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CONTAE AN CHLÁIR | COUNTY COUNCIL

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Michael & Noelle Keating
C/o Gerry Malone
Crossbeg, Cross
Kilrush
Co. Clare
V15 VA07

14th July 2025

Section 5 referral Reference R25-50 – Michael & Noelle Keating

Is the creation of a new farm entrance onto the L2070 plus ancillary works development and if so, is it exempted development?

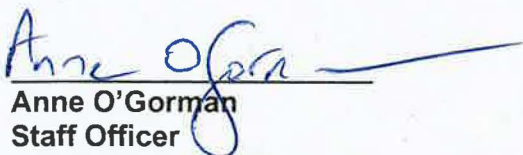
A Chara,

I refer to your application received on 23rd June 2025 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

The Planning Authority has considered the matter and I attach herewith the Council's findings in this matter.

Where a declaration is issued by the Planning Authority, any person issued with a declaration, may on payment to An Coimisiún Pleanála of the required fee, refer a declaration for review by An Coimisiún Pleanála within 4 weeks of the date of the issuing of the declaration. Details on making such appeal are available on the Board's website at www.pleanala.ie.

Mise, le meas


Anne O'Gorman
Staff Officer

Planning 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



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:

85892

Reference Number:

R25-50

Date Referral Received:

23rd June 2025

Name of Applicant:

Michael & Noelle Keating

Location of works in question:

Derrynalecka, Knockalough, Kilrush,
Co. Clare

Section 5 referral Reference R25-50 – Michael & Noelle Keating

Is the creation of a new farm entrance onto the L2070 plus ancillary works development and if so, is it exempted development?

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Schedule 2, Part 1, Class 13 of the Planning and Development Regulations 2001 (as amended)
- (d) The works as indicated in submitted documents from the referrer on the 23rd June 2025.

AND WHEREAS Clare County Council has concluded:

- (a) The creation of a new farm entrance onto the L2070 local road plus ancillary works at Derrynalecka, Knockalough, Kilrush, County Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended.
- (b) The said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended.
- (c) The said development of the creation of a new farm entrance onto the L2070 local road plus ancillary works at Derrynalecka, Knockalough, Kilrush, County Clare is not exempted development having regard to Articles 9(a)(iii) & (viii), and Schedule 2, Part 1, Class 13 of the Planning and Development Regulations 2001, as amended as the proposed works would endanger public safety by reason of traffic hazard due to the acute angle of the access to the road which results in poor sightline availability to the east for vehicles exiting the site, the access does not safely facilitate agricultural machinery movements onto the public road in an easterly direction, and the associated internal road does not constitute the improvement of an existing "way".

ORDER: Whereas by Chief Executive's Order No. HR 343 dated 19th May 2025, Gordon Daly, Chief Executive for Clare County Council, did, pursuant to the powers

conferred on him by Section 154 of the Local Government Act 2001, delegate to Garreth Ruane, Senior Executive Planner, the powers, functions and duties as set out herein,

NOW THEREFORE pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the referral described above, I, Garreth Ruane, Senior Executive Planner, hereby declare that the creation of a new farm entrance onto the L2070 local road plus ancillary works at Derrynalecka, Knockalough, Kilrush, Co. Clare is considered development which is not exempted development.

Signed:



GARRETH RUANE
SENIOR EXECUTIVE PLANNER 

Date:

14th July 2025

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

Reference No.: R25-50



Section 5 referral Reference R25-50

Is the creation of a new farm entrance onto the L2070 plus ancillary works development and if so, is it exempted development?

AND WHEREAS, Michael & Noelle Keating has requested a declaration from Clare County Council on the said question.

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Schedule 2, Part 1, Class 13 of the Planning and Development Regulations 2001 (as amended)
- (d) The works as indicated in submitted documents from the referrer on the 23rd June 2025.

And whereas Clare County Council has concluded:

- (a) The creation of a new farm entrance onto the L2070 local road plus ancillary works at Derrynalecka, Knockalough, Kilrush, County Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended.
- (b) The said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended.
- (c) The said development of the creation of a new farm entrance onto the L2070 local road plus ancillary works at Derrynalecka, Knockalough, Kilrush, County Clare is not exempted development having regard to Articles 9(a)(iii) & (viii), and Schedule 2, Part 1, Class 13 of the Planning and Development Regulations 2001, as amended as the proposed works would endanger public safety by reason of traffic hazard due to the acute angle of the access to the road which results in poor sightline availability to the east for vehicles exiting the site, the access does not safely facilitate agricultural machinery movements onto the public road in an easterly direction, and the associated internal road does not constitute the improvement of an existing "way".

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 creation of a new farm entrance onto the L2070 local road plus ancillary works at Derrynalecka, Knockalough, Kilrush, Co. Clare constitutes development which is not exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.


Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

14th July 2025

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT 1

FILE REF:	R25-50
APPLICANT:	Michael & Noelle Keating
REFERRAL:	Whether the creation of a new farm entrance onto the L2070 local road plus ancillary works at Derrynalecka, Knockalough, Kilrush, County Clare is not development and is or is not exempted development.
LOCATION:	Derrynalecka, Knockalough, Kilrush, County Clare
DUE DATE:	18 th July 2025

Site Location

The proposal site is located in the rural townland of Derrynalecka to the west of Six crosses. It is to the north of the LP2070 local primary road and is served by 2 agricultural access points. The site which is below the road accommodates an agricultural shed. The entrance the subject of this referral is located at the western end of the site. The entrance is located at an angle to the road and a new gate and internal gravel road have been constructed to serve same. This entrance provides access to the lower area within the site where the shed is located. There are a number of detached dwellings located to the south which are accessed from the same public road.

Recent Onsite Planning History

UD25-004 – Warning letter issued on the 31st March 2025 with regard to the construction of the new access point.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Michael & Noelle Keating who are seeking a Section 5 Declaration as to whether the creation of a new farm entrance onto the L2070 local road plus ancillary works at Derrynalecka, Knockalough, Kilrush, County Clare 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*.

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.

'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.

Under Article 9 (1) of the *Planning and Development Regulations 2001* (as amended), development which may otherwise constitute exempted development 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,*
 - (iii)(a) *endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,*
 - (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.*
 - (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 creation of a new farm entrance onto the L2070 local road plus ancillary works at Derrynalecka, Knockalough, Kilrush, County Clare is or is not development and is or is not exempted development.

Particulars of Proposal

I inspected the site on the 11th July 2025. The site is served by 2 access points. The access point the subject of the current referral is located in the west of the site. This is at an acute angle to the public road and would only be able to facilitate entry and exit to larger vehicles (or possibly most vehicle types) in a westerly direction. A new road has been created within the site.

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:

(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*

Not applicable.

- (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,*

The local secondary road is less than 4 metres in width.

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

Whilst sight distances may be available the simple fact of the matter is that vehicles exiting the site would be at an angle to the road and the driver would not be able to see oncoming vehicles from the east. The access would endanger public safety by reason of traffic hazard.

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

Not applicable.

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

The site is within a Settled Landscape. Having regard to the nature of the proposed development, that nature of the proposal site and its receiving environs, and the views available towards the site I consider that development proposed would not interfere with the character of the landscape or views in the area.

- (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,*

Not applicable.

(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,

Not applicable.

(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,

The proposal site is located circa 2.9km from the Lower River Shannon SAC. Having regard to the nature and scale of the proposed development, and on the basis of the available information I consider that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European Site. An appropriate assessment screening report and determination is attached to this report.

(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."

The proposed development would not be likely to have an adverse impact on an area designated as a natural heritage area.

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

The access is served by an internal road which does not constitute the improvement of an existing way and is greater than 3 metres in width. This road is unauthorised development.

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

Not applicable.

(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,

Not applicable.

(xi) obstruct any public right of way,

Not applicable.

(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.

Not applicable.

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 13

The repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any private footpath or paving.

- *The width of any such private footpath or paving shall not exceed 3 metres.*

There was no existing "way" on this area of the site and the internal road exceeds 3 metres in width.

Recommendation

The following question has been referred to the Planning Authority:

Whether the creation of a new farm entrance onto the L2070 local road plus ancillary works at Derrynalecka, Knockalough, Kilrush, County Clare is or is not development and is or is not exempted development.

The Planning Authority in considering this referral had regard to:

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended
- (c) Schedule 2, Part 1, Class 13 of the Planning and Development Regulations 2001 (as amended)

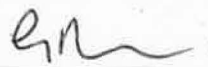
(d) The works as indicated in submitted documents from the referrer on the 23rd June 2025

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

- (a) the creation of a new farm entrance onto the L2070 local road plus ancillary works at Derrynalecka, Knockalough, Kilrush, County Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended.
- (b) the said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended.
- (c) the said development of the creation of a new farm entrance onto the L2070 local road plus ancillary works at Derrynalecka, Knockalough, Kilrush, County Clare is not exempted development having regard to Articles 9(a)(iii) & (viii), and Schedule 2, Part 1, Class 13 of the Planning and Development Regulations 2001, as amended as the proposed works would endanger public safety by reason of traffic hazard due to the acute angle of the access to the road which results in poor sightline availability to the east for vehicles exiting the site, the access does not safely facilitate agricultural machinery movements onto the public road in an easterly direction, and the associated internal road does not constitute the improvement of an existing "way".

the creation of a new farm entrance onto the L2070 local road plus ancillary works at Derrynalecka, Knockalough, Kilrush, County Clare is development and is not exempted development.


Executive Planner
Date: 11th July 2025


Senior Executive Planner
Date: 14/07/25

Clare County Council

Screening for Appropriate Assessment & Determination

1. Table 1 to be filled in for all development applications.
2. Where proposed development is within a European site(s) site, go directly to table 3.
3. For all other development proposals, fill in table 2, and if required, table 3.
4. A Habitats Directive Screening Statement should be sought for all developments regardless of location which require an EIS

Table 1: Project Details

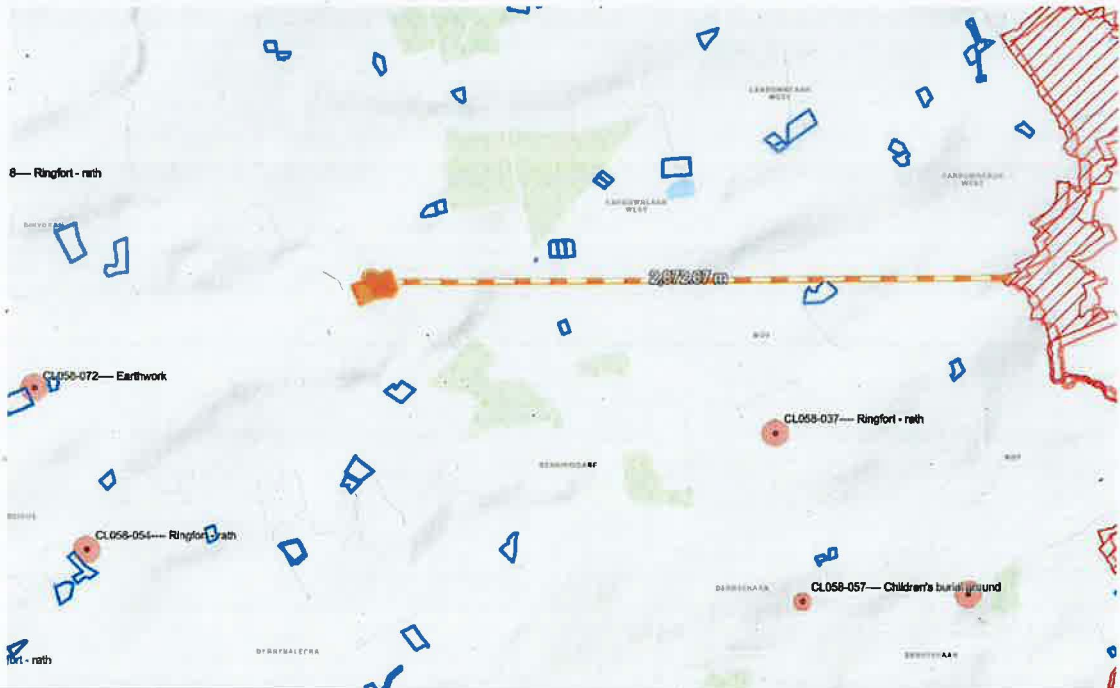
Planning File Reference	R25-50
Applicant Name	Keating
Development Location	Derrynalecka, Knockalough, Kilrush, County Clare
Application accompanied by an EIS	No
Application accompanied by an NIS	No
Description of the project (To include a site location map):	
Agricultural access and ancillary works	
	

Table 2: Identification of European sites which may be impacted by the proposed development.

This section identifies the European Sites within the likely zone of impact of the plan or project. For plans an initial 15km zone of influence (NPWS-DAHG)¹ is recommended. For projects, the distance could be much less than 15km, and in some cases less than 100m, but this must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects. Qualifying Interests/Special conservation Interests for each site and the distance relevant to the proposal are listed (Table 2 (a)).

Table 2 (a): European Sites within 15km of Applicant Site

European Sites ²	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
Lower River Shannon SAC	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachion</i> vegetation [3260] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>) [91E0] <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] <i>Petromyzon marinus</i> (Sea Lamprey) [1095] <i>Lampetra planeri</i> (Brook Lamprey) [1096] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Salmo salar</i> (Salmon) [1106] <i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349] <i>Lutra lutra</i> (Otter) [1355]	2.8

¹ European Sites that are more than 15km from the proposal may have to be considered. For example in the case of sites with water dependent habitats or species and where a proposal could affect water quality or quantity it may be necessary to consider the full extent of the upstream and/or downstream catchment.

² European Site details are available on <http://webgis.npws.ie/npwsviewer/> or maybe obtained from internal mapping systems.

1	Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.	<i>Is the development in the catchment of or immediately upstream of a watercourse that has been designated as a European site?</i>	No
2	Impacts on terrestrial habitats and species.	<i>Is the development within 1km of a European site with terrestrial based habitats or species?</i>	No
3	Impacts on designated marine habitats and species.	<i>Is the development located within marine or intertidal areas and within 5 km of a European site whose qualifying habitats or species include the following: Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs</i>	No
4	Impacts on birds in SPAs	<i>Is the development within 1km of a Special Protection Area</i>	No
5	Indirect effects	<i>Is the development, in combination with other existing or proposed developments likely to impact on an adjacent European site? Is any emission from the development (including noise) likely to impact on an adjacent habitat or species?</i>	No impacts envisaged

Appropriate Assessment Screening Determination	
Planning File Reference	R25-50
Proposed Development	Agricultural Access
Development Location	Derrynalecka
European sites within impact zone	As per report
Description of the project	
Agricultural access	
Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site	
As per report	
Describe how the project or plan (alone or in combination) is likely to affect the European site(s).	
Water quality	
If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?	
Not significant. Significant remove from the designation with no strong direct connections to same.	
Documentation reviewed for making this statement	
NPWS website	
Plans and particulars received	
GIS mapping database	
Conclusion of assessment (a, b, c or d)	
(a) The proposed development is directly connected with or necessary to the nature conservation management of a European Site(s) ³	No
(b) There is no potential for significant effects to European Sites ³	Yes
(c) The potential for significant effects to European Site(s) cannot be ruled out ⁴	No
(d) Significant effects to European	No

³ Appropriate Assessment is not required and therefore Planning permission may be granted at this stage subject to all other planning considerations. However, no changes may be made to the proposed development after this conclusion has been reached as this would invalidate the findings of the screening exercise.

⁴ In accordance with S177U of the Planning and Development (Amendment) Act 2010, the applicant should be requested to submit an 'Appropriate Assessment Screening Matrix' completed by a suitably qualified ecologist, by way of Further Information. Following receipt of this information a new Appropriate Screening Report should be completed. The requested 'Appropriate Assessment Screening Matrix' should be in accordance with the template outlined in Annex 2, Figure 1 of the EU (2001) guidance document 'Assessment of plans and projects significantly affecting European Sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. This guidance document is available from http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf

Alternatively, where other planning concerns arise the proposal could be refused planning permission.

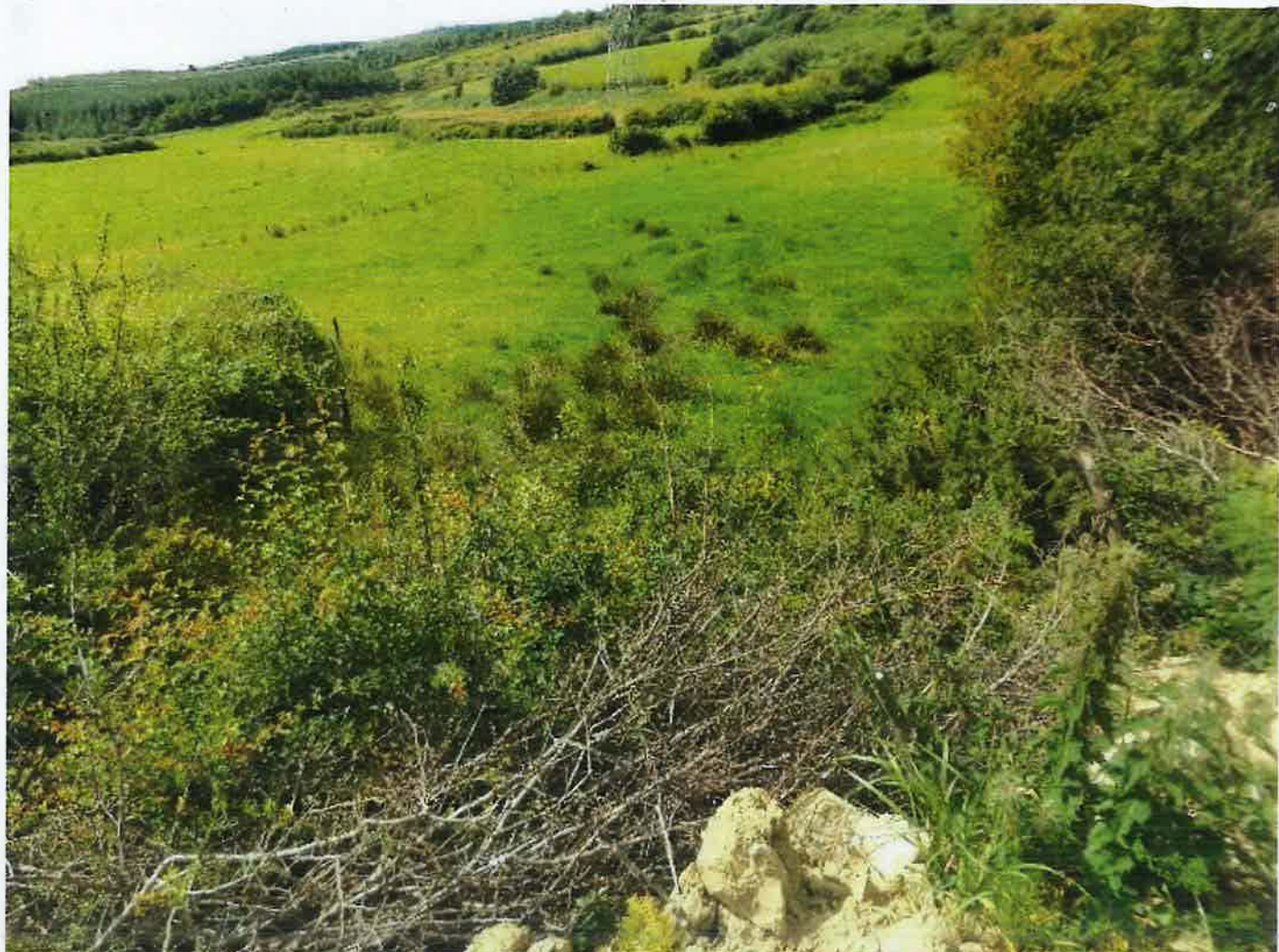
<p>sites are certain or likely or where potential for significant effects to European sites remains following receipt of Further Information requested under S177U of the Planning and Development (Amendment) Act 2010⁵</p>	
Completed By	John O'Sullivan
Date	11 th July 2025

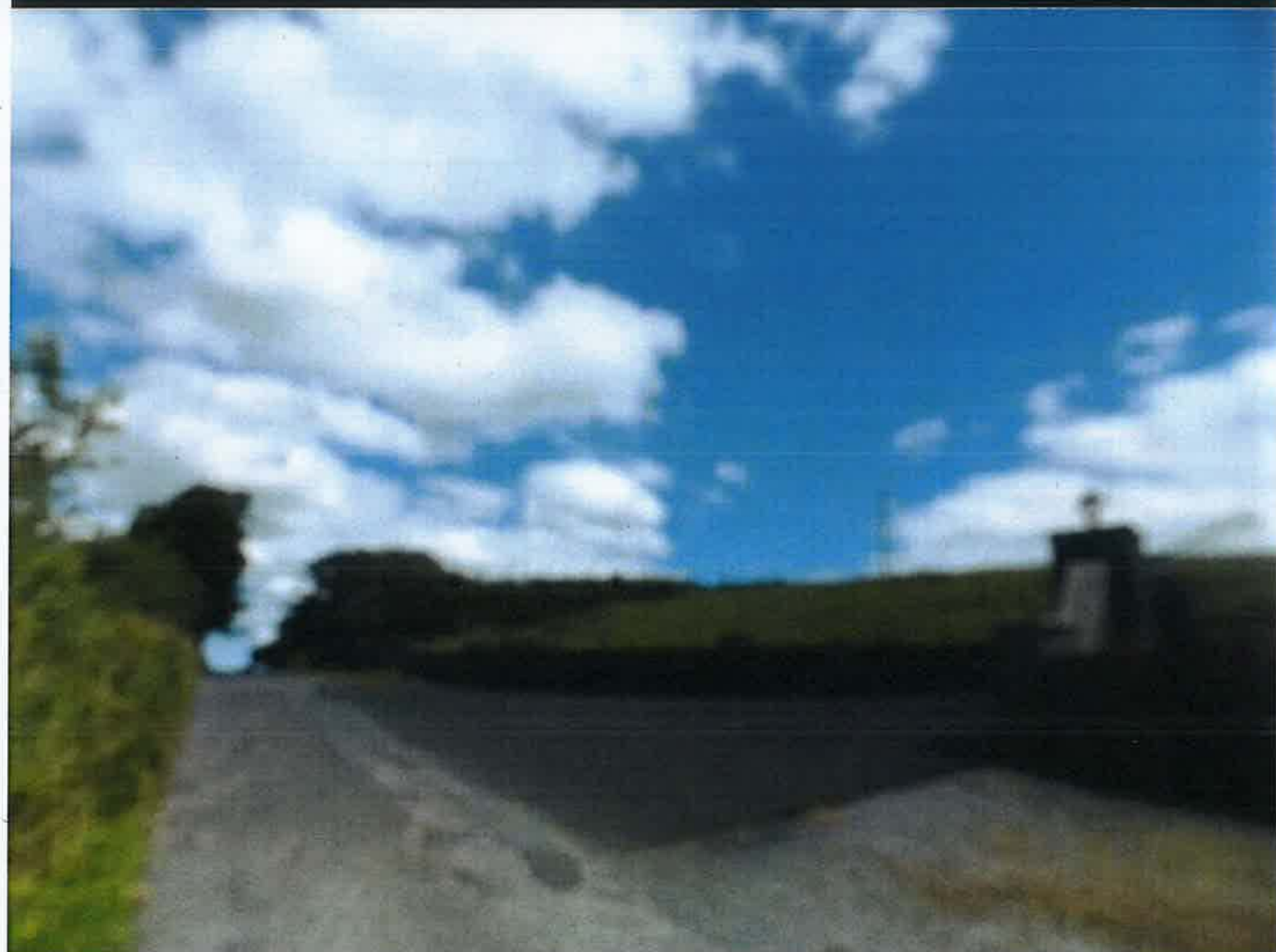
⁵ The proposed development must either by refused planning permission or alternatively an 'Appropriate Assessment' (AA) should be carried out by the Planning Authority. In order to facilitate the preparation of an AA the applicant should be requested to submit a Natura Impact Statement (NIS) in accordance with S177 (T) of the Planning and Development (Amendment) Act 2010. However, in the case of an application to retain unauthorised development of land and where the authority decides that an 'appropriate assessment' should have been carried out prior to the commencement of development, the application is required to be invalidated by the Planning Authority as per S34 (12) of the Planning and Development (Amendment) Act 2010 and accordingly an NIS should not be requested in such instances.















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Michael & Noelle Keating
C/o Gerry Malone
Crossbeg, Cross
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24/06/2025

Section 5 referral Reference R25-50 – Michael & Noelle Keating

Is the creation of a new farm entrance onto the L2070 plus ancillary works development and if so, is it exempted development?

A Chara,

I refer to your application received on 23rd June 2025 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

Please note that the Planning Authority is considering the matter and a reply will issue to you in due course.

Mise, le meas

Brian Fahy
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stiúrthóireacht Forbairt Gheilleagrach

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

Planning Department
Economic Development Directorate

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





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

24/06/2025 11:11:35

Receipt No: L1CASH/0/380666
***** REPRINT *****

MICHAEL & NOELLE KEATING
C/O GERRY MALONE
CROSSBEG, CROSS, KILRUSH,
CO CLARE V15 VA07
REF. R25-50

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

Total : 80.00 EUR

Tendered :
CHEQUES 80.00

Change : 0.00

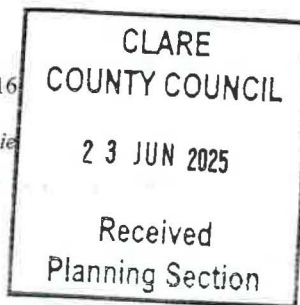
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From : MAIN CASH OFFICE LODGEMENT AF
Vat reg No 0033043E

P07

**CLARE COUNTY COUNCIL
COMHAIRLE CONTAE AN CHLÁIR**

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

Telephone No. (065) 6821616
Fax No. (065) 6892071
Email: planoff@clarecoco.ie
Website: www.clarecoco.ie



R25-50

**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

MICHAEL & NOELLE KEATING.
CRAGG, KNOCKALOUGH, KILRUSH,
Co. CLARE. V95 K634

(b) Telephone No.:

(c) Email Address:

(d) Agent's Name and address:

GERRY MAHANE
CROSSBEG, CROSS, KILRUSH, Co. CLARE
V15 VA07

Tel :

Email:

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 CREATION OF A NEW FARM ENTRANCE ONTO THE
 L2070 PLUS ANCILLARY WORKS 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.

SUBJECT ENTRANCE IS A NEW FARM ENTRANCE, REQUIRED AS
 ENTRANCE(EXISTING) IS UNABLE TO ACCOMMODATE
 MODERN MACHINERY ENTERING & EXITING LEADING TO
 DAMAGE TO NEIGHBOURS PROPERTY OPPOSITE. NEW ENTRANCE
 ALSO HAS IMPROVED SIGHT LINES IN BOTH DIRECTIONS,
 EXISTING IS RESTRICTIVE WITH PUBLIC SAFETY/TRAFFIC CONCERNS

- (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)

FOLIO MAP (NOT TO SCALE) SHOWING FOLIO NUMBERS
 & INDICATIVE ENTRANCE LOCATION. PHOTOS ENCLOSED SHOWING
 ACHIEVABLE SIGHT LINES IN BOTH DIRECTIONS FROM A POINT 2-4
 METRES FROM ROAD EDGE.

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	DERRYNALECKA, KNOCKALOUGH, KILRUSH, 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?	N/A
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	Full Owners
(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? If so please supply details:	YES UD25-004
(g) Were there previous planning application/s on this site? If so please supply details:	NO
(h) Date on which 'works' in question were completed/are likely to take place:	OCT 2024.

SIGNED: Michael Keating
Noelle Keating

DATE: 19. 6. 25
19. 6. 25

GUIDANCE NOTES

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

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

Planning Department,
Economic Development Directorate,
Clare County 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:.....			

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View to the east