



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

Hillary Duggan
C/o EKO Integrated Services Ltd
Bank Place
Ennis
Co. Clare
V95 P48D

7th October 2025

Section 5 referral Reference R25-77 – Hillary Duggan

Is the construction of a single storey extension to the south (rear) of the house at 1 The Links Lahinch exempted development?

A Chara,

I refer to your application received on 10th September 2025 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

The Planning Authority has considered the matter and I attach herewith the Council's findings in this matter.

Where a declaration is issued by the Planning Authority, any person issued with a declaration, may on payment to An Coimisiún Pleanála of the required fee, refer a declaration for review by An Coimisiún Pleanála within 4 weeks of the date of the issuing of the declaration. Details on making such appeal are available on the Board's website at www.pleanala.ie.

Mise, le meas

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stiúirthóireacht Forbairt Gheilleagrach

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

Planning Department
Economic Development Directorate

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



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

Reference No.: R25-77



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R25-77

Is the construction of a single storey extension to the south (rear) of the house at 1 The Links Lahinch exempted development?

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

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

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

And whereas Clare County Council has concluded:

- (a) The development consisting of a rear extension to an existing dwelling constitutes "works" and "development" which come within the scope of sections 2 and 3 of the Planning and Development Act 2000, as amended.
- (b) The said development falls within the scope of the Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 9.

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

The proposed development consisting of the construction of a rear extension to an existing dwelling in accordance with the drawings and details received by the Planning Authority, at no.1 The Links Lahinch, Co. Clare constitutes development which is exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

7th October 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: 86418

Reference Number: R25-77

Date Referral Received: 10th September 2025

Name of Applicant: Hillary Duggan

Location of works in question: No 1 The Links, Lahinch, Co. Clare

Section 5 referral Reference R25-77 – Hillary Duggan

Is the construction of a single storey extension to the south (rear) of the house at 1 The Links Lahinch exempted development?

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

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

AND WHEREAS Clare County Council has concluded:

- (a) The development consisting of a rear extension to an existing dwelling constitutes "works" and "development" which come within the scope of sections 2 and 3 of the Planning and Development Act 2000, as amended.
- (b) The said development falls within the scope of the Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 9.

ORDER: Whereas by Chief Executive's Order No. HR 343 dated 19th May 2025, Gordon Daly, Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate to Garreth Ruane, Senior Executive Planner, the powers, functions and duties as set out herein,

NOW THEREFORE pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the referral described above, I, Garreth Ruane, Senior Executive Planner, hereby declare that the construction of a rear extension to an existing dwelling in accordance with the drawings and details received by the Planning Authority,

at no.1 The Links, Lahinch, Co. Clare is considered development which is exempted development.

Signed:


GARRETH RUANE
SENIOR EXECUTIVE PLANNER 

Date:

7th October 2025

SECTION 5 DECLARATION OF EXEMPTION APPLICATION

FILE REF:	R25- 77
APPLICANT(S):	
REFERENCE:	Whether the construction of single storey extension to the south (rear) of the house at no 1 , The Links , Lahinch is considered exempted development and if so, is it exempted development.
LOCATION:	The Links , Lahinch.
DUE DATE:	7 th October 25

Site Location

The dwelling is detached dormer dwelling. It is bound by the estate road to the west and by a similar house to the east. The dwelling is in an estate comprising similar dwellings some of which has been extended previously. The rear of the site backs onto the N85.

Planning History

96/349 Mc Dermott and O' Farrell Ltd. Planning permission granted to construct 27 holiday homes.

Background to Referral

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

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

Statutory Provisions

(1) Planning and Development Act, 2000 (as amended)

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

S.3.(1) In this Act, "development" means, except where the context otherwise requires, **the carrying out of any works on, in, over or under land** or the making of any material change in the use of any structures or other land.

'Works' are defined in Section 2 of the *Planning and Development Act 2000, as amended* as follows:

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

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

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1

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

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

1. (a)

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

(b)

Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

(c)

Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

2. (a)

Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

(b)

Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

(c)

Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or

erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

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

4. (a)

Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

- (b)

Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

- (c)

The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

5. *The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.*

6. (a)

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

- (b)

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

- (c)

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

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

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

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

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

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

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

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

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

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

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

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

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

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

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

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

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would

remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

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

(xi) obstruct any public right of way,

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

Assessment

Basis of Referral

The applicant is seeking a Section 5 Declaration as to whether the proposed rear extension at no. 1 The Links, Lahinch is considered development and if so, is it exempted development.

Particulars of the Development

- Floor area of sunroom extension: 17.8 m²
- It is proposed to construct the extension to the rear of the existing house.
- Elevation and layout drawings show the existing and proposed development have been submitted.

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

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

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

1. (a)

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

The house has not been previously extended. The floor area of the extension is 17.8m². I am satisfied that the development is located to the rear of the house having regard to the access to the site being from the front communal parking area and road access located to

the front. While the house is visible from the N85 public road, this does not imply that the front of the house is located facing the national secondary road and it is noted that there is no direct public access from the national secondary road to the subject site. The circumstances of the site i.e. layout, orientation, access arrangement etc are such that I concur that it is reasonable to conclude that the proposed extension is located to the rear of the house.

(b)

Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

N/A. The house is detached.

(c)

Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

N/A. The subject dwelling is a single storey detached structure.

2. (a)

Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

No previous extensions were undertaken. The floor area of the subject extension is less than 40m²

(b)

Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

N/A. The house is detached.

(c)

Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

N/A. The proposed extension is located on the ground floor area only.

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

Not applicable – extension is at ground floor level.

4.(a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

This is the case.

(b)

Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

The rear wall of the house includes a partial gable over the area where it is proposed to locate the sunroom.

The height of the walls of the rear extension does not exceed the height of the side walls of the house.

(c)

The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

In this case the height of the highest part of the roof structure does not exceed the height of the eaves or parapet.

4. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

In excess of 25m² remains.(open plan layout)

5. (a)

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

This is complied with.

(b)

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

N/A

(c)

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

N/A

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

Not applicable.

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

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

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

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

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

The proposal does not contravene a condition of any previous permission. (96/349)

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

No access points onto the public road network are affected by the proposal.

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

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

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

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

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building,

or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

No applicable to the proposal

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

Not applicable to this proposal

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

The proposal does not interfere with the character of the area.

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

Not applicable to this proposal

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

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

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

Having regard to the nature, scale and location of the proposed development, in the absence of proximity or connectivity to a European Site, no Appropriate Assessment issues

arise and I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects, on a European Site.

Appropriate assessment is not therefore required.

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

No applicable in this instance

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

Not applicable to this proposal

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

Not applicable in this instance

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

Not applicable in this instance

(xi) obstruct any public right of way,

Not applicable in this instance

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

The development site is not within an Architectural Conservation Area.

Assessment;

The following question has been referred to the Planning Authority:

“Whether the construction of single storey extension to the south (rear) of the house at no 1 , The Links , Lahinch is considered exempted development and if so, is it exempted development”.

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

Conclusion

Having regard to the above it is considered that the proposed development constitutes both ‘works’ and ‘development’. Regard has been had to Class 9, of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended and Article 9 as amended of the same Regulations.

Recommendation

The following questions have been referred to the Planning Authority:

Whether the construction of single storey extension to the south (rear) of the house at no 1 , The Links , Lahinch is considered exempted development and if so, is it exempted development”.

The Planning Authority in considering this referral had regard to:

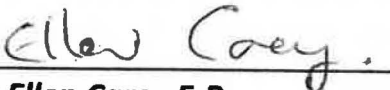
- (a) Sections 2 and 3 of the Planning and Development Act 2000, as amended,
- (b) Schedule 2, Part 3, Class 9 of the Planning and Development Regulations 2001 (as amended)
- (c) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)

(d) The details and drawing as indicated in submitted documents from the referrer.

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

- a) the development consisting of a rear extension to an existing dwelling constitutes "works" and "development" which come within the scope of sections 2 and 3 of the Planning and Development Act 2000, as amended.
- b) The said development falls within the scope of the Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 9.

Now therefore Clare County Council (Planning Authority), hereby decides that the construction of a rear extension to an existing dwelling in accordance with the drawings and details received by the Planning Authority, at no.1 The Links Lahinch ,Co. Clare is development and is exempted development.


Name: Ellen Carey E.P.

Date: 6th October 25.

 . SEP.
06/10/25

Assessment & Determination

STEP 1. Description of the project/proposal and local site characteristics:

(a) File Reference No:	Section 5 R 25- 77
(b) Brief description of the project or plan:	Domestic extension
(c) Brief description of site characteristics:	Dwelling, artificial surfaces and garden
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Inagh River estuary SAC	Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Shifting dunes along the	170m	None	No

shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]				

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

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

STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests	Surface water runoff from soil excavation
Operational phase e.g. • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance	

- Noise/vibration - Changes to water/groundwater due to drainage or abstraction - Presence of people, vehicles and activities - Physical presence of structures (e.g. collision risks) - Potential for accidents or incidents	
In-combination/Other	None

(b) Describe any likely changes to the European site:

Examples of the type of changes to give consideration to include: - Reduction or fragmentation of habitat area - Disturbance to QI species - Habitat or species fragmentation - Reduction or fragmentation in species density - Changes in key indicators of conservation status value (water or air quality etc.) - Changes to areas of sensitivity or threats to QI - Interference with the key relationships that define the structure or ecological function of the site	None
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(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

☐ Yes ☒ No

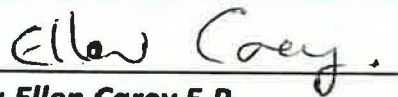
Step 4. Screening Determination Statement

The assessment of significance of effects:

Describe how the proposed development (alone or in-combination) is/is **not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

The subject site is 170m distance from the Inagh River estuary SAC. There is no hydrological pathway linking the subject site to the SAC.

Conclusion: The proposed development is not likely to have significant effects on European site(s) in view of its conservation objectives.

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	☒	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	☐	☐ Request further information to complete screening ☐ Request NIS ☐ Refuse planning permission
(iii) Significant effects are likely.	☐	☐ Request NIS ☐ Refuse planning permission
Signature and Date of Recommending Officer:	 Name: Ellen Carey E.P. 1 st October 25	
Signature and Date of the Decision Maker:		



COMHAIRLE
CONTAE AN CHLÁIR

CLARE
COUNTY COUNCIL

Hillary Duggan
C/o EKO Integrated Services Ltd
Bank Place
Ennis
Co. Clare
V95 P48D

10th September 2025

Section 5 referral Reference R25-77 – Hillary Duggan

Is the construction of a single storey extension to the south (rear) of the house at 1 The Links Lahinch exempted development?

A Chara,

I refer to your application received on 10th September 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

Caroline 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

10/09/2025 15:08:12

Receipt No: L1CASH/0/384015
***** REPRINT *****

HILLARY DUGGAN
C/O EKO INTEGRATED SERVICES
ARAS SMITH O'BRIEN
BANK PLACE
ENNIS
CO. CLARE

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

Total : 80.00 EUR

Tendered :
CHEQUES

Change :

Issued By : L1CASH - DEIRDRE FRENCH
From : MAIN CASH OFFICE LODGEMENT AF
Vat reg No 0033043E



R25-77

P07 Request for a Declaration on Development and Exempted Development (March 2017)

P07

CLARE COUNTY COUNCIL
COMHAIRLE CONTAE AN CHLÁIR

CLARE
COUNTY COUNCIL

10 SEP 2025

Received

Planning Section



Comhairle Contae an Chláir
Clare County Council

Planning Department, Telephone No. (065) 6821616 Economic Development Directorate, Fax
No. (065) 6892071 Clare County Council, Email: planoff@clarecoco.ie, New Road, Ennis,
Website: www.clarecoco.ie
Co. Clare.
V95DXP2

**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	Hillary Duggan c/o Eko Integrated Services Ltd. Bank Place Ennis, Co Clare V95P48D
(b) Telephone No.:	
(c) Email Address:	

(d) Agent's Name and address:	EKO Integrated Services Aras Smith O'Brien, Bank Place, Ennis, Co. Clare. V95P48D
-------------------------------	--

2. DETAILS REGARDING DECLARATION BEING SOUGHT	
(a)	PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT <i>Note: only works listed and described under this section will be assessed.</i>
<u>Sample Question:</u> <i>Is the construction of a shed at 1 Main St., Ennis development and if so is it exempted development?</i>	
Is the construction of a single storey extension to the south (rear) of the house at 1 The Links Lahinch exempted development?	

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

To clarify that the proposed extension is exempted development. The proposal is to build a sun room to the south (rear) of the existing House. The rear of the house is screened from the public road by a mature hedge and it is proposed to retain this hedge during the building of the extension and patio. The house has not been extended previously. The proposed internal area is 17.8 m sq, (below 40 m sq permitted). The remaining space to the rear of the house exceeds 25 sq metres. The proposed window is greater than 1 metre from the boundary, The proposed roof is a flat roof and will not have a balcony or roof terrace. The north façade is considered the front of the house as it faces the shared parking area, and "front" door for access. The south facing garden is open plan, but within the curtilage of the house and is used as the residents' private amenity area.

- (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)

PL001 Site Location Map,
PL002 Site Plan
PL003 Existing Plans and Elevations,
PL004 Proposed Plans,
PL005 Proposed Elevations

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

(a) Postal Address of the Property/Site/Building for which the declaration sought:	1 The Links, Lahinch, Co. Clare . V95W270
(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):	Owner
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question: <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	NA
(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>	Planning Ref 96349
(h) Date on which 'works' in question were completed/are likely to take place:	Proposed Commencement 3 rd November 2025

SIGNED: DM Vane

DATE: 10/09/25

GUIDANCE NOTES

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

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

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

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

FOR OFFICE USE ONLY

Date Received: Fee Paid:

Date Acknowledged: Reference No.:

Date Declaration made: CEO No.:

Decision:



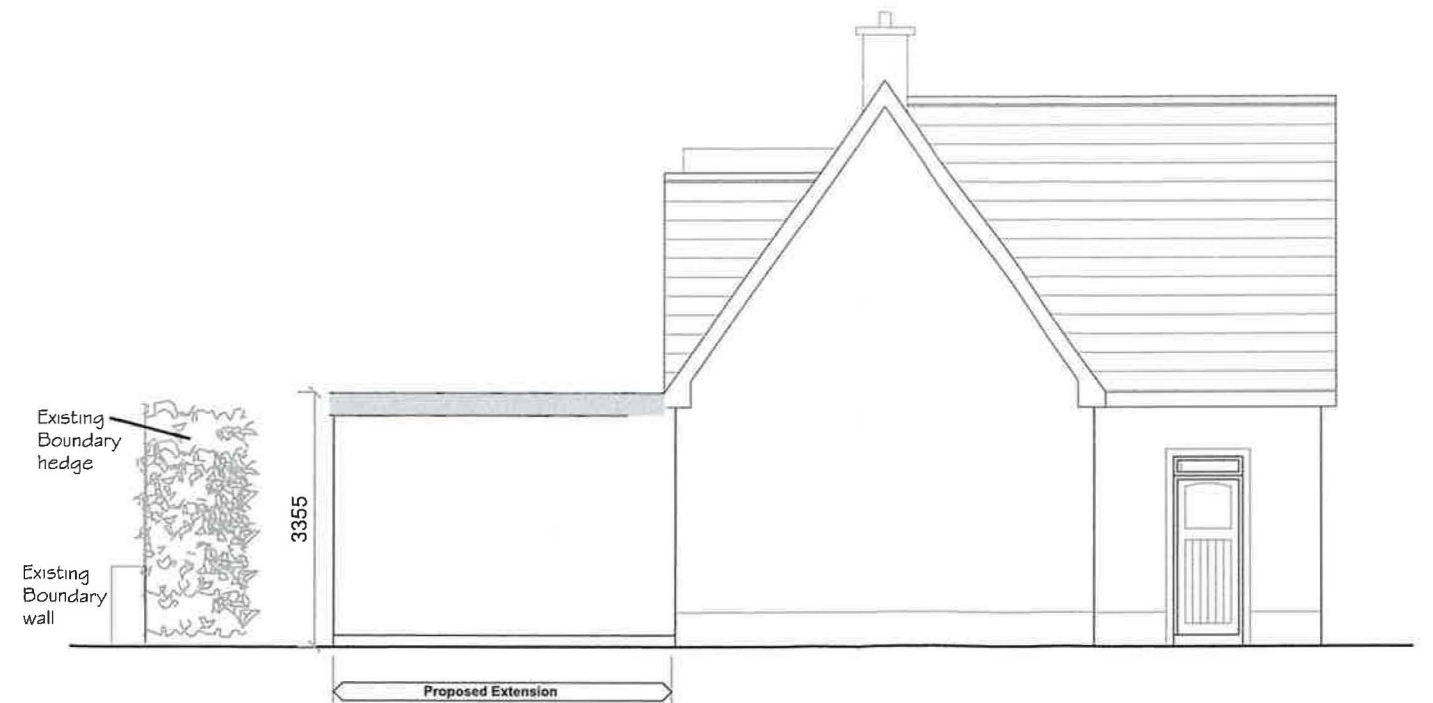
○ **Front Elevation**
SCALE 1: 100



○ **Side Elevation**
SCALE 1: 100

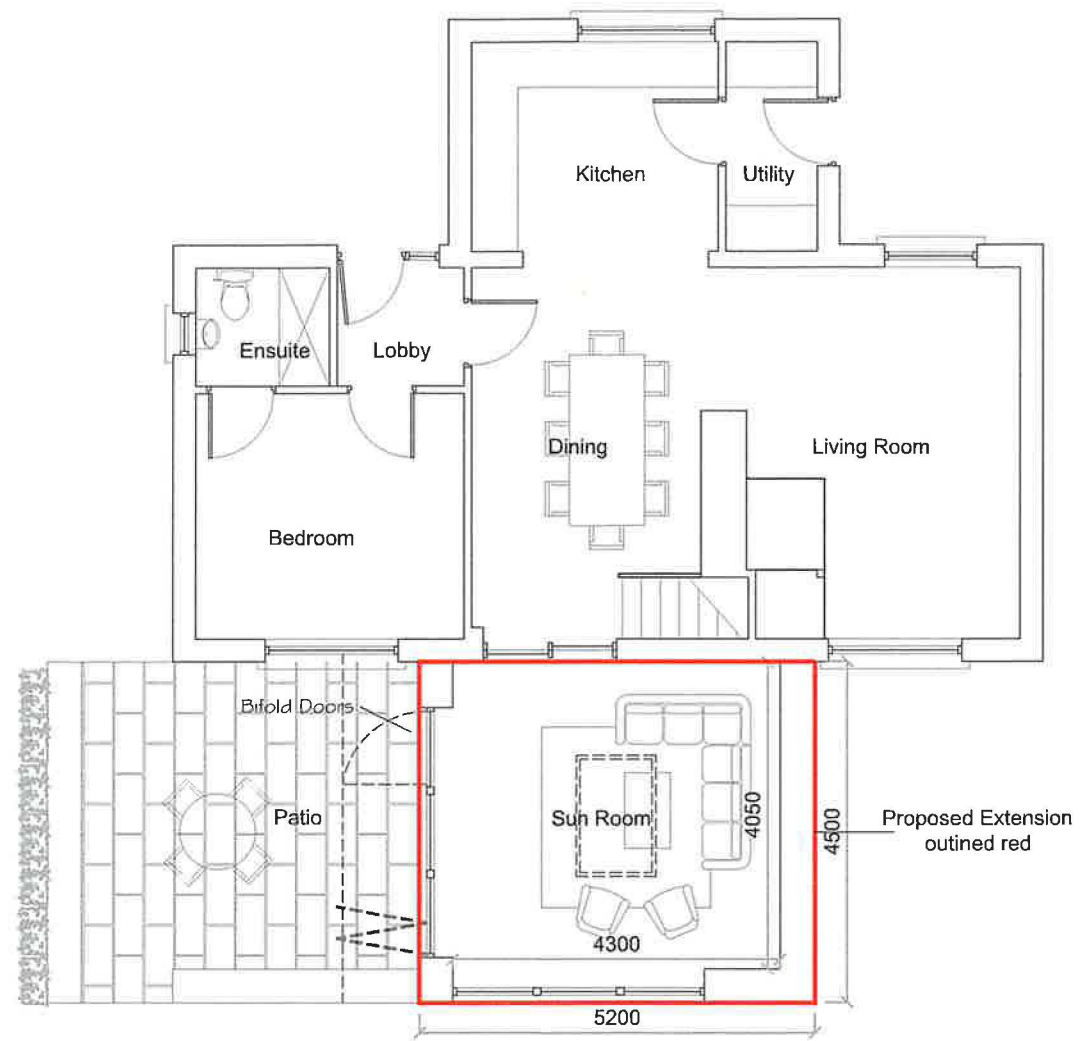


○ **Rear Elevation**
SCALE 1: 100

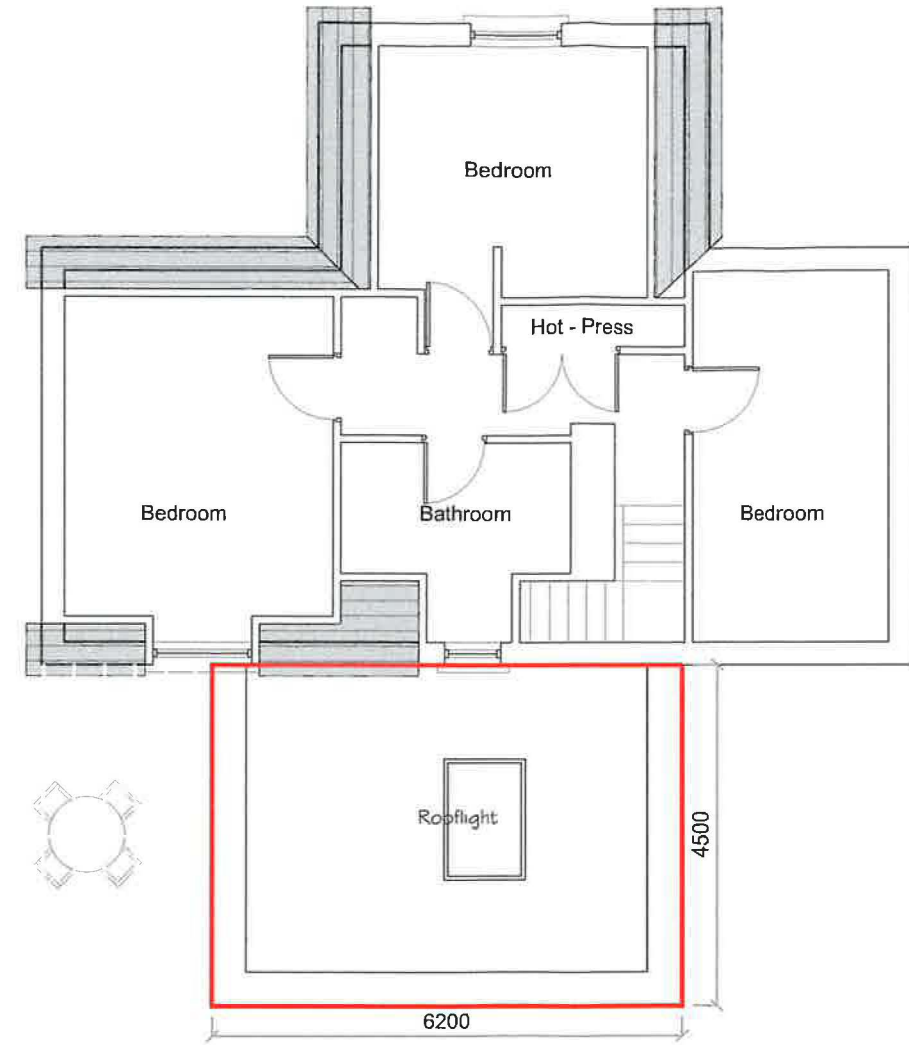


○ **Side Elevation**
SCALE 1: 100

rev.	date	description	by
EKO Integrated Services Aras Smith O'Brien Bank Place Ennis Co. Clare Tel: +353 (0) 85 - 6697979 Fax: +353 (0) 85 - 6648652 Email: info@eko.ie  www.eko.ie EKO Ltd. Reg No. 481932			
project			1 The Links Lahinch
client			Hillary Duggan
drawing			Proposed Elevations
purpose	drawn by	approved	date
Planning	DK	EK	Sept 25
scale	project no.	drawing no.	
1:100	250905	PL005	




Ground Floor Plan
 SCALE 1: 100




First Floor Plan
 SCALE 1: 100



rev.	date	description	by
EKO Integrated Services Aras Smith O'Brien Bank Place Ennis Co. Clare Tel: +353 (0) 85 - 6897979 Fax: +353 (0) 85 - 6848652 Email: info@eko.ie  www.eko.ie EKO Ltd Reg No 481932			
project 1 The Links Lahinch			client Hillary Duggan
drawing Proposed Plans			purpose Planning
drawn by DK	approved EK	date Sept 25	scale 1:100
project no. 250905		drawing no. PL004	



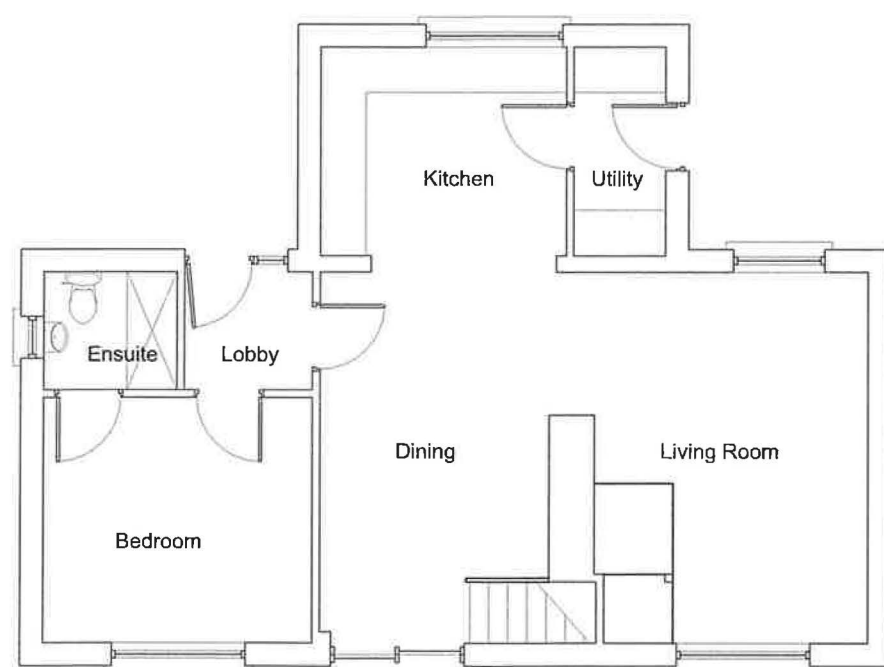
○ **Rear Elevation**
SCALE 1: 100



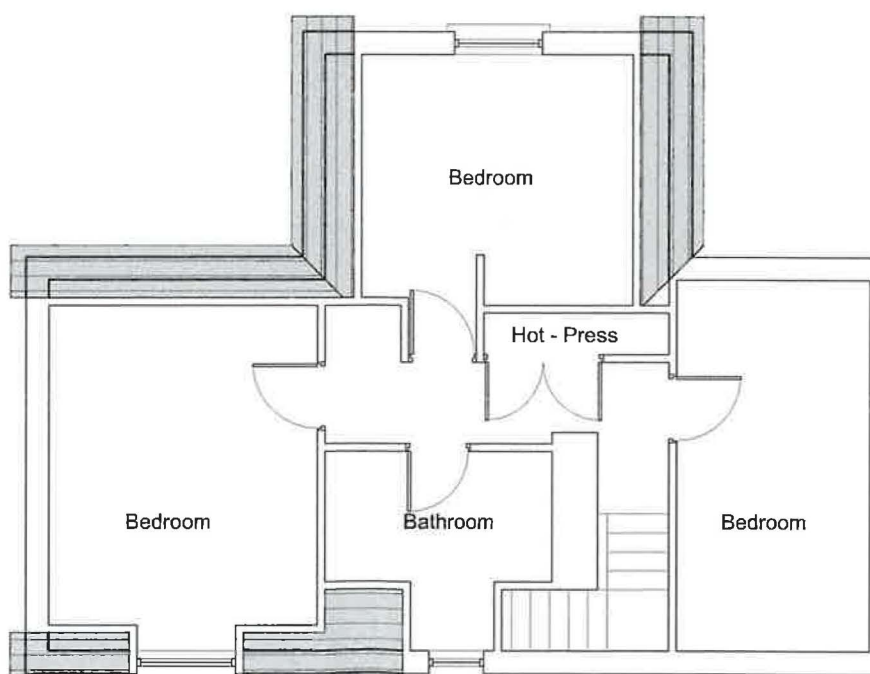
○ **Front Elevation**
SCALE 1: 100



○ **Side Elevation**
SCALE 1: 100



○ **Ground Floor Plan**
SCALE 1: 100



○ **First Floor Plan**
SCALE 1: 100



○ **Side Elevation**
SCALE 1: 100

rev.	date	description	by
EKO Integrated Services Aras Smith O'Brien Bank Place Ennis Co. Clare Tel: +353 (0) 65 - 6897979 Fax: +353 (0) 65 - 6849652 Email: info@eko.ie www.eko.ie EKO Ltd. Reg No. 481022			
purpose Planning		drawn by DK	approved EK
date Sept 25		scale 1:100	project no. 250905
drawing no. PL003		client Hillary Duggan	
drawing Existing Plans		project 1 The Links Lahinch	



Description
Digital Landscape Model (DLM)
Publisher / Source:
Ordnance Survey Ireland (OSI)
Data Source / Reference:
PRIME2
File Format:
Autodesk AutoCAD (DWG_R2013)
File Name:
v_50402475_1.dwg

Clip Extent / Area of Interest (AOI)
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LRX,LRX= 510114.9688,687872.1342
ULX,ULY= 509881.9688,688044.1342
URX,URY= 510114.9688,688044.1342

Projection / Spatial Reference:
Projection= IRENET95_Irish_Transverse_Mercator
Centre Point Coordinates:
X,Y= 509998.4688,687958.1342

Reference Index
Map Series / Map Sheets
1:2,500 | 4083-D
1:2,500 | 4083-C

Data Extraction Date:
Date= 24-May-2024

Source Data Release:
DCMS Release V1.176.118

Product Version:
Version= 1.4

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Arna thionsú agus arna fhoilsiú ag
Suirbhíreacht Ordánais Éireann, Páirc an
Fhionnuisce, Baile Átha Cliath 8, Éire.

Sáraitheann aithneacht neamhúdaráithe cóilcheart
Suirbhíreacht Ordánais Éireann agus Rialtas
na hÉireann.

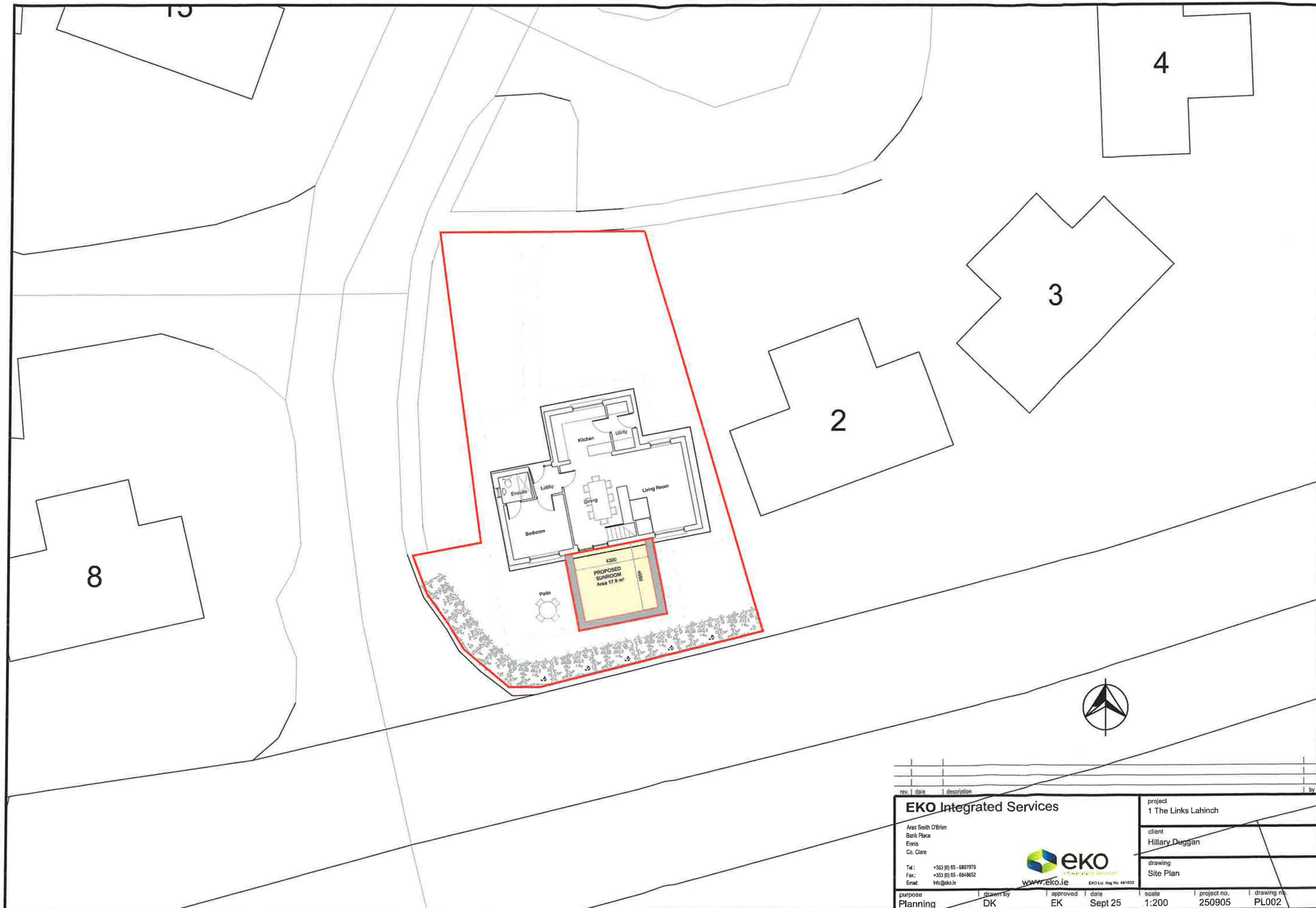
Gach cead ar cosmaí. Ní ceadnách aon
chuid den fhoilseachán seo a chóipeáil, a
aithneacht nó a tharchur in aon fhoirm nó ar aon
bhealach gan cead i scríbhinn roimh ré ó úinéir
an chóilchearta.

Ní hionann bóthar, bealach nó cosán a bheith ar
an léarscáil seo agus fianaise ar chread síl.

Ní thaispeánann léarscáil de chuid Ordánais
Suirbhíreacht na hÉireann teorann phointí díleathail
de rhaoin rian, ná úinéireacht de ghnéithe fisicidh.



rev.	date	description	project	1 The Links Lahinch		
EKO Integrated Services			client	Hillary Duggan		
Aras Smith O'Brien Bank Place Ennis Co. Clare			drawing	Site Location Map		
Tel: +353 (0) 65 - 0897979 Fax: +353 (0) 65 - 0848652 Email: info@eko.ie			www.eko.ie EKO Ltd Reg No 481032			
purpose	drawn by	approved	data	scale	project no.	drawing no.
Planning	DK	EK	Sept 25	1:1000	250905	PL001



rev.	date	description	by
EKO Integrated Services			
Aran Smith O'Brien Bank Place Ennis Co. Clare			project 1 The Links Lahinch
Tel: +353 (0) 65 - 6887979 Fax: +353 (0) 65 - 6848652 Email: info@eko.ie			client Hillary Duggan
 www.eko.ie EKO Ltd. Reg No. 481832			drawing Site Plan
purpose Planning	drawn by DK	approved EK	date Sept 25
scale 1:200	project no. 250905	drawing no. PL002	