



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

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**Martina Greene
c/o Patrick Conlon
Clohanmore
Cree
Co.Clare**

27th June 2024

Section 5 referral Reference R24-48 – Martina Greene

Is the construction of a Livestock Slatted Unit Development and if so is it exempted Development?

A Chara,

I refer to your application received on 11th June 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

Mise, le meas

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

**An Roinn Pleanála
An Stiúthóireacht Forbairt Gheilleagrach**

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

**Planning Department
Economic Development Directorate**

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



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

Reference No.: R24-48



**Comhairle Contae an Chláir
Clare County Council**

Section 5 referral Reference R24-48

Is the construction of a Livestock Slatted Unit Development and if so is it exempted Development?

AND WHEREAS, Martina Greene 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 –

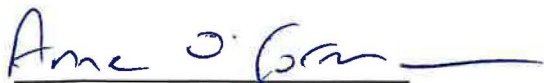
- (a) Sections 2, and 3 of the Planning and Development Act 2000, as amended,
- (b) Class 6, Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (c) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended.
- (d) The details and drawing as indicated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

And whereas Clare County Council has concluded:

- (a) The development consisting of the construction of a slatted unit for the housing of cattle 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, consisting of a slatted unit for the housing of cattle, is exempted development having regard to Class 6 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, and Article 9 as amended, including the conditions and limitations therein.

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 that construction of a slatted shed for the housing of cattle at Killaspuglonane (Ranagh/Ballycotten) is **development** and is **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

27th June 2024

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: 83775.

Reference Number: R24-48

Date Referral Received: 11th June 2024

Name of Applicant: Martina Greene

Location of works in question: Killaspuglonane Rannagh Liscannor
Co.Clare

Section 5 referral Reference R24-48 – Martina Greene

Is the construction of a Livestock Slatted Unit 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) Class 6, Part 3 of Schedule 2 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 construction of a slatted unit for the housing of cattle 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, consisting of a slatted unit for the housing of cattle, is exempted development having regard to Class 6 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, and Article 9 as amended, including the conditions and limitations therein.

ORDER: Whereas by Chief Executive's Order No. HR 152 dated 9th 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 construction of a slatted shed for the housing of cattle at Killaspuglonane (Ranagh/Ballycotten) is development and is exempted development.

Signed:



GARETH RUANE
SENIOR EXECUTIVE PLANNER 

Date:

27th June 2024

COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF: R24/ 48 Martina Greene
APPLICANT(S):

R24/48.

REFERENCE: Whether the construction of a livestock slatted unit at Killaspuglonane, Liscannor Co. Clare is or is not development and is or is not exempted development.

LOCATION: Killaspuglonane Co. Clare (Rangl, Lisann)

DUE DATE: 08/07/24

Site Description.

The site is located in Killaspuglonane, and is located on a land holding of 24.55ha. It is located in a farmyard and there are a number of other farm buildings owned by the applicant nearby.

There is a farm house with associated buildings located west of the subject site.

Planning History on site

None

Details submitted with the application

- land holding map outlined in magenta 1: 2500.
- Site layout plan scale 1: 500 with the site outlined in red .
- Floor plans, sections, elevations and cross sections of the proposed slatted shed scale 1: 100 and
- Dimensions of the slatted shed: overall height is 6.3mm to ridge, and 4m to eaves, total length 14.65m, width 9.9m
- Floor area 140.64 sq.m.
- Distance from the public road- 174m.
- Distance from the applicant's dwelling- not on site or nearby.
- Distance from the nearest neighbouring dwelling (to the north) is 100 m.

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 6

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 6

Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

- 1. No such structure shall be used for any purpose other than the purpose of agriculture.*
- 2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.*

3. *Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution*
4. *No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.*
5. *No such structure within 100 metres of any public road shall exceed 8 metres in height.*
6. *No such structure shall be situated, and no effluent from such structure shall be stored, 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.*
7. *No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.*

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 construction of a slatted unit is development and is or is not exempted development.

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

Class 6

Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

1. *No such structure shall be used for any purpose other than the purpose of agriculture. **This is the case.***
2. *The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate. **The gross floor space of the proposed structure is to be 140.64sq.m. There are two other buildings on the farm holding which are used for the housing of livestock namely a cubicle shed 96.6 sq.m. and loose housing shed 30.6 sq.m. giving an existing floor space of 127.84 sq.m.) The proposal therefore does not exceed any aggregate floor area threshold (300 sq.m) for units required for housing of livestock because the total floor area of class 6 (existing and proposed) is 267.84 sq.m.***
3. *Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution. **The effluent storage facilities adequate to serve the structure are proposed to be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements. The development therefore complies with this condition/ limitation.***
4. *No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road. **This is the case as the structure will be approximately 50m from the public road.***

5. *No such structure within 100 metres of any public road shall exceed 8 metres in height. **The structure is 6.34m in height and as such complies with this height limitation and set back distance from the public road.***
6. *No such structure shall be situated, and no effluent from such structure shall be stored, 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. **The structure complies with this requirement as there are no dwelling within 100m distance. The farmers own residence is approximately 50 m .***
7. *No unpainted metal sheeting shall be used for roofing or on the external finish of the structure. **External finishes are shown as complying with minimum specification for Agricultural buildings.***

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*

There are no previous planning permissions on site.

- (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.*

N/A

- (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,*

This is not applicable in this instance.

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

This is not applicable in this instance.

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

This is not applicable in this instance.

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

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' which are exempted development. Regard has been had to Class 6, of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended and Article 9 as amended of the same Regulations.

Recommendation

The following questions have been referred to the Planning Authority:

Whether the construction of a slatted unit for the housing of cattle at Killaspuglonane 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) Class 6, Part 3 of Schedule 2 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 construction of a slatted unit for the housing of cattle 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, consisting of a slatted unit for the housing of cattle, is exempted development having regard to Class 6 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, and Article 9 as amended, including the conditions and limitations therein.

Now therefore Clare County Council (Planning Authority), hereby decides that construction of a slatted shed for the housing of cattle at Killaspuglonane (Ranagh/Ballycotteen) is development and is exempted development.


Ellen Carey
Executive Planner
Date: 24/06/24.


Helen Quinn
Senior Planner
Date: 27/06/24.

Appropriate Assessment & Determination

STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	Section 5 R24/ 48
(b) Brief description of the project or plan:	slatted shed with underground effluent tank
(c) Brief description of site characteristics:	Farm yard
(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 Interest¹	Distance from proposed development² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Inagh River estuary SAC	Annex I Habitats • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] • Mediterranean salt meadows Juncetalia maritima) [1410] •	2.4km as the crow flies	none	no

	Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] • *Fixed coastal dunes along the shoreline with herbaceous vegetation (grey dunes) [2130]			

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

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

STEP 3. Assessment of Likely Significant Effects	
(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:	
Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction 	Surface water runoff from soil

materials <ul style="list-style-type: none"> • Access to site • Pests 	
Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	None <ul style="list-style-type: none"> • Potential Direct emission to air and water from land spreading of effluent
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"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI 	none
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- Interference with the key relationships that define the structure or ecological function of the site

(c) Are '*mitigation*' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

☐ Yes ☒ No

Step 4. Screening Determination Statement

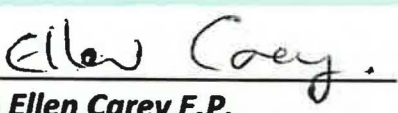
The assessment of significance of effects:

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

The landholding associated with this development is not within, bounding or proximate to Inagh River estuary SAC. A water body runs southwards along the western side of the landholding, which appears to be a tributary of the Knocknaraha river which then flows into the Inagh River estuary SAC. Having regard to Dept of Agriculture Guidance for land spreading of effluent and the setback distances to water bodies and the separation distance to the SAC no significant effects on the European site are envisaged.

Conclusion: Having regard to the separation distance between the subject site and the SAC, is not likely to have significant effects on European site(s) in view of its conservation objectives.

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.

(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	24/06/ 24	<div> Name: Ellen Carey E.P.</div>
Signature and Date of the Decision Maker:		

Environment Report

Planning Application: 24/48

Development Address: Killaspuglonane, Liscannor, Co. Clare

Development Description: To construct a slatted shed with underground slurry storage tank.

Report by: Noreen Shannon, A/Assistant Scientist.

Date: 17/06/2024

Background.

Under the provisions of the Water Framework Directive (WFD) & River Basin Management Plans all waters must achieve at least good status by 2027. Where good or high status exists already it must be protected and maintained.

Clare County Council is required to ensure that appropriate actions are taken to ensure that the status of poor water bodies is restored to good water status and where high and good status exists that this is protected. Any development proposed must be addressed to adhere to and support the above stated objectives. The statutory implementation of the River Basin Management Plans is provided for by (inter alia) the Environmental Objectives (Surface Water) Regulations 2009 as amended and the Groundwater Regulations 2010 as amended.

This planning application is also assessed in terms of ensuring adherence with provisions of the Good Agricultural Practice Regulations 2022 as amended, the purpose of which gives effect to supporting the Nitrate's Action Programme in Ireland for the protection of waters against pollution caused by agricultural sources.

Comments/Observations.

Townland:	Killaspuglonane, Liscannor, Co. Clare
Catchment:	Inagh (Ennistymon) 020
¹ Water Quality:	Good water quality status. Agriculture is not considered a significant pressure in the catchment.
Water Body:	<ul style="list-style-type: none">• Close proximity to the Inagh River Estuary SAC (IE0000036)• Within an area for action Inagh Estuary in the WFD cycle 3.
Soil Type:	Shales and sandstone tills.

¹ Based on the biological monitoring Q system, developed by EPA. Data used is the most available, sourced either in-house or from the EPA.

Based upon the information provided, it has been demonstrated that the total storage capacity of the proposed new tank shall provide adequate slurry and soiled water storage in accordance with the provisions of the European Union (Good Agricultural Practice For Protection Of Waters) Regulations 2022 as amended.

The applicant has also demonstrated that the land-spreading of slurry shall be conducted over a sufficient area owned by the applicant to ensure that nitrogen application shall be below the limit of 170kg/ha/year ($1429/24.53=58.3$).

Recommendations:

In the event that the Planning Authority determine it appropriate to grant permission for the proposed development, it is recommended that the following be included as conditions in the interest of environmental legislative compliance and environmental protection:

- The development shall be constructed in accordance with Department of Agriculture, Food and the Marine specifications.
- The development shall be operated in such a manner that no pollution of any waters, including groundwater, shall take place.
- All farm effluents and farmyard manures associated with the development shall be collected, managed and disposed of in compliance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022 as amended.
- Clean surface water and rainwater run-off from roofs from the site shall only be directed to appropriate soak-aways, but shall not be allowed to flow onto any roadway or into soiled water /slurry/effluent storage areas. The clean water soak-away shall not be located in close proximity of a well or located such that it impacts the water quality of a well or any other water body.
- Organic fertiliser (slurry, farmyard manure, etc.) shall only be spread on suitable lands in accordance with the details submitted as part of the planning application.
- Furthermore, organic fertiliser shall only be spread in accordance with the specified setbacks from water courses and drinking water abstraction points as specified under Regulation 17 of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022 as amended.
- In accordance with Regulation 18(2) of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022 as amended, organic and chemical fertilisers or soiled water shall not be applied to land in any of the following circumstances—
 - a) the land is waterlogged;
 - b) the land is flooded or likely to flood;
 - c) the land is snow covered or frozen;
 - d) heavy rain is forecast within 48 hours, or
 - e) the ground slopes steeply and there is a risk of water pollution having regard to factors such as surface runoff pathways, the presence of land drains, the absence of hedgerows to mitigate surface flow, soil conditions and ground cover.
- Any increase in stock numbers above those that are submitted in the application, shall be restricted to an appropriate number in order to comply with Regulation 20 of the European

Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022 as amended.

Noreen Shannon.

Storage availability calculations					
Fill in white cells only. (All measurements are in meters)					
Table 4.A Slurry storage capacity covered tanks					
Tank Ref No.	Length (Radius for circular tanks)	Width	Unadjusted depth	Gross Capacity (m ³)	Nett Capacity (m ³)
proposed	14	11.375	2.4	382.2	350.4
existing			2.4	0.0	0.0
existing			2.4	0.0	0.0
existing			2.4	0.0	0.0
existing			2.4	0.0	0.0
				0.0	0.0
				0.0	0.0
Lined lagoon				0.0	0.0
Unlined lagoon				0.0	0.0
Circular tank				0.0	0.0
Circular tank				0.0	0.0
Total A					350.4

Length/Width Measured at top of lagoon.
Length/Width Measured at top of lagoon.

Table 4.B Slurry storage capacity uncovered tanks					
Tank Ref No.	Length (Radius for circular tanks)	Width	Unadjusted depth	Gross Capacity (m ³)	Nett Capacity (m ³)
				0.0	0.0
				0.0	0.0
				0.0	0.0
				0.0	0.0
				0.0	0.0
				0.0	0.0
Lined lagoon				0.0	0.0
Unlined lagoon				0.0	0.0
Circular tank				0.0	0.0
Circular tank				0.0	0.0
Total B					0.0

Length/Width Measured at top of lagoon.
Length/Width Measured at top of lagoon.

Table 5.A. FYM storage capacity (seepage previously calculated)					
Area ref.	Length	Width	Unadjusted depth	Area (m ²)	Nett Capacity (m ³)
				0.0	0.0
				0.0	0.0
				0.0	0.0
				0.0	0.0
				0.0	0.0
				0.0	0.0
				0.0	0.0
				0.0	0.0
Total C					0.0

Table 5.B. FYM heap storage capacity (seepage previously calculated)					
Area ref.	Length	Width	Unadjusted depth	Area (m ²)	Nett Capacity (m ³)
Proposed dunstead				0.0	0.0
				0.0	0.0
Total D					0.0

Table 6.A Soiled water storage capacity: covered tank					
Tank Ref. No.	Length	Width	Unadjusted depth	Gross Capacity (m ³)	Nett Capacity (m ³)
				0.0	0.0
				0.0	0.0
Total E					0.0

Table 6.B Soiled water storage capacity: uncovered tank					
Tank Ref. No.	Length	Width	Unadjusted depth	Gross Capacity (m ³)	Nett Capacity (m ³)
				0.0	0.0
				0.0	0.0
Total F					0.0

Storage availability summary		Available	Balance
Slurry	A+B	350.35	259.5
Farmyard manure	C+D	0.0	0.0
Soiled water	E+F	0.0	0.0

Calculation of N&Ps from Animal Manures

Livestock type		N/ Animal	P/Animal	Total N	Total P
		kg/year	kg/year	kg/year	kg/year
Dairy Cow		85	13	0	0
Suckler Cow	7	65	10	455	70
Cattle (0-1 year old)	6	24	3	144	18
Cattle (1-2 year old)	10	57	8	570	80
Cattle > 2 years	4	65	10	260	40
Mountain ewe & lambs		7	1	0	0
		13	2	0	0
Mountain hogget		4	0.6	0	0
Lowland hogget		6	1	0	0
Breeding unit (no. of sow places)		35	8	0	0
Integrated unit (no. of sow places)		87	17	0	0
Finishing unit (no. of pig places)		9.2	1.7	0	0
Laying hen (bird places)		0.56	0.12	0	0
Broiler (bird places)		0.24	0.09	0	0
Turkey (bird places)		1	0.4	0	0
		Grazing Livestock		1429	208
Grassland Area ha		Other Livestock		0	0
Grassland Stocking Rate KgN/ha	#DIV/0!	All Livestock		1429	208

Storage requirement calculations						
Fill in white cells only (All measurements are in meters)						
Herd No.	Name	Date	Slurry storage weeks (cattle only)	Soiled water storage days	Weekly rainfall (m)	
			18	31	0.032	
Rainfall in slurry tanks (m)		0.576	Rainfall in Soiled water tanks (m)		0.14	
Table 1. Neat Slurry Production During Storage Period						
Animals	Total Animals	Animals on slurry	Animals on FYM	Animals Outwintered	Slurry (m ³)	FYM (m ³)
Dairy Cows					0.0	0.0
Suckler Cows	7	7			36.5	0.0
Cattle 0-6 mths	6	6			8.6	0.0
Cattle 6-12 mths					0.0	0.0
Cattle 12-18 mths	10	10			27.0	0.0
Cattle 18-24 mths					0.0	0.0
Cattle >2 yrs	4	4			18.7	0.0
Lowland Ewe					0.0	0.0
Mountain Ewe					0.0	0.0
Lamb - Finishing					0.0	0.0
					Total A	Total B
					90.9	0.0

6 weeks slurry storage for sheep accounted for in formula
6 weeks slurry storage for sheep accounted for in formula
6 weeks slurry storage for sheep accounted for in formula

Table 2.A Soiled Water Production to soiled water tank				
FYM Seepage-Include uncovered farmyard manure storage areas				
Yard Ref No.	Length (m)	Width (m)	Area (m ²)	Total Produced (m ³)
			0.0	0.0
			0.0	0.0
			0.0	0.0
			0.0	0.0
			Total C	0.0

Table 2.B Soiled Water Production to slurry tank				
FYM Seepage-Include uncovered farmyard manure storage areas				
Yard Ref No.	Length (m)	Width (m)	Area (m ²)	Total Produced (m ³)
			0.0	0.0
			0.0	0.0
			0.0	0.0
			0.0	0.0
			Total D	0.0

Table 3.A		Table 3.B	
Washings to soiled water tank		Washings to slurry tank	
Average no. of cows		Average no. of cows	
Total E	0.0	Total F	0.00

Storage requirement summary		Required	Balance
Slurry	A+D+F	90.90	259.5
Farmyard manure	B	0.0	0.0
Soiled water	C+E	0.0	0.0



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Martina Greene
c/o Patrick Conlon
Clohanmore
Cree
Co.Clare

11/06/2024

Section 5 referral Reference R24-48 – Martina Greene
Is the construction of a Livestock Slatted Unit Development and if so is it exempted Development ?

A Chara,

I refer to your application received on 11th June 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


Caroline Fahy
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stiúarthóireacht Forbairt Gheilleagrach
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department
Economic Development Directorate
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



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

06/2024 12:42:06

Receipt No. : L1CASH/0/365387
***** REPRINT *****

MARTINA GREENE
KILLASPUGLONANE
LISCANNOR
CO. CLARE

R24-48

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 - Noelette Barry
From : MAIN CASH OFFICE LODGEMENT AF
Vat reg No. 0033043E

R24-48

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

COMHAIRLE CONTAE AN CHLÁIR
CLARE COUNTY COUNCIL
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	MARTINA GREENE KILLASPUGLONANE LISCANNOR CO CLARE Eircode: V95 H3A4
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	PATRICK CONLON CLOHAMORE CREE CO CLARE EIRCODE: V15HP77

2. DETAILS REGARDING DECLARATION BEING SOUGHT

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

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

IS THE CONSTRUCTION OF A LIVESTOCK SLATTED UNIT DEVELOPMENT AND IF SO IS IT EXEMPTED DEV.?

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

PROPOSED SLATTED UNIT IS UNDER 200 m^2 FLOOR AREA. PROPOSED SLATTED UNIT PLUS EXISTING ANIMAL HOUSING IS UNDER 300 m^2 . PROPOSED SLATTED UNIT IS LESS THAN 7M IN HEIGHT, ~~PROX~~ AND MORE THAN 10M FROM PUBLIC ROAD. NO NEIGHBOUR WITHIN 100M OF PROPOSED SITE. APPLICANT FARMS 24.55 HECTARES (MAP ATTACHED). CURRENT STOCK NUMBERS ARE: -
 7 SUCKLER COWS, 6 CALVES, 4 x 2YRS OLDS, PLUS 10 YOUNG CATTLE. TOTAL 27 ANIMALS.
 ORGANIC WASTE FROM THESE ANIMALS IS CURRENTLY STORED IN OPEN SLURRY PIT. APPLICANT NOW WISHES TO FARM MORE ENVIRONMENTALLY FRIENDLY AND AVAIL OF DEPT. AGRIC. GRANT AID TO CONSTRUCT NEW LIVESTOCK SLATTED UNIT FOR BETTER MANAGEMENT OF EXISTING STOCK.

- (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)

FARM YARD LOCATION MAP (1:1000) x 2 COPIES
 FARM YARD LAYOUT PLAN (1:500) x 2 COPIES
 STRUCTURAL PLANS (1:100) x 2 COPIES

LAND HOLDING MAP FROM DEPT AGRIC, FOOD + MARINE.

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	RANNAGH LISCANNOR Co CLARE
(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	NO
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	OWNER
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question: <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	N/A
(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:	SEPT 2024

SIGNED: Maeta GreeneDATE: 7/6/24

Land Registry Compliant Map



Tailte
Éireann

FARMYARD LOCATION MAP

AT RANNAGH, LISCANNOR, CO. CLARE
FOR Ms. MARTINA GREENE

Marked by Mr.P.Conlon. [C.Eng.Tech.,Dip.Const.]
Clohanmore,Cree,Co.Clare.

0.42

1.11

R a n n a g h

R a n n a g h

1.03

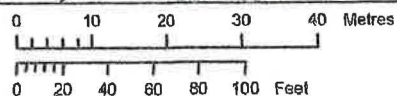
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1.94

2.21

3.11

Farmyard



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.tailte.ie; search 'Capture Resolution'

LEGEND:

To view the legend visit www.tailte.ie and search for 'Large Scale Legend'



CENTRE

COORDINATES:

ITM 507691,691260

PUBLISHED:

02/05/2024

ORDER NO.:

50398205_1

MAP SERIES:

1:5,000

MAP SHEETS:

4023

COMPILED AND PUBLISHED BY:

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Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

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The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

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FARMYARD LAYOUT PLAN

AT RANNAGH, LISCANNOR, CO. CLARE.

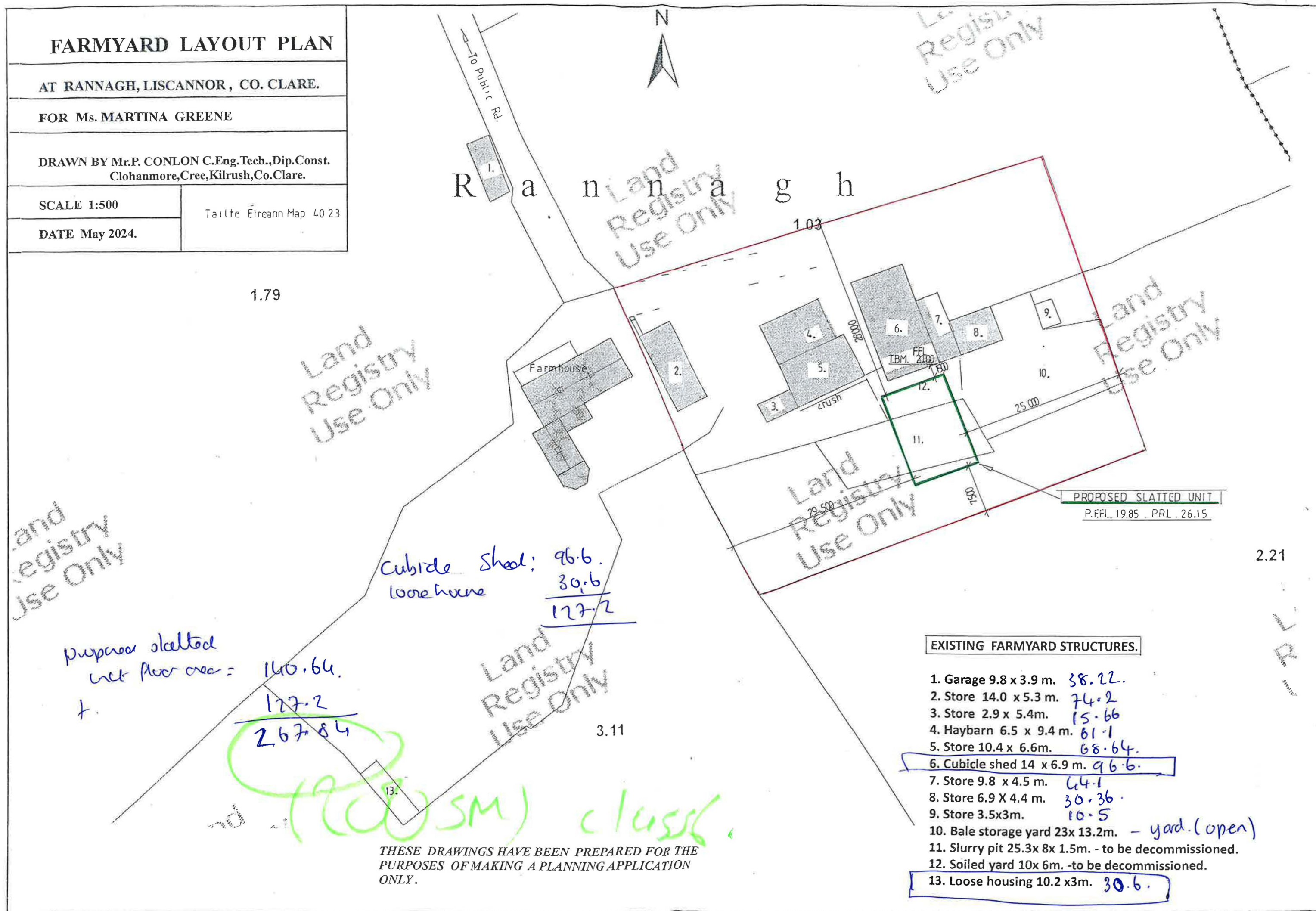
FOR Ms. MARTINA GREENE

DRAWN BY Mr.P. CONLON C.Eng.Tech.,Dip.Const.
Clohanmore,Cree,Kilrush,Co.Clare.

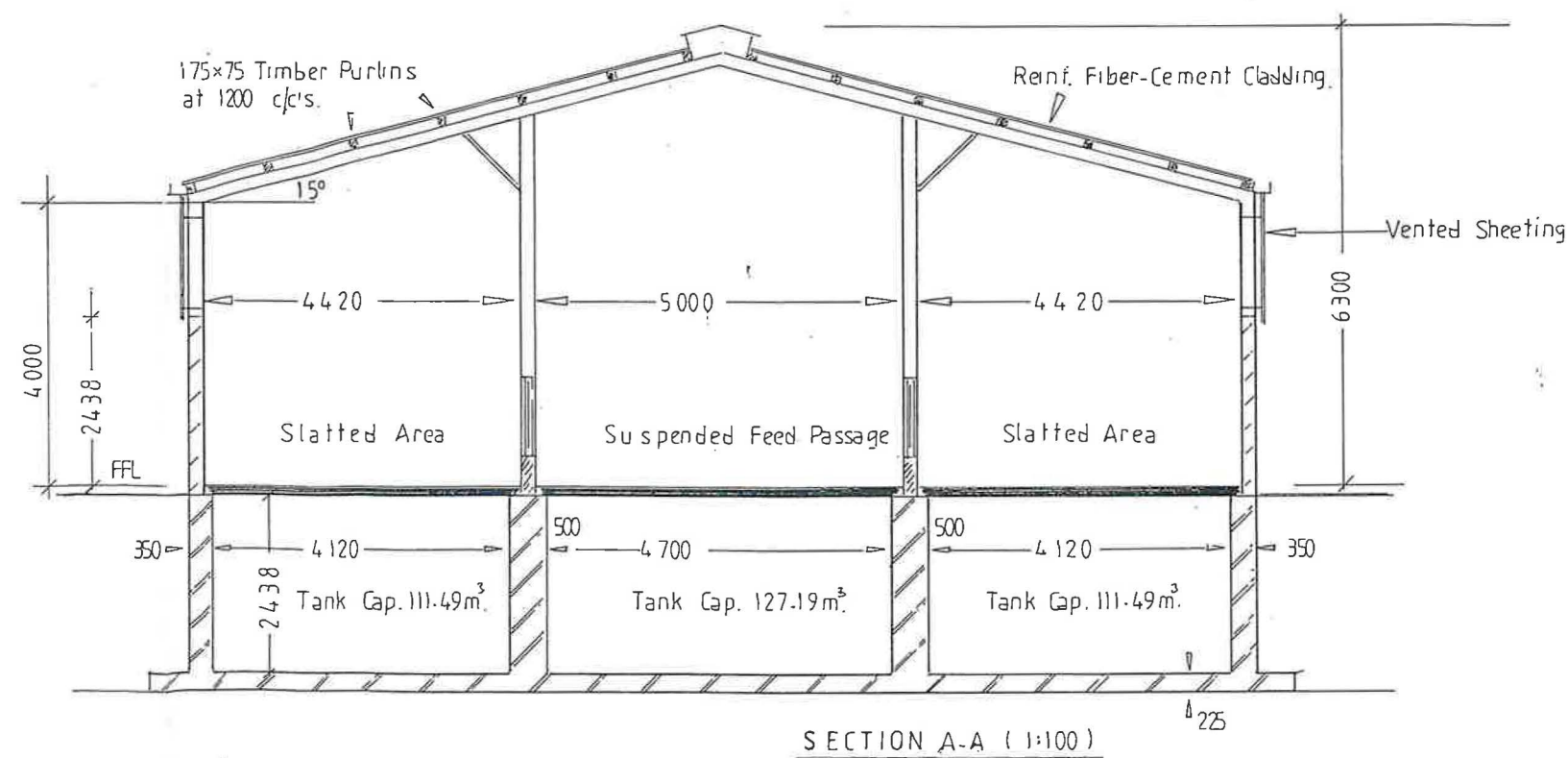
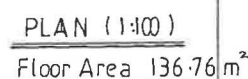
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Tailte Éireann Map 40 23

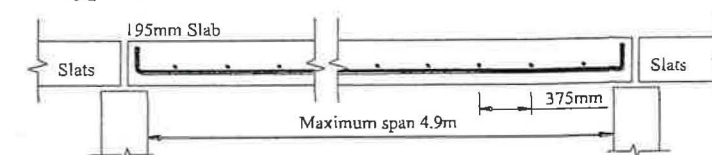
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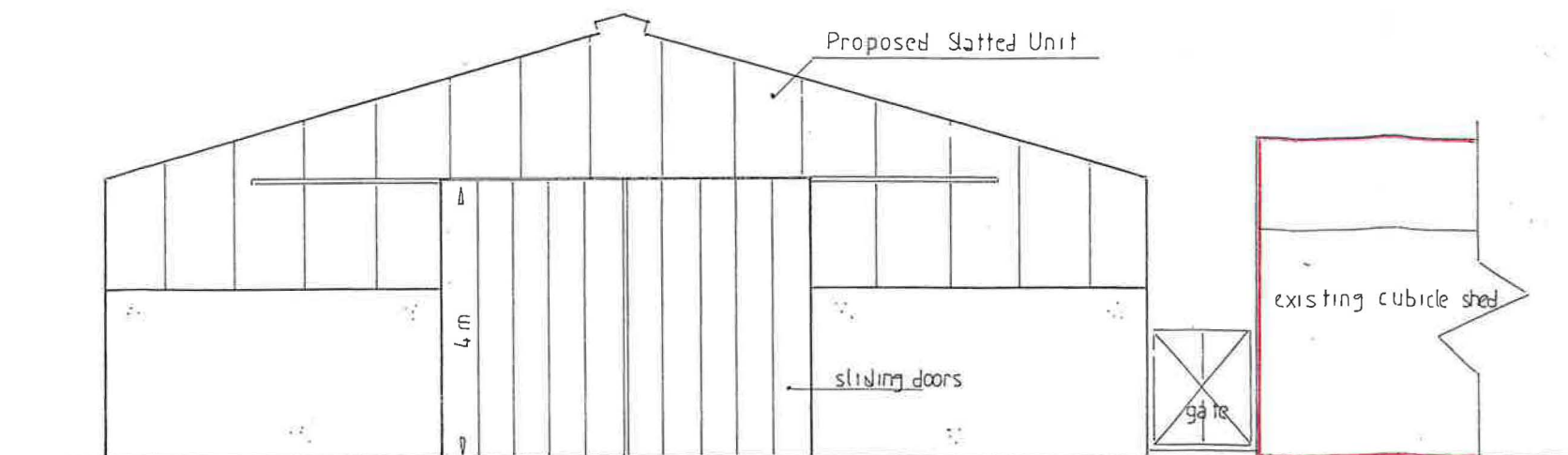


Page 1 of 2

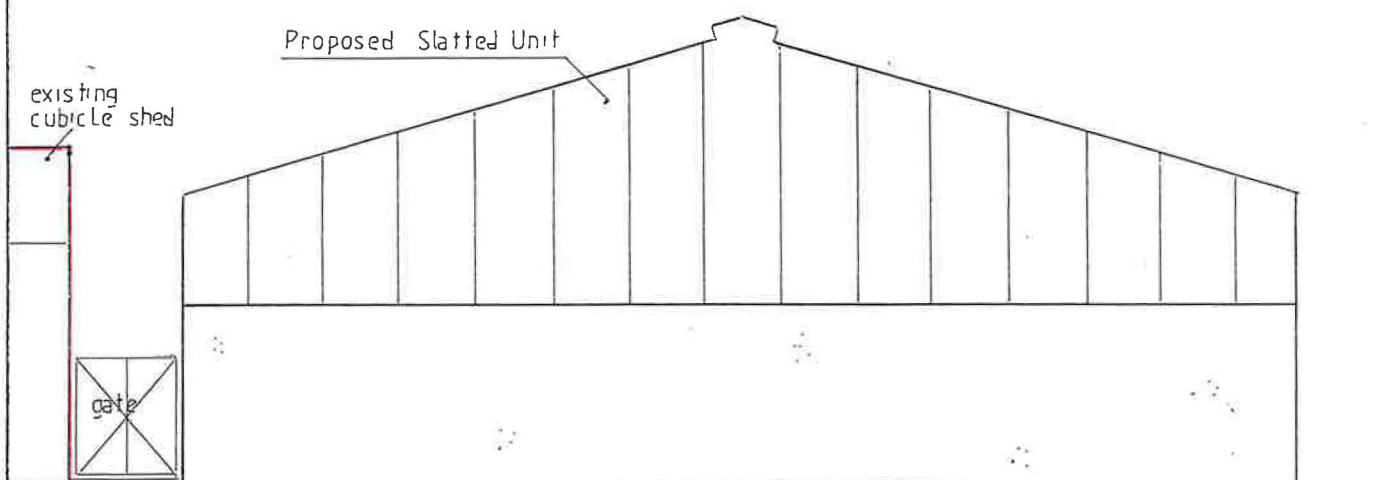
$$1465 \times 9.6 = 140.64$$


- Type B design is suitable where slab is spanning the width of the central passage.
- **Slab thickness:** 195mm minimum.
- **Bottom steel across width of passage:** 16mm @ 150mm centres.
- **Distribution steel along length of passage:** 10mm @ 375mm centres. [Bottom steel should be bent up into the slab with a right-angled bend at the end of each bar.]

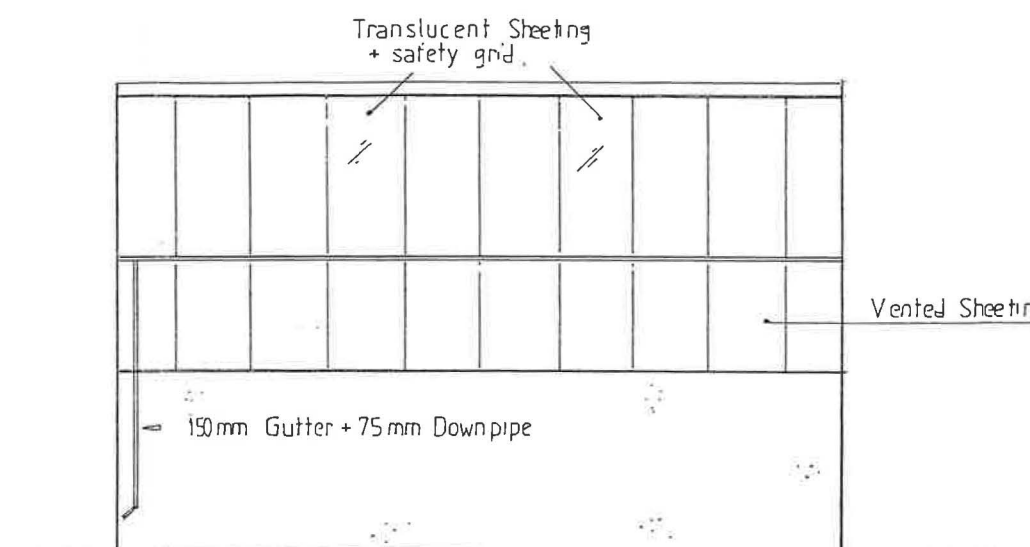




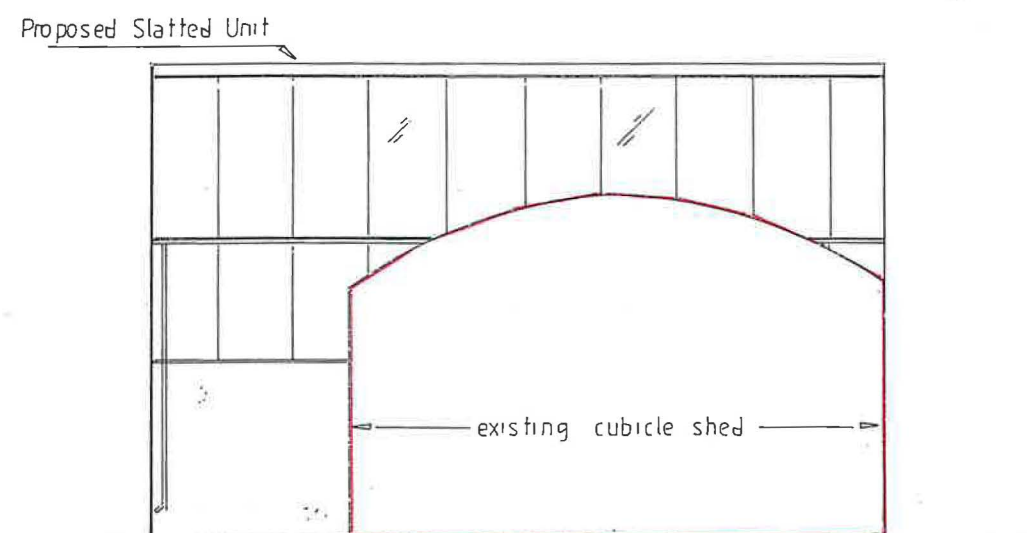
END ELEVATION (1:100)



END ELEVATION



SIDE ELEVATION



SIDE ELEVATION

THESE DRAWINGS HAVE BEEN PREPARED FOR THE PURPOSES OF MAKING A PLANNING APPLICATION ONLY.

Safety

APPLICANT'S RESPONSIBILITY FOR SAFETY

Applicants are reminded that they have a duty under the Safety, Health, and Welfare at Work Act 2005 to provide a safe working environment on the farm, including farm buildings, for all people who may work on that farm. There is a further duty to ensure that any contractor, or person hired to do building work, provides and/or works in a safe environment during construction. It is the farmer's responsibility to provide a construction stage project supervisor.

SAFETY DURING CONSTRUCTION

Farmer/Applicant Responsibility: Certain construction dangers may be encountered in the course of building or conversion work. Neither the Minister or any official of the Department will be in any way liable for any damage, loss or injury to persons, animals or property in the event of any occurrence related to the development and the applicant shall fully indemnify the Minister or any official of the Minister in relation to any such damage, loss or injury howsoever occurring during the development works.

Dangers: If any or all of the work is undertaken by the applicant/farmer he/she should seek competent advice and undertake all temporary work required to ensure the stability of excavations, superstructure, stanchion foundations and wall foundations, also to divert any drains, springs or surface water away from the works, and to guard against possible wind damage, or any other foreseeable risk.

Power lines: Farm buildings shall not be constructed under or nearer than 10m to an overhead power supply. If advice is required, or if power lines need to be diverted, it is the applicant's responsibility to contact, in writing, the local ESB supervisor before construction commences, and then to follow the ESB conditions.

Danger to children: It is the applicant's responsibility to prevent children from playing or spending time in the vicinity of any building work.

PROPOSED SLATTED UNIT

AT RANNAGH, LISCANNOR, CO. CLARE.

FOR Ms. MARTINA GREENE

DRAWN BY Mr.P. CONLON C.Eng.Tech.,Dip.Const.
Clohanmore,Cree,Kilrush,Co.Clare.

SCALE 1:100 +1:200

DATE May 2024.

Page 2 of 2



An Roinn Talmhaíochta,
Bia agus Mara
Department of Agriculture,
Food and the Marine

For Basic Payment Income Support for Sustainability, Areas of Natural Constraint
Scheme and other Area Based Scheme purposes only
Year: 2024

Name: MARTINA GREENE
Address: KILLASPUGLONANE
LISCANNOR
CO. CLARE
V95 H3A4

Herd Nos
Townland Code : C14603
Townland Name: BALLYCOTTEEN SOUTH

Parcel	Digitised	Eligible Hectare	Claimed
C1460300015	0.68	0.68	0.68
C1460300026	0.41	0.41	0.41

Townland Code : C14613
Townland Name: RANNAGH (ED Liscannor)

Parcel	Digitised	Eligible Hectare	Claimed
C1461300003	0.52	0	0
C1461300005	0.36	0.36	0.36
C1461300006	0.19	0.18	0.18
C1461300014	22.94	22.92	22.92

Exclusions	Excl	Area	Red%	Elig	Type
Parcel					
C1461300006	0001	0.01	100	0	Farm Road
C1461300014	0014	0.02	100	0	Farm Road

Ortho Used: VSCR_LATEST_ORTHO

All areas displayed above are in hectares

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Imagery Dates: 09/05/2017
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Page 1 of 2 Thu Dec 14 10:11:53 2023

LAND HOLDING MAP

