



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Registered Post**

**Damien Mason  
C/o Deirdre Foran  
Lisdoonvarna  
Co. Clare**

**30th January 2024**

**Section 5 referral Reference R24-1 – Damien Mason**

Is the extension and alteration of the existing sheds being built on the farm lands at Barrtra development and if so is it exempted development?

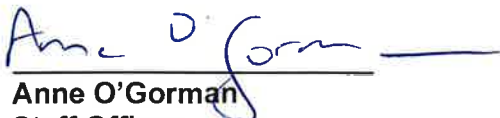
A Chara,

I refer to your application received on 5th January 2024 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 Bord Pleanála of the required fee, refer a declaration for review by An Bord Pleanála within 4 weeks of the date of the issuing of the declaration. Details on making such appeal are available on the Board's website at [www.pleanala.ie](http://www.pleanala.ie)

Mise, le meas

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

**An Roinn Pleanála**  
**An 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:

83066

Reference Number:

R24-1

Date Referral Received:

5th January 2024

Name of Applicant:

Damien Mason

Location of works in question:

Barrtra, Lahinch, Co. Clare

**Section 5 referral Reference R24-1 – Damien Mason**

Is the extension and alteration of the existing sheds being built on the farm lands at Barrtra 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) 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 the alterations and extensions to an existing farm storage shed 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 structure would not meet the exempted development requirements of Class 9 of Part 1, Schedule 2 of the Planning & Development Regulations 2001, as amended (i.e. development within the curtilage of a house), including the conditions and limitations therein, particularly limitation no. 3 which states 'no such structure shall be situated within 10 metres of any public road'.
- (c) The provisions of Article 9 (xiii) of the Planning and Development Regulation 2001, as amended, outlines restrictions on exempted development at class 3 which consists of or comprises the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use, cannot be considered exempted development. In this instance, there is no recorded permission for the existing sheds and the existing slatted shed on site.
- (d) There are no other provisions under the Planning Acts or Regulations to render the subject structure as exempted development.

**ORDER:** Whereas by Chief Executive's Order No. HR 152 dated 9<sup>th</sup> April 2021, Pat Dowling, 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 Gareth 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, Gareth Ruane, Senior Executive Planner, hereby declare that the extension and alteration of the existing sheds on the farm lands at Barrtra, Lahinch, Co. Clare is **considered development** which is **not exempted development**.

**Signed:**

  
GARETH RUANE  
SENIOR EXECUTIVE PLANNER 

**Date:** 30th January 2024

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

**Reference No.: R24-1**



Comhairle Contae an Chláir  
Clare County Council

**Section 5 referral Reference R24-1**

**Is the extension and alteration of the existing sheds being built on the farm lands at Barrtra development and if so is it exempted development?**

**AND WHEREAS, Damien Mason** 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 the alterations and extensions to an existing farm storage shed 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 structure would not meet the exempted development requirements of Class 3 of Part 1, Schedule 2 of the Planning & Development Regulations 2001, as amended (i.e. development within the curtilage of a house), including the conditions and limitations therein, particularly limitation no. 3 which states 'no such structure shall be situated within 10 metres of any public road'.
- (c) The provisions of Article 9 (xiii) of the Planning and Development Regulation 2001, as amended, outlines restrictions on exempted development at class 3 which consists of or comprises the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use, cannot be considered exempted development. In this instance, there is no recorded permission for the existing sheds and the existing slatted shed on site.
- (d) There are no other provisions under the Planning Acts or Regulations to render the subject structure as exempted development.

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

The proposed development consisting of the extension and alteration of the existing sheds on the farm lands at Barrtra, Lahinch, Co. Clare constitutes development which is not exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

A handwritten signature in blue ink, appearing to read 'Anne O'Gorman', followed by a horizontal line.

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

**30th January 2024**

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

**FILE REF:** R 24/ 1 Damien Mason

**APPLICANT(S):**

**REFERENCE:** Whether the extension and alteration of the existing sheds on the farm lands at Barratra is or is not development and is or is not exempted development.

**LOCATION:** Barratra Lahinch , Co. Clare

**DUE DATE:** 31/ 01/ 24

**Site Description.**

The existing shed to be extended is located within a farm yard complex adjacent to a slatted unit, the planning status of which is not recorded. The subject sheds are built into the western and southern boundary of the site. There is a hay trough in the enclosed yard space in front of the sheds.

It was also noted that the front boundary which previously comprised a stone wall in 2019 has been removed and replaced by a timber post and rail splayed entrance.

The site is located west of Barratra cluster and is located within a designated Heritage landscape.

It was noted on inspection that the section of the shed closest to the road was last use for housing of livestock but this use has ceased.

Google image from 2019 shows the sheds being used to house livestock.

The remaining shed are used for storage of farm equipment.

Having regard to the forgoing I am concluding that the use of the sheds for the type of storage observed on inspection falls under the scope of class 9, notwithstanding past use for the housing of calves.

Although the query refers to alterations and extension it is not clear how such a shed could be constructed without demolition of the existing sheds.

**Planning History on site**

None

**Details submitted with the application**

- Site location map scale 1:1000 showing the subject site outlined in red and the dwellings of various named families within 100m radius.
- Completed application form.

- Land holding map outlined in blue and rights of way in yellow.
- Site layout plan scale 1 : 500 showing the existing shed in green and the proposed extension in blue with the site outlined in red.
- Drawings of the proposed shed 23m long, 5.4m deep and 5.5m high. Total floor area 124.2 sq.m.
- Survey drawing of the existing sheds.
- Signed letters from Bernard J Lynch, John Leyden and Eleanor Leyden, Maureen Comber, John Flanagan and Peggy Flanagan.
- The existing shed is being use for storage of turf and machinery. The proposed shed is to be used for storge of hay ( 86 sq.m.) and storage of machinery ( 26.4 sq.m.)
- The existing shed has a floor area of 64 sq.m.

## **Background to Referral**

### **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.*

‘ Development ’ are defined in Section 3 of the *Planning and Development Act 2000, as amended* as follows:

*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.*

#### **Planning & Development Regulations, 2001, as amended**

Article 6 refers to Exempted Development and states that subject to Article 9, development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

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

*Part 3 Exempted Development Rural- Article 6*

***Class 9***

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

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

Conditions and Limitations

- 1.No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.
- 2.The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.
3. No such structure shall be situated within 10 metres of any public road.
4. No such structure within 100 metres of any public road shall exceed 8 metres in height.
5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.
6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

*Schedule 2, Article 6, Part 1 – Exempted Development General.*

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,*
- (iiia) 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 unauthorised structure or a structure the use of which is an unauthorised use,*
- (ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for*

*the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,*  
*(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,*  
*(xi) obstruct any public right of way,*  
*(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.*

## Assessment

### Basis of Referral

The applicant is seeking a Section 5 Declaration as to whether the extension and alteration of the existing shed being built on farm lands at Barratra is development and is or is not exempted development.

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

### ***Class 9***

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

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

The shed is for the storage of farm equipment and feed and is not for the housing of animals and as such falls under class 9.

### Conditions and Limitations

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

**This is the case having regard to the information on file and site inspection.**

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

**There is no other storage shed of this class on the farmyard complex.**

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

**The structure is adjacent to the public road.**

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

**The maximum height is 5.4m to the ridge.**

5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

**I note letters from residents living within 100 radius the shed giving their consent to the proposal.**

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

**External finishes are not specified in the drawings received.**

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

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

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

**N/A- No planning history**

- (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 alterations to the existing access point are proposed.**

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

**N/A.**

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

**N/A.**

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

***The site is within designated Heritage landscape. However there are a number of dwellings and farm buildings in the vicinity and in this context adverse impact on the visual amenity of the area does not arise.***

- (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,*

**N/A This is not applicable in this instance.**

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

**N/A This is not applicable in this instance.**

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

**N/A This is not applicable in this instance .**

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

**N/A**

- c. *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."*

**This is not applicable in this instance as the subject site is not located in a NHA or p NHA.**

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

**The planning status of the existing structure is not clear. There is no record of planning permission having been granted for the existing shed or for the slated shed. No details have been submitted regarding the existing slated shed so it is not possible to clarify with certainty that it is exempted development .**

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

**This is not applicable in this instance.**

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

**This is not applicable in this instance.**

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

**This is 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.*

**This is not applicable in this instance.**

### **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. Regard is has to limitation no 3 of class 9 which specifically states that in order for the shed to be considered exempted development the shed must be 10m distance from the public road, which is not the case on the subject site.

### **Recommendation**

The following questions have been referred to the Planning Authority:

**Whether the extension and alteration of the existing sheds on the farm lands at Barratra Co. Clare is or is not development and is or is not 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 the alterations and extensions to an existing farm storage shed 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 structure would not meet the exempted development requirements of Class 9 of Part 1, Schedule 2 of the Planning & Development Regulations 2001, as amended (i.e. development within the curtilage of a house), including the conditions and limitations therein, particularly limitation no. 3 which states 'no such structure shall be situated within 10 metres of any public road'.
- c) The provisions of Article 9 (xiii) of the Planning and Development Regulation 2001, as amended, outlines restrictions on exempted development at class 3 which consists of or comprises the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use, cannot be considered exempted development. In this instance <sup>there is no recorded permission for</sup> the planning status of the existing sheds and of the existing slated shed on site ~~is not clear~~.
- d) There are no other provisions under the Planning Acts or Regulations to render the subject structure as exempted development.

**Now therefore Clare County Council (Planning Authority),** hereby decides the extension and alteration of the existing sheds on the farm lands at Barr ~~tra~~ <sup>tra</sup>, Lahinch Co. Clare is development and is **not** exempted development.



Ellen Carey  
Executive Planner

Date: 29/01/24



Gareth Ruane  
Senior Executive Planner

Date: 30/01/24

## Appropriate Assessment & Determination

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

(a) File Reference No:	Section 5 R24/ 01
(b) Brief description of the project or plan:	Agricultural storage shed
(c) Brief description of site characteristics:	Extension and alterations to dry sheds
(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 <sup>1</sup>	Distance from proposed development <sup>2</sup> (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 (Glaucopuccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410]	2.45km as the crow flies	None	No





materials <ul style="list-style-type: none"> <li>• Access to site</li> <li>• Pests</li> </ul>	
Operational phase e.g. <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> <li>• Noise/vibration</li> <li>• Changes to water/groundwater due to drainage or abstraction</li> <li>• Presence of people, vehicles and activities</li> <li>• Physical presence of structures (e.g. collision risks)</li> <li>• Potential for accidents or incidents</li> </ul>	none
In-combination/Other	none

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

Examples of the type of changes to give consideration to include: <ul style="list-style-type: none"> <li>• Reduction or fragmentation of habitat area</li> <li>• Disturbance to QI species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction or fragmentation in species density</li> <li>• Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>• Changes to areas of sensitivity or threats to QI</li> <li>• Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	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.

Having regard to the separation distance between the subject site and the SAC, the nature of the intended use of the sheds being dry storage and the lack of hydrological connection the proposed development is not likely to have significant effects on European site(s) in view of its conservation objectives

**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 <b>no likelihood</b> of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is <b>uncertain</b> whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) <b>Significant effects</b> are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission

Signature and Date of  
Recommending Officer:

29/01/ 24

Ellen Carey.  
**Name: Ellen Carey E.P.**

Signature and Date of the  
Decision Maker:



h2u-1.





1224-1.





229-1.





COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Damien Mason**  
**C/o Deirdre Foran**  
**Lisdoonvarna**  
**Co. Clare**

**05/01/2024**

**Section 5 referral Reference R24-1 – Damien Mason**

Is the extension and alteration of the existing sheds being built on the farm lands at Barrtra development and if so is it exempted development?

A Chara,

I refer to your application received on 5th January 2024 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**



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

05/01/2024 10:37:07

Receipt No : L1CASH/0/358979  
\*\*\*\*\* REPRINT \*\*\*\*\*

DAMIEN MASON  
C/O DEIRDRE FORAN  
LISDOONVARNA  
CO. CLARE

R24-1

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

Total : 80.00 EUR

Tendered :  
CHEQUES

80.00

Change :

0.00

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

P07

**CLARE COUNTY COUNCIL  
COMHAIRLE CONTAE AN CHLÁIR**

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

Telephone No. (065) 6821616  
Fax No. (065) 6892071  
Email: [planoff@clarecoco.ie](mailto:planoff@clarecoco.ie)  
Website: [www.clarecoco.ie](http://www.clarecoco.ie)



Comhairle Contae an Chláir  
Clare County Council

R24-1

**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	DAMIEN MASON BARRTRA LAHINCH, CO CLARE
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	DEIRDRE FORAN LISDOONVARNA CO CLARE

## 2. DETAILS REGARDING DECLARATION BEING SOUGHT

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

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

IS THE EXTENSION AND ALTERATION OF THE EXISTING SHEDS BEING BUILT ON  
 THE FARM LANDS AT BARRTRA DEVELOPMENT AND IF SO IS IT EXEMPTED  
 DEVELOPMENT

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

ALTERING AND EXTENDING THE EXISTING SHEDS TO PROVIDE SHEDS FOR THE  
 STORAGE OF FEED AND MACHINERY. OWNERS OF DWELLINGS WITHIN 100M HAVE  
 GIVEN LETTERS TO SHOW NO OBJECTION TO THE PROPOSED SHEDS.

- (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)*

SHED DRAWINGS; SITE LOCATION MAP; LANDHOLDINGS MAP; SITE LAYOUT PLAN

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	<div>(BARRTRA)</div> <div>CARROWNTEDAUN,</div> <div>LAHINCH,</div> <div>CO CLARE</div>
(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?	<div>NO</div> <div></div> <div></div> <div></div>
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	<div>DAMIEN MASON OWNS THE LANDS WITHIN</div> <div>FOLIO FILE PLAN CE4802F TOTAL= <del>2222</del></div> <div>(AS SHOWN ON PRINTOUT IN BLUE)</div>
(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>	<div></div> <div></div> <div></div>
(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>	NO
(h) Date on which 'works' in question were completed/are likely to take place:	SHED TO BE BUILT IN SPRING 2024

SIGNED: Deuche Foran  
AGENT

DATE: 18-12-2023

### **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:

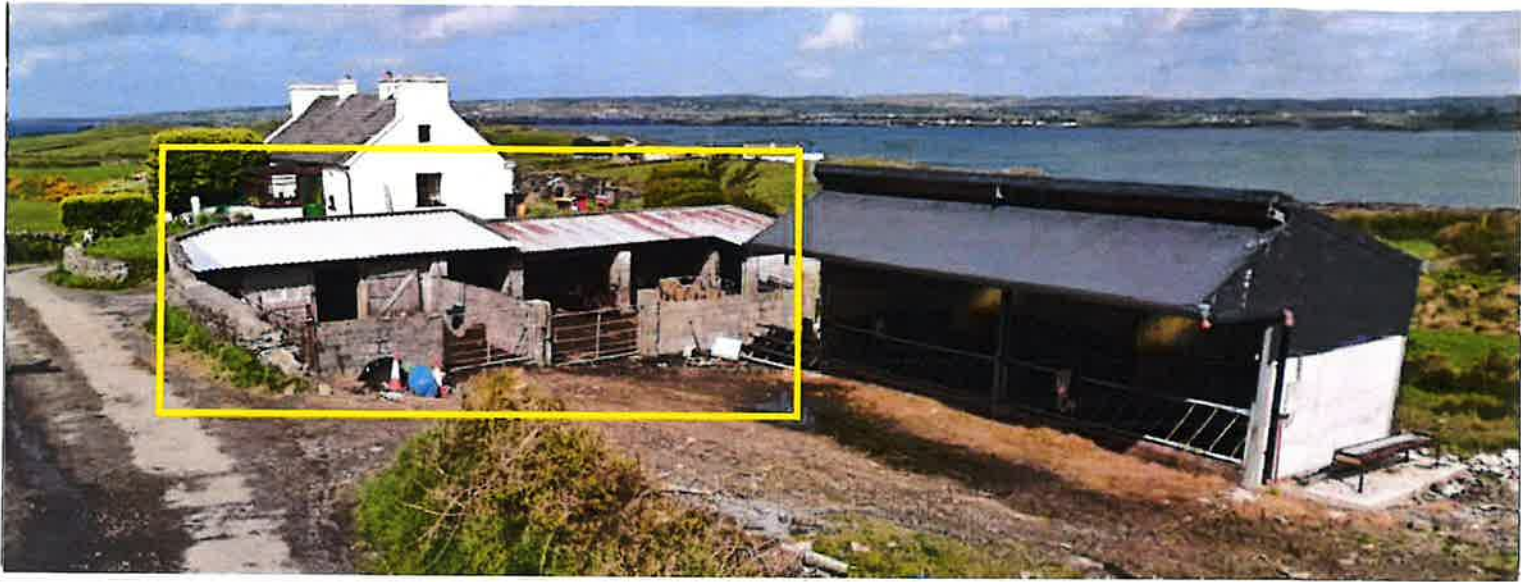
Planning Department,  
Economic Development Directorate,  
Clare County Council  
Aras Contae an Chlair,  
New Road,  
Ennis,  
Co. Clare  
V95DXP2

- (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: .....			





EXISTING OUT BUILDINGS & SLATTED UNIT  
FRONT VIEW



REAR VIEW OF OUT BUILDINGS



OUTLINE OF SUBJECT BUILDINGS

DAMIEN MASON  
CARROWNTEDAUN,  
LAHINCH

To: Planning Section

Clare County Council

Ennis

Co Clare

Dear Planning,

My neighbours Damien and Elizabeth Mason are replacing the existing outbuildings with a new shed for storing Hay and Farm Machinery and are applying for an exempted development certificate for it. As my house is within 100m of the proposed location, I wish to confirm that I have no objection to them building the sheds.

Thank you.



Signed: \_\_\_\_\_

Print Name: Bernárd J. Lynch \_\_\_\_\_

Date: 6/12/2023 \_\_\_\_\_

To: Planning Section  
Clare County Council  
Ennis  
Co Clare

Dear Planning,

My neighbours Damien and Elizabeth Mason are replacing the existing outbuildings with a new shed for storing Hay and Farm Machinery and are applying for an exempted development certificate for it. As my house is within 100m of the proposed location, I wish to confirm that I have no objection to them building the sheds.

Thank you.

Signed:

John Hayden Eleanor Hayden

Print Name:

JOHN HAYDEN ELEANOR HAYDEN

Date:

7/12/23



To: Planning Section

Clare County Council

Ennis

Co Clare

Dear Planning,

My neighbours Damien and Elizabeth Mason are replacing the existing outbuildings with a new shed for storing Hay and Farm Machinery and are applying for an exempted development certificate for it. As my house is within 100m of the proposed location, I wish to confirm that I have no objection to them building the sheds.

Thank you.

Signed:

Maureen Comber jhm

Print Name:

MAUREEN COMBER Anthony EDWARDS

Date:

6 DEC 2023

To: Planning Section

Clare County Council

Ennis

Co Clare

Dear Planning,

My neighbours Damien and Elizabeth Mason are replacing the existing outbuildings with a new shed for storing Hay and Farm Machinery and are applying for an exempted development certificate for it. As my house is within 100m of the proposed location, I wish to confirm that I have no objection to them building the sheds.

Thank you.

Signed:

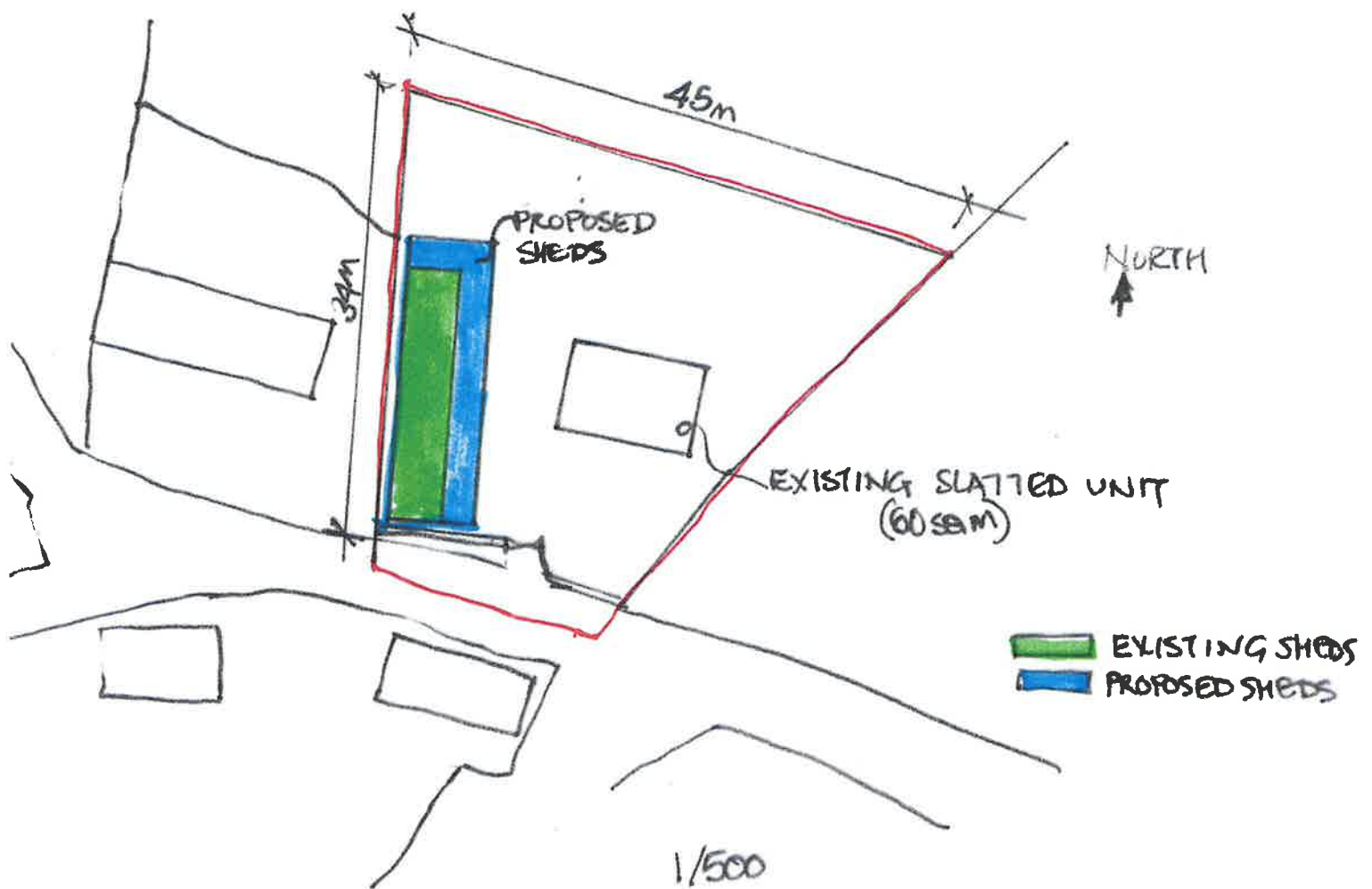
James Flanagan, Peggy Flanagan

Print Name:

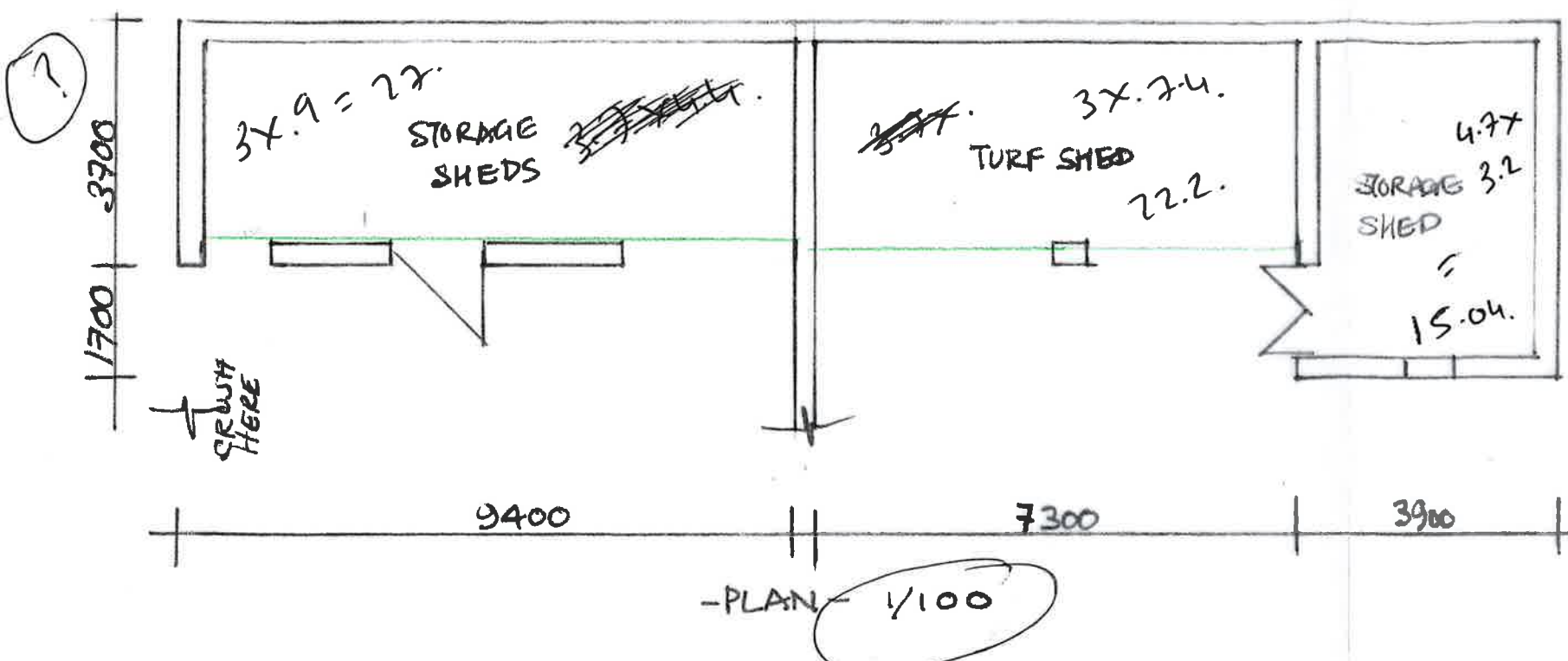
JAMES FLANAGAN, PEGGY FLANAGAN

Date:

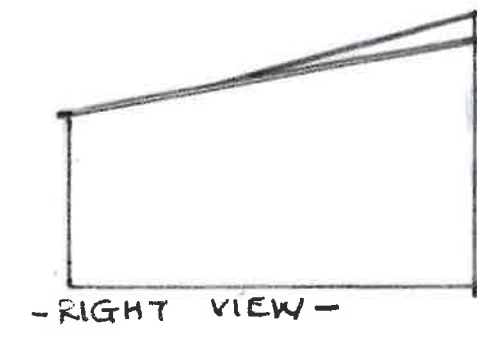
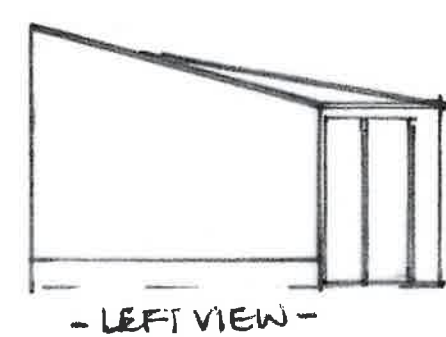
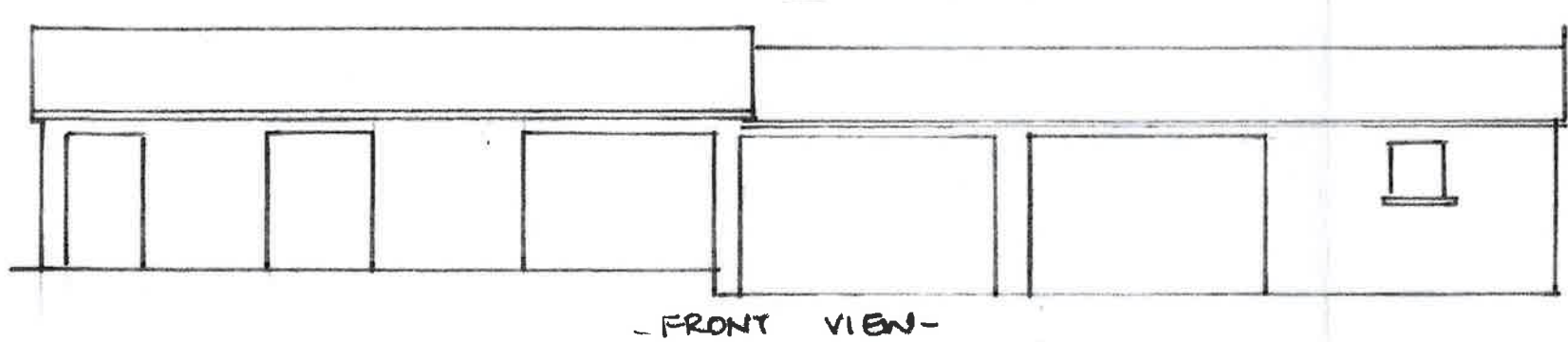
6/12/2023



DAMIEN MASON  
CARROWNTEDAWN  
LAKINCH  
SHEET 3: SITE LAYOUT  
D FORAN B.ENG  
087 675 0327



27  
1.22.2  
15.04  
64.24



shed is not 3.7 deep

EXISTING SHEDS  
DAMIEN MASON  
CARROWNTEDAUN, LAHINCH  
SHEET 1: EXISTING SHEDS  
DFORAN B.ENG MEI  
087 6750327





**Tailte  
Éireann**

Clárúchán, Luacháil,  
Suirbhéireacht  
Registration, Valuation,  
Surveying

Official Tailte Éireann Registration Map

This map should be read in conjunction with the folio.

Tailte Éireann (TÉ) Registration mapping is based on TÉ Surveying mapping. Where TÉ Registration maps are printed at a scale that is larger than the TÉ Surveying scale, accuracy is limited to that of the TÉ Surveying map scale.

For details of the terms of use and limitations of scale, accuracy and other conditions relating to TÉ Registration maps, see [www.tailte.ie](http://www.tailte.ie).

This map incorporates TÉ Surveying map data under a licence from TÉ. Copyright © Tailte Éireann and Government of Ireland.

(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- SubLeasehold
- 'S' Register

(see Section 8(b)(II) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

**Burdens** (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- ▽ Soak Pit

A full list of burdens and their symbology can be found at: [www.landdirect.ie](http://www.landdirect.ie)

Tailte Éireann Registration operates a non-conclusive boundary system. The TÉ Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TÉ Registration map is conclusive as to the boundaries or extent.

(see Section 85 of the Registration of Title Act, 1964). As Inserted by Section 62 of the Registration of Deed and Title Act 2006.

FOLIO CE 4802F  
ELIZABETH & DAMIEN MASON





# Land Registry Compliant Map



**Tailte  
Éireann**

**CENTRE  
COORDINATES:**  
ITM 508625,685449

**PUBLISHED:**  
28/11/2023

**ORDER NO.:**  
50370899\_1

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

**MAP SHEETS:**  
4142

**SITE LOCATION MAP**  
DAMIEN NASON  
CARROWNTEDAUN  
LAHINOR  
1/1000

**COMPILED AND PUBLISHED BY:**  
National Mapping Division of  
Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4  
[www.tailte.ie](http://www.tailte.ie)

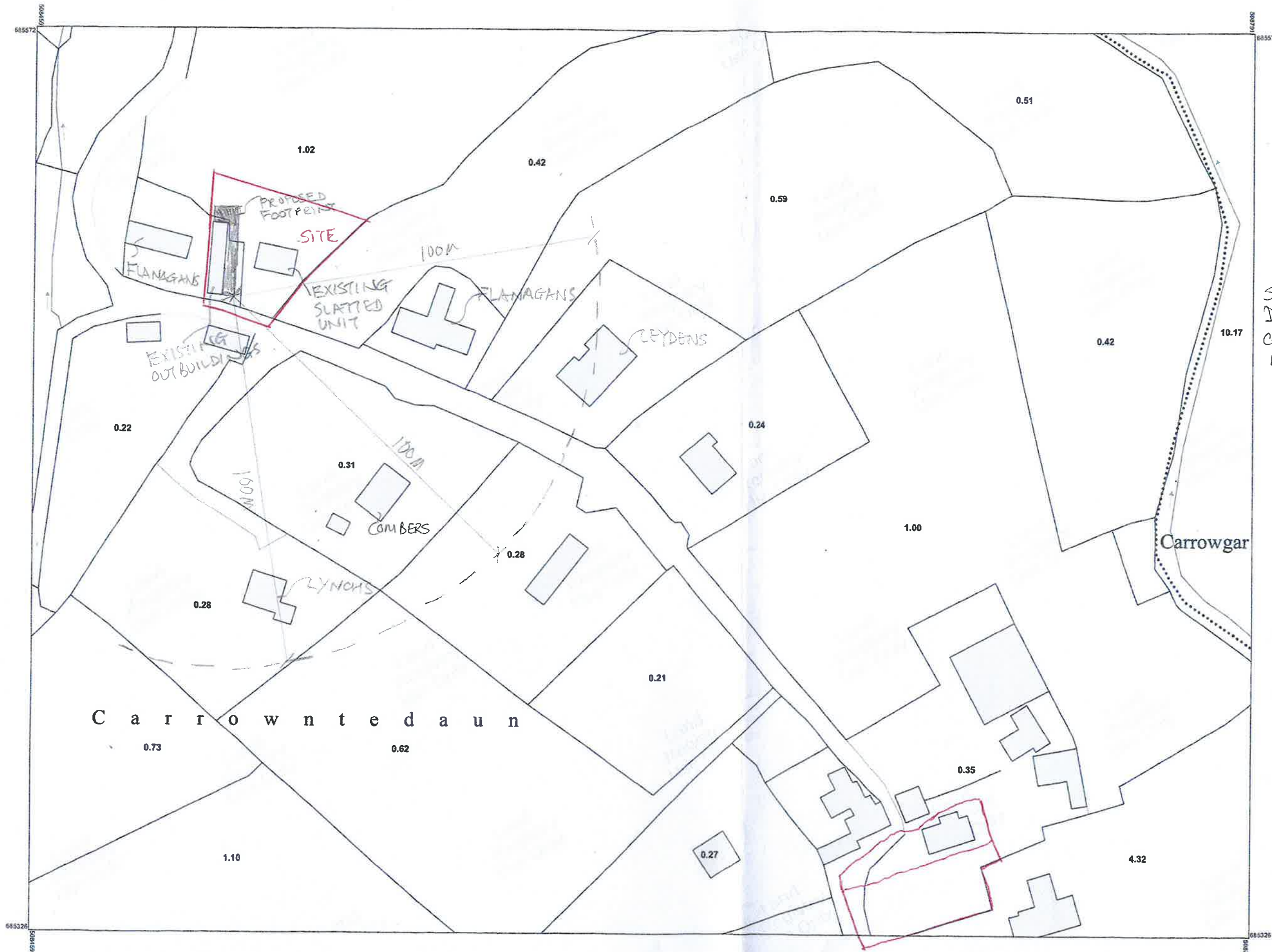
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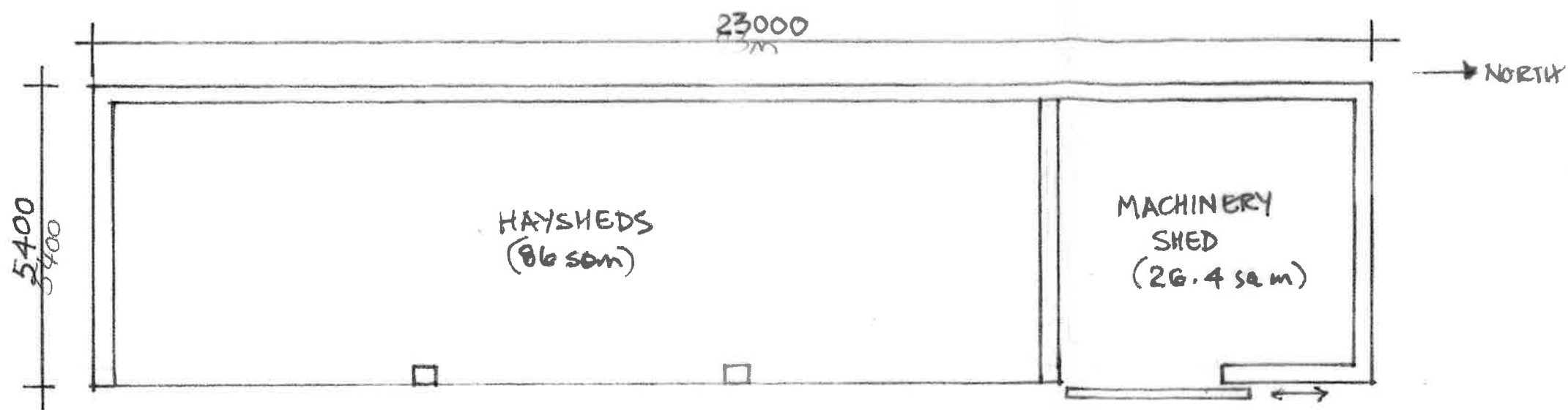
**OUTPUT SCALE: 1:1,000**

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

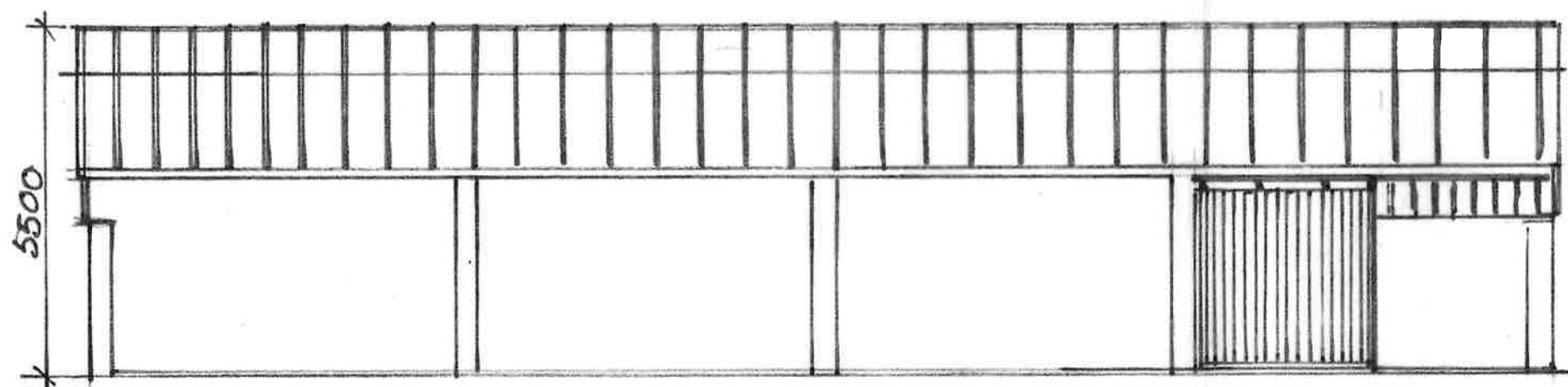
**LEGEND:**  
To view the legend visit  
[www.osi.ie](http://www.osi.ie) and search for  
'Large Scale Legend'



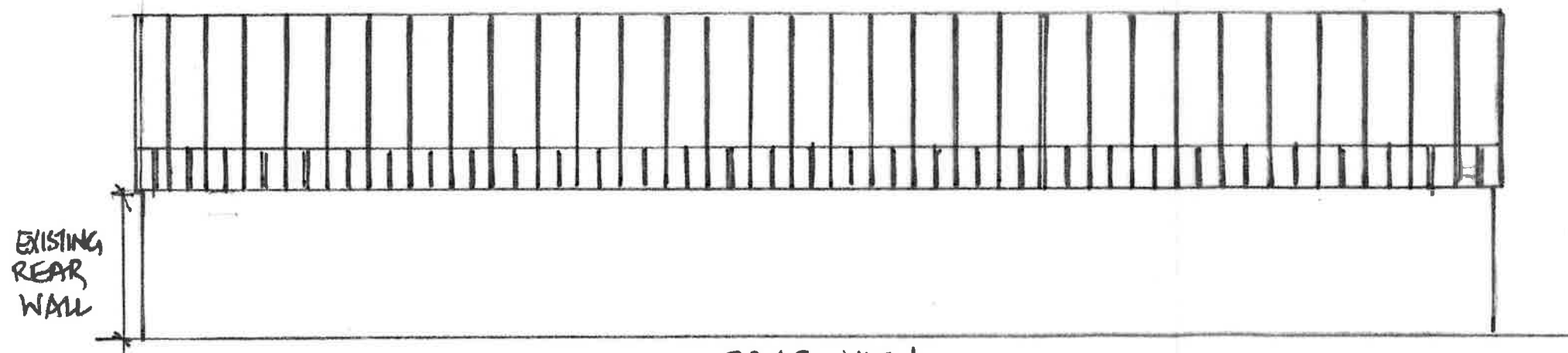
This map was produced by  
the National Mapping Division  
of Tailte Éireann, formerly  
Ordnance Survey Ireland (OSi)



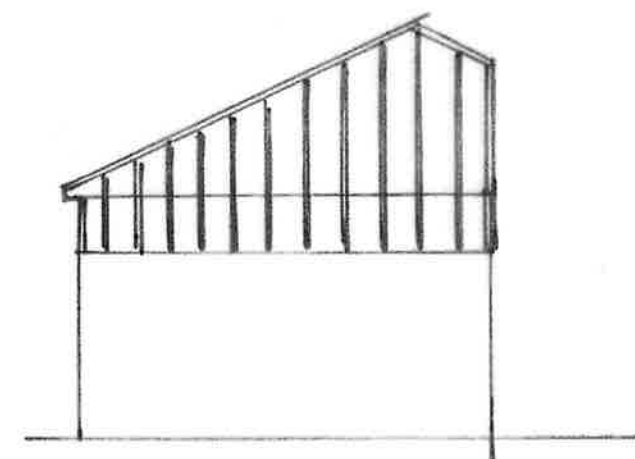
PLAN - 1/100 -



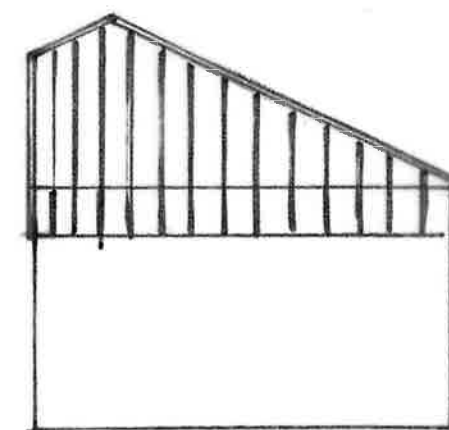
- FRONT VIEW -



- REAR VIEW -



- LEFT VIEW -



- RIGHT VIEW -

DAMIEN MASON  
CARROWNTEDAUN, LAHINCH  
SHEET 2: PROPOSED SHEDS  
D FORAN BENQ  
087 675 0327