

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

Reference No.: R25-83



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R25-83

Is electric fencing on lands at Corracloon, Caher, Co. Clare development and if so, is it exempted development?

AND WHEREAS, Paul Brett 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 3, Class 4 of the Planning and Development Regulations 2001, as amended;
- (d) The works as indicated in submitted documents from the referrer.

And whereas Clare County Council has concluded:

- (a) The erection of electric fencing at Corracloon, Caher, Co. 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) On the basis that the height of the fence shall not exceed 2 meters, the said erection of electric fencing at Corracloon, Caher, Co. Clare is exempted development having regard to Schedule 2, Part 3, Class 4 of the Planning and Development Regulations, 2001 (as amended)

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 erection of electric fencing at Corracloon, Caher, Co. Clare **constitutes development** which is **exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

Anne O'Gorman
Staff Officer

Planning, Placemaking & Economic Development

5th November 2025



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

Paul Brett
C/o Conor O'Reilly
Fossabeg
Scariff
Co. Clare

5th November 2025

Section 5 referral Reference R25-83 – Paul Brett

Is electric fencing on lands at Corracloon, Caher, Co. Clare development and if so, is it exempted development?

A Chara,

I refer to your application received on 9th October 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 Stiúrthóireacht Forbairt Gheilleagrach

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

Planning Department
Economic Development Directorate

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



CLARE COUNTY COUNCIL

SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED

DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT

Chief Executive's Order No:

86565

Reference Number:

R25-83

Date Referral Received:

9th October 2025

Name of Applicant:

Paul Brett

Location of works in question:

Corracloon, Caher, Co. Clare

Section 5 referral Reference R25-83 – Paul Brett

Is electric fencing on lands at Corracloon, Caher, Co. Clare 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 3, Class 4 of the Planning and Development Regulations 2001, as amended;
- (d) The works as indicated in submitted documents from the referrer.

AND WHEREAS Clare County Council has concluded:

- (a) The erection of electric fencing at Corracloon, Caher, Co. 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) On the basis that the height of the fence shall not exceed 2 meters, the said erection of electric fencing at Corracloon, Caher, Co. Clare is exempted development having regard to Schedule 2, Part 3, Class 4 of the Planning and Development Regulations, 2001 (as amended)

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 erection of electric fencing at Corracloon, Caher, Co. Clare is considered development which is exempted development.

Signed:


KIERAN O'DONNELL
ADMINISTRATIVE OFFICER 

Date:

5th November 2025

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF:	R25-83
APPLICANT(S):	Paul Brett
REFERENCE:	Whether the erection of electric fencing is or is not development and is or is not exempted development.
LOCATION:	Corracloon, Caher, Co. Clare
DUE DATE:	05/11/2025

Site Location

The proposal site is located in a rural area 2km southeast of Caher. The site comprises low-lying grassland adjoining the River Graney. The land is traversed by several drainage channels. The applicant's dwelling and agricultural yard are located between the subject land and the public road.

Recent Planning History

R19/340 Paul Brett granted permission to construct a slatted shed and associated site works.

Background to Referral

This Referral under Section 5(1) of the Planning and Development Act 2000 (as amended) has been made by Paul Brett. He states that he is the owner of the subject land.

The applicant is seeking a Section 5 Declaration as to whether the erection of electric fencing on his land at Cooracloon, Caher, Co. Clare is or is not development and is or is not exempted development.

Technical Report Received

Environmental Assessment Officer, Clare County Council:

The following should be noted in this regard.

- The fields which are proposed to be fenced contain the habitat type (Improved Agriculture grassland – GA1 as outlined in the 2014 Hen harrier Habitat Mapping project undertaken by NPWS) which is of low ecological value and does not provide suitable foraging or roosting potential for the Special Conservation Interests of the Slieve Aughty Mountains SPA. Hen Harriers generally avoid improved agricultural grassland, especially for nesting, due to its lack of suitable cover and low biodiversity. They

prefer habitats like moorland, bogs, and young forests, though they will forage along the edges of agricultural land. Breeding Hen Harriers in Ireland typically avoid agriculturally improved land for nesting (Wilson et al., 2009), although the species will forage along hedgerows and linear features (Madders, 2000; 2003a). Hen Harrier populations in Ireland are now breeding predominantly in forested landscapes (Barton et al., 2006; O'Donoghue, 2010; Ruddock et al., 2012) which have replaced open heath-dominated upland habitats (O'Flynn, 1983). The foraging habitat preferences of Hen Harriers in Ireland are generally biased towards moorland, grassland mosaics and prethicket forest habitats (see O'Donoghue, 2004; 2010; Barton et al., 2006; Irwin et al., 2012).

- Given the high ecological value of the conifer plantation to the northwest of the site which provides an ecological corridor to the wider landscape and within the European site it is considered that there is no potential for significant effects on the Special Conservation Interests of the SPA from the proposed works to install fencing with the 2 associated fields.
- With regards to Merlin the Irish Wildlife Manual 139 (2022) Survey of Breeding Merlin in the SPA network 2018 identified suitable foraging habitat for Merlin as areas which include grass and heather moorland, natural grassland and bog which do not include suitable nesting opportunities for Merlin but are considered as suitable foraging habitat.
- While I note *Ruddock et al., (2012)* identified several factors considered as direct 'disturbance' at known hen harrier sites which included predation I am satisfied that given the location and habitat type present there is no significant risk of predation from owls, crows, white-tailed eagles, or goshawks over and above normal rates.
- With regards to the Conservation Objectives for the SPA I am satisfied that there is no collision or electrocution risk from the proposed fencing and no barrier effect or risk. In addition, the proposal will not lead to the disturbance of breeding or to suitable foraging habitat.
- I am satisfied based on the above points that the proposed fencing within the Slieve Aughty SPA either alone or in-combination with other plans and/or projects will not have any significant effect on the European sites in light of the conservation objectives. As such, Appropriate Assessment is not required.
- In addition it should be noted that the Statutory Instrument for this site [S.I. No. 83/2012 - European Communities \(Conservation of Wild Birds \(Slieve Aughty Mountains Special Protection Area 004168\)\) Regulations 2012](#). Identifies the *Construction, removal or alteration of fences, stone walls, hedgerows, banks or any field boundary other than temporary electric fencing. (Consent is not required for normal maintenance.)* as an Activity that Requires Consent from the NPWS. The applicant should be advised of this requirement to consult with the Department and made the required application.

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.

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, Class 4

The construction, erection or maintenance of any wall or fence, other than a fence of sheet metal, or a wall or fence within or bounding the curtilage of a house.

- The height of the wall or fence, other than a fence referred to in paragraph 2, shall not exceed 2 meters.
- The height of any fence for the purposes of deer farming or conservation shall not exceed 3 meters.

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 erection of electric fencing at Cooracloon, Caher, Co Clare is or is not development and is or is not exempted development.

The works involve the erection of fencing along the edge of watercourses which traverse the property. The overall fence length is not stated. However, based on measurements taken from the submitted map, the total fence length will be c.900m.

Having regard to Section 2(1) of the Planning and Development Act 2001 (as amended), I consider that the proposed fencing comes within the scope of "works" and hence constitutes development in accordance with Section 3(1) of the Planning and Development Act 2001 (as amended).

Schedule 2, Part 3, Class 4 of the Planning and Development Regulations 2001 (as amended)

The construction, erection or maintenance of any wall or fence, other than a fence of sheet metal, or a wall or fence within or bounding the curtilage of a house.

The proposed fencing is for agricultural purposes and is not within or bounding the curtilage of a house.

- *The height of the wall or fence, other than a fence referred to in paragraph 2, shall not exceed 2 meters.*

No details of the proposed fence height were submitted with the referral. However, the Acres project manager was contacted by phone on 04/11/2025 and confirmed that the proposed fencing is standard post and wire design. The height limitation will not be exceeded.

- *The height of any fence for the purposes of deer farming or conservation shall not exceed 3 meters.*

Not applicable to the current proposal.

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,*

Not applicable to the current proposal.

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

The proposed development will not create a traffic hazard in the area.

- (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 proposed fencing will not be a visually obtrusive feature in the local area.

- (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,*

The proposal site will not impact negatively on nearby Aughaderreen Bridge (RPS182).

- (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,*

Having regard to the nature and scale of the proposed development and the characteristics of the development site, no Appropriate Assessment issues arise and I do not consider that the proposed

development would 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. Reference is also made to the report received from the Environmental Assessment Officer of Clare County Council.

- 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."*

Not applicable to the current proposal.

- (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 electric fencing at Corracloon, Caher, Co. Clare is or is not development and is or is not exempted development.

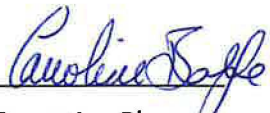
The Planning Authority in considering this referral had regard to:

- (a) Sections 2, 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 3, Class 4 of the Planning and Development Regulations 2001, as amended;
- (d) The works as indicated in submitted documents from the referrer.

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

- (a) The erection of electric fencing at Corracloon, Caher, Co. 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) On the basis that the height of the fence shall not exceed 2 meters, the said erection of electric fencing at Corracloon, Caher, Co. Clare is exempted development having regard to Schedule 2, Part 3, Class 4 of the Planning and Development Regulations, 2001 (as amended)

Now therefore Clare County Council (Planning Authority), hereby decides that the erection of electric fencing at Corracloon, Caher, Co. Clare is development and is exempted development.


Executive Planner

Date: 04/11/2025


Senior Executive Planner

Date: 04/11/25

Appropriate Assessment & Determination

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

(a) File Reference No:	R24-83
(b) Brief description of the project or plan:	The erection of electric fencing At Corracloon, Caher, Co Clare.
(c) Brief description of site characteristics:	Low-lying agricultural grassland. Poorly drained and traversed by multiple drainage channels. Adjoining the River Graney.
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	N/A
(e) Response to consultation:	N/A

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

Having regard to the nature and scale of the proposed development, the likely zone of impact is no greater than 5km.

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
Slieve Aughty Mountains SPA	• Hen Harrier <i>Circus cyaneus</i> [A082] breeding • Merlin <i>Falco columbarius</i> [A098] breeding	0.00km	Site is directly in the footprint of the SPA.	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.)
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	No vegetation clearance required. Minimal ground works required (posts driven into the ground to support fencing). No likely construction phase impacts.
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	Development location has low ecological value and does not provide suitable foraging or roosting potential for SCIs of the SPA. Given the location and habitat type, there is no significant risk of predation above normal rates. There is no collision or electrocution risk from the proposed fencing and barrier effect or risk. No likely disturbance of breeding or foraging habitat. No likely significant effects during the operational phase.
In-combination/Other	No likely in-combination effects

(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	No likely changes to European sites as a result of the proposed development.
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(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at

screening?

☐ Yes ☒ No

Step 4. Screening Determination Statement

The assessment of significance of effects:

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

No likely direct or indirect impacts on European sites likely as a result of the proposed development.

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:	 02/11/2025	
Signature and Date of the Decision Maker:		



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Paul Brett
C/o Conor O'Reilly
Teagasc
Fossabeg
Scariff
Co. Clare

10/10/2025

Section 5 referral Reference R25-83 – Paul Brett

Is electric fencing on lands at Corracloon, Caher, Co. Clare development and if so, is it exempted development?

A Chara,

I refer to your application received on 9th October 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
Planning, Placemaking & Economic Development

An Roinn Pleanála
An Stiúirtheoireacht 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

COMHAIRLE

09/10/2025 11:14:59

Receipt No. : L1CASH/0/385411
***** REPRINT *****

PAUL BRETT
CURRAGLOON, CAHER,
CO CLARE

AN CHLÁIR

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

Total : 80.00 EUR

Tendered :
CREDIT CARDS 80.00

Change : 0.00

COMHAIRLE

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

CONTAE

P07

CLARE COUNTY COUNCIL
COMHAIRLE CONTAE AN CHLÁIR

Planning Department,
Economic Development Directorate,
Clare County Council,
New Road, Ennis,
Co. Clare.
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Website: www.clarecoco.ie

CLARE
COUNTY COUNCIL

09 OCT 2025

Received
Planning Section



R25-83

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	PAUL BRETT CORRACLOON CAHER CO. CLARE V94 HP70
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	CONOR O'REILLY TEAGASC FOSSABEG SCARIFF CO. CLARE.

2. DETAILS REGARDING DECLARATION BEING SOUGHT

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

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

IS ELECTRIC FENCING ON MY LANDS
 AT CORRACLOON AN EXEMPT DEVELOPMENT?

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

I am currently farming in
 Corracloon. I am in the Acres
 Scheme and I wish to apply
 for NPI - Permanent Electric
 Fencing in SPA area.

- (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) Site location map

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	N/A.
(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. - NO
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	Owner
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question: <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	N/A.
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	YES
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	N/A - NO.
(g) Were there previous planning application/s on this site? If so please supply details:	Planning NO 19340
(h) Date on which 'works' in question were completed/are likely to take place:	2026.

SIGNED:

Paul Brett

DATE:

8/10/2025.

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:.....			

Planning Pack Map

CENTRE COORDINATES:
ITM 558207,689823

PUBLISHED: 16/04/2019
ORDER NO.: 50057951_1

MAP SERIES: 1:5,000
MAP SHEETS: 4036, 4095

PROPOSED SLATTED CATTLE SHED AND ASSOCIATED SITE WORKS AT CORRACLOON MORE, CAHER, CO. CLAR FOR PAUL BRETT

CONTENTS: SITE LOCATION MAP
SCALE: 1:2500.
DATE: APRIL 2019.

PREPARED BY: TONY O'LEARY, WHITEGATE, CO. CLARE.
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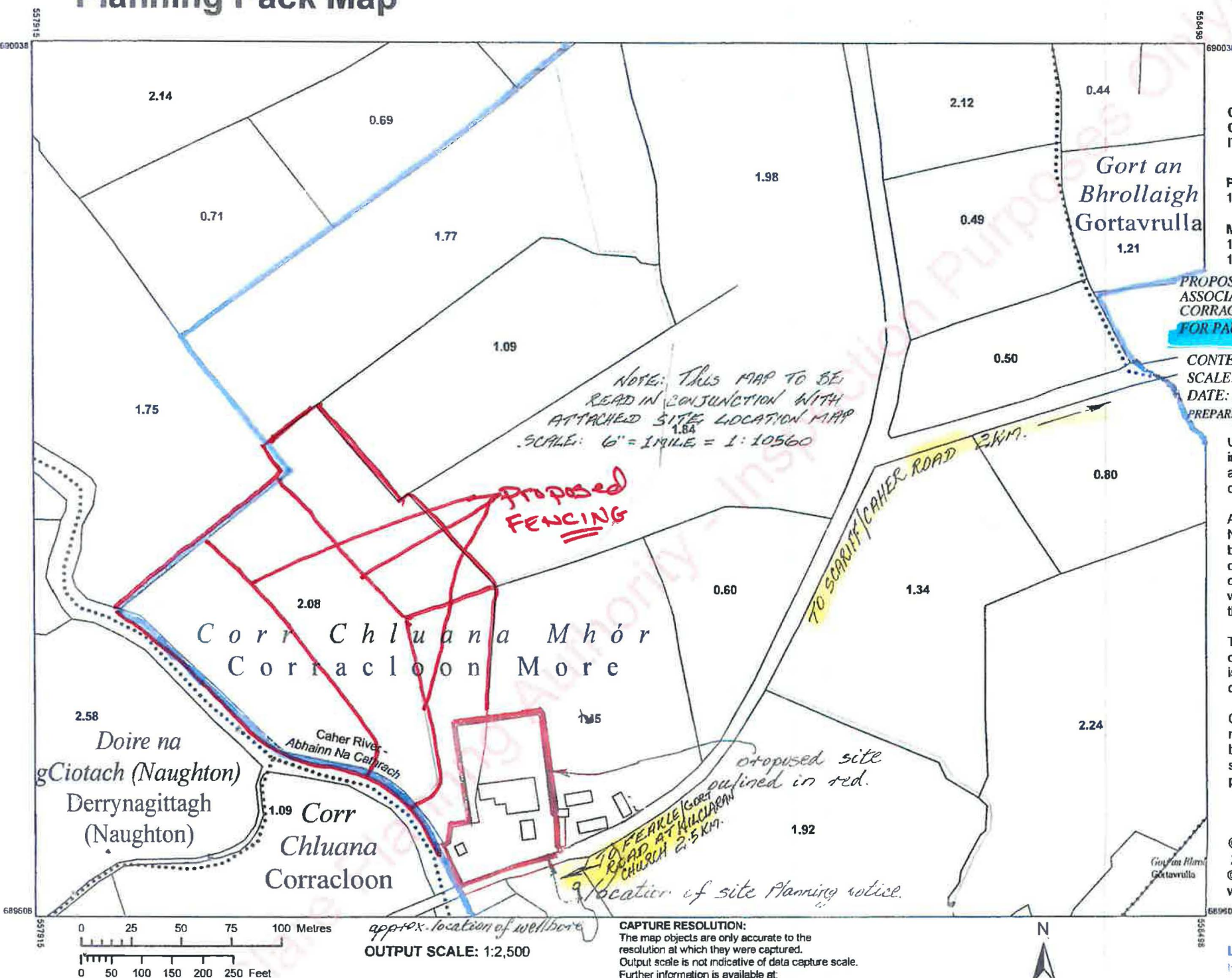
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<http://www.osi.ie>,
search 'Large Scale Legend'



CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured.
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Further information is available at:
<http://www.osi.ie>; search 'Capture Resolution'

Site Location Map



National Mapping Agency

**CENTRE
COORDINATES:**
ITM 558207,689823

PUBLISHED: 16/04/2019 **ORDER NO.:** 50057951_1

MAP SERIES:	MAP SHEETS:
6 Inch Raster	9900-04
6 Inch Raster	CE020

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1999. *Large Scale Long*

