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

Reference No.: R25-89



Section 5 referral Reference R25-89

Is the renovation of a house to include the restoration and replacement of the roof and internal works including wall and floor insulation development and if so, is it exempted development?

AND WHEREAS, Fintan J. Shannon 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, 4 (1) (h) and 82 (1) of the Planning and Development Act 2000, as amended,
- (b) The details and drawing as indicated in submitted documents from the referrer.

And whereas Clare County Council has concluded:

- (a) The development consisting of the the renovation of a house to include the restoration and replacement of the roof and internal works including wall and floor insulation 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 Section 4 & 82(1) of the Planning and Development Act 2000, as amended, being alterations 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.

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 renovation of a house to include the restoration and replacement of the roof and internal works including wall and floor insulation at No. 2 Marine Parade, Kilkee, 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

1st December 2025



Registered Post

Fintan J. Shannon Clarin Lodge Roeveagh Kilcolgan Co. Galway H91 D1W2

1st December 2025

Section 5 referral Reference R25-89 - Fintan J. Shannon

Is the renovation of a house to include the restoration and replacement of the roof and internal works including wall and floor insulation development and if so, is it exempted development?

A Chara,

I refer to your application received on 4th November 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 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

SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED

DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT

Chief Executive's Order No: 86755

Reference Number: R25-89

Date Referral Received: 4th November 2025

Name of Applicant: Fintan J. Shannon

Location of works in question: No. 2 Marine Parade, Kilkee, Co. Clare,

V15 YH33

Section 5 referral Reference R25-89 - Fintan J. Shannon

Is the renovation of a house to include the restoration and replacement of the roof and internal works including wall and floor insulation 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, 4 (1) (h) and 82 (1) of the Planning and Development Act 2000, as amended,
- (b) The details and drawing as indicated in submitted documents from the referrer.

AND WHEREAS Clare County Council has concluded:

- (a) The development consisting of the the renovation of a house to include the restoration and replacement of the roof and internal works including wall and floor insulation 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 Section 4 & 82(1) of the Planning and Development Act 2000, as amended, being alterations 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.

ORDER:

Whereas by Chief Executive's Order No. HR 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 renovation of a house to include the restoration and

replacement of the roof and internal works including wall and floor insulation at No. 2 Marine Parade, Kilkee, Co. Clare, V15 YH33 is considered development which is exempted development

Signed:

SENIOR EXECUTIVE PLANNER

Date:

1st December 2025

SECTION 5 DECLARATION OF EXEMPTION APPLICATION

FILE REF:

R25-89

APPLICANT(S):

Fintan J. Shannon

REFERENCE:

Whether the renovation of a house to include the restoration and replacement of the roof and internal works including wall and floor insulation is considered development and if so is it exempted

development.

LOCATION:

2 Marine Parade

DUE DATE:

1st Dec 25

Site Location

The site is located at Marine Parade. It is located in an ACA but is not a protected structure.

Planning History on Site

No recent history

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) The referral question is as follows.

Whether the renovation of a house to include the restoration and replacement of the roof and internal works including wall and floor insulation is considered development and if so is it exempted development.

Statutory Provisions

Planning and Development Act, 2000 (as amended)

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

Section 2(1) - Interpretation

In this Act, except where the context otherwise requires -

"structure" as any building, structure, excavation or other thing constructed or made on, in or under any land, or part of a structure so defined, and where the context so admits, includes the land on, in or under which the structure is situate

"use", in relation to land, does not include the use of the land by the carrying out of any works thereon.

'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.

Section.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.

Exempted Development

4.—(1) The following shall be exempted developments for the purposes of this 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;

Consideration has also been given to the provisions of Section 82(1) of the Planning and Development Act 2000 (as amended) which states that:

Section 82

(a) Section 82(1) of the Planning and Development Act 2000 (as amended)

"Development in Architectural Conservation Areas;

82 (1) Notwithstanding paragraph (a)(h), (i) (ia) (j) (k) or (l) of Section 4(1), or any regulations made under Section 4(2) the carrying out of works to the exterior of a structure located in an architectural conservation area shall be exempted development only if those works would not materially affect the character of the area".

Planning and Development Regulations 2001 (as amended)

I have considered all exempted development provisions as are set out in Article 6 and in Schedule 2 of the Planning Regulations and I am satisfied that and there are no provisions of the Planning and Development Regulations 2001 (as amended) under which the subject development could be considered to be exempted development.

County Development Plan Policy 2023-29

Development Plan Objective: **Architectural Conservation Areas (ACAs)** CDP16.5 It is an objective of Clare County Council: a) To ensure that new developments within or adjacent to an ACA respect the established character context of the area and contribute positively to the ACA in terms of design, scale, setting and material finishes; b) To protect from demolition or removal and nonsympathetic alterations, existing buildings, structures, groups of structures, sites, landscapes and features such as street furniture and paving, which are considered to be intrinsic elements of the special character of the ACA; c) To ensure that all new signage, lighting, advertising and utilities to buildings within an ACA are designed, constructed and located in a manner that does not detract from and is complementary to the character of the ACA; and d) To ensure that external colour schemes in ACAs enhance the character and amenities of the area and reflect

Assessment

Basis of Referral

The applicant is seeking a Section 5 Declaration as to whether the renovation of a house to include the restoration and replacement of the roof and internal works including wall and floor insulation is considered development and if so is it exempted development.

Particulars of the Development

Completed application form.

traditional colour schemes.

 Set of drawings of the existing house (it is not clear if they are to scale when printed to A4 or A3 size).

Assessment:

The following question has been referred to the Planning Authority:

Whether the renovation of a house to include the restoration and replacement of the roof and internal works including wall and floor insulation is considered development and if so, is it exempted development".

In this case regard is had to the provisions of Section 4 of the Act wherein development consisting of the carrying out of works for the alteration of any structure, being works 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 is considered exempted development.

In this case the agent has advised 26th inst. that while the slates on the roof are in good condition the roof purlins underneath are rotting and need to be replaced. The roof works are confined to the section over the original part of the house and do not include the roof to any rear return/ extension. There are no proposals to change the materials or existing external finishes on the front or rear elevations. Existing pvc windows are to remain in place. The existing lime render on the front elevation will remain in place. It is proposed to reuse the existing slates. I note that there is no reference in the description of the works regarding any proposals to repair/ replace or remove any of the existing chimneys. On the basis that they have been excluded from the description I am assuming that such works fall outside the scope of this query. Having regard to the foregoing, the proposed works are not considered to 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 within the ACA.

The building is located within the ACA of Kilkee and this area has its own distinct architectural character, with good examples of vernacular architectural within the central area of the town and with a number of buildings having been subject to sensitive refurbishment and repair in recent years. Having regard to the character of the streetscape and architectural conservation area in which the property is located, it is my opinion that proposed works do not materially affect the character of the area and can be considered to be exempted development.

Having regard to the limited nature of the works proposed to been carried out, the age and character of the building and the location of the building within the Architectural Conservation Area of Kilkee where it is an objective of Clare County Council, as per CDP 16.5 of the County Development Plan to protect from demolition or removal any non-sympathetic alterations, existing buildings, structures, groups of structures or which are considered to be intrinsic elements of the special character of the ACA, it is my view that the works proposed fall within the scope of exempted development provisions as are set out in Section 4(1)(h) of the Planning and Development Act 2000 (as amended) .

Conclusion

Having regard to the above it is considered that the proposed development constitutes both 'works' and 'development' which are exempted development.

Recommendation

The following questions have been referred to the Planning Authority:

Whether the renovation of a house to include the restoration and replacement of the roof and internal works including wall and floor insulation is considered development and if so, is it exempted development development.

The Planning Authority in considering this referral had regard to:

- (a) Sections 2, 3, 4 (1) (h) and 82 (1) of the Planning and Development Act 2000, as amended,
- (b) 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 the the renovation of a house to include the restoration and replacement of the roof and internal works including wall and floor insulation 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 Section 4 of the Planning and Development Act, being alterations which do not affect the materially the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

Now therefore Clare County Council (Planning Authority), hereby decides that the renovation of a house to include the restoration and replacement of the roof and internal works including wall and floor insulation at no 2 Marine Parade Kilkee, is development and is exempted development in accordance with the drawings and details received by the Planning Authority.

Eller Corey.

Ellen Carey

Executive Planner

Date:

26/11/25.

Gareth Ruane

Senior Executive Planner
Date: 01/12/25



COMHAIRLE CLARE CONTAE AN CHLÁIR COUNTY COUNCIL

Fintan J. Shannon Clarin Lodge Roevehagh Kilcolgan Co. Galway H91 D1W2

04/11/2025

Section 5 referral Reference R25-89 - Fintan J. Shannon

Is the renovation of a house to include the restoration and replacement of the roof and internal works including wall and floor insulation development and if so, is it exempted development?

A Chara.

I refer to your application received on 4th November 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

Clerical Officer

Planning, Placemaking & Economic Development

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



Clare County Council Aras Contae an Chlair New Road Ennis

Co Clare

04/11/2025 11:01:28 nC

Receipt No.: L1CASH/0/386519
****** REPRINT ******

FNTAN J SHANNON CLARINA LODGE HAIR LE ROEVEHAGH KILCOLGAN GALWAY

R25-89

SECTION 5 REFERENCES A 1 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

80.00

0.00

P07

CLARE COUNTY COUNCIL COMHAIRLE CONTAE AN CHLÁIR

Planning Department,
Economic Development Directorate,
Clare County Council,
New Road, Ennis,
Co. Clare.
V95DXP2

Telephone No. (06) Fax No. (065) 6,620 Email: planofficial Website: www.tare



R25-89

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	FINTAN J. JHANNON				
seeking the declaration	CLARIN LODGE				
	ROEVEAGU				
	KILCOLSAN				
	CALWAY H91 DIW2				
(b) Telephone No.:					
(c) Email Address:					
(d) Agent's Name and address:	As shore (myself) of Tomas makenne makenne consitting engineers Bank place Miltown Malbay				
	Co. Clare				

2. DETAILS REGARDING DECLARATION BEING SOUGHT						
(a) PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT Note: only works listed and described under this section will be assessed.						
Sample Question: Is the construction of a shed at 1 Main St., Ennis development and if so is it exempted development?						
I am haping to renorate and insulate this						
I am secking a section 5 declaration to consirm planning						
(b) Provide a full description of the question/matter/subject which arises wherein a declaration of the question is sought.						
THE subject have is located within the						
ACA of kilkee.						
The proposed work includes renovation and						
replacement of the roof.						
In addition, there will be interall works						
to include well and floor involution.						
Our plan is a like for like renovation						
ving appropriate materials with no change						
in the character/appearance of the property.						
6						
(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)						
- Ui place mays attached						
- Architects drawings, current and proposed attached,						
- Architects drawings, current and proposed attached, also enailed to planoff (o clarecoco.ie on						
* 1.12C ~						

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT				
(a) Postal Address of the Property/Site/Building for which the declaration sought:		PARADE HOUSE		
		2 MARINE PARADE		
	* ex · · · · · · · · · · · · · · · · · ·	KILKEE		
	3.8	2 MARINE PARADE KILKEE Co. CLARE		
		V 15 7433		
(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		
	· · · · · · · · · · · · · · · · · · ·	· L e a		
(c)	Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	FIN'TAN J. JMANNON		
	(0): 2	3.		
(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:			
	Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.			
(e)	Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	767		
(f)	Are you aware of any enforcement proceedings connected to this site? If so please supply details:	No		
(g)	Were there previous planning application/s on this site? If so please supply details:	No		
(h)	Date on which 'works' in question were completed/are likely to take place:	2026 TBC		

SIGNED: Johannan

DATE: 3 11 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 Countil
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:	Tangan da ayan ayan ay	Reference No.:	
Date Declaration made:		CEO No.:	
Decision:	<u> </u>	***************************************	









