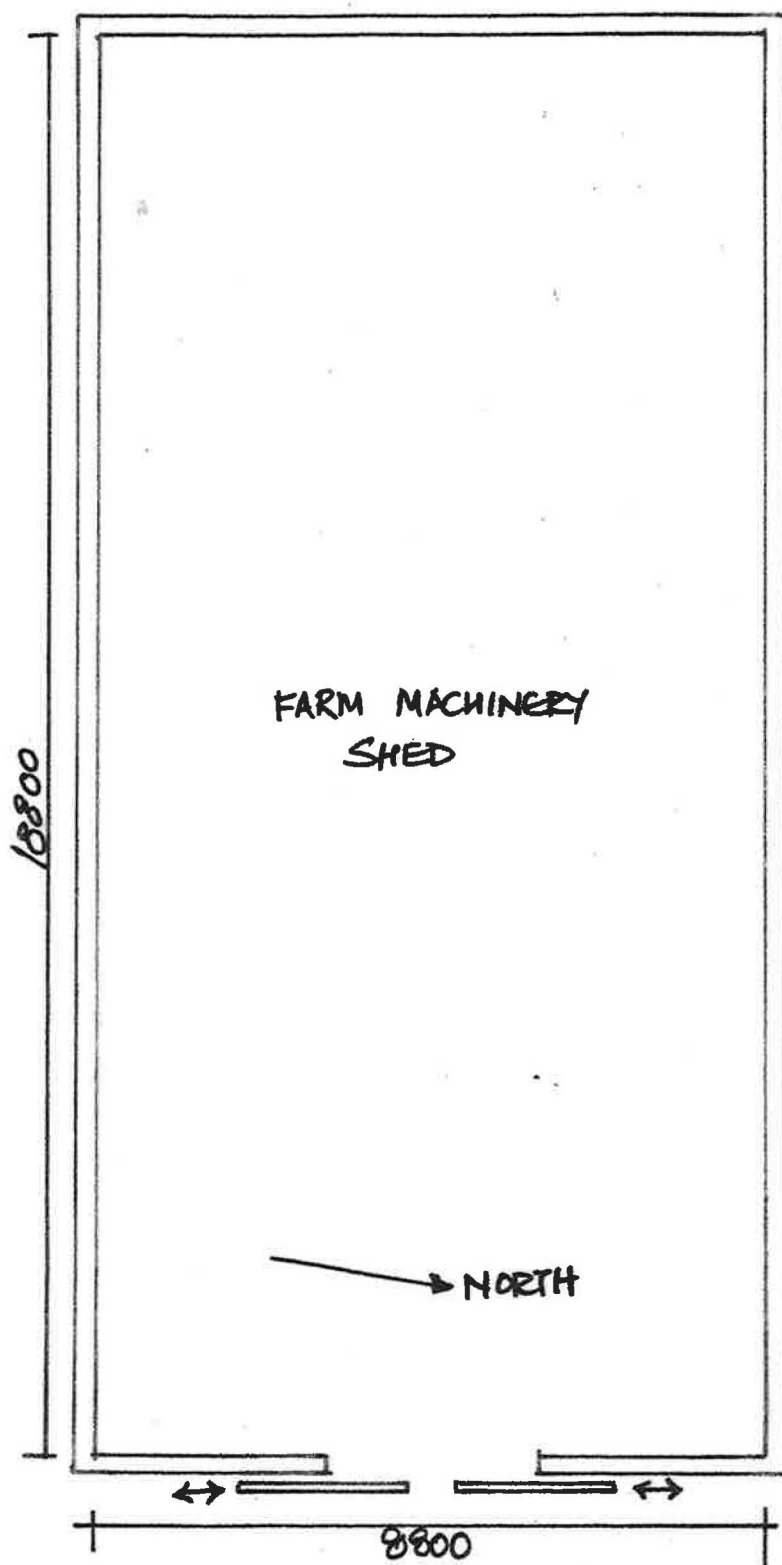
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The map objects are only accurate to the
resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at:
www.tailte.ie; search 'Capture Resolution'

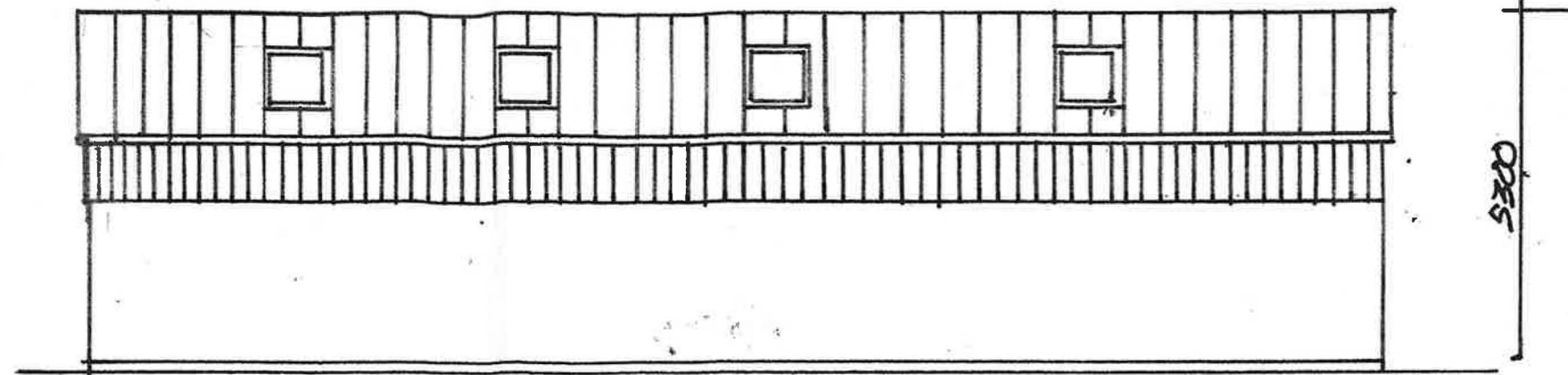
LEGEND:
To view the legend visit
www.tailte.ie and search for
'Large Scale Legend'



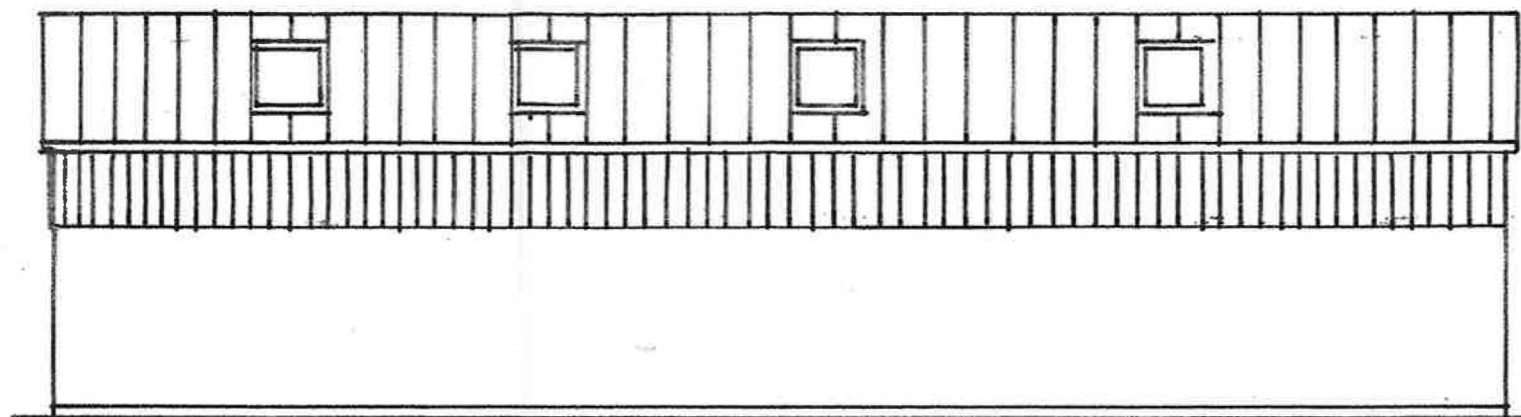


PLAN

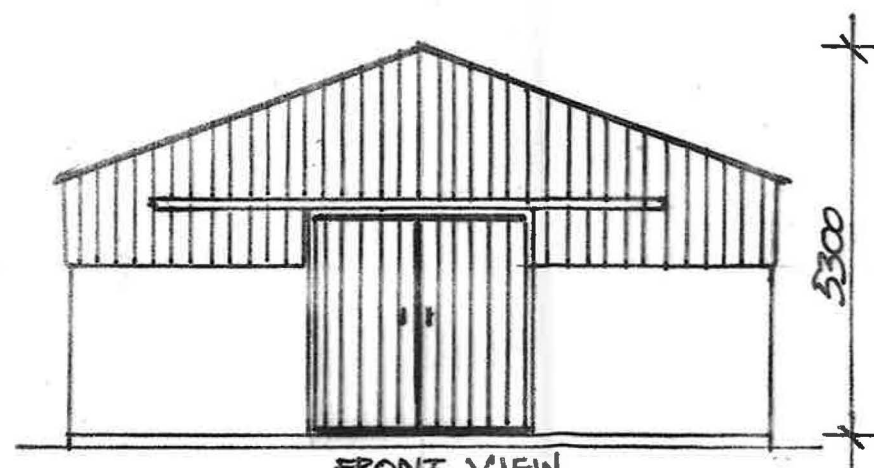
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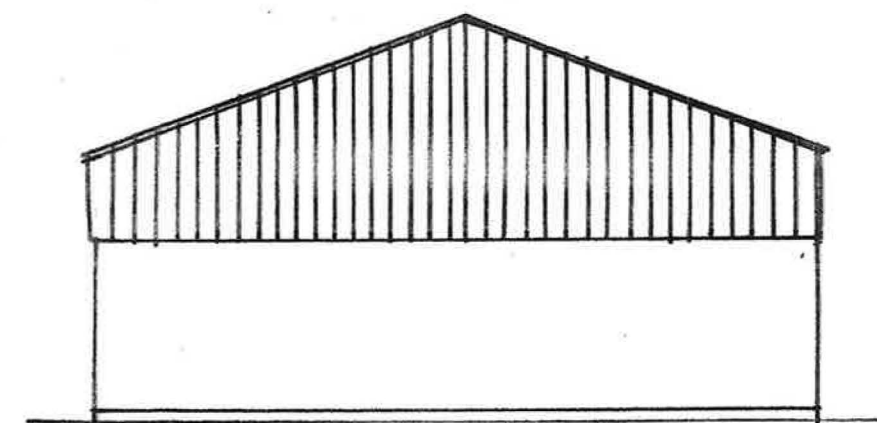
RIGHT VIEW



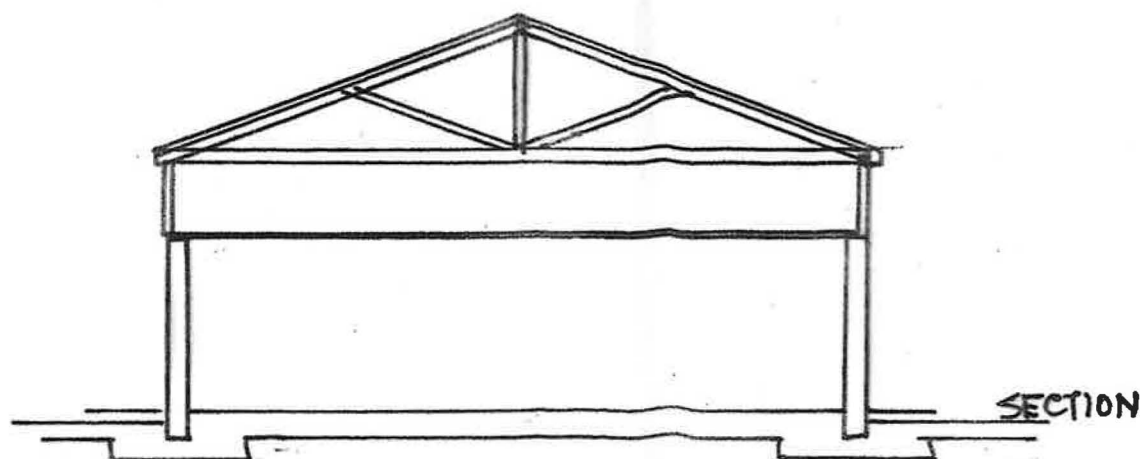
LEFT VIEW



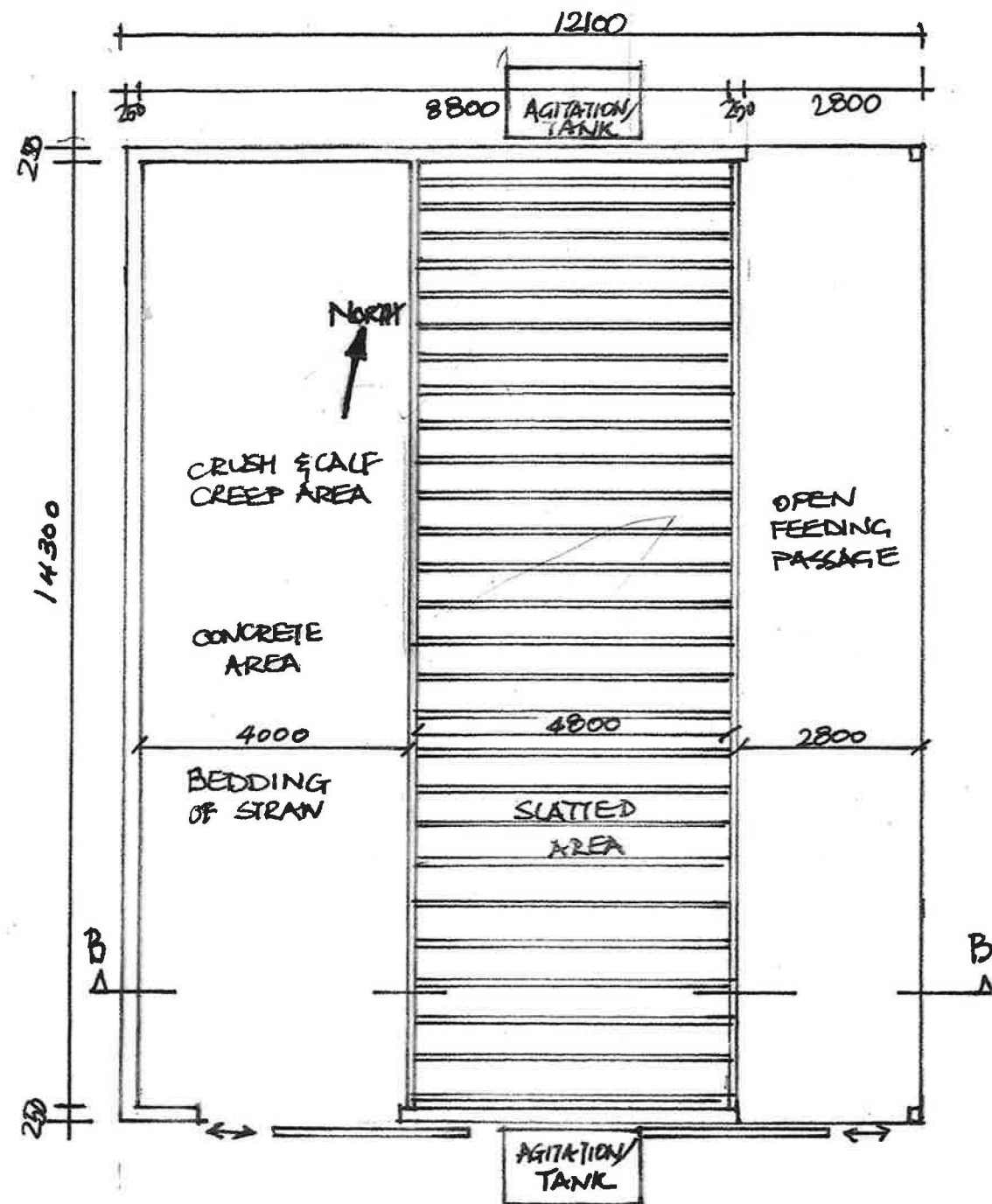
FRONT VIEW



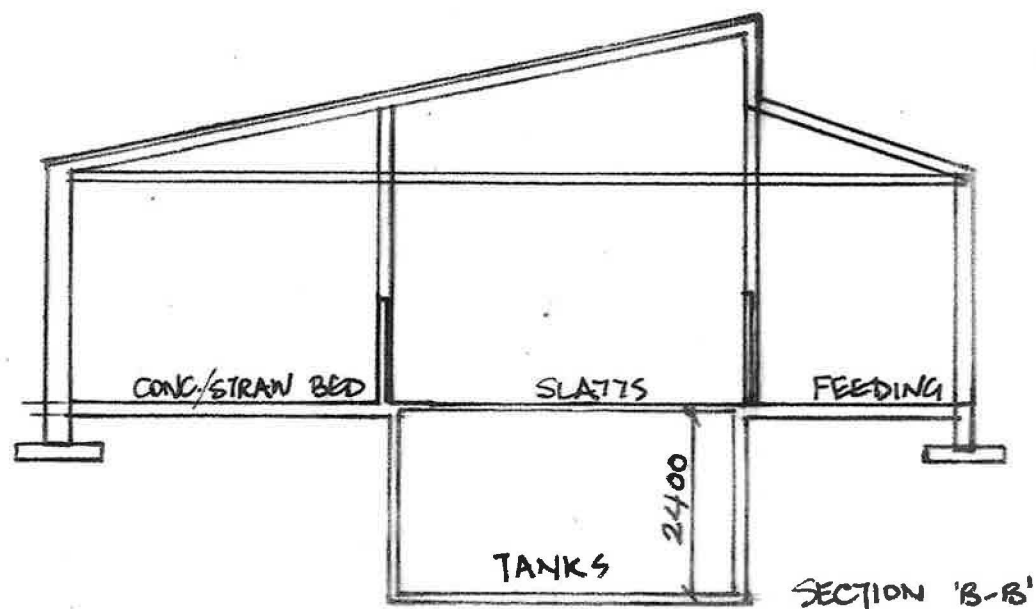
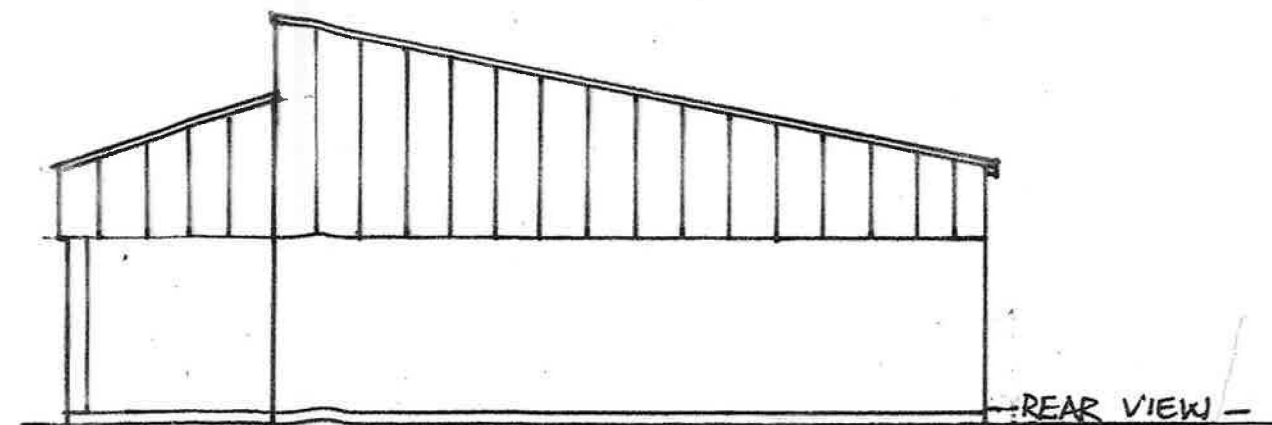
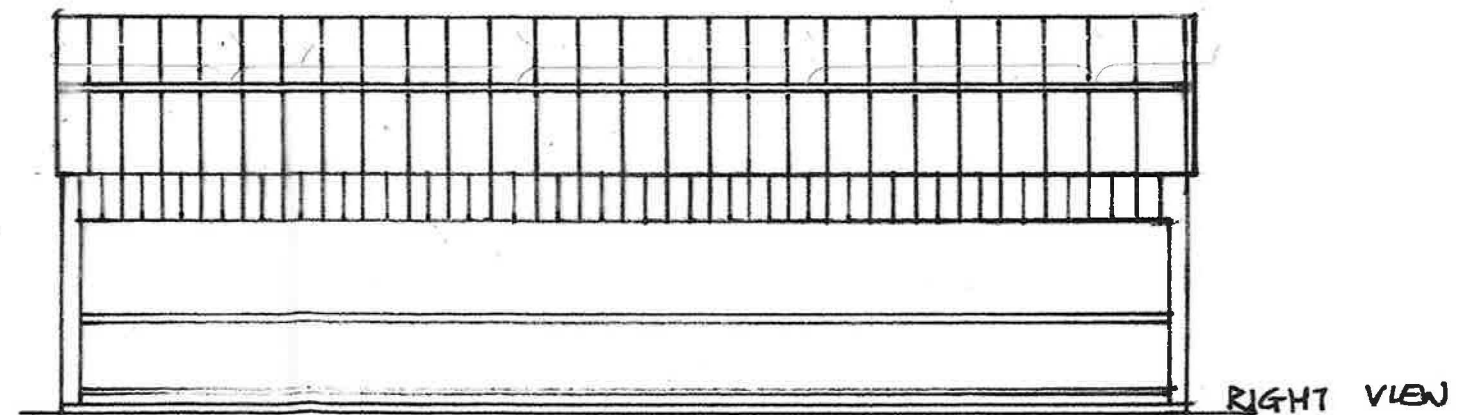
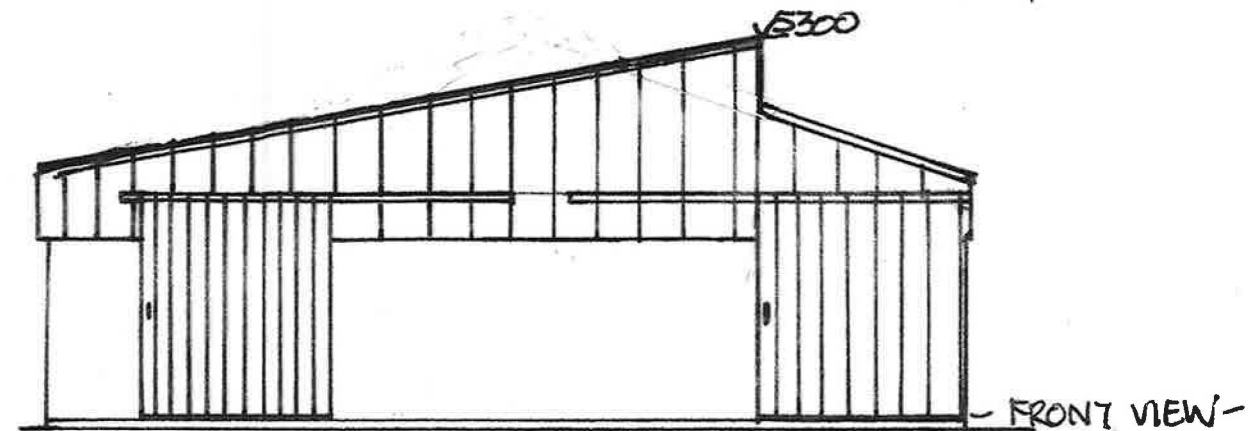
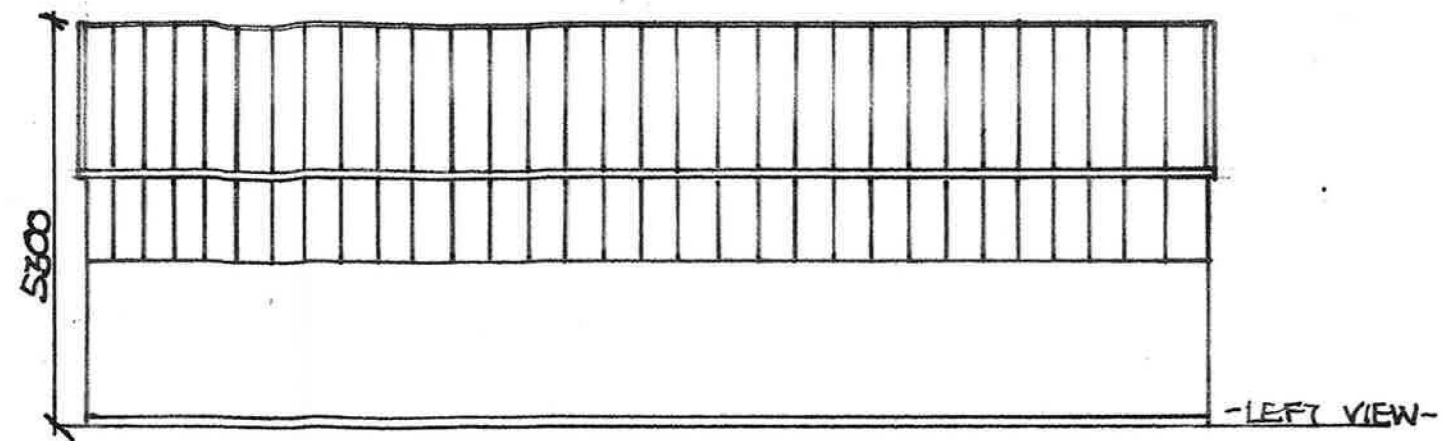
REAR VIEW



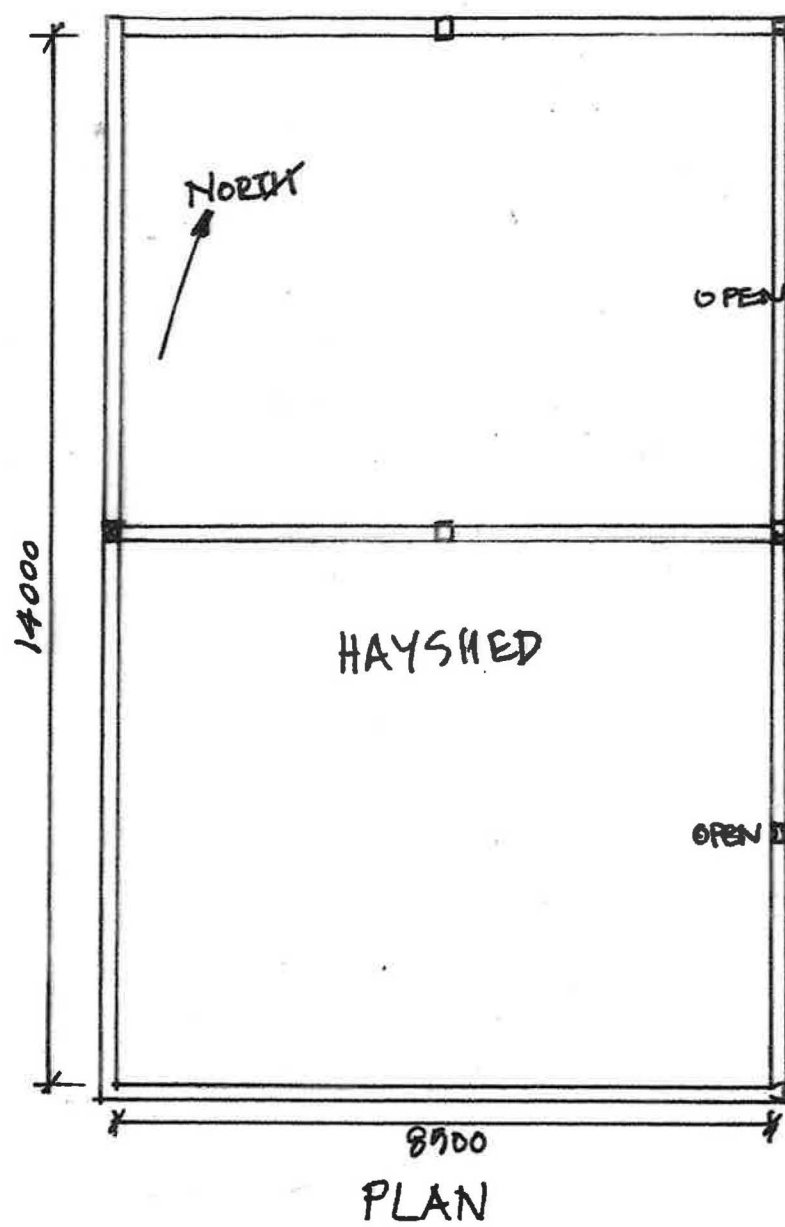
JOSEPHINE & JOHN TALTY
CLOONLAHEEN MIDDLE
MULLAGH
SHED 1 - MACHINERY SHED
1/100 28.07.2025
D FORAN B.ENG
087 675 0327



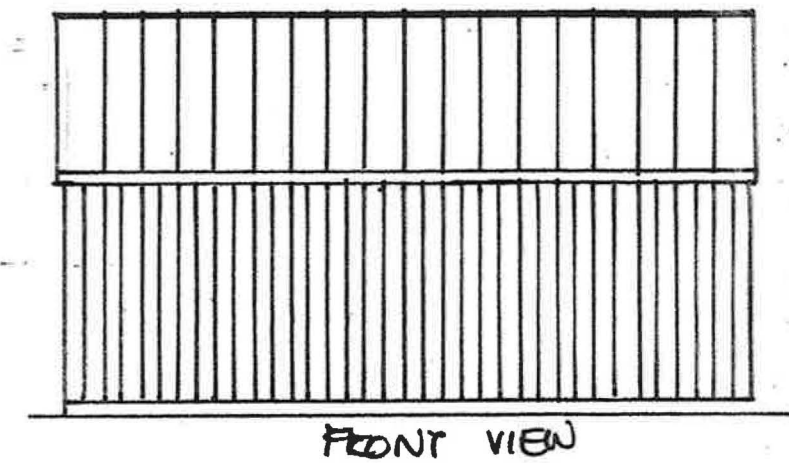
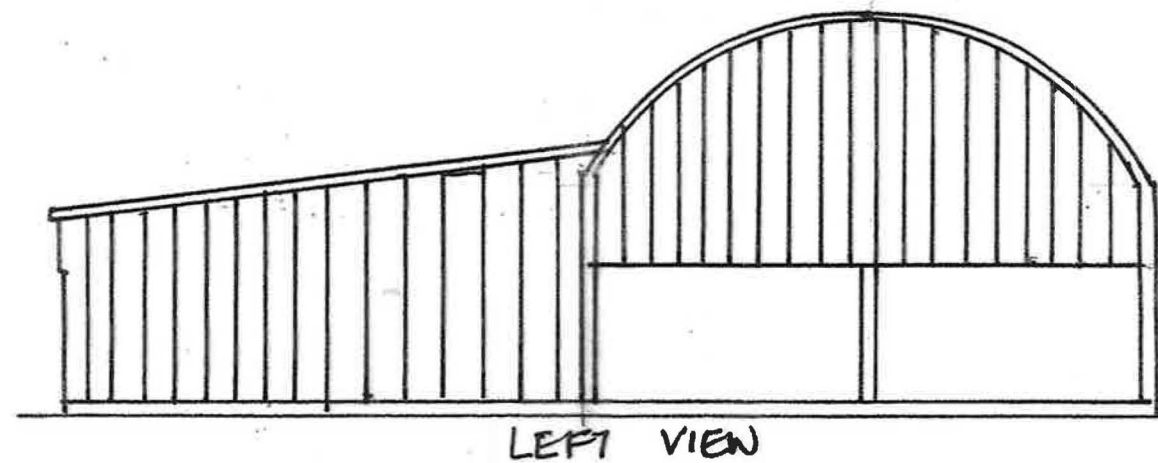
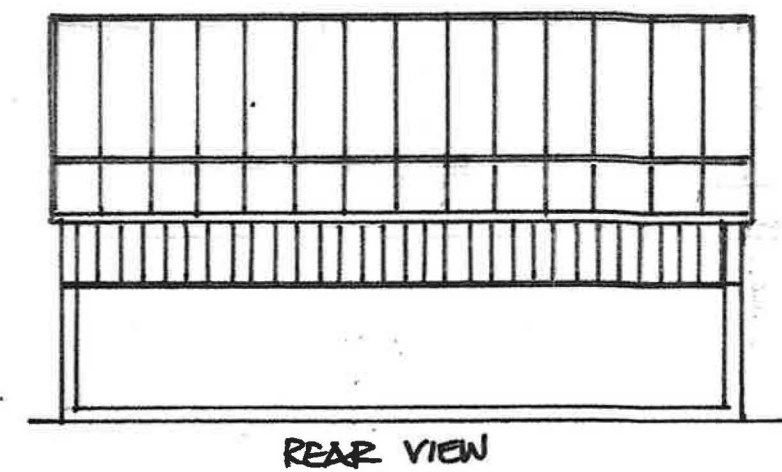
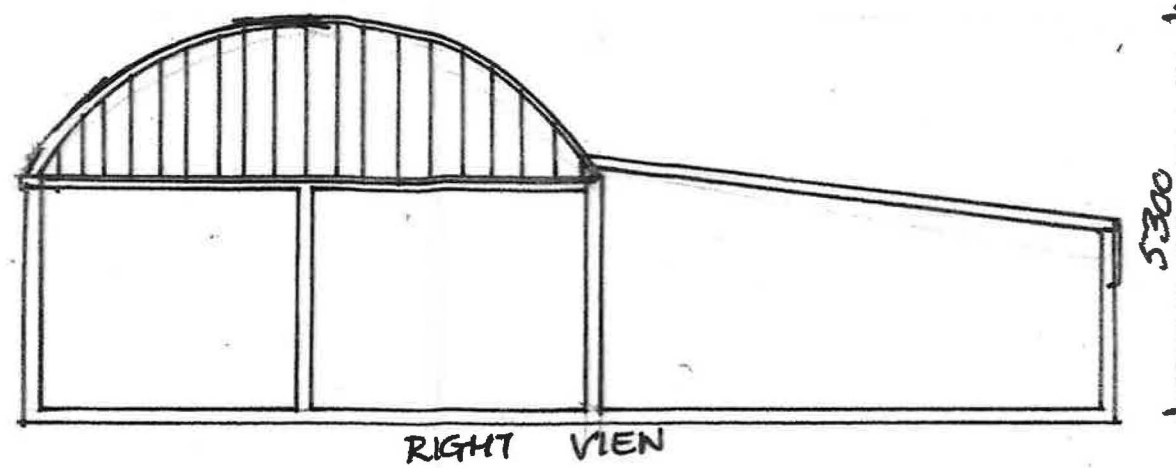
AREA 173.2M² - PLAN - SLATTED HOUSE -



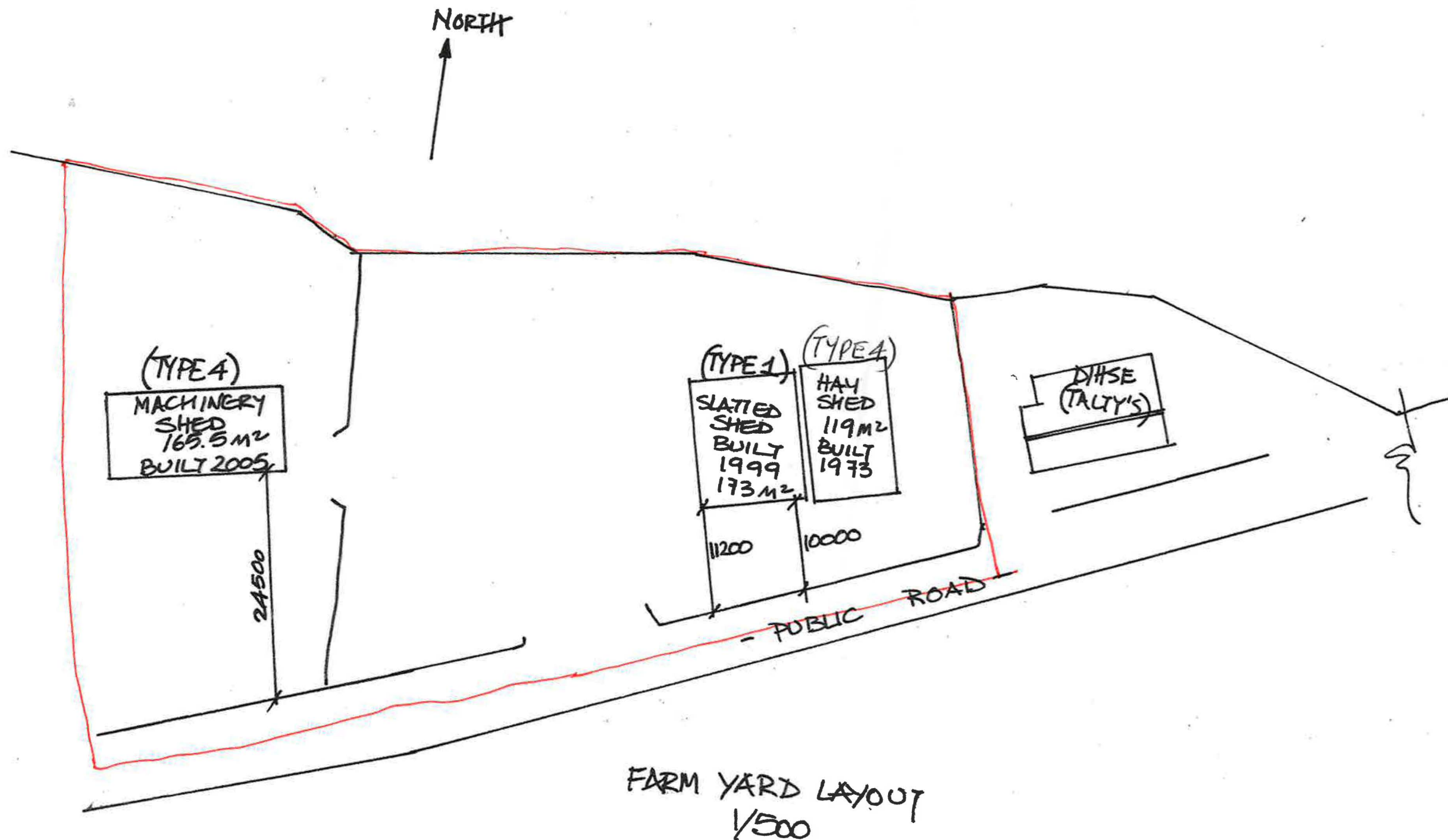
JOSEPHINE & JOHN TALTY
 CLOONLAHEEN MIDDLE
 MULLAGH
 SHED 2 - SLATTED HOUSE
 1/100 28.07.2025
 DORAN B.ENG
 087 675 0327



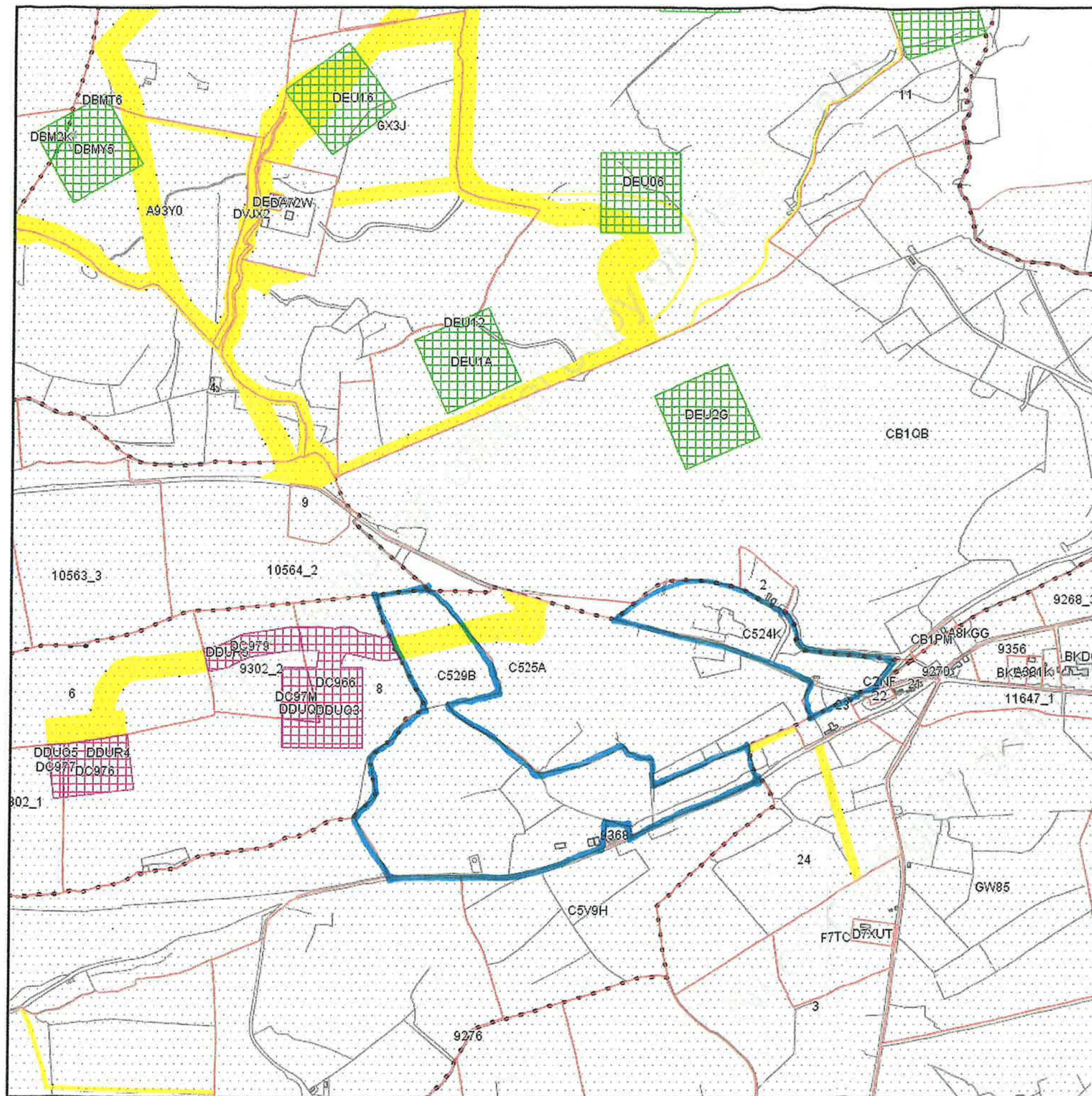
AREA = 11950M



JOSEPHINE & JOHN TALTY
 CLOONLAHEEN MIDDLE
 MULLAGH
 SHED 3 - HAYSHED
 1/100 28.07.2025
 D. FORAN B.ENG.
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JOSEPHINE & JOHN TALTY
CLOONLAHEEN MIDDLE
MULLAGH
SITE PLAN
1/500 28.07.2025
D FORAN B.ENG.
089 675 0327



Tailte Éireann

Clárúchán, Luacháil,
Suirbhéireacht
Registration, Valuation,
Surveying

Official Tailte Éireann Registration Map

This map should be read in conjunction with the folio.

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For details of the terms of use and limitations of scale, accuracy and other conditions relating to TÉ Registration maps, see www.tailte.ie.

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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.

Folio CE 537 20F
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