



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

Carol O'Doherty & Seán Donlon
Knockanoura
Carrahan
Tulla
Co. Clare

20th March 2024

Section 5 referral Reference R24-20 – Carol O'Doherty & Seán Donlon

Is the assembly of 2 polytunnels at Knockanoura, Carrahan, Tulla development and if so, is it exempted development?

A Chara,

I refer to your application received on 23rd February 2024 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

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

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

Please note that if upgrade works to the existing entrance onto the public road or the construction of an internal access road to serve the polytunnels is proposed, this may require the benefit of planning permission.

Mise, le meas

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stúirthóireacht Forbairt Gheilleagrach

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

Planning Department
Economic Development Directorate

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



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

Reference No.: R24-20



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R24-20

Is the assembly of 2 polytunnels at Knockanoura, Carrahan, Tulla development and if so, is it exempted development?

AND WHEREAS, Carol O'Doherty & Seán Donlon 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 9 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 assembly of two poly tunnels at Knockanoura, Carrahan, Tulla, 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) The said assembly of two poly tunnels at Knockanoura, Carrahan, Tulla, Co. Clare is exempted development having regard to Schedule 2, Part 3, Class 9 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 assembly of two poly tunnels (10m x 5.5m each) at Knockanoura, Carrahan, Tulla, Co. Clare **constitutes development** which is **exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

Please note that if upgrade works to the existing entrance onto the public road or the construction of an internal access road to serve the polytunnels is proposed, this may require the benefit of planning permission.



Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

20th March 2024

CLARE COUNTY COUNCIL

SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED

DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT

Chief Executive's Order No:

83298.1

Reference Number:

R24-20

Date Referral Received:

23rd February 2024

Name of Applicant:

Carol O'Doherty & Seán Donlon

Location of works in question:

Knockanoura, Carrahan, Tulla, Co. Clare

Section 5 referral Reference R24-20 – Carol O'Doherty & Seán Donlon

Is the assembly of 2 polytunnels at Knockanoura, Carrahan, Tulla 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 9 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 assembly of two poly tunnels at Knockanoura, Carrahan, Tulla, 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) The said assembly of two poly tunnels at Knockanoura, Carrahan, Tulla, Co. Clare is exempted development having regard to Schedule 2, Part 3, Class 9 of the Planning and Development Regulations, 2001 (as amended).

ORDER: Whereas by Chief Executive's Order No. HR 152 dated 9th April 2021, Pat Dowling, Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate to Gareth Ruane, Senior Executive Planner, the powers, functions and duties as set out herein,

NOW THEREFORE pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the referral described above, I, Gareth Ruane, Senior Executive Planner, hereby declare that the assembly of two poly tunnels (10m x 5.5m each) at Knockanoura, Carrahan, Tulla, Co. Clare is **considered development** which is **exempted development**.

Signed:



GARETH RUANE
SENIOR EXECUTIVE PLANNER 

Date:

20th March 2024

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF:	R24-20
APPLICANT(S):	Carol O' Doherty and Seán Donlon
REFERENCE:	Whether the assembly of 2 polytunnels is or is not development and is or is not exempted development.
LOCATION:	Knockanoura, Carrahan, Tulla, Co. Clare
DUE DATE:	21/03/2024

Site Location

The proposal site is located in a rural area approximately 1.5km north of Clooney and 7km west of Tulla. The site comprises an agricultural field which adjoins the public road. There is mature hedgerow along all field boundaries. There are indicators of poor drainage throughout the site. The lands are level close to the road but begin to slope uphill towards the rear of the site. There is a residential property to the north of the site.

Recent Planning History

P19/194 - for development consisting of a ten year permission for a solar farm on a site of approximately 31.18 hectares consisting of the following; up to 92,550 sq. m of solar photo-voltaic panels on ground mounted steel frames; electrical substation with electrical control building and associated compound with palisade fence; inverter/transformer stations; underground power and communication cables and ducts; boundary security fencing; upgraded internal access tracks; new internal access tracks and associated drainage infrastructure; upgrade and use of the existing access to the local public road between Feenagh and Rathclooney, CCTV cameras and all associated site services and works.

Note: the proposal site was within the blue line boundary associated with application P19/194. No development was proposed within the subject field.

To the North

P07/2268 – Carol O' Doherty granted permission to construct a private dwelling house, garage, entrance waste water treatment unit/percolation area along with all associated site works and services.

Background to Referral

This Referral under Section 5(1) of the Planning and Development Act 2000 (as amended) has been made by Carol O' Doherty & Seán Donlon. Ms. O' Doherty is the daughter of the landowner. It is noted that the owner is aware of this Section 5 referral.

The applicant is seeking a Section 5 Declaration as to whether the assembly of two 10m x 5.5m polytunnels at Knockanoura, Carrahan, Tulla, Co. 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.

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

Works consisting of the provision of any store, barn, shed, glasshouse 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.

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.

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.

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 assembly of two polytunnels at Knockanoura, Carrahan, Tulla, Co. Clare is or is not development and is or is not exempted development.

Particulars of Proposal

The particulars of the proposal and site are set out below:

- Height 3m
- Proposed Floor Area 55m² each (110m² total)
- Distance from public road Shown to be greater than 10 metres on submitted drawing. Applicant's have indicated that they can be relocated to meet the Planning Authorities requirements.
- Distance from dwellings Greater than 100 metres from a third party dwelling.
- Intended use Horticulture

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

The referral relates to 2no. polytunnel structures which, as stated in the referral documents, will be used for the commercial growing of fruit and vegetable for local supply. The proposed development is therefore assessed in the context of Schedule 1, Part 3, Class 9 of the Planning and Development Regulations.

Works consisting of the provision of any store, barn, shed, glasshouse 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.

The floor area of the proposed polytunnels is less than 300m².

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.

The structure will be use for horticultural purposes and will not be used for housing animals or 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.

No other such structures in the vicinity of the proposed development location.

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

This limitation is not exceeded.

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

The height of the proposed poly tunnels is 3m.

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 proposed poly tunnels are greater than 100m from third party residential properties.

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

Poly tunnels generally consist of galvanised steel hoops covered with transparent polythene sheeting.

Article 9(1)(a) 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. The field is served by an existing agricultural entrance off the public road. The applicants have not indicated that any works to the gateway are included in the development proposal. The applicants can be informed by means of an advice note that if they intend to upgrade the existing entrance or construct an access roadway across the land to serve the polytunnels, this may require the benefit of planning permission.

- (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 development is located within Settled Landscape which is robust in nature and characterised by agricultural activity. The proposed poly tunnels will not interfere with the character of the local landscape.

- (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,*

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 proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European Site.

A Screening for Appropriate Assessment is appended to this report.

- 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,*

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 assembly of two polytunnels (10m x 5.5m each) at Knockanoura, Carrahan, Tulla, 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 9 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 assembly of two poly tunnels at Knockanoura, Carrahan, Tulla, 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) The said assembly of two poly tunnels at Knockanoura, Carrahan, Tulla, Co. Clare is exempted development having regard to Schedule 2, Part 3, Class 9 of the Planning and Development Regulations, 2001 (as amended)

Now therefore Clare County Council (Planning Authority), hereby decides that assembly of two poly tunnels (10m x 5.5m each) at Knockanoura, Carrahan, Tulla, Co. Clare is development and is exempted development.


Executive Planner

Date: 19/03/2024


Senior Executive Planner

Date: 19/03/2024

SSO – please inform the applicants that if upgrade works to the existing entrance onto the public road or the construction of an internal access road to serve the polytunnels is proposed, this may require the benefit of planning permission.

Appropriate Assessment & Determination

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

(a) File Reference No:	R24-20
(b) Brief description of the project or plan:	The assembly of two polytunnel at Knockanoura, Carrahan, Co. Clare
(c) Brief description of site characteristics:	Agricultural grassland.
(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 3km.

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	<ul style="list-style-type: none"> • Hen Harrier <i>Circus cyaneus</i> [A082] breeding • Merlin <i>Falco columbarius</i> [A098] breeding 	1.77km	<p>No pathways identified.</p> <p>The proposal site is open agricultural grassland which is not optimum habitat for QI species.</p>	No
Old Domestic Buildings, Rylane SAC	<p><u>Annex II species</u></p> <ul style="list-style-type: none"> • Lesser Horseshoe Bat <i>Rhinolophus hipposideros</i> [1303] 	2.1km	The site is within the core foraging area associated with the SAC	Yes
Newgrove House SAC	<p><u>Annex II species</u></p> <ul style="list-style-type: none"> • Lesser Horseshoe Bat <i>Rhinolophus hipposideros</i> [1303] 	2.66km	None – the proposal site is outside the core foraging area associated with the SAC	No

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

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

STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	No vegetation clearance proposed. All vegetation on site boundaries to be retained. No impact on the local surface water regime. No demolition, dust, noise, vibration etc associated with the construction phase of the development.
Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	Increased presence of people / activity on the site.
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: <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	No direct impacts on the SAC. No reduction or fragmentation of foraging area. No alterations to site boundaries proposed. No changes to key indicators likely as a result of the 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

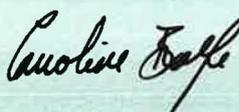
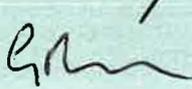
Step 4. Screening Determination Statement

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.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	 19/05/2024	
Signature and Date of the Decision Maker:	 19/03/24.	

R24-20



04/03/2024 16:29



04/03/2024 16:29

Sightlines at existing entrance





COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Carol O'Doherty & Seán Donlon
Knockanoura
Carrahan
Tulla
Co. Clare

26/02/2024

Section 5 referral Reference R24-20 – Carol O'Doherty & Seán Donlon

Is the assembly of 2 polytunnels at Knockanoura, Carrahan, Tulla development and if so, is it exempted development?

A Chara,

I refer to your application received on 23rd February 2024 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

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

Mise, le meas

Brian Fahy
Planning Department
Economic Development Directorate

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

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



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



23/02/2024 15:29:57

Receipt No. L1CASH/0/361040
***** REPRINT *****

CAROL O'DOHERTY &
SEAN DONLON, C/O SEAN DONLON
KNOCKANOURA, CARRAHAN,
TULLA, CO CLARE
REF. R24-20

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

Total : 80.00 EUR

Tendered :
CREDIT CARDS 80.00

Change : 0.00



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

R24/20.

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



**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	Carol O'Doherty / Seán Donlon Knockanoura Carrahan Tulla Co. Clare
(b) Telephone No.:	Carol / Seán
(c) Email Address:	
(d) Agent's Name and address:	

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 assembly of 2 polytunnels at Knochanoora, Carrahan, Tutla 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.

We are regenerating disused agricultural lands in preparation for commercial organic growing of fruit and vegetables for local supply in our area. The polytunnels would be intended to allow indoor growing of seasonal vegetables with the aim to provide 12 month availability of produce. Both polytunnel dimensions would be - height 3m; length 10m and width 5.5m. We would also ask where is best to position both polytunnels, within the guidelines as specified by Clare County Council Planning Department, if the location we are proposing is not meeting those guidelines.

(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)

See Maps 1 & 2 attached.

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	Knockanoura Carrahan Tulla Co. Clare V95 P650
(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):	Carol O'Doherty is the daughter of the landowner
(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>	Maureen O'Doherty Knockanoura, Carrahan, Tulla, Co Clare.
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	Yes
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	NO
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	NO
(h) Date on which 'works' in question were completed/are likely to take place:	If allowed to proceed, polytunnels to be erected by year end 2024.

SIGNED: Carol O'Doherty
Seán Doulon

DATE: 23/02/2024

GUIDANCE NOTES

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

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

Planning Department,
Economic Development Directorate,
Clare County Council
Aras Contae an Chlair,
New Road,
Ennis,
Co. Clare
V95DXP2

- (v) Notwithstanding the completion of the above form, the Planning Authority may require the submission of further information with regard to the request in order to enable the Authority to issue a declaration on the question.
- (vi) The Planning Authority may also request other persons to submit information on the question which has arisen and on which the declaration is sought

FOR OFFICE USE ONLY

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

