

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

Reference No.: R25-82



Section 5 referral Reference R25-82

Is the reduction in height of a kiln stack by 10 metres (55m to 45m) development and if so, is it exempted development?

AND WHEREAS, Clogrennane Lime Ltd 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 –

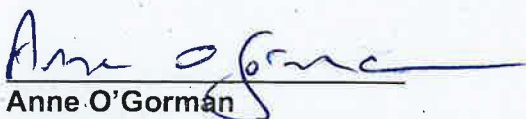
- (a) Sections 2 and 3 of the Planning and Development Act, 2000, as amended,
- (b) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (c) The works as indicated in submitted documents from the referrer.

And whereas Clare County Council has concluded:

- (a) The reduction in height of the kiln stack by 10m (55m to 45m) at Clogrennane Lime Ltd, Toonagh Limeworks, Ennis, Co. Clare constitutes "works" which come within the scope of section 2(1) of the Planning and Development Act 2000, as amended.
- (b) The said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended.
- (c) The said works to reduce the height of the kiln stack by 10m (55m to 45m) at Clogrennane Lime Ltd, Toonagh Limeworks, Ennis, Co. Clare is exempted development by virtue of Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

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

The proposed development consisting of the reduction in height of a kiln stack by 10 metres (55m to 45m) at Clogrennane Lime Ltd, Toonagh Limeworks, Ballybrody, Ennis, 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, Placemaking & Economic Development

21st October 2025



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CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**Clogrennane Lime Ltd
Toonagh Limeworks
Ballybrody
Ennis
Co. Clare
V95 E431**

21st October 2025

Section 5 referral Reference R25-82 – Clogrennane Lime Ltd

Is the reduction in height of a kiln stack by 10 metres (55m to 45m) development and if so, is it exempted development?

A Chara,

I refer to your application received on 29th 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, Placemaking & Economic Development**

**An Roinn Pleanála
An Stiúirtheacht Forbairt Gheilleagrach**

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

**Planning Department
Economic Development Directorate**

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



CLARE COUNTY COUNCIL

SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED

DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT

Chief Executive's Order No:

86492

Reference Number:

R25-82

Date Referral Received:

29th September 2025

Name of Applicant:

Clogrennane Lime Ltd

Location of works in question:

Clogrennane Lime Ltd, Toonagh Limeworks,
Ballybrody, Ennis, Co. Clare, V95 E431

Section 5 referral Reference R25-82 – Clogrennane Lime Ltd

Is the reduction in height of a kiln stack by 10 metres (55m to 45m) 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 and 3 of the Planning and Development Act, 2000, as amended,
- (b) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (c) The works as indicated in submitted documents from the referrer.

AND WHEREAS Clare County Council has concluded:

- (a) The reduction in height of the kiln stack by 10m (55m to 45m) at Clogrennane Lime Ltd, Toonagh Limeworks, Ennis, Co. Clare constitutes "works" which come within the scope of section 2(1) of the Planning and Development Act 2000, as amended.
- (b) The said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended
- (c) The said works to reduce the height of the kiln stack by 10m (55m to 45m) at Clogrennane Lime Ltd, Toonagh Limeworks, Ennis, Co. Clare is exempted development by virtue of Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

ORDER: Whereas by Chief Executive's Order No. CE / 25/18 dated 7th October 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 reduction in height of a kiln stack by 10 metres (55m to

45m) at Clogrennane Lime Ltd, Toonagh Limeworks, Ballybrody, Ennis, Co. Clare is considered development which is exempted development.

Signed:



GARRETH RUANE
SENIOR EXECUTIVE PLANNER 

Date:

21st October 2025

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF:	R25-82
APPLICANT(S):	Clogrennane Lime Ltd
REFERENCE:	Is the reduction in height of a kiln stack by 10 metres (55m to 45m) development, and if so, is it exempted development?
LOCATION:	Clogrennane Lime Ltd, Toonagh Limeworks, Ballybrody, Ennis, Co Clare, V95 E431
DUE DATE:	24 th October 2025

Site Location

The subject site is located approximately 6.8km to the north-west of Ennis, approximately 1km north of the village of Toonagh. The site comprises the existing registered Roadstone Quarry and Clogrennane Limeworks, both of which are operational on the site, with associated infrastructure on the site for processing of rock and lime and associated sales/deliveries. The site is visible from the public road and is accessed from the R476 road (strategic regional road).

The lands are not zoned in the Clare County Development Plan. The site is not within any Architectural Conservation Areas (ACAs), or within proximity to any Archaeological Complexes, Recorded Monuments or Protected Structures, nor is the site within any area of flood risk.

Recent Planning History

On-Site:

12528 – Ryan Bros (Ennis) Ltd – for the construction of an enclosed Lime Storage Shed and associated site works on the property. Granted Permission.

10949 – Ryan Bros (Ennis) Ltd – for a proposed Concrete Batching Plant on the property. Granted Permission.

061789 – Permission granted to revise the design of lime kiln and associated stack subject to 2 no. conditions.

052074 – Permission granted to erect a solid fuel storage and handling facility at Ryan Bros. (Ennis) Ltd. Toonagh Quarry Works, Ballybrody, Ennis. subject to 5 no. conditions.

05188 – to erect a solid fuel storage and handling facility at Ryan Bros. (Ennis) Ltd. Toonagh Quarry, Ennis. Incomplete.

04615 – Permission granted to erect a lime Kiln, fuel oil store and ancillary buildings, facilities and development works, subject to 6 no. conditions.

02581 – for a proposed concrete batch plant – withdrawn.

Background to Referral

This referral under Section 5(1) of the Planning and Development Act 2000 (as amended) has been made by Clogrennane Lime Ltd.

The applicant is seeking a Section 5 Declaration as to *whether the reduction in height of a kiln stack by 10 metres (55m to 45m) is development, and if so, is it exempted development?*

The applicant has indicated that the proposal will include the reduction of the existing kiln stack on the site from 55m to 45m. It is stated that such works are proposed due to the recent storms and severe weather, resulting in concerns that the stack may collapse in such likely future weather events. It is stated that the works would also be subject to approval from the EPA prior to being completed.

A Site Layout Plan and Elevation of the subject kiln have been provided with this referral, indicating the section of kiln stack proposed to be removed.

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*.

'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.

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.

Section 4(1)(h) states –

The following shall be exempt for the purposes of the Act

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

Assessment

Basis of Referral

The applicant is seeking a Section 5 Declaration as to whether the reduction in height of a kiln stack by 10 metres (55m to 45m) is development, and if so, is it exempted development?

Planning & Development Act 2000, as amended

Section 2 of the Planning & Development Act (2000) (as amended) sets out that works include the alteration of any structure. Under this definition, such proposals are considered to be "works".

Section 3 of the Planning & Development Act (2000) (as amended) sets out that development means the carrying out of any works on, in, over or under lands. Therefore, the proposed works are considered to be “development”.

Section 4(1)(h) of the Planning & Development Act (2000) (as amended) sets out that works which do not materially affect the external appearance of a structure so as to render the appearance inconsistent with the character of the structure are exempted under this section of the Act. The proposed external works relate the reduction in the height of the existing kiln by a total of 10m, to 45m in height. Following an inspection of the site on 17/10/2025, while I note this section of the kiln is visible from the surrounding area outside of the quarry, I note that it is a single part of the wider quarry and limeworks infrastructure, which is largely visible from the surrounding area also. While the kiln stack is visible, I do not consider the reduction in height of same to be so significant in the context of the existing quarry and limeworks operations that such reduction in height would render the character of the overall kiln structure inconsistent with the character of the surrounding quarry and associated structures.

Therefore, I am satisfied that the changes can be considered under the provisions of Section 4(1)(h) of the Planning and Development Act, 2000 (as amended).

Recommendation

The following questions have been referred to the Planning Authority:

Whether the reduction in height of a kiln stack by 10 metres (55m to 45m) is 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) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (c) The works as indicated in submitted documents from the referrer.

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

- (a) The reduction in height of the kiln stack by 10m (55m to 45m) at Clogrennane Lime Ltd, Toonagh Limeworks, Ennis, Co. Clare constitutes “works” which come within the scope of section 2(1) of the Planning and Development Act 2000, as amended.
- (b) the said works constitute “development” which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended
- (c) the said works to reduce the height of the kiln stack by 10m (55m to 45m) at Clogrennane Lime Ltd, Toonagh Limeworks, Ennis, Co. Clare is exempted development by virtue of Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

Now therefore,

Clare County Council (Planning Authority), hereby decides that the reduction in height of a kiln stack by 10 metres (55m to 45m) at Clogrennane Lime Ltd, Toonagh Limeworks, Ballybrody, Ennis, Co Clare is development, and is exempted development.



Áine Bourke

Executive Planner

Date: 20/10/2025



Garreth Ruane

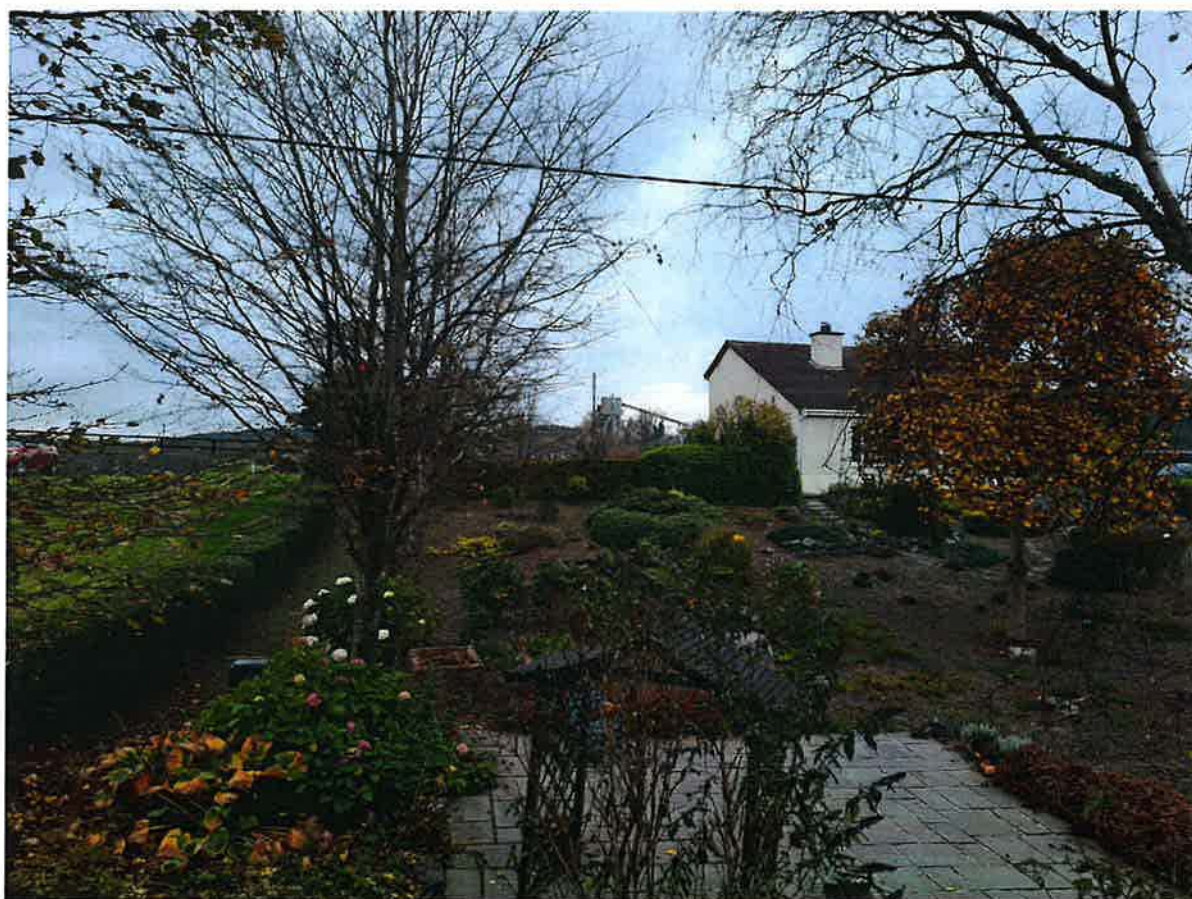
Senior Executive Planner

Date: 21/10/25.

Site Inspection Photos:









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**Clogrennane Lime Ltd
Toonagh Limeworks
Ballybrody
Ennis
Co. Clare
V95 E431**

29/09/2025

Section 5 referral Reference R25-82 – Clogrennane Lime Ltd

Is the reduction in height of a kiln stack by 10 metres (55m to 45m) development and if so, is it exempted development?

A Chara,

I refer to your application received on 29th 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

**Brian Fahy
Planning Department
Economic Development Directorate**

**An Roinn Pleanála
An Stiúrthóireacht Forbairt Gheilleagrach**

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

**Planning Department
Economic Development Directorate**

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





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

29/09/2025 11:33:23

Receipt No. : L1CASH/0/384856

***** REPRINT *****

CLOGRENNANE LIME LTD.
TOONA OH LIMEWORKS
BALLYBRODY
ENNIS,
CO. CLARE V95 E431
R25-82

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

Total : 80.00 EUR

Tendered :
CREDIT CARDS 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
Website: www.clarecoco.ie



R25-82

**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

CLOGRENNANE LINE LTD.
TOONAGH LINeworks
BALMIBROOH
ENNIS Eircode: V95 E431
Co. CLARE

(b) Telephone No.:

--

(c) Email Address:

(d) Agent's Name and address:

SAME AS ABOVE

EIRCODE:



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?

CAN THE HEIGHT OF THE KILN STACK BE REDUCED
 BY 10m (55m TO 45m)?

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

THE REQUEST TO REDUCE THE HEIGHT OF THE STACK
 TO 45m IS BEING MADE BASED ON OBSERVATIONS OF
 THE STACK IN THE RECENT STORM, STORM ÉOWYN AND
 OTHER SIMILAR SEVERE STORMS. IT IS FEARED THAT THE
 UPPER SECTION OF THE STACK COULD COULGE.

- (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)

P0771-02 IEL1 (KILN INDICATED A1.1)
 PROPOSED HEIGHT CHANGE DRAWING

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>TOONAGH LINeworks</u> <u>BALLYBROODY</u> <u>ENNIS</u> <u>Co. CLARE</u> <u>V95 E431</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>OPERATOR / OWNER OF THE</u> <u>KILN / KILN STACK.</u> <u>(LAND IS LEASED FROM ROADSTONE ENNS)</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>ROADSTONE DUBLIN LTD.</u> <u>FORTWERTOWN,</u> <u>TALLAGHT 24,</u> <u>Co. DUBLIN.</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>YES.</u>
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	<u>NO.</u>
(g) Were there previous planning application/s on this site? If so please supply details:	<u>YES, PERMISSION TO ERECT THE KILN.</u> <u>REF: G4615 (18/03/2004)</u>
(h) Date on which 'works' in question were completed/are likely to take place:	<u>AWAITING APPROVAL FROM EPA BEFORE PLANNING WORKS.</u>

SIGNED: Brian Walsh

DATE: 26/09/2025

GUIDANCE NOTES

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

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

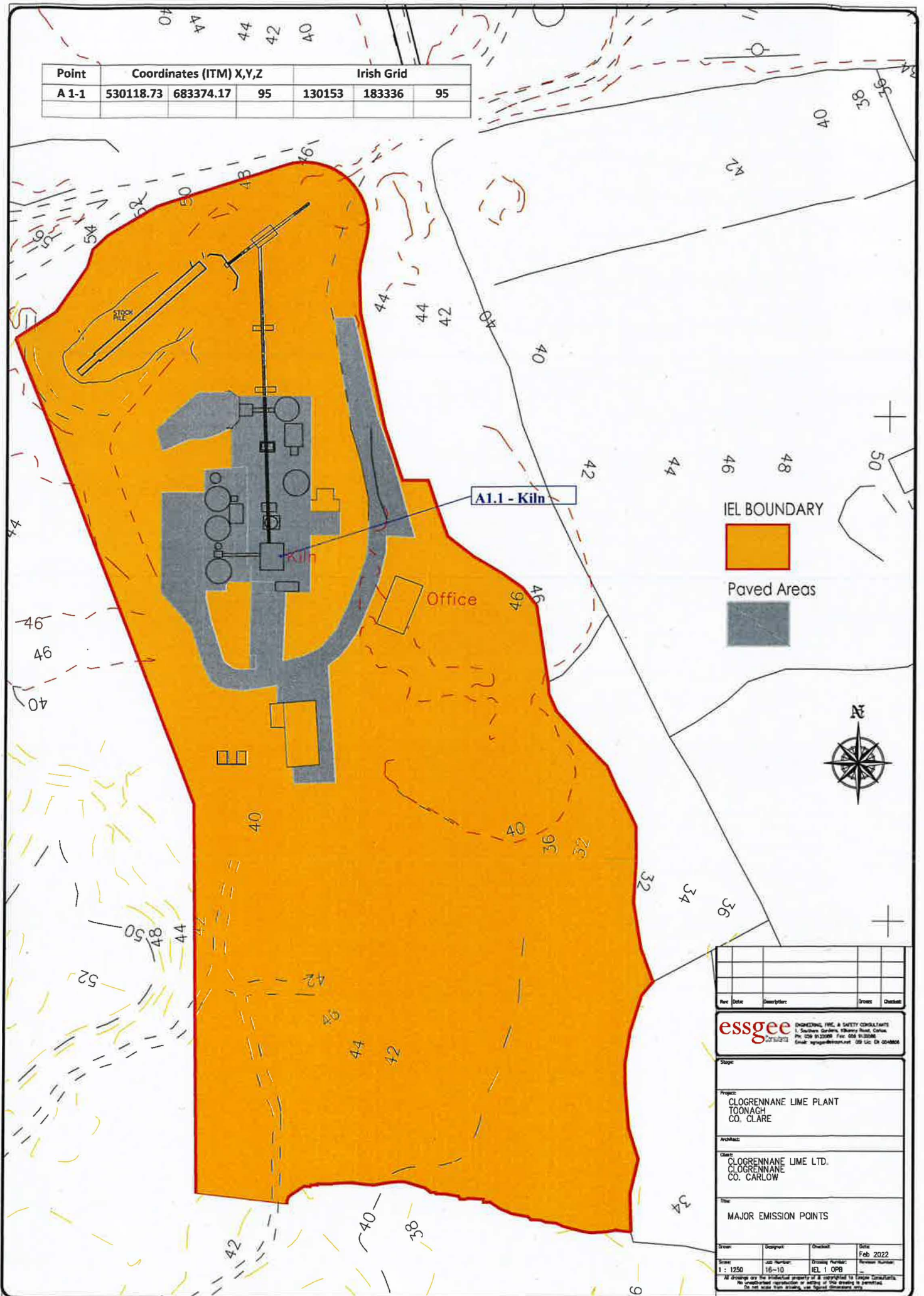
Planning Department,
Economic Development Directorate,
Clare County Council
Aras Contae an Chlair,
New Road,
Ennis,
Co. Clare
V95DXP2

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

FOR OFFICE USE ONLY

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

Point	Coordinates (ITM) X,Y,Z			Irish Grid		
A 1-1	530118.73	683374.17	95	130153	183336	95



Rev	Date	Description	Drawn	Checked
essgee ENGINEERING, FINE & SAFETY CONSULTANTS 1, Southern Gardens, Burren Road, Carrigrohane, Co. Clare Ph: 029 9123089 Fax: 029 9123088 Email: info@essgee.ie www.essgee.ie				
Stage:				
Project: CLOGRENNANE LIME PLANT TOONAGH CO. CLARE				
Architect:				
Client: CLOGRENNANE LIME LTD. CLOGRENNANE CO. CARLOW				
Title: MAJOR EMISSION POINTS				
Drawn	Designed	Checked	Date	
1:1250	16-10	16-10	Feb 2022	
Drawing Number: IEL 1 OPB				
All drawings are the intellectual property of & copyright to Essgee Consultants. No unauthorised reproduction or copying of this drawing is permitted. Do not scale from drawing, use typical dimensions only.				

Chimney Stack (after filter) - Toonagh Limeworks

