



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Registered Post**

**Philip & Mary Lee  
C/o Project Design & Building Consultants  
O'Dea's Road  
Kilrush  
Co. Clare**

**18th September 2025**

**Section 5 referral Reference R25-73 – Philip & Mary Lee**

**Is the construction of a shed at No. 10 The Creek, Querrin, Kilkee, Co. Clare development and if so, is it exempted development?**

A Chara,

I refer to your application received on 22nd 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](http://www.pleanala.ie).

Mise, le meas

**Anne O'Gorman  
Staff Officer  
Planning Department  
Economic Development Directorate**

**An Roinn Pleanála  
An Stiúirthóireacht Forbairt Gheilleagrach**

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

**Planning Department  
Economic Development Directorate**

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



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

**Reference No.: R25-73**



**Comhairle Contae an Chláir  
Clare County Council**

**Section 5 referral Reference R25-73**

**Is the construction of a shed at No. 10 The Creek, Querrin, Kilkee, Co. Clare development and if so, is it exempted development?**

**AND WHEREAS, Philip & Mary Lee** 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 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The works as indicated in submitted documents from the referrer on 22<sup>nd</sup> August 2025.

**And whereas Clare County Council has concluded:**

- (a) The development of the construction of a shed at number 10 The Creek, Querrin, 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 said development of the construction of a shed at number 10 The Creek, Querrin, County Clare, is not exempted development having regard Article 9(i) of the Planning and Development Regulations 2001, as amended, as the shed contravenes condition number 20 of P97-759 which states that "*No garage, shed, awning or similar structure shall be provided without the prior consent of the Planning Authority whether or not such provision would otherwise constitute exempted development*".

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

The proposed development consisting of the construction of a shed at No. 10 The Creek, Querrin, Kilkee, Co. Clare **constitutes development** which is **not exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.



**Anne O'Gorman**  
**Staff Officer**  
**Planning Department**  
**Economic Development Directorate**

**18th September 2025**



**CLARE COUNTY COUNCIL**

**SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED**

**DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT**

Chief Executive's Order No:

86318

Reference Number:

R25-73

Date Referral Received:

22nd August 2025

Name of Applicant:

Philip & Mary Lee

Location of works in question:

No. 10 The Creek, Querrin, Kilkee, Co. Clare

**Section 5 referral Reference R25-73 – Philip & Mary Lee**

Is the construction of a shed at No. 10 The Creek, Querrin, Kilkee, Co. Clare development and if so, is it exempted development?

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended
- (c) Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The works as indicated in submitted documents from the referrer on 22<sup>nd</sup> August 2025.

**AND WHEREAS Clare County Council has concluded:**

- (a) The development of the construction of a shed at number 10 The Creek, Querrin, 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 said development of the construction of a shed at number 10 The Creek, Querrin, County Clare, is not exempted development having regard Article 9(i) of the Planning and Development Regulations 2001, as amended, as the shed contravenes condition number 20 of P97-759 which states that "*No garage, shed, awning or similar structure shall be provided without the prior consent of the Planning Authority whether or not such provision would otherwise constitute exempted development*".

**ORDER:**

Whereas by Chief Executive's Order No. HR 343 dated 19<sup>th</sup> May 2025, Gordon Daly, Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate to Kieran O'Donnell, Administrative Officer, the powers, functions and duties as set out herein,



**NOW THEREFORE** pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the referral described above, I, Kieran O'Donnell, Administrative Officer, hereby declare that the construction of a shed at No. 10 The Creek, Querrin, Kilkee, Co. Clare is considered development which is not exempted development.

Signed:

  
KIERAN O'DONNELL  
ADMINISTRATIVE OFFICER 

Date:

18th September 2025

**CLARE COUNTY COUNCIL**  
**SECTION 5 DECLARATION OF EXEMPTION APPLICATION**  
**PLANNERS REPORT 1**

<b>FILE REF:</b>	R25-73
<b>APPLICANT(S):</b>	Phillip & Mary Lee
<b>REFERENCE:</b>	Whether the construction of a shed at number 10 The Creek, Querrin, County Clare, is not development and is or is not exempted development.
<b>LOCATION:</b>	The Creek, Querrin, County Clare
<b>DUE DATE:</b>	18 <sup>th</sup> September 2025

**Site Location**

The site is located in the settlement of Querrin and is zoned "Tourism" in the Clare County Development Plan 2023-2029. The site is to the north of Querrin Quay, is within "The Creek" holiday home development, and accommodates a storey and a half style dwelling. It is located along a row of dwellings which are accessed from the public road to the east. There is a green area to the rear of the site. The main views towards the rear are local range views from the green area and adjacent dwellings. There is a substantially complete extension to the rear of the dwelling (i.e. planning permission P24-103). There is also a partially completed block built shed to the side of the dwelling (attached).

**Recent Planning History** (within the overall development)

96-258 – No decision - Mr. Randal Counihan - Construct 4 dwellinghouses with water and sewerage facilities.

97-759 – Granted - Tim Counihan - seaside holiday village comprising 13 no dormer type detached dwellings, restaurant with amenity area & managers apartment over, sewerage treatment facility, septic tank, percolation areas & associated site works.

99-915 – Granted - T. Counihan - for alteration to estate layout to re-position Plot No. 9 and associate house to roadside and redesign of public open space.

06-1259 – Granted - Arty Manifold - to construct an extension to the side of existing dwelling comprising of a bedroom, ensuite and a living area.

06-2140 – Granted - Dermot Manifold - to construct an extension to the rear of existing dwelling comprising of living space at ground level and in the attic space.

24-103 Granted – Phillip Lee - To build an extension at rear of the existing dwelling house with all necessary ancillary services.

UD25-019 – Warning letter issued to applicant pertaining to the shed the subject of this section 5 application.

### **Background to Referral**

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Phillip & Mary Lee who are seeking a declaration as to whether the construction of a shed at number 10 The Creek, Querrin, County Clare, is not development and is or is not exempted development. The applicant is the stated owner of the site.

The shed, which is partially in situ, would have a floor area of 9 sqm and an overall height of less than 4 metres, a lean-to roof, and is not accessible from the dwelling.

### **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 1, Class 3

*The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure, 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 constructed, erected or placed forward of the front wall of a house*
- 2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres*
- 3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.*
- 4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.*
- 5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.*
- 6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.*

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 applicant is seeking a Section 5 Declaration as to whether the construction of a shed at number 10 The Creek, Querrin, County Clare, is not development and is or is not exempted development. The applicant is the stated owner of the site.

### Particulars of Proposal

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

- |              |                    |
|--------------|--------------------|
| • Height     | Less than 4 metres |
| • Floor Area | 9sqm               |

### Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 3

*The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure, 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 shed is within the curtilage of a house. Whilst immediately adjacent to, and attached to an existing dwelling, the shed is located in a communal open space are within the housing development.

- 1. No such structure shall be constructed, erected or placed forward of the front wall of a house*

The shed is not forward of the front wall of the dwelling.

- 2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.*

The floor area is 9sqm.

- 3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.*

The shed would not reduce the extent of private open space to less than 25sqm.



4. *The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.*

The external finishes would be consistent with the extended dwelling.

5. *The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.*

The overall height is less than 4 metres.

6. *The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.*

It is stated that the use of the building is ancillary to the main dwelling.

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

Article 9 of the Planning and Development Regulations 2001, as amended outlines restrictions on exempted development, and these are assessed below:

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

The shed contravenes condition number 20 of planning permission P97-759.

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

Not applicable.

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

Not applicable in this instance.

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

Not applicable in this instance.

- (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.*

Having regard to the limited nature of the development, that nature of the proposal site and its receiving environs, and the views available towards the site I consider that development proposed would not interfere with the character of the landscape or views in the area.

- (v) *consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,*

This is not applicable in this instance.

- (vi) *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,*

This is not applicable in this instance.

- (vii)
  - a. *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,*

This is not applicable in this instance.

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

Having regard to the nature and scale of the proposed development 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.

- a. *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,*

This is not applicable in this instance.

- (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,*

This is not applicable in this instance.

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

This is not applicable in this instance.

- (xi) *obstruct any public right of way,*

Whilst the shed is constructed on a footpath and a communal grassed area the available information indicates that there is not registered right of way affected.

- (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.*

This is not applicable in this instance.

### **Conclusion**

Having regard to the above it is considered that the construction of a shed at number 10 The Creek, Querrin, County Clare, constitutes both works and development and is not exempted development.

### **Recommendation**

**The following question has been referred to the Planning Authority:**

Whether the construction of a shed at number 10 The Creek, Querrin, 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 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The works as indicated in submitted documents from the referrer on 22<sup>nd</sup> August 2025

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

- (a) the development of the construction of a shed at number 10 The Creek, Querrin, 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 said development of the construction of a shed at number 10 The Creek, Querrin, County Clare, is not exempted development having regard Article 9(i) of the Planning and Development Regulations 2001, as amended, as the shed contravenes condition number 20 of P97-759 which states that "*No garage, shed, awning or similar structure shall be provided without the prior consent of the Planning Authority whether or not such provision would otherwise constitute exempted development*".

Now therefore Clare County Council (Planning Authority) hereby decides that the construction of a shed at number 10 The Creek, Querrin, County Clare, is development and is not exempted development.



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Executive Planner

Date: 18<sup>th</sup> September 2025



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Senior Executive Planner


Date: 18<sup>th</sup> September 2025

**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**

<b>Planning File Reference</b>	R25-73
<b>Applicant Name</b>	Lee
<b>Development Location</b>	Querrin
<b>Application accompanied by an EIS</b>	No
<b>Application accompanied by an NIS</b>	No
<b>Description of the project (To include a site location map):</b>	
<p style="text-align: center;">Shed extension to dwelling</p> 	

**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)<sup>1</sup> 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 <sup>2</sup>	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on <a href="http://www.npws.ie/protectedsites">www.npws.ie/protectedsites</a> ) or through Intranet.	Distance to Applicant Site (km)
Lower River Shannon SAC	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritimae</i> ) [1330] Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410] Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260] Molinia meadows on calcareous, peaty or clayey-silt-laden soils ( <i>Molinion caeruleae</i> ) [6410] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> ( <i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion</i>	0.2

<sup>1</sup> 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.

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

European Sites <sup>2</sup>	Qualifying Interests (Qis)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on <a href="http://www.npws.ie/protectedsites">www.npws.ie/protectedsites</a> ) or through Intranet.	Distance to Applicant Site (km)
	albae) [91E0] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Tursiops truncatus (Common Bottlenose Dolphin) [1349] Lutra lutra (Otter) [1355]	
River Shannon and River Fergus Estuaries SPA	Cormorant (Phalacrocorax carbo) [A017] Whooper Swan (Cygnus cygnus) [A038] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Wigeon (Anas penelope) [A050] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Shoveler (Anas clypeata) [A056] Scaup (Aythya marila) [A062] Ringed Plover (Charadrius hiaticula) [A137] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Lapwing (Vanellus vanellus) [A142] Knot (Calidris canutus) [A143] Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Greenshank (Tringa nebularia) [A164] Black-headed Gull (Chroicocephalus ridibundus) [A179] Wetland and Waterbirds [A999]	0.2

<b>1</b>	<b>Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.</b>	<i>Is the development in the catchment of or immediately upstream of a watercourse that has been designated as a European site?</i>	Yes
<b>2</b>	<b>Impacts on terrestrial habitats and species.</b>	<i>Is the development within 1km of a European site with terrestrial based habitats or species?</i>	Yes
<b>3</b>	<b>Impacts on designated marine habitats and species.</b>	<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
<b>4</b>	<b>Impacts on birds in SPAs</b>	<i>Is the development within 1km of a Special Protection Area</i>	Yes
<b>5</b>	<b>Indirect effects</b>	<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	R25-73
Proposed Development	Shed extension of dwelling
Development Location	Querrin
European sites within impact zone	As per report
Description of the project	
As per report	
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).	
No impacts envisaged	
If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?	
No impacts envisaged – limited nature of works and distance from designations.	
No increase in effluent loading	
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) <sup>3</sup>	
(b) There is no potential for significant effects to European Sites <sup>3</sup>	Yes
(c) The potential for significant effects to European Site(s) cannot be ruled out <sup>4</sup>	

<sup>3</sup> 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.

<sup>4</sup> 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 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](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.

<b>(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 2010<sup>5</sup></b>	
<b>Completed By</b>	John O'Sullivan
<b>Date</b>	18 <sup>th</sup> September 2025

---

<sup>5</sup> 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.





COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

Philip & Mary Lee  
C/o Project Design & Building Consultants  
O'Dea's Road  
Kilrush  
Co. Clare

22/08/2025

**Section 5 referral Reference R25-73 – Philip & Mary Lee**

Is the construction of a shed at No. 10 The Creek, Querrin, Kilkee, Co. Clare development and if so, is it exempted development?

A Chara,

I refer to your application received on 22nd 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 Stiúarthóireacht 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



NTAE

AN CHLÁIR

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

22/08/2025 10:07:56

Receipt No.: L1CASH/0/983152  
\*\*\*\*\* REPRINT \*\*\*\*\*

PHILIP & MARY LEE  
C/O PROJECT DESIGN &  
BUILDING CONSULTANTS  
O'DEAS ROAD, KILRUSH  
CO. CLARE  
R25-73

COMHAIRLE

SECTION 5 REFERENCES 80.00

GOODS 80.00

VAT Exempt/Non-vatable

CONTAE

Total : 80.00 EUR

AN CHLÁIR

Tendered :

CHEQUES

80.00

Change :

0.00

Issued By : L1Cash - Geraldine Melican  
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](mailto:planoff@clarecoco.ie)  
Website: [www.clarecoco.ie](http://www.clarecoco.ie)



R25-73

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

**FEE: €80**

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

**1. CORRESPONDENCE DETAILS.**

(a) Name and Address of person seeking the declaration	<p>Mr Philip &amp; Mary Lee</p> <p>No 10 The Creek</p> <p>Querrin</p> <p>Kilkee,</p> <p>Co. Clare. (V15XA71)</p>
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	<p>Project Design &amp; Building Consultar</p> <p>O'Dea's Raod</p> <p>Kilrush,</p> <p>Co. Clare</p>





## 2. DETAILS REGARDING DECLARATION BEING SOUGHT

- (a) PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT  
*Note: only works listed and described under this section will be assessed.*

Sample Question: Is the construction of a shed at 1 Main St., Ennis development and if so is it exempted development?

Is the construction of a shed at no 10 The Creek Querrin, Kilkee, Co. Clare development and if so is it exempted development.

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

Attached drawings of garden shed with a floor area of 9m<sup>2</sup> and our client requires a declaration confirming that it is an exempted structure in compliance with the Planning & Development Regulations 2021. Schedule 2 Class 3 exempts the construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse garage, store, shed or other similar structure which meets the conditions and limitations as outlined in 1 to 6 of the said regulations.

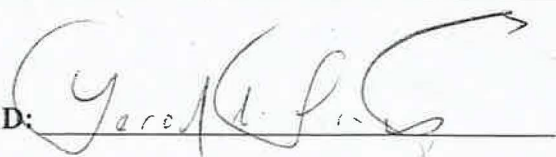
- (c) List of plans, drawings etc. submitted with this request for a declaration:

*(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)*

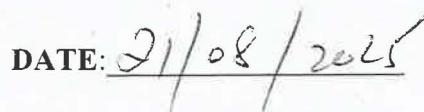
Enclosed site location map scale 1/2500, Site Layout Plan scale 1/500. Plan and elevations of the shed

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	<u>No 10 The Creek,</u> <u>Querrin</u> <u>Kilkee,</u> <u>Co. Clare</u>
(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?	<u>No</u>   
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	<u>Full owner:</u>  
(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>	<u>N/A</u>   
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	<u>Yess</u>
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	<u>Warning letter issues and responded to with no resolution to date.</u>
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	<u>P24/103</u>
(h) Date on which 'works' in question were completed/are likely to take place:	<u>Works stopped at present pending declaration.</u>

SIGNED:



DATE:





### **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

**CENTRE COORDINATES:**  
ITM 492272,654314

**PUBLISHED:** 15/07/2019  
**ORDER NO.:** 50073772\_1

**MAP SERIES:** 1:5,000  
**MAP SHEETS:** 4727

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Dublin 8,  
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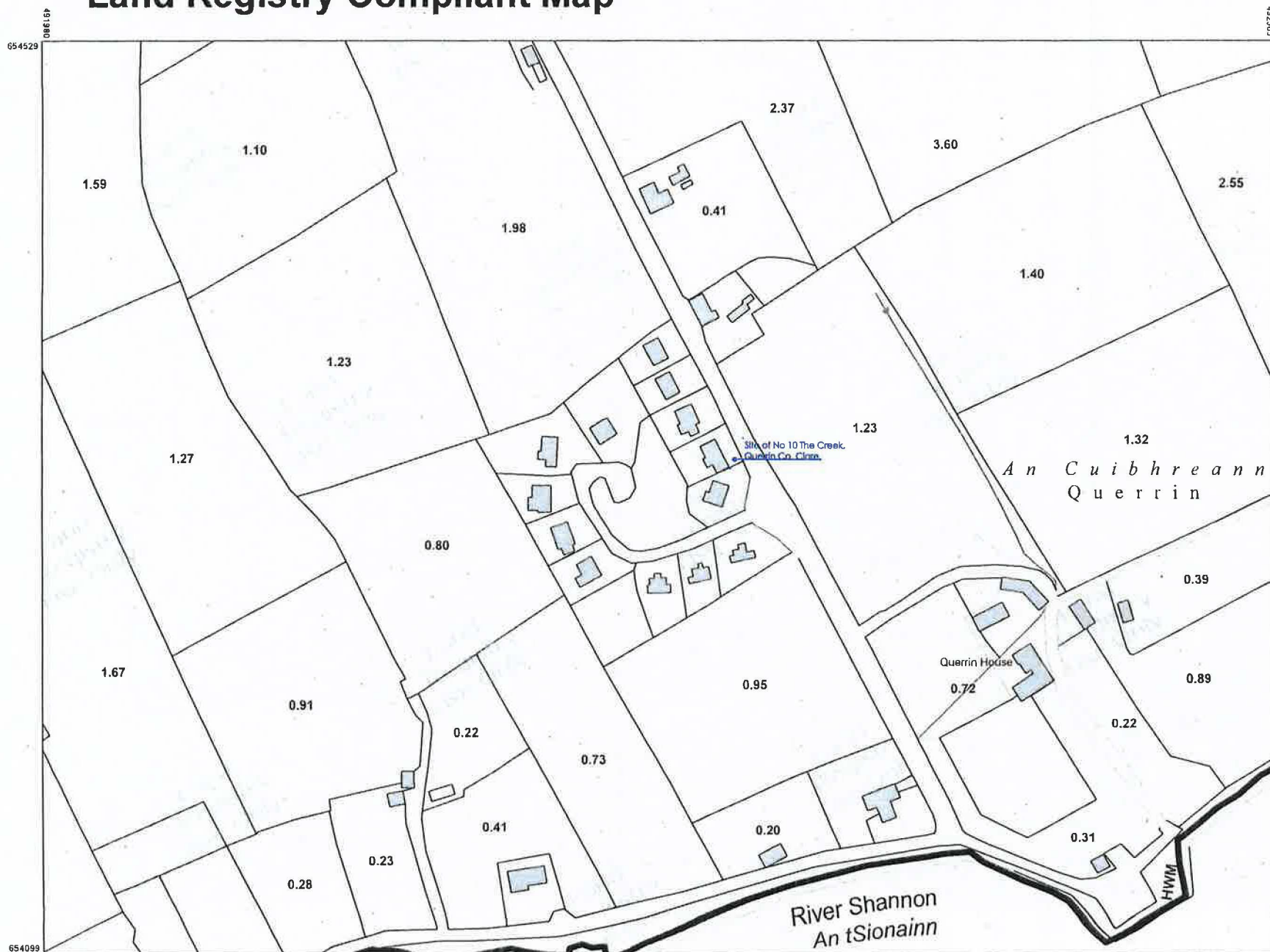
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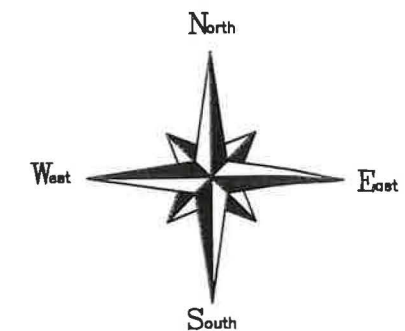
**LEGEND:**  
<http://www.osi.ie>;  
search 'Large Scale Legend'



**OUTPUT SCALE: 1:2,500**

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

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Site Area and access edged in red



Site outlined in  
Red

Proposed Shed edged in Blue

Site Area: 0.137acres

Extracted from OSI Map  
No.4727

# Site Layout Plan.

DATE	REVISION	DETAILS	DRAWN
<div><div></div><div></div></div>			
<div><div><b>Project Design Building Consultants.</b> <b>Chartered Engineers &amp; Chartered Building Surveyors</b> <b>O'Dea's Road, Kilrush, Co. Clare.</b> <b>Phone: 065-9051600 Fax: 065-9051699 Mobile: 087-2203969</b></div></div>			
<b>Project:</b> Extension of Existing Dwelling House @ Querin, Kikee, Co. Clare			
<b>Client:</b> Philip Lee		<b>Project Stage:</b> Planning	
<b>Drawing:</b> Site Layout Plan showing location of proposed shed within the exempted regulations			
<b>Drawing By:</b> Damien Lineen	<b>Checked By:</b> Gerard McGrath	<b>Client Ref No.:</b> PDBC / 2956	
<b>Date:</b> 21-08-2025		<b>Drawing No.:</b> PDBC / 2956/ SL	
<b>Scale:</b> 1/500 @ A3.			



Existing Extension Planning Reference ??? Refers.

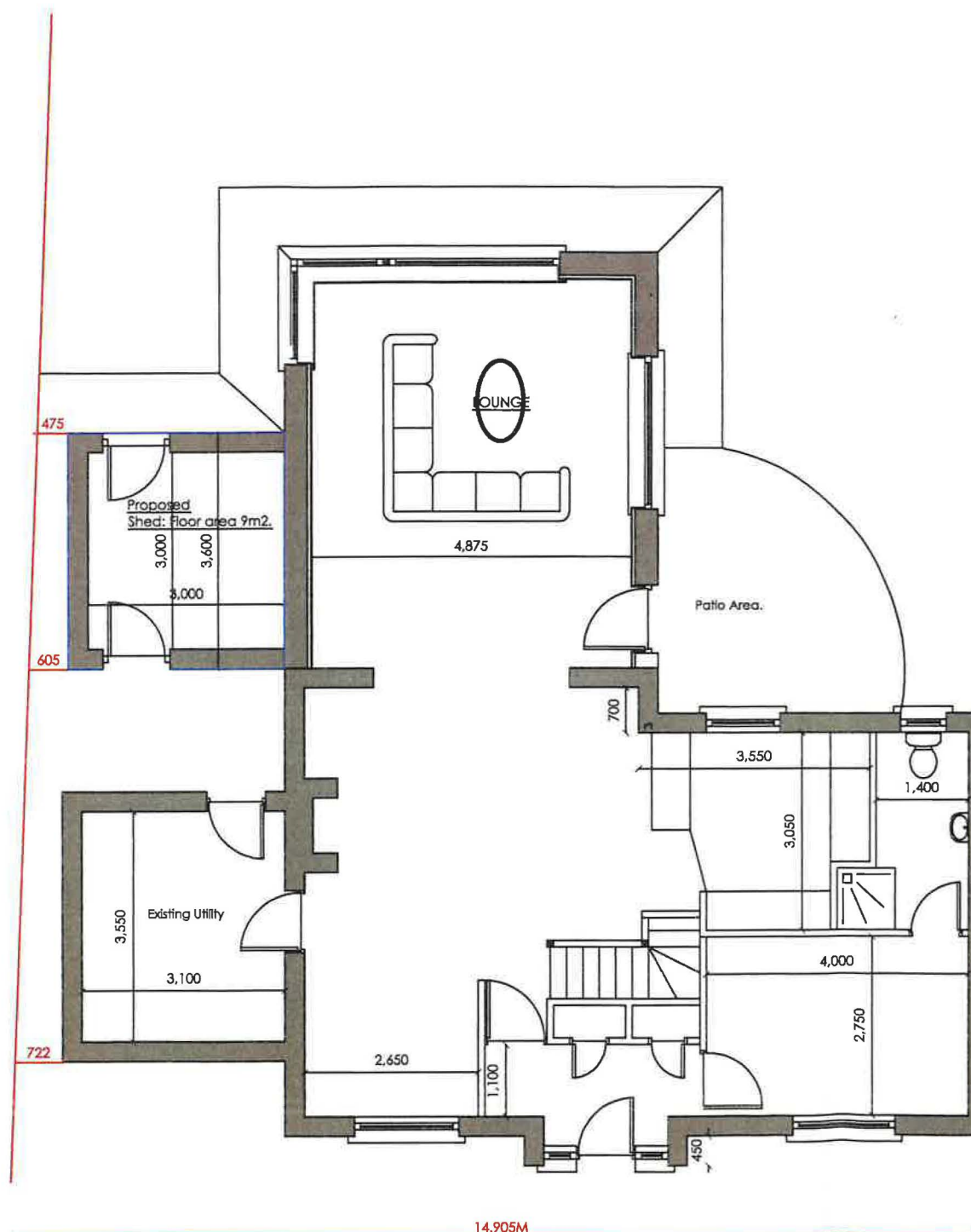
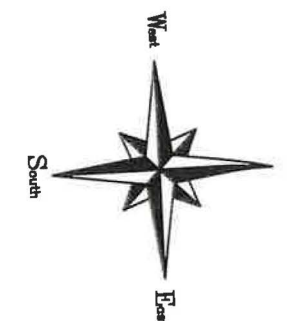
Proposed Shed

DATE	REVISION	DETAILS	DRAWN
01/01/25	REV B	Plan & Elevation Changes.	G.McG.



Scale: 1/100 @ A3.

PLEASE NOTE:  
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Ground Floor Plan  
showing proposed shed edged in blue.

DATE	REVISION	DETAILS	DRAWN



**Project Design Building Consultants.**  
Chartered Engineers & Chartered Building Surveyors  
O'Dea's Road, Kilrush, Co. Clare.  
Phone: 065-9051600 Fax: 065-9051699 Mobile: 087-2203969

**Project:**  
Proposed Extension to Dwelling House

**Client:**  
Philip Lee

**Project Stage:**  
Planning purposes.

**Drawing:**  
Proposed shed shown edged in blue.

<b>Drawing By:</b> Damien Lineen	<b>Checked By:</b> Gerard McGrath	<b>Client Ref No.:</b> PDBC / 2954
<b>Date:</b> 14-08-2025		<b>Drawing No.:</b> PDBC / 2954 / 1a
<b>Scale:</b> 1/100 @ A3.		