



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Registered Post**

**Seamus Shannon  
Nooan  
Ruan  
Co. Clare  
V95 CH2C**

**16th February 2024**

**Section 5 referral Reference R24-7 – Seamus Shannon**

Is the construction of an unroofed fenced horse arena (20x40m) for the training and exercising of horses together with drainage bed of soft surface material to provide an all-weather surface for private use under class 10 development and if so is it considered exempted development?

A Chara,

I refer to your application received on 22nd 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 Stiúirthóireacht Forbairt Gheilleagrach**  
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

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



**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: 83174

Reference Number: R24-7

Date Referral Received: 22nd January 2024

Name of Applicant: Seamus Shannon

Location of works in question: Nooan, Ruan, Co. Clare

**Section 5 referral Reference R24-7 – Seamus Shannon**

Is the construction of an unroofed fenced horse arena (20x40m) for the training and exercising of horses together with drainage bed of soft surface material to provide an all-weather surface for private use under class 10 development and if so is it considered 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 10 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 an unroofed fenced horse arena (20m by 40m) for the training and exercising of horses together with drainage bed of soft surface material to provide an all-weather surface, for private use under Class 10 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 falls within the scope of Class 10 of Part 1, Schedule 2 of the Planning & Development Regulations 2001, including the conditions and limitations therein.

**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 Kieran O'Donnell, Administrative Officer, 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, Kieran O'Donnell, Administrative Officer, hereby declare that the construction of an unroofed fenced horse arena (20m by 40m) for the training and exercising of horses together with drainage bed of soft surface material to provide an all-weather surface, for private use under Class 10 at Nooan, Ruan, Co. Clare is considered development which is exempted development.

Signed:

  
KIERAN O'DONNELL  
ADMINISTRATIVE OFFICER 

Date:

16th February 2024

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

Reference No.: R24-7



Comhairle Contae an Chláir  
Clare County Council

**Section 5 referral Reference R24-7**

**Is the construction of an unroofed fenced horse arena (20x40m) for the training and exercising of horses together with drainage bed of soft surface material to provide an all-weather surface for private use under class 10 development and if so is it considered exempted development?**

**AND WHEREAS, Seamus Shannon** has requested a declaration from Clare County Council on the said question.

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

- (a) Sections 2 and 3 of the Planning and Development Act 2000, as amended,
- (b) Schedule 2, Part 3, Class 10 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 an unroofed fenced horse arena (20m by 40m) for the training and exercising of horses together with drainage bed of soft surface material to provide an all-weather surface, for private use under Class 10 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 falls within the scope of Class 10 of Part 1, Schedule 2 of the Planning & Development Regulations 2001, 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 the construction of an unroofed fenced horse arena (20m by 40m) for the training and exercising of horses together with drainage bed of soft surface material to provide an all-weather surface, for private use under Class 10 at Noonan, Ruan, Co. Clare **constitutes development** which is **exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

A handwritten signature in blue ink that reads "Anne O'Gorman". The signature is written in a cursive style and is positioned above a horizontal line.

Anne O'Gorman  
Staff Officer  
Planning Department  
Economic Development Directorate

16th February 2024

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

**FILE REF:** R 24/ 7 Seamus Shannon

**APPLICANT(S):**

**REFERENCE:** Whether the construction of an unroofed fenced horse arena ( 20 by 40m) for the training and exercising of horses together with drainage bed of soft surface material to provide an all weather surface, for private use under class 10 is or is not development and is or is not exempted development.

**LOCATION:** Nooan Ruan , Co. Clare

**DUE DATE:** 15/02/ 24

**Site Description.**

The subject site is located 1km south of Ruan Village. It is accessed by a private roadway which also serves other dwellings and farm buildings.

**Planning History on site**

None

**Details submitted with the application**

- Land registry folio details and land registry compliant map showing the holding highlighted in yellow and the location of the area ( 20m by 40m) and the location of the applicants dwelling
- The surface will consist of a mixture of sand, granulated pvc and rubber chip,
- The fencing will consist of a timber post and railing not exceeding 2m high
- There are no under ground or over ground cables
- The proposed development is not near any other structure and is a sizeable distance from the public road.
- The proposed construction is to be located on the western side of the holding (map numbered 3 submitted)
- The planned development is to be adjacent to a boundary wall ( 5 m distance)
- The development is rural in nature and will not be used for public events of any kind.
- The holding consists of 12 acres.

**Background to Referral**

The applicant is seeking to establish whether the construction of an unroofed fenced horse arena ( 20 by 40m) for the training and exercising of horses together with drainage bed of soft surface material to provide an all weather surface, for

private use under class 10 is or is not development and is or is not exempted development.

### **Statutory Provisions**

#### **Planning and Development Act, 2000 (as amended)**

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

'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 10***

**Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 10**

The erection of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface.

- No such structure shall be used for any purpose other than the exercising or training of horses or ponies.
- No such area shall be used for the staging of public events.
- No such structure shall be situated within 10 metres of any public road, and no entrance to such area shall be directly off any public road.
- The height of any such structure shall not exceed 2 metres.

*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 construction of an unroofed fenced horse arena ( 20 by 40m) for the training and exercising of horses together with drainage bed of soft surface material to provide an all weather surface, for private use under class 10 is or is not development and is or is not exempted development.

***Class 10***

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 10

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 10

The erection of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface.

1.No such structure shall be used for any purpose other than the exercising or training of horses or ponies.

**The purpose is only for the training and exercise of horses.**

2.No such area shall be used for the staging of public events.

**It is not proposed to be used for staging of public events.**

3.No such structure shall be situated within 10 metres of any public road, and no entrance to such area shall be directly off any public road.

**The structure is located 133.3m distance from the public road.**

4.The height of any such structure shall not exceed 2 metres.

**The structure is roofless. The timber fencing will not exceed 2m in height.**

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 on site**

**The nearest planning history is at site to south of the subject site ( 05/ 366)**

- (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.**

(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,*

**The subject site where the timber post and rail fencing is to be erected is 20m distance from the outer limit of the zone of notification associated with the National Monument CL025-060 cashel/ ringfort. I note in this regards that dwellings have been constructed within the zone of notification and it is not considered that the construction of fencing or soft surface will have any negative impact on the national monument notwithstanding its proximity.**

- 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,*
- c. **N/A The subject site is 469m distance from Dromore Woods and Lough SAC and it is 737.3m distance from old farm buildings Ballymacrogan SAC site code 002245. Having regard to the separation distance no significant effect on the integrity of a European site is envisaged. In this regard it is noted that no flood lighting is proposed as part of the development.**
- d. *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,*

**Not applicable .**

- (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 10, 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 an unroofed fenced horse arena ( 20 by 40m) for the training and exercising of horses together with drainage bed of soft surface material to provide an all weather surface, for private use under Class 10 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 10 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 an unroofed fenced horse arena ( 20 by 40m) for the training and exercising of horses together with drainage bed of soft surface material to provide an all weather surface, for private use under Class 10 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 falls within the scope of Class 10 of Part 1, Schedule 2 of the Planning & Development Regulations 2001, including the conditions and limitations therein,

**Now therefore Clare County Council (Planning Authority),** hereby decides the development consisting of the construction of an unroofed fenced horse arena ( 20 by 40m) for the training and exercising of horses together with drainage bed of soft surface material to provide an all weather surface, for private use under Class 10 constitutes "works" and "development" which are exempted development.

  
\_\_\_\_\_  
**Ellen Carey**  
Executive Planner  
Date: 06/02/24

  
\_\_\_\_\_  
**Gareth Ruane**  
Senior Executive Planner  
Date: 10/02/24

## Appropriate Assessment & Determination

STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	Section 5 R24/ 07
(b) Brief description of the project or plan:	Horse arena ( unroofed)
(c) Brief description of site characteristics:	Field in agricultural use
(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
Old farm building ballymacrogan	Annex II species • Lesser Horseshoe Bat Rhinolophus hipposideros [1303	737.3m to the north	None	No
Dromore Woods and Lough SAC	xxxxxxxxxxx	469.5m to the east.	None	No.

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

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

<b>STEP 3. Assessment of Likely Significant Effects</b>	
<b>(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:</b>	
<b>Impacts:</b>	<b>Possible Significance of Impacts: (duration/magnitude etc.)</b>
Construction phase e.g. <ul style="list-style-type: none"> <li>● Vegetation clearance</li> <li>● Demolition</li> <li>● Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>● Dust, noise, vibration</li> <li>● Lighting disturbance</li> <li>● Impact on groundwater/dewatering</li> <li>● Storage of excavated/construction materials</li> <li>● Access to site</li> <li>● Pests</li> </ul>	None due to nature of works comprising fencing and a laying of soft sand surface.
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:

- Reduction or fragmentation of habitat area
- Disturbance to QI species
- Habitat or species fragmentation
- Reduction or fragmentation in species density
- Changes in key indicators of conservation status value (water or air quality etc.)
- Changes to areas of sensitivity or threats to QI
- Interference with the key relationships that define the structure or ecological function of the site

None- The subject site is not within an SAC

**(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 proposed works comprise timber fencing ( post and rail to enclose an area of 20 by 40 sq.m. and the laying of a soft surface comprising a mixture of sand, granulated pvc and rubber chip. The nearest SACs are Dromore Woods and Lough and Ballymacrogan old farm buildings the qualifying interests for which is bats. No flood lighting is proposed as part of the development.**

**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:	 <b>Name: Ellen Carey E.P.</b>	
	06/02/24	
Signature and Date of the Decision Maker:		



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Seamus Shannon**  
Nooan  
Ruan  
Co. Clare  
V95 CH2C

22/01/2024

**Section 5 referral Reference R24-7 – Seamus Shannon**

Is the construction of an unroofed fenced horse arena (20x40m) for the training and exercising of horses together with drainage bed of soft surface material to provide an all-weather surface for private use under class 10 development and if so is it considered exempted development?

A Chara,

I refer to your application received on 22nd 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

**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



Then find enclosed Planning  
application + cheque for fee for €80  
and 2 copies of maps.

Kind regards

Seamus Doherty



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

22/01/2024 15:20:00

Receipt No: L1CASH/0/359618  
\*\*\*\*\* REPRINT \*\*\*\*\*

SEAMUS SHANNON  
NOOAN  
RUAN  
CO. CLARE  
V95 CH2C  
R24-7

## COMHAIRLE

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 - Patricia Quinlivan  
From : MAIN CASH OFFICE LODGEMENT AF  
Vat reg No.0033043E

P07

**CLARE COUNTY COUNCIL  
COMHAIRLE CONTAE AN CHLÁIR**

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Economic Development Directorate,  
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New Road, Ennis,  
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Fax No. (065) 6892071  
Email: [planoff@clarecoco.ie](mailto:planoff@clarecoco.ie)  
Website: [www.clarecoco.ie](http://www.clarecoco.ie)



R24-7

**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*

<b>1. CORRESPONDENCE DETAILS.</b>	
(a) Name and Address of person seeking the declaration	<p>SEAMUS Shannon</p> <p>Noon, Ruan, Co. Clare</p> <p>Eircode: V95CH2C</p>
(b) Telephone No.:	<p></p>
(c) Email Address:	<p></p>
(d) Agent's Name and address:	<p>Not applicable</p> <p>EIRCODE: _____</p>



**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 an unroofed fenced horse arena (20 x 40 m) for the training and exercise of horses together with drainage bed or soft surface material to provide an all weather surface for private use under class 10 to be considered 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.

The construction of a 20m x 40m unroofed fenced area for the exercise and training of horses together with drainage bed or soft surface to provide an all weather surface. The surface will consist of a mix of sand, granulated PVC and rubber chip. The fencing will consist of timber post and rail not exceeding 2 meters high. There is no over ground or underground cables in the vicinity of the proposed development. The proposed development is not near any other structure and is greater than (10 meters) from the public road. (The proposed structure is a sizeable distance from the public Road) The proposed construction is to be located on the west of the Holding Numbered 3 on map. The planned development is to be adjacent to boundary wall at a distance of 5 meters from this wall. Please note this is in attached map under Plan 3. The planned development is rural in nature and will not be used for public event of any nature.

(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)*

① Residential Holding consisting of 17 acres (circa) plans and maps attached

(05/366)

Distance to SHC 469.5 m.

237.3 m. - old farm buildy

Ballymacrae 002245.

CL025.060.

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	<u>Noon, Ruan, Co. Clare</u> _____ _____ _____
(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	<u>No</u> _____ _____
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	<u>sole full owner / proof attached</u> <u>Seamus Shannon</u> _____
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question:  <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	<u>not applicable</u> _____ _____
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	<u>yes</u>
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	<u>no</u>
(g) Were there previous planning application/s on this site? If so please supply details:	<u>NONE</u>
(h) Date on which 'works' in question were completed/are likely to take place:	<u>April 2024</u>

SIGNED: Seamus Shannon

DATE: 19-01-2024

**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:.....	

**The Property  
Registration Authority  
An tÚdarás  
Clárúcháin Maoiné**



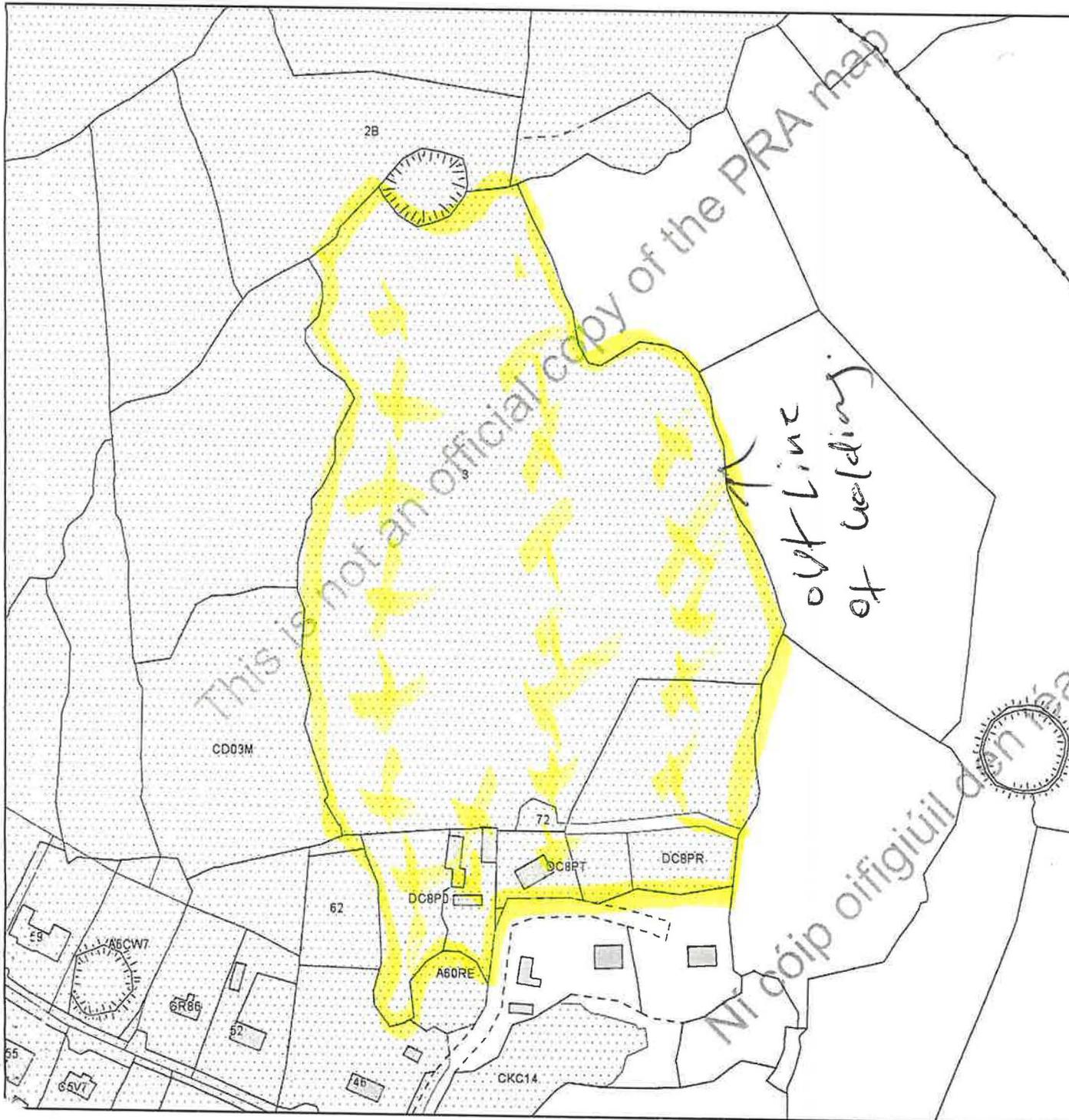
Official Property Registration Map

This map should be read in conjunction with the folio.

Registry maps are based on OSI topographic mapping. Where registry maps are printed at a scale that is larger than the OSI published scale accuracy is limited to that of the original OSI Map Scale.

For details of the terms of use, and limitations as to scale, accuracy and other conditions relating to Land Registry Maps, see [www.prai.ie](http://www.prai.ie).

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(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)

The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the descriptive of land in a register nor its identification by reference to a registry 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.



533018

Surveyed 1995  
Revised 2004  
Levelled

# Land Registry Compliant Map



685536

685536

ITM CENTRE PT. COORDS

533018,685862

DESCRIPTION

MAP SHEETS

Digital Map  
4148

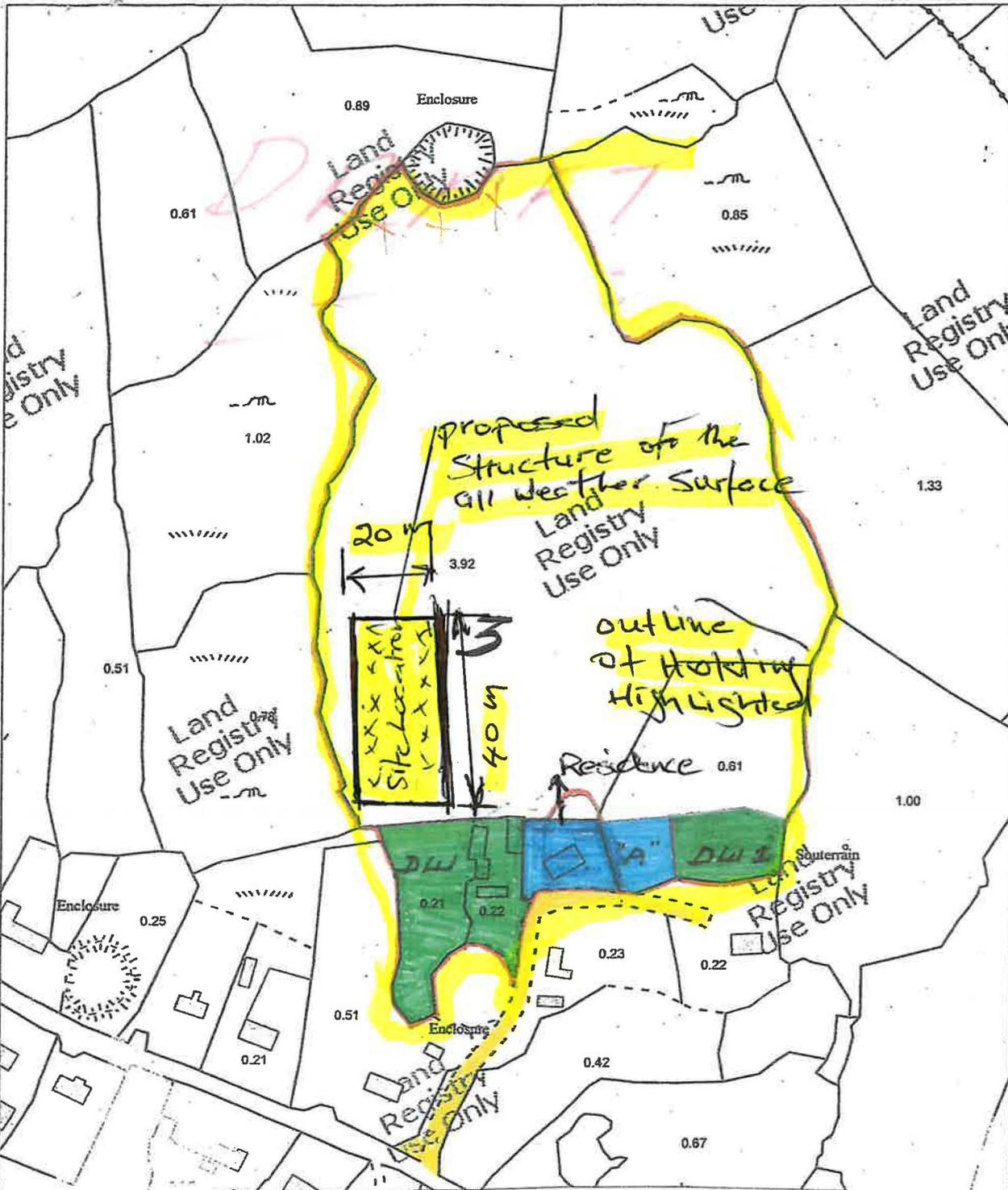


Produced by  
Mid-West Maps,  
94A Henry Street,  
Limerick City  
On behalf of Ordnance  
Survey Ireland,  
Phoenix Park, Dublin 8.

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Denis Mythen alone to - *SEAMUS SHANNON*  
Plot marked "A" colored Blue area 0.169 ha and F

Denis & William Mythen to - *SEAMUS SHANNON*  
Plan 3 Folir & Plot colored green marked DW area 0.408 ha  
Area colored green Marked DW1 area 0.132 ha

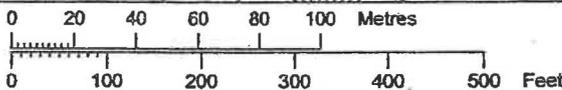
Scale: as shown  
OS sheet: as shown

Drawn: MH  
Date: October 2011

**Land Registry Use Only**

1.20

Scale: 1:2,500  
Scala: 1:2,500



Plot Ref. No. 1376998\_1\_2  
Plot Date 31-AUG-2009

685536

685536

