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CONTAE AN CHLÁIR | COUNTY COUNCIL

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**Declan McCormack
C/o Liam Madden
Convent Road
Longford
N39 EE72**

22nd October 2025

Section 5 referral Reference R25-81 – Declan McCormack

Is the erection of a 282.96m² agricultural shed development and if so, is it exempted development?

A Chara,

I refer to your application received on 25th September 2025 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

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

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

Mise, le meas

**Anne O'Gorman
Staff Officer
Planning, Placemaking & Economic Development**

An Roinn Pleanála

An 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:

86 498

Reference Number:

R25-81

Date Referral Received:

25th September 2025

Name of Applicant:

Declan McCormack

Location of works in question:

Gaurus, Ennis, Co. Clare

Section 5 referral Reference R25-81 – Declan McCormack

Is the erection of a 282.96m² agricultural shed 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) Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended; and
- (d) The works as indicated in submitted documents from the referrer.

AND WHEREAS Clare County Council has concluded:

- (a) The construction of a 282.96sqm agricultural shed does constitute "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) Based on the details as submitted with the referral to date, the Planning Authority are not satisfied that the proposed development is linked to any agricultural activity and does not comply with condition no. 5 by reason of its proximity within 100m of a number of dwellings for which consent from the landowner/occupier/ person in charge thereof has not been provided. Therefore, the subject shed is not exempted under Class 9, Part 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended;
- (d) Based on the location of the subject development on lands which comprise a mapped wetland habitat which is adjacent to an existing watercourse with direct connectivity to the Lower River Shannon SAC, it cannot be concluded beyond a reasonable scientific doubt that there would be no likely significant effects on a European Site without the use of mitigation measures. Therefore, the subject shed is not exempted under Article 9 (vii)(b) of the Planning and Development Regulations 2001 (as amended).

(e) There are no other exemptions in the Planning and Development Act 2000, as amended, or in the Planning and Development Regulations 2001, as amended, by which the construction of the shed and access road would constitute exempted development.

ORDER: Whereas by Chief Executive's Order No. CE / 25/18 dated 7th October 2025, Gordon Daly, Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate to 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 a 282.96m² agricultural shed at Gaurus, Ennis, Co. Clare is considered development which is not exempted development.

Signed:


KIERAN O'DONNELL
ADMINISTRATIVE OFFICER

Date:

22nd October 2025

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

Reference No.: R25-81



**Comhairle Contae an Chláir
Clare County Council**

Section 5 referral Reference R25-81

Is the erection of a 282.96m² agricultural shed development and if so, is it exempted development?

AND WHEREAS, Declan McCormack 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) Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended; and
- (d) The works as indicated in submitted documents from the referrer.

And whereas Clare County Council has concluded:

- (a) The construction of a 282.96sqm agricultural shed does constitute "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) Based on the details as submitted with the referral to date, the Planning Authority are not satisfied that the proposed development is linked to any agricultural activity and does not comply with condition no. 5 by reason of its proximity within 100m of a number of dwellings for which consent from the landowner/occupier/ person in charge thereof has not been provided. Therefore, the subject shed is not exempted under Class 9, Part 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended;
- (d) Based on the location of the subject development on lands which comprise a mapped wetland habitat which is adjacent to an existing watercourse with direct connectivity to the Lower River Shannon SAC, it cannot be concluded beyond a reasonable scientific doubt that there would be no likely significant effects on a European Site without the use of mitigation measures. Therefore, the subject shed is not exempted under Article 9 (vii)(b) of the Planning and Development Regulations 2001 (as amended).
- (e) There are no other exemptions in the Planning and Development Act 2000, as amended, or in the Planning and Development Regulations 2001, as amended, by which the construction of the shed and access road would constitute exempted development.

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

The proposed development consisting of the construction of a 282.96m² agricultural shed at Gaurus, Ennis, 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, Placemaking & Economic Development

22nd October 2025

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF:	R25-81
APPLICANT(S):	Declan McCormack, Greggannahilla, Clarecastle, Ennis
REFERENCE:	Is the erection of a 282.96sqm agricultural shed development, and if so, is it exempted development?
LOCATION:	Gaurus, Ennis, Co Clare
DUE DATE:	22 nd October 2025

Site Location

The subject site is located in Gaurus to the east of Ennis town. It is located on lands which are partially zoned 'Open Space' and partially zoned 'Buffer Space' in the Clare County Development Plan 2023-2029. The site comprises a greenfield site, which has been infilled over a number of years and is accessed via the L-4611 Local Primary Road which serves the Gaurus and New Park area to the south-east of Roslevan and the Tulla Road. The area largely comprises residential development and undeveloped lands.

The site is within an area of Extreme groundwater vulnerability, is located within Flood Zone B, and is covered by mapped Habitat Areas classified as 'FS1 Reed and Large Sedge Swamp' and 'WS1 Scrub'. There is an open watercourse to the north of the site, within the boundary of the site, which connects directly to the Lower River Shannon SAC (site code: 002165) approximately 200m downstream.

It is not located in or near any Architectural Conservation Area, any Protected Structures or Recorded Monuments. However, as referenced above, while it is not located within any European Site designations there is a close direct connection via the existing watercourse on site to the Lower River Shannon SAC 200m to the south-west.

From a site inspection conducted on 17/10/2025 (images of site inspection included in appendix), I note that this subject site comprises a mix of lands with loose stone chippings and scrubland to the east, the existing access has been widened, with an approx. 2m high wooden fencing erected along the boundary. The subject 282.96sqm shed has been erected on the site which is approximately 6.55m in height and comprises block walls and sheet metal, with roller shutter doors on the south and east elevations and a single door on the south elevation.

The lands were vacant and do not appear to be in use for any agricultural purposes other than the existing shed, with no other existing agricultural, farmyard related buildings or structures on site, which further suggest no agricultural activity is taking place on the lands.

Recent Planning History

On-site:

UD- 25-015 – unauthorised development case in respect of the works ongoing on the subject lands including the subject shed.

Background to Referral

This referral under Section 5(1) of the Planning and Development Act 2000 (as amended) has been made by Declan McCormack c/o Liam Madden Virtuvius Hibernicus.

The applicant is seeking a Section 5 Declaration as to whether the erection of a 282.96sqm agricultural shed is development, and if so, is it exempted development.

The applicant has stated that the works comprise the construction of a 282.96sqm agricultural shed, which is existing on the lands and is noted to be subject to an open unauthorised development case. The applicant has provided a site location map, site layout plan and building elevations.

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.2 of the Act includes a definition of 'agriculture' which *"includes, 'horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur or for the purpose of its use in the farming of land), the training of horses and the rearing of bloodstock, the use of the land as grazing lands, meadow land, osier land, market gardens and nursery grounds and agricultural shall be constructed accordingly"*

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.

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

(a) development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used.

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 1 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 1 opposite the mention of that class in the said column 1.

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

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

Conditions and Limitations:

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

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 applicants are seeking a Section 5 Declaration as to whether the erection of a 282.96sqm agricultural shed is development, and if so, is it exempted development.

Planning and Development Act, 2000 (as amended)

In accordance with Sections 2 and 3(1) of the Planning and Development Act 2000 (as amended) (hereafter referred to as 'the Act'), the items listed above do fall under the definition of 'works' and are, resultingly, characterised as 'development'.

Section 4 (1) (a) refers to the exempted development for existing buildings associated for the purposes of agricultural as being occupied together with land so used for agriculture or forestry. Following a site inspection, The erection of the existing shed on site, and not the use of the lands for agricultural purposes, is the subject of the referral and therefore, it is not exempted under this Section of the Planning and Development Act 2000 (as amended).

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

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

I note that the proposed gross floorspace is 282.96sqm and that there are no other buildings on the subject site. Therefore, the proposed shed will not exceed 300sqm as per Class 9.

There are conditions and limitations attached to this exemption, which are assessed as follows:

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

It is stated that the shed is for purposes associated with agriculture, however, no evidence of the use of the lands for agricultural purposes have been included with the application. Further, a review of the landownership of the subject folio (CE65465F) indicates that the lands are registered to Everright Civil Limited, a civil engineering company. Such evidence casts doubt on the use of the lands and structure for agricultural purposes.

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

There are no other structures on site and therefore, the shed would not exceed 900 square metres gross floor space in aggregate.

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

The Site Layout Plan indicates the shed is 16m from the road..

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

The structure is approximately 6.55m in height

5. *No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for*

public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

The location of the structure is within 100m of a number of dwellings to the west and south-west. I note that 2 no. letters of consent from neighbours have been included, however, there are approximately 3 no. additional dwellings in this area for which consent has not been provided. Therefore, the proposed shed does not meet this condition/limitation.

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

Painted metal sheeting has been provided.

Due to the location of the agricultural shed being located within 100m of existing residential development and having regard to the doubts that the subject land and shed are used for agricultural purposes, it is not exempted within the provisions of Class 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*

The proposal does not contravene a condition of any previous permission.

- (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 subject Section 5 does not include a question in relation to the access, however, it is noted that the existing access has been widened.

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

While there is an existing access at this location, the use of this site for non-agricultural uses may give rise to traffic hazard, obstruction and endangerment of public safety.

- (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 comprises greenfield, previously infilled lands and is not a designated area of special amenity value or special interest.

- (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,*

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,*

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,*

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,*

The works carried out are located on lands which are mapped wetland habitat and adjacent to an open watercourse, which is directly connected to the Lower River Shannon SAC approximately 200m downstream. The works involve the erection of the shed and associated site works and such would likely require mitigation to ensure there is no significant effects on the integrity of the European Site. Therefore, an Appropriate Assessment would be required for such works.

- 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.

- (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.

Recommendation

The following questions have been referred to the Planning Authority:

Whether the erection of a 282.96sqm agricultural shed is development, and if so, is it 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) Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended; and
- (d) The works as indicated in submitted documents from the referrer.

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

- (a) The construction of a 282.96sqm agricultural shed does constitute "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) Based on the details as submitted with the referral to date, the Planning Authority are not satisfied that the proposed development is linked to any agricultural activity and does not comply with condition no. 5 by reason of its proximity within 100m of a number of dwellings for which consent from the landowner/occupier/ person in charge thereof has not been provided. Therefore, the subject shed is not exempted under Class 9, Part 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended;
- (d) Based on the location of the subject development on lands which comprise a mapped wetland habitat which is adjacent to an existing watercourse with direct connectivity to the Lower River Shannon SAC, it cannot be concluded beyond a reasonable scientific doubt that there would be no likely significant effects on a European Site without the use of mitigation measures. Therefore, the subject shed is not exempted under Article 9 (vii)(b) of the Planning and Development Regulations 2001 (as amended).
- (e) There are no other exemptions in the Planning and Development Act 2000, as amended, or in the Planning and Development Regulations 2001, as amended, by which the construction of the shed and access road would constitute exempted development.

Now therefore Clare County Council (Planning Authority), hereby decides that:

The construction of a 282.96sqm agricultural shed at Gaurus, Ennis, Co. Clare is development and is not exempted development.



Áine Bourke
Executive Planner
Date: 17/10/2025



Gareth Ruane
Senior Executive Planner
Date: 21/10/25

Appropriate Assessment & Determination

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

(a) File Reference No:	R25-81
(b) Brief description of the project or plan:	Whether the erection of a 282.96sqm agricultural shed is development, and if so, is it exempted development. At Gaurus, Ennis
(c) Brief description of site characteristics:	Built Shed on lands zoned Open Space and Buffer Space, with wetland habitat and an open watercourse to the north of the site, with direct connectivity to the SAC.
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	/
(e) Response to consultation:	/

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 ¹	Distance from proposed development ² (km)	Connections (Source- Pathway- Receptor)	Considered further in screening Y/N
Lower River Shannon SAC (002165)	https://www.npws.ie/protected-sites/sac/002165	200m	Likely direct connection due to the presence of wetland habitat and open watercourse on the site.	Yes

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.)
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Construction phase e.g. • 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 materials • Access to site • Pests	The site includes wetland habitat which has been built on, with the presence of a watercourse to the north of the site, which flows directly into the Lower River Shannon SAC, approximately 200m downstream. The construction of the shed would likely have resulted in vegetation clearance and surface water run-off into the watercourse. The construction phase would require mitigation measures to ensure no impacts on the nearby European Site would occur.
Operational phase e.g. • 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	The operation of the shed, once built, may require mitigation measures to ensure no impacts on the nearby European Site would occur, pending the proposed operations within the shed.
In-combination/Other	No in-combination/other possible significant impacts.

(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	Possible disturbance to QI species and impacts on key indicators of conservation status value (water quality etc.) as a result of direct connectivity to SAC, in the absence of any mitigation measures.
(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?	
☒ Yes ☐ No	

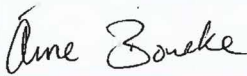
Step 4. Screening Determination Statement

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.

Based on the location of the subject development on lands which comprise a mapped wetland habitat which is adjacent to an existing watercourse with direct connectivity to the Lower River Shannon SAC, it cannot be concluded beyond a reasonable scientific doubt that there would be no likely significant effects on a European Site without the use of mitigation measures.

Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	☐	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.	☐	☐ Request further information to complete screening ☐ Request NIS ☐ Refuse planning permission
(iii) Significant effects are likely.	☒	☐ Request NIS ☐ Refuse planning permission
Signature and Date of Recommending Officer:	 17/10/2025	
Signature and Date of the Decision Maker:		

Section 5 Site Inspection Photos – R25-81

Site Inspected on 17/10/2025













COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Declan McCormack
C/o Liam Madden
Convent Road
Co. Longford
N39 EE72

26/09/2025

Section 5 referral Reference R25-81 – Declan McCormack

Is the erection of a 282.96m² agricultural shed development and if so, is it exempted development?

A Chara,

I refer to your application received on 25th September 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 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



COMHAIRLE



CONTAE

AN CHLÁIR

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

26/09/2025 09:42:20

Receipt No. : L1CASH/0/384700
***** REPRINT *****

DECLAN MCCORMACK
C/O LIAM MADDEN
CONVENT ROAD
CO. LONGFORD
N39 EE72
R25-81

COMHAIRLE

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

CONTAE

Total : 80.00 EUR

AN CHLÁIR

Tendered :
CHEQUES 80.00

Change : 0.00

Issued By : L1Cash - Geraldine Melican
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



R25-81

**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	DECLAN M ^c CORMACK GREGGAUNNAHILLA CLARECASTLE ENNIS CO. CLARE V95 R8R9
(b) Telephone No.:	AGENT:
(c) Email Address:	AGENT:
(d) Agent's Name and address:	LIAM MADDEN CONVENT ROAD LONGFORD N39 EE72



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?

WHETHER THE ERECTION OF A 282.96 M²
 AGRICULTURAL SHED IS OR IS NOT
 EXEMPTED DEVELOPMENT

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

~~NOTE~~

SEE ATTACHED COVER LETTER

- (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)

PLANS, SECTION & ELEVATIONS 1:100

PARTIAL SITE LAYOUT 1:500

SITE LOCATION/FOLIO MAP

2 NO. CONSENT LETTERS.

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	BAREFIELD, HAURUS, ENNIS CO. CLARE -SEE FOLIO MAP ATTACHED
(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 - LAND REGISTRY FOLIO
(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)?:	N/A
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	EXP. NOTICE 25/015
(g) Were there previous planning application/s on this site? If so please supply details:	NONE
(h) Date on which 'works' in question were completed/are likely to take place:	WORKS COMMENCED C. JUNE 2025

SIGNED: Sam MaanenDATE: 23/9/25

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

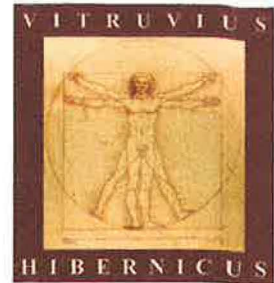
FOR OFFICE USE ONLY

Date Received:	Fee Paid:
Date Acknowledged:	Reference No.:
Date Declaration made:	CEO No.:
Decision:	

LIAM MADDEN B. ARCH. NUI, M.APPL.ENVIR. SC., CERT. ARCH. PROF., DIP. MICRO-PROC. TECH.
ENVIRONMENTAL SCIENTIST PLANNING CONSULTANT LEGAL ADVISOR S.I. 8/2017 SCH. 5
CONVENT ROAD, LONGFORD N39 EE72

EU REGISTERED ARCHITECT NETHERLANDS REG. NO. 1.180615.001
POSTBUS 41882, 1009 DB AMSTERDAM, NEDERLAND.

UK REGISTERED ARCHITECT REG. NO. 0461701
10/2 354 MEADOWSIDE QUAY WALK, GLASGOW G11 6EE



Planning Department,
Economic Development Directorate,
Clare County Council,
ENNIS
V95 DXP2

24 Sept. 2025

Section 5 Request.

Dear Sir/Madam,



I have been retained by Declan McCormack who instructed me to lodge this Request.
Attached are :

- (i) Request Fee €80
- (ii) Tailte Eireann - Land Registry map with site edged in BLUE.
- (iii) Plans, Section Elevations and site layout
- (iv) Letters fo consent from neighbours within 100m of development.

I refer to your communications with my client which speak for themselves.
I submit that the development is Exempted Development under Article 6 Schedule 2
Part 3 Exempted Development – Rural *Agricultural Structures* Class 9.
Moreover the development complies with all 6 attached Conditions/Limitations.

In addition, the exemption status does not become de-exempted under Article 9 of the
Planning and Development Regulations 2001, as amended.

The structure is situate on establised agricultural lands.
No change of use, material or otherwise, to the establised use is involved.

Liam Madden,
Convent Road,
LONGFORD
N39 EE72

536620 mE, 678670 mN


**Tailte
Éireann**

 Clárúcháin, Lúcháil,
Suirbhíreacht
Registration, Valuation,
Surveying

Folio: _____

This map should be read in conjunction with the folio.

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

For details of the terms of use and limitations of scale, accuracy and other conditions relating to TÉ Registration maps, see www.tailte.ie.

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

(centre-line of parcel(s) edged)

— Freehold

— Leasehold

— SubLeasehold

Burdens (may not all be represented on map)

— Right of Way / Wayleave

— Turbary

— Pipeline

○ Well

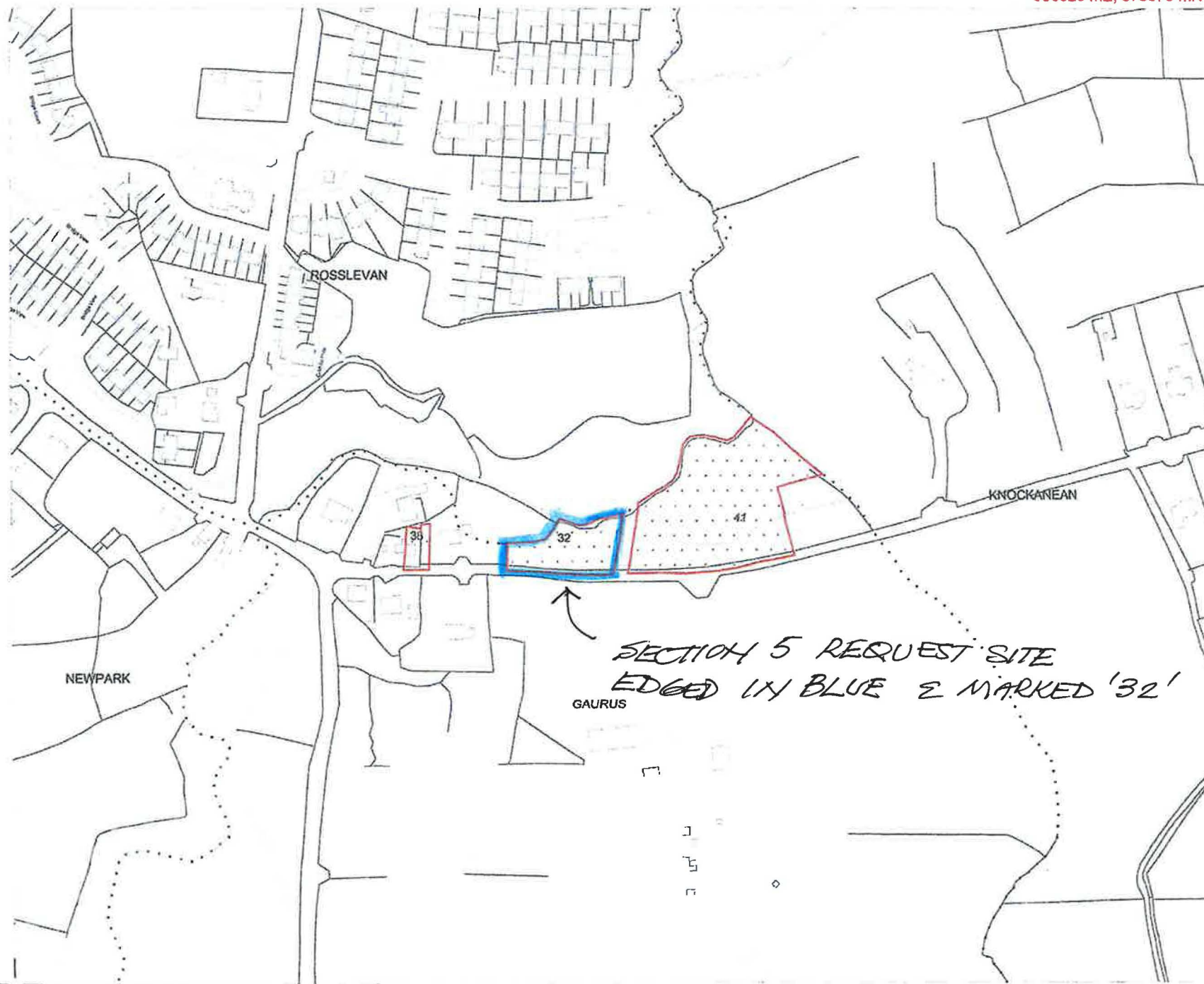
● Pump

■ Septic Tank

▤ Soak Pit

A full list of burdens and their symbology can be found at:
www.landdirect.ie

Tailte Éireann Registration operates a non-conclusive boundary system. The TÉ Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TÉ Registration map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.



536620 mE, 678670 mN

**Tailte Éireann**Clárúcháin, Luatháil,
Suirbhíreacht
Registration, Valuation,
Surveying

Folio: 1

This map should be read in conjunction with the folio.

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

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(centre-line of parcel(s) edged)

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SubLeasehold

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To Whom it may concern,

I *Tony Spellison* have given consent to Declan McCormack to construct a
agricultural shed in neighbouring lands at Gaurus, Barefield, Ennis County Clare.

17-5-2025

V95 EHC4

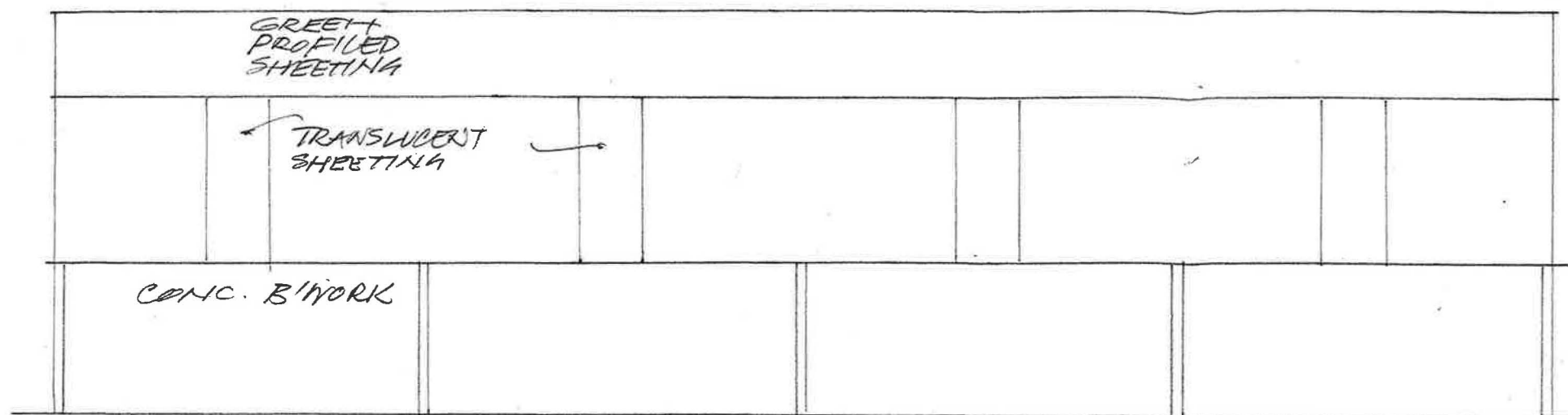
To Whom it may concern,

I RYAN ANDREWS have given consent to Declan McCormack to construct a agricultural shed in neighbouring lands at Gaurus, Barefield, Ennis County Clare.

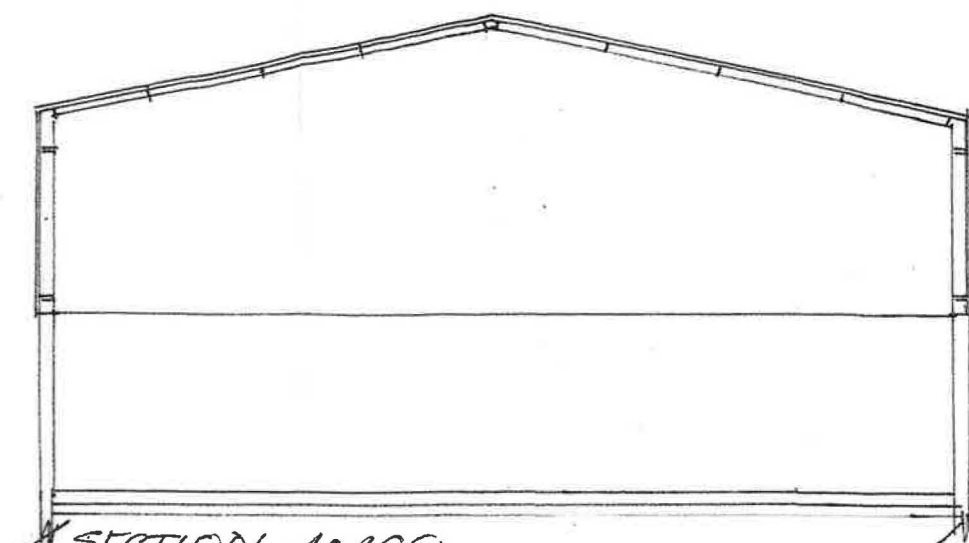
R Andrews

Gaurus, U95 A4P2

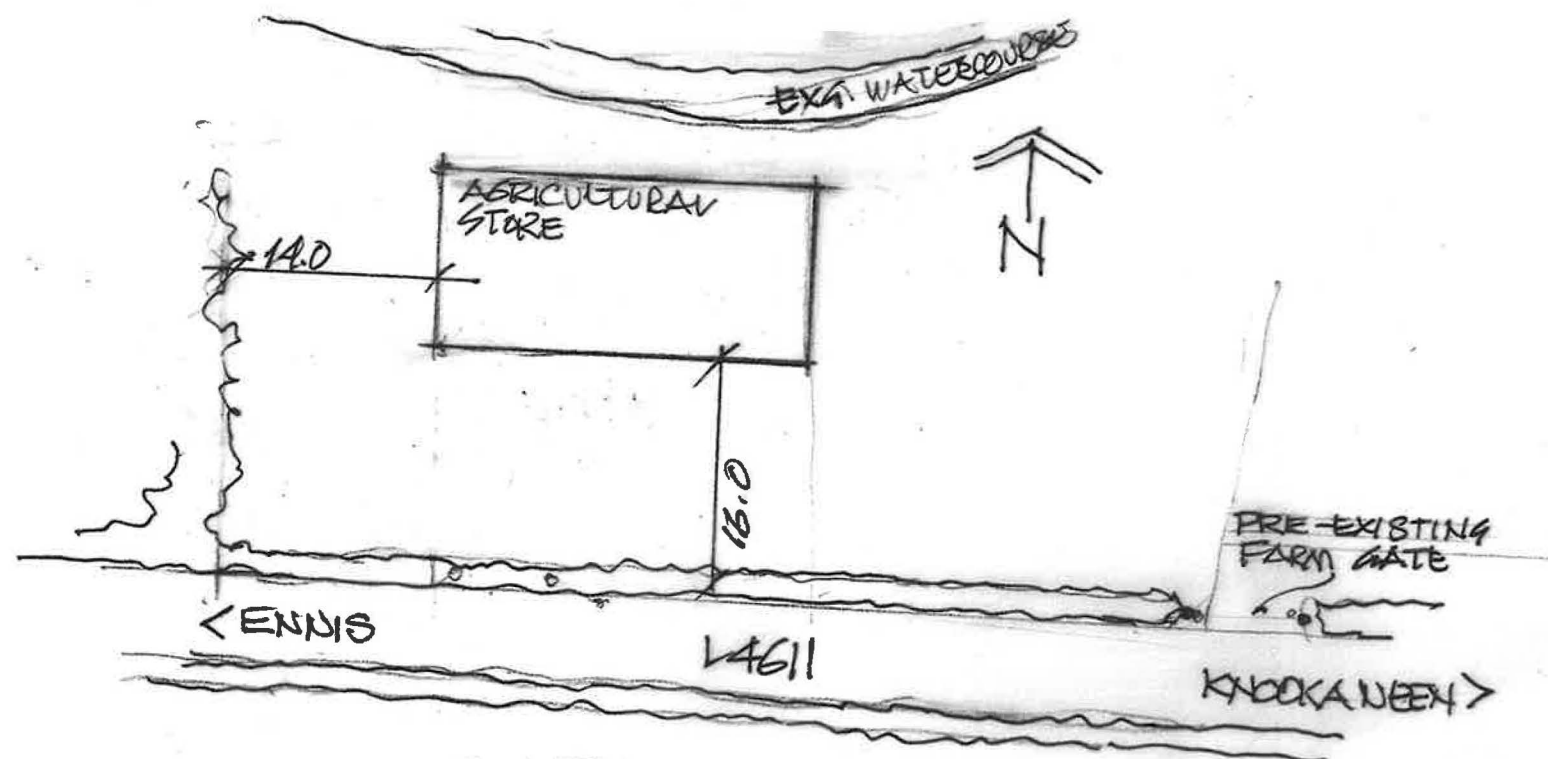
18 / may / 25



NORTH 1:100



SECTION 1:100



SITE LAYOUT 1:500

