



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**National Parks & Wildlife Service
C/o Grealish Glynn & Associates
1 The Punchbowl
Ennis Road
Gort
Co. Galway**

25th November 2024

Section 5 referral Reference R24-75 – National Parks & Wildlife Service

Is the construction of an extension to an existing dwelling house and associated works development and if so, is it exempted development?

A Chara,

I refer to your application received on 25th September 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

Mise, le meas

**Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate**

**An Roinn Pleanála
An Stiúirthóireacht Forbairt Gheilleagrach**

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

**Planning Department
Economic Development Directorate**

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



CLARE COUNTY COUNCIL

SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED

DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT

Chief Executive's Order No: 84521

Reference Number: R24-75

Date Referral Received: 25th September 2024

Further Information Requested: 21st October 2024

Further Information Received: 12th November 2024

Name of Applicant: National Parks & Wildlife Service

Location of works in question: Castletown, Carron, Co. Clare

Section 5 referral Reference R24-75 – National Parks & Wildlife Service

Is the construction of an extension to an existing dwelling house and associated works development and if so, is it exempted development?

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

- (a) Sections 2 and 3 of the Planning and Development Act 2000, as amended,
- (b) Schedule 2, Part 3, Class 1 of the Planning and Development Regulations 2001 (as amended)
- (c) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- (d) The details and drawing as indicated in submitted documents from the referrer.
- (e) The bat survey submitted to the Planning Authority.

AND WHEREAS Clare County Council has concluded:

- (a) The development consisting of an extension to an existing dwelling come within the scope of sections 2 and 3 of the Planning and Development Act 2000, as amended.
- (b) The proposed extension falls within the scope of Class 1 of Part 1, Schedule 2 of the Planning & Development Regulations 2001, including the conditions and limitations therein,

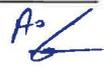
ORDER: Whereas by Chief Executive's Order No. HR 152 dated 9th April 2021, Pat Dowling, Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate to Gareth Ruane, Senior Executive Planner, the powers, functions and 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 extension to an existing dwelling at Castletown, Carron, Co. Clare is considered development which is exempted development.

Signed:



GARETH RUANE 
SENIOR EXECUTIVE PLANNER

Date:

25th November 2024

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

Reference No.: R24-75



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R24-75

Is the construction of an extension to an existing dwelling house and associated works development and if so, is it exempted development?

AND WHEREAS, National Parks & Wildlife Service has requested a declaration from Clare County Council on the said question.

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

- (a) Sections 2 and 3 of the Planning and Development Act 2000, as amended,
- (b) Schedule 2, Part 3, Class 1 of the Planning and Development Regulations 2001 (as amended)
- (c) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- (d) The details and drawing as indicated in submitted documents from the referrer.
- (e) The bat survey submitted to the Planning Authority.

And whereas Clare County Council has concluded:

- (a) The development consisting of an extension to an existing dwelling come within the scope of sections 2 and 3 of the Planning and Development Act 2000, as amended.
- (b) The proposed extension falls within the scope of Class 1 of Part 1, Schedule 2 of the Planning & Development Regulations 2001, including the conditions and limitations therein,

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

The proposed development consisting of the extension to an existing dwelling at Castletown, Carron, Co. Clare **constitutes development** which is **exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

A handwritten signature in blue ink, appearing to read 'Anne O'Gorman', written over a horizontal line.

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

25th November 2024

**SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT**

FILE REF:	24/ 75 REPORT no. 2
APPLICANT(S):	National Parks and Wildlife Services
REFERENCE:	Whether the construction of an extension to an existing dwelling is considered development and if so is it exempted development .
LOCATION:	Carron , County Clare
DUE DATE:	02/12/24

Additional information was requested 21st October 24 as follows:

1. Please be advised that that having regard to the nature and extension of the proposed development which includes for demolition of an existing extension having regard to the state of repair of the structure that the subject dwelling may be being used by bats. Please arrange to submit a bat survey of the building and site carried out by a suitably qualified person. The survey should be in accordance with associated guidance/ mitigation in line with the '*Bat Mitigation Guidelines v2*'. *Irish Wildlife Manual 134*. You are advised that the above details are required in order for the planning Authority to complete AA screening of this development noting the restrictions on exempted development s set out under Article 9 (1) (a) (viiB)

Note to Applicant

The Planning Authority notes that the vacant dwelling is served by a septic tank, the location of which is shown on the site layout plan submitted. While it is noted that the scope of the Section 5 query does not include reference to this septic tank , that the applicant should be advised that any proposal to upgrade same and provide an associated percolation area/ soil polishing filter would require the benefit of planning permission before the dwelling is brought back in to use.

Summary of Applicant's response

The applicant carried out a bat survey . The dwelling was inspected and a bat emergence survey was carried out also (at night time) . After surveying the dwelling there was no sign to suggest that a bat roost or bats are present within the dwelling. A night time emergence survey was conducted and though bats were actively foraging in the surrounding landscape no bat species emerged or entered the dwelling during this time.

The dwelling has been determined not suitable as a roost for lesser horseshoe bats. The dwelling has not been used as by active bat species as roost or resting place for bats.

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*.

Section 2(1) – Interpretation

In this Act, except where the context otherwise requires –

- *“habitable house” means a house which—*

(a) is used as a dwelling,

(b) is not in use but when last used was used, disregarding any unauthorised use, as a dwelling and is not derelict, or

(c) was provided for use as a dwelling but has not been occupied;

“house” means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

“structure” as any building, structure, excavation or other thing constructed or made on, in or under any land, or part of a structure so defined, and where the context so admits, includes the land on, in or under which the structure is situate

“use”, in relation to land, does not include the use of the land by the carrying out of any works thereon.

Section 2 (1) ‘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.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.

Exempted Development

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

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

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 1, Class 1 (extension) and Class 7 (Porch)

Class 1

The extension of a house, by the construction or erection of an extension to the rear of the house or by the conversion for use as part of the house of any garage, store shed or other similar structure attached to the rear or to the side of the house.

Schedule 2, Article 6, Part 1 of the Planning and Development Regulations 2001 (as amended) sets out the following classes of exempted development:

Column 1 Description of Development	Column 2 Conditions & Limitations
<p data-bbox="225 327 785 356"><i>Development within the curtilage of a house</i></p> <p data-bbox="225 450 325 479">Class 1</p> <p data-bbox="225 508 794 763">The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.</p>	<p data-bbox="815 450 1390 591">1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p data-bbox="815 741 1390 882">(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.</p> <p data-bbox="815 920 1390 1061">(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.</p> <p data-bbox="815 1099 1390 1391">2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.</p> <p data-bbox="815 1429 1390 1794">(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.</p> <p data-bbox="815 1832 1390 2011">(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or</p>

extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

	<p>c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p>
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Schedule 2, Article 6, Part 1 – Exempted Development General.

Under Article 9 (1) of the same Regulations, *development to which Article 6 relates shall not be exempted development for the purposes of the Act:*

(a) if the carrying out of such development would –

- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act*
- (ii) consist of or compromise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,*
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users,*
- (iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,*
- (iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,*
- (v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,*
- (vii) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.*

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.”

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

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

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

(xi) obstruct any public right of way,

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.

Assessment

The agent has advised the following in the documents submitted:

Particulars of the Development

- Site location map
- Site layout plan scale 1 :500
- Scaled drawings of the existing and proposed development

Planning Exemption Assessment

Column 1 Description of Development	Column 2 Conditions & Limitations
<p><i>Development within the curtilage of a house</i></p> <p>Class 1</p> <p>The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.</p>	<p>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>The floor area of the proposed extension is 39.8 sq.m</p> <p>(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.</p> <p>N/A</p> <p>(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.</p> <p>N/A</p> <p>2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions</p>

constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

The house has not been extended previously.

(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

N/A

(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

N/A

3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.

N/A

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

This is the case on site

(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

The rear wall of the house does not include a gable. N/A

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

This is the case having regard to the details received .

5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

Rear and side garden exceeds 25 sq.m.

6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

This is the case.

(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

N/A

c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

N/A

7. The roof of any extension shall not be used as a balcony or roof garden.

N/A

Schedule 2, Article 6, Part 1 – Exempted Development General.

Under Article 9 (1) of the same Regulations, development to which Article 6 relates shall not be exempted development for the purposes of the Act:

(b) 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*

N/A

- (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,*

N/A

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

N/A

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

N/A

- (iv) 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,*

N/A

- (v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,*

N/A

- (vi) *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 subject development is located in a designated Heritage landscape and adjacent to a scenic route. The extension is located at the rear of the dwelling and will not be highly visible so as to interfere with the character of the landscape.

- (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,*

The subject development does not comprise excavation, alteration or demolition 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 site.

(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,

The subject development does not comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places. The subject site is located outside the zone of notification associated with the cluster of monuments to the west on the opposite side of the public road.

(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,

Having regard to the bat survey received I am satisfied that the subject dwelling is not suitable for use by Lesser horse shoe bats due to lack of wide direct open access points and lack of suitable roost space within the structure for this species. See revised AA screening attached.

(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."

N/A

(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,

N/A

(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,

N/A

(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,

N/A

(xi) obstruct any public right of way,

N/A

(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.

N/A

Recommendation

The following questions have been referred to the Planning Authority:

Whether the construction of an extension to an existing dwelling is considered development and if so is it exempted development .

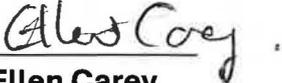
The Planning Authority in considering this referral had regard to:

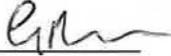
- (a) Sections 2 and 3 of the Planning and Development Act 2000, as amended,
- (b) Schedule 2, Part 3, Class 1 of the Planning and Development Regulations 2001 (as amended)
- (c) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- (d) The details and drawing as indicated in submitted documents from the referrer.
- (e) The bat survey submitted to the Planning Authority.

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

- a) the development consisting of an extension to an existing dwelling come within the scope of sections 2 and 3 of the Planning and Development Act 2000, as amended.
- b) The proposed extension falls within the scope of Class 1 of Part 1, Schedule 2 of the Planning & Development Regulations 2001, including the conditions and limitations therein,

Now therefore Clare County Council (Planning Authority), hereby decides the development consisting of an extension to an existing dwelling constitutes "works" and "development" which are exempted development.


Ellen Carey
Executive Planner
Date: 22/11/24 .


Garreth Ruane
Senior Executive Planner
22/11/24 .

Revised Appropriate Assessment & Determination on foot of receipt of F.I.

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

(a) File Reference No:	R24/75
(b) Brief description of the project or plan:	Domestic extension
(c) Brief description of site characteristics:	Dwelling,
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Esat Burren Complex SAC	Annex I - Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140] • *Turloughs [3180] • Water courses of plain to montane levels with the Ranunculus fluitans and Callitriche-Batrachion vegetation [3260] • Alpine and Boreal heaths [4060] • Juniperus communis formations on heaths or calcareous grasslands [5130] • Semi-natural dry	57m	No hydrological pathway linking the subject site to the SAC	Yes

grasslands and scrubland facies on calcareous substrates (Festuco Brometalia)(*important orchid sites) [6210] • Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510] • Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210] • Petrifying springs with tufa formation (Cratoneurion) [7220] • Alkaline fens [7230] • Limestone pavements [8240] • Caves not open to the public [8310] • *Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Annex II species: • Marsh fritillary Euphydryas Annex II- Marsh Fritillary, lesser horse shoe bat and Otter.

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.)
<p>Construction phase e.g.</p> <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 	<ul style="list-style-type: none"> • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Lighting disturbance • Dust, noise, vibration • Storage of excavated/construction materials
<p>Operational phase e.g.</p> <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 	<ul style="list-style-type: none"> • Presence of people, vehicles and activities • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance
<p>In-combination/Other</p>	<p>In combination effects with 24/ 60338 could occur</p>

(b) Describe any likely changes to the European site:

<p>Examples of the type of changes to give consideration to include:</p> <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 	<ul style="list-style-type: none"> • Disturbance to QI species • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI <p>Interference with the key relationships that define the structure or ecological function of the site.</p>
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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.

The subject site is 57m from the East Burren Complex SAC and there are no hydrological pathways linking the subject site to the SAC. A bat survey has confirmed that the dwelling is not being used by lesser horse shoe bats (which are qualifying species of the East Burren Complex SAC.

Conclusion: The proposed development is not likely to have significant effects on European site(s) in view of its conservation objectives.

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is 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 checked="" type="checkbox"/>	<input checked="" 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:		

Ellen Carey.
Name: Ellen Carey E.P.

22 / 11 / 24

**Signature and Date of the
Decision Maker:**

Ellen Carey 22/11/24



NPWS

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National Parks and Wildlife
Service

National Parks and Wildlife Service
NEPS Building
Francis Street,
Ennis,
Co. Clare



Sean Forde C/O
Burren National Park,
McGann's Farm,
Tullycommon,
Carran,
Co. Clare

Date: 8th November 2024

Re: Bat inspection summary report of a dwelling at McGann's Farm, Tullycommon, Carran, Co. Clare.

A Chara,

Please find below a summary report of a bat survey of your property at McGann's Farm, Tullycommon, Carran, Co. Clare undertaken by NPWS Conservation Rangers Eamonn Twomey and Megan Lee.

Summary Report

The dwelling at McGann's Farm, Tullycommon, Carran, Co. Clare is not known as a roost for bat species and no dedicated bat survey has been undertaken previously by NPWS.

Desktop Report

A desktop review was undertaken of available bat databases, records and known bat roosts within the vicinity of McGann's Farm. Table 1 below shows the closest known records of bat species to McGann's Farm and the landscape suitability index for each species within the 2km square (R29Y) which the dwelling in question is located.

Table: 1 Known bat records by distance to McGann's Farm and landscape suitability index per species.

Bat species	Bat Landscape Suitability Index	Distance of known bat records from site.
Lesser horseshoe (<i>Rhinolophus hipposideros</i>)	45	<1km
Common pipistrelle (<i>Pipistrellus pipistrellus</i>)	13	1km
Whiskered (<i>Myotis mystacinus</i>)	15	1.43km



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National Parks and Wildlife
Service

Emergences survey opportunities for bats is limited in November to suitable weather conditions, however November falls within a suitable time of year to carry out a comprehensive survey for signs of bat use within a dwelling.

The dwelling was built in the 1960's with concrete breeze blocks. It is a square single story building with a pitched roof and small attic space. A flat roof extension was added to the rear of the house at a later date. The dwelling is poorly insulated with damp and mould in the living areas. The roof is covered in asbestos slates.

A day time internal inspection was conducted on the 07/11/2024 of the dwelling at McGann's Farm. All ground floor and attic spaces were inspected. No living or dead bat species were observed within the structure. There were no signs of bat dropping old or fresh, insect wings, urine, urine stains, smells or grease stains that indicated the presence of bats.

A day time external inspection was also carried out on the property. During the walk about of the dwelling a small number of old bat droppings were observed on the north and west facing walls. It was noticed that there were several cracks and opening in fascia boards throughout the dwelling and gaps under tiles, flashing and cracks in the chimney, all of which could provide suitable roost opportunities for bats.

The suitability of the dwelling to be utilised by Lesser horseshoe bats was examined. The building was determined to not be suitable for Lesser horseshoe bats due to a lack of wide direct open access points and lack of suitable roost spaces and opportunities within the structure for this species. It was determined that the dwelling has some potential as a bat roosts for other bat species, so a night emergence survey was conducted to determine if bat species are present.

Bat Emergences Survey

A bat emergence survey was carried out on the 07/11/2024. The weather conditions were favourable, Air Temperature 13°C, Cloud cover 100%, No Perception during the survey time and Wind Force 4 Moderate Breeze at times. Sunset was at 16:53 and the survey was carried for a duration of 80 minutes between 16:40 to 18:00. All emergence exit points were monitored by the Conservation Rangers during the survey time. Heterodyne bat detectors were used to identify any bat species present.

No bat species were observed entering or existing the dwelling during the time of the survey. Bat species were observed foraging in the locality during the survey. During the survey time there were a total of three Soprano pipistrelle bat passes and one Leisler's bat passes. None of these bats existed or entered the dwelling.

Conclusion

After examining the dwelling there were no signs to suggest that a bat roost or bats are present within this dwelling. A night time emergence survey was carried out, and though bats were actively foraging in the surrounding landscape no bat species emerged or entered the dwelling during this time. The dwelling has been determined not suitable as a roost for Lesser horseshoe bat. It has been determined that the dwelling in question is not been used as an active bat species as a roost or resting place for bats.



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National Parks and Wildlife
Service

Yours sincerely,

A handwritten signature in black ink, which appears to read "Eoin Kenny", is written above a solid horizontal line.

Conservation Ranger

Brian Fahy

From: Elaine McNamara
Sent: Tuesday 12 November 2024 13:41
To: Brian Fahy
Subject: FW: Section 5 Referral Reference R24 - 75 National Parks & Wildlife Services
Attachments: Bat inspection summary report of a dwelling at McGann's Farm, Tullycommon, Carran, Co. Clare.pdf

Brian

I think this is for you.

Elaine



From: Planning Office <planoff@clarecoco.ie>
Sent: Tuesday 12 November 2024 13:14
To: Elaine McNamara <emcnamara@clarecoco.ie>
Subject: FW: Section 5 Referral Reference R24 - 75 National Parks & Wildlife Services

From: Grealish Glynn and Associates <info@grealishglynn.com>
Sent: Tuesday, November 12, 2024 1:09 PM
To: Planning Office <planoff@clarecoco.ie>
Subject: RE: Section 5 Referral Reference R24 - 75 National Parks & Wildlife Services

A Chara,

We refer to the above and the Request for Further Information dated the 21st of October 2024. Please find attached Bat Survey Report as requested.

Please note that the postal address for the property is Castletown, Carron, Co. Clare V95 FN50. The Report refers to the address of Tullycommon, Carron, Co. Clare which is the Townland on which the property is located. The addresses are one and the same.

Mise le Meas.

Grealish Glynn & Associates
1 The Punchbowl
Ennis Road
Gort
Co. Galway
Tel: 091 632644
www.grealishglynn.com

NOTICE RE COVID - 19 To help stop the spread of the COVID- 19 virus within our community, please note that, until further notice, we will be communicating primarily by phone and by email. To reduce the risk of the spread of infection, we would ask that you please scan and email documents to us instead of sending us physical documents. We will meet with clients on a case by case basis only when absolutely necessary. Thank you for your co-operation.

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COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

National Parks & Wildlife Service
C/o Grealish Glynn & Associates
1 The Punchbowl
Ennis Road
Gort
Co. Galway

21/10/2024

Section 5 referral Reference R24-75 – National Parks & Wildlife Service

Is the construction of an extension to an existing dwelling house and associated works development and if so, is it exempted development?

A Chara,

I refer to your application received on 25th September 2024 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

I wish to advise that in accordance with Section 5 (2) (b) of the Planning & Development Act, 2000, as amended, the following further information is required:

Having regard to the details as submitted with this Section 5 Referral application, the following further information is required to allow for a full assessment of this referral:

1. Please be advised that that having regard to the nature and extent of the proposed development which includes for demolition of an existing extension and having regard to the state of repair of the structure that the subject dwelling may currently be used by bats. Please arrange to submit a bat survey of the building and site carried out by a suitably qualified person. The survey should be in accordance with associated guidance/ mitigation in line with the 'Bat Mitigation Guidelines v2'. *Irish Wildlife Manual 134*. You are advised that the above details are required in order for the Planning Authority to complete its AA screening of this development noting the restrictions of exempted development as set out under Article 9(1)(a)(viiB).

Note to Applicant

The Planning Authority notes that the vacant dwelling is served by a septic tank, the location of which is shown on the site layout plan submitted. While it is noted that the scope of the Section 5 query does not include reference to this septic tank, that the applicant should be advised that any proposal to upgrade same and provide an associated percolation area/ soil polishing filter would require the benefit of planning permission before the dwelling is brought back in to use.

Mise, le meas

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



Anne O'Gorman

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

SECTION 5 DECLARATION OF EXEMPTION APPLICATION PLANNERS REPORT

FILE REF:	24/ 75
APPLICANT(S):	National Parks and Wildlife Services
REFERENCE:	Whether the construction of an extension to an existing dwelling considered development and if so it is exempted development .
LOCATION:	Carron , County Clare
DUE DATE:	22/10/24

Site Location

The subject site is occupied by a detached single storey dwelling which appears to be vacant. Although the site is not within the East Burren Complex SAC it is located 57m to the north. The site includes access to farm buildings to the rear.

A zone of notification associated with the cluster of monuments is located to on the opposite side of the road to the west.

No detail has been submitted regarding any waste water treatment unit or septic tank serving the dwelling and I note that the scope of the query does not include any reference to same.

The site layout plan shows a septic tank located south of the dwelling but no detail about its age, size, capacity, state of repair etc has been submitted.

Recent Planning History on site.

None

Planning History nearby

24/ 60338 National Parks and Wildlife Service. Permission granted for the construction of 4 agricultural storage sheds and associated site works adjacent to an existing farmyard. This application was accompanied by a Habitat Directive (AA screening report).

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by the NPWS.

The applicant is seeking a Section 5 Declaration as to is considered development and if so it is 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*.

Section 2(1) – Interpretation

In this Act, except where the context otherwise requires –

• *“habitable house” means a house which—*

(a) is used as a dwelling,

(b) is not in use but when last used was used, disregarding any unauthorised use, as a dwelling and is not derelict, or

(c) was provided for use as a dwelling but has not been occupied;

“house” means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

“structure” as any building, structure, excavation or other thing constructed or made on, in or under any land, or part of a structure so defined, and where the context so admits, includes the land on, in or under which the structure is situate

“use”, in relation to land, does not include the use of the land by the carrying out of any works thereon.

Section 2 (1) ‘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.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.

Exempted Development

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

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

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 1, Class 1 (extension) and Class 7 (Porch)

Class 1

The extension of a house, by the construction or erection of an extension to the rear of the house or by the conversion for use as part of the house of any garage, store shed or other similar structure attached to the rear or to the side of the house.

Schedule 2, Article 6, Part 1 of the Planning and Development Regulations 2001 (as amended) sets out the following classes of exempted development:

Column 1 Description of Development	Column 2 Conditions & Limitations
<i>Development within the curtilage of a house</i> Class 1 The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of	1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

any garage, store, shed or other similar structure attached to the rear or to the side of the house.

(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

7. The roof of any extension shall not be used as a balcony or roof garden.

Schedule 2, Article 6, Part 1 – Exempted Development General.

Under Article 9 (1) of the same Regulations, development to which Article 6 relates shall not be exempted development for the purposes of the Act:

(a) if the carrying out of such development would –

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act

(ii) consist of or compromise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

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

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

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,

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

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.”

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

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

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

(xi) obstruct any public right of way,

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.

Assessment

The agent has advised the following in the documents submitted:

Particulars of the Development

- Site location map
- Site layout plan scale 1 :500
- Scaled drawings of the existing and proposed development

Planning Exemption Assessment

Column 1 Description of Development	Column 2 Conditions & Limitations
<p><i>Development within the curtilage of a house</i></p> <p>Class 1</p> <p>The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.</p>	<p>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>The floor area of the proposed extension is 39.8 sq.m</p> <p>(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.</p> <p>N/A</p> <p>(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.</p> <p>N/A</p> <p>2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.</p> <p>The house has not been extended previously.</p> <p>(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any</p>

extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

N/A

(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

N/A

3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.

N/A

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

This is the case on site

(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

The rear wall of the house does not include a gable. N/A

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

	<p>This is the case having regard to the details received .</p> <p>5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.</p> <p>Rear and side garden exceeds 25 sq.m.</p> <p>6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</p> <p>This is the case.</p> <p>(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</p> <p>N/A</p> <p>c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.</p> <p>N/A</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p> <p>N/A</p>
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Schedule 2, Article 6, Part 1 – Exempted Development General.

Under Article 9 (1) of the same Regulations, *development to which Article 6 relates shall not be exempted development for the purposes of the Act:*

(b) 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*

N/A

- (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,*

N/A

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

N/A

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

N/A

- (iv) *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,*

N/A

- (v) *consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,*

N/A

- (vi) *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 subject development is located in a designated Heritage landscape and adjacent to a scenic route. The extension is located at the rear of the dwelling and will not be highly visible so as to interfere with the character of the landscape.

- (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,

The subject development does not comprise excavation, alteration or demolition 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 site.

(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,

The subject development does not comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places. The subject site is located outside the zone of notification associated with the cluster of monuments to the west on the opposite side of the public road.

(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,

No AA screening report has been submitted and no site specific CEMP has been submitted. I note that the previous application 24/60338 for dry farm sheds to the

rear of the dwelling was accompanying by AA screening and the requirement for a full NIS was screened out. I am not satisfied having regard to the details received that the PA can conclude that no AA issues will arise for this development .

(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.”

N/A

(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,

N/A

(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,

N/A

(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,

N/A

(xi) obstruct any public right of way,

N/A

(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.

N/A

Recommendation

I recommend requesting additional information as follows:

1. Please be advised that that having regard to the nature and extension^{tion} of the proposed development which includes for demolition of an existing extension^{and} having regard to the state of repair of the structure that the subject dwelling may^{currently} be being used by bats. Please arrange to submit a bat survey of the building and site carried out by a suitably qualified person. The survey should be in accordance with associated guidance/ mitigation in line with the 'Bat Mitigation Guidelines v2'. Irish Wildlife Manual 134.

You are advised that the above details are required in order for the Planning Authority to complete its AA Screening of this development noting the restrictions of exempted development as set out under Article 9 (1) (a) (vii) B.

Note to Applicant

The Planning Authority notes that the vacant dwelling is served by a septic tank, the location of which is shown on the site layout plan submitted. While it is noted that the scope of the Section 5 query does not include reference to this septic tank, that the applicant should be advised that any proposal to upgrade same and provide an associated percolation area/ soil polishing filter would require the benefit of planning permission before the dwelling is brought back in to use.



Ellen Carey
Executive Planner

Date: 18/10/24.



Garreth Ruane
Senior Executive Planner

18/10/24.

Appropriate Assessment & Determination

STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	R24/75
(b) Brief description of the project or plan:	Domestic extension
(c) Brief description of site characteristics:	Dwelling,
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.				
European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Esat Burren Complex SAC	Annex I - Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140] • *Turloughs [3180] • Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] • Alpine and Boreal heaths [4060] • Juniperus communis formations on heaths or calcareous grasslands [5130] • Semi-natural dry grasslands and	57m	No hydrological pathway linking the subject site to the SAC	Yes

	<p>scrubland facies on calcareous substrates (Festuco Brometalia)(*important orchid sites) [6210] • Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510] • Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210] • Petrifying springs with tufa formation (Cratoneurion) [7220] • Alkaline fens [7230] • Limestone pavements [8240] • Caves not open to the public [8310] • *Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Annex II species: • Marsh fritillary Euphydryas Annex II- Marsh Fritillary, lesser horse shoe bat and Otter.</p>			
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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.)
<p>Construction phase e.g.</p> <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 	<ul style="list-style-type: none"> • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Lighting disturbance • Dust, noise, vibration • Storage of excavated/construction materials
<p>Operational phase e.g.</p> <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 	<ul style="list-style-type: none"> • Presence of people, vehicles and activities • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance
<p>In-combination/Other</p>	<p>In combination effects with 24/ 60338 could occur</p>

(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

- Disturbance to QI species
- 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.

(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes No

Step 4. Screening Determination Statement

The assessment of significance of effects:

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

The application is not accompanied by sufficient information to screen out the requirement for full AA/NIS. The subject site is 57m from the East Burren Complex SAC any while there are no hydrological pathways linking the subject site to the SAC, no CEMP or other information has been submitted to able the PA to conclude that no AA issues will arise (including those relating to bats).

Further information will be requested.

Conclusion: Further information will be requested to establish whether it is likely that the proposed development will have significant effects on European site(s) in view of its conservation objectives.

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input 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 checked="" type="checkbox"/>	<input checked="" 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:

Ellen Carey.
Name: Ellen Carey E.P.

18/10/24

**Signature and Date of the
Decision Maker:**

Ellen 18/10/24.



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

National Parks & Wildlife Service
C/o Grealish Glynn & Associates
1 The Punchbowl
Ennis Road
Gort
Co. Galway

27/09/2024

Section 5 referral Reference R24-75 – National Parks & Wildlife Service

Is the construction of an extension to an existing dwelling house and associated works development and if so, is it exempted development?

A Chara,

I refer to your application received on 25th September 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 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
 Aras Contae an Chlair
 New Road
 Ennis
 Co Clare

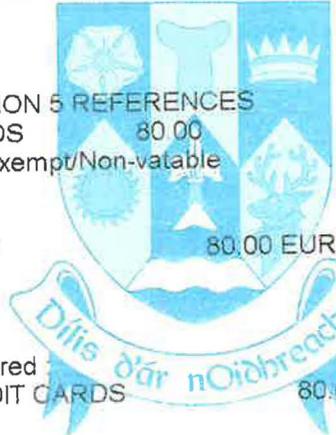
COMHAIRLE

27/09/2024 09:36:09

Receipt No. L1CASH/0/369878
 ***** REPRINT *****

NATIONAL PARKS & WILDLIFE SERVICE
 C/O GREATSH GLYNN & ASSOCIATES
 1 PUNCHBOWL
 ENNIS ROAD, GORT
 CO. GALWAY
 REF R24-75

SECTION 5 REFERENCES	80.00	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 - 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



R24-75

**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	National Parks & Wildlife Service <hr/> Customs House <hr/> Druid Lane <hr/> Galway <hr/> H91 XV2C
(b) Telephone No.:	(
(c) Email Address:	,
(d) Agent's Name and address:	Grealish Glynn & Associates <hr/> 1 The Punchbowl, Ennis Road, Gort, Co.Galway. <hr/> <hr/> <hr/>



2. DETAILS REGARDING DECLARATION BEING SOUGHT

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

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

Is the construction of an extension to an existing dwelling house and associated works exempted development

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

It is proposed to remove existing rear extension and construct new 39.8 sq m extension to the rear of the existing dwelling house. The removal of internal walls and chimnies will also be completed as part of Energy Upgrade works.

(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, Elevations and Sections, Site layout and 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:	Castletown Carran Co. Clare V95 FN50
(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
(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? <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:	2024/2025

SIGNED: Mairtin Grealish (Agent)

DATE: 25/09/24

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:	

SITE LOCATION MAP

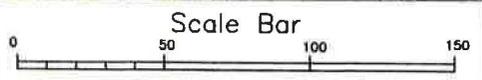
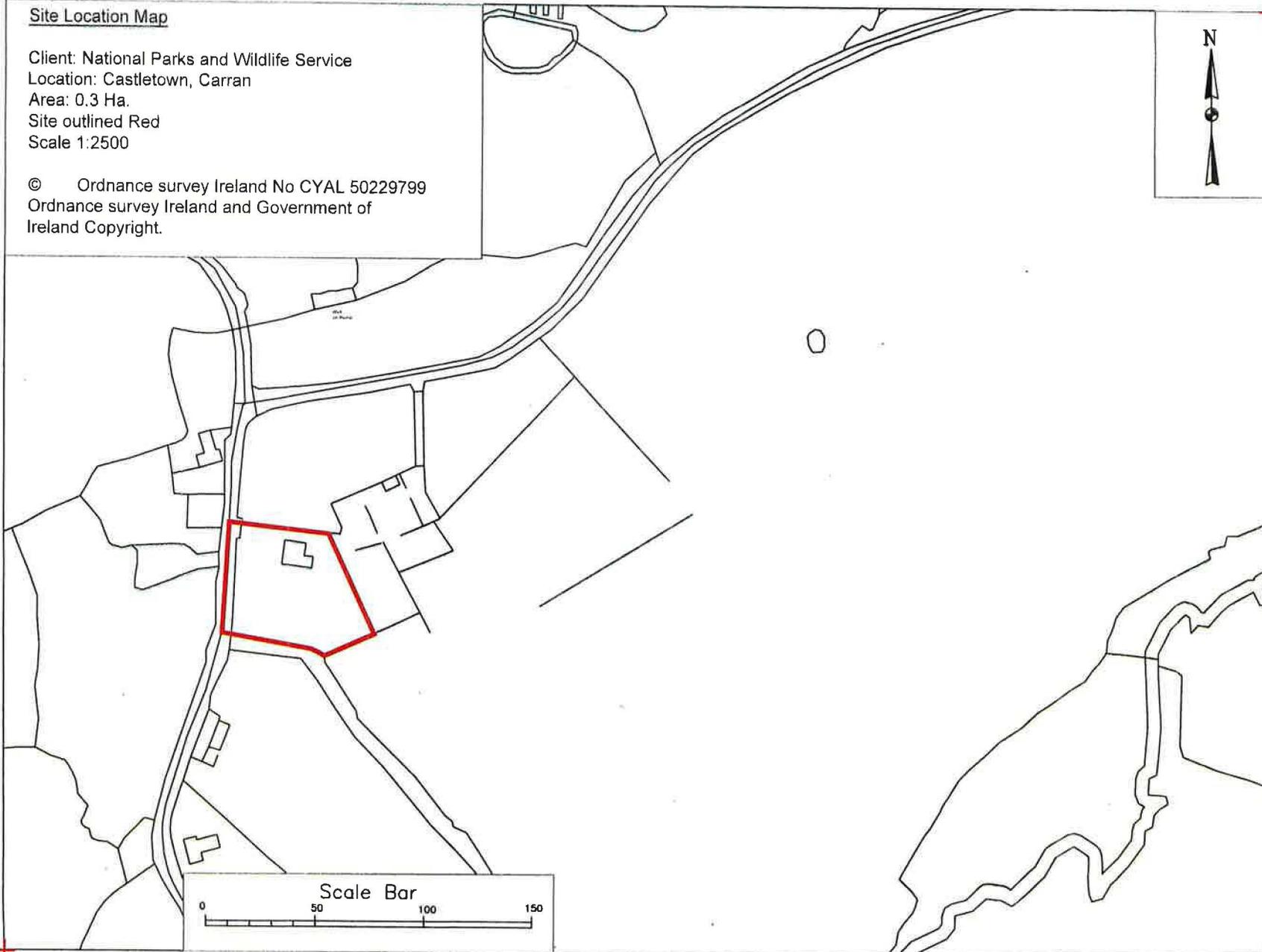
Site Location Map

Client: National Parks and Wildlife Service
Location: Castletown, Carran
Area: 0.3 Ha.
Site outlined Red
Scale 1:2500

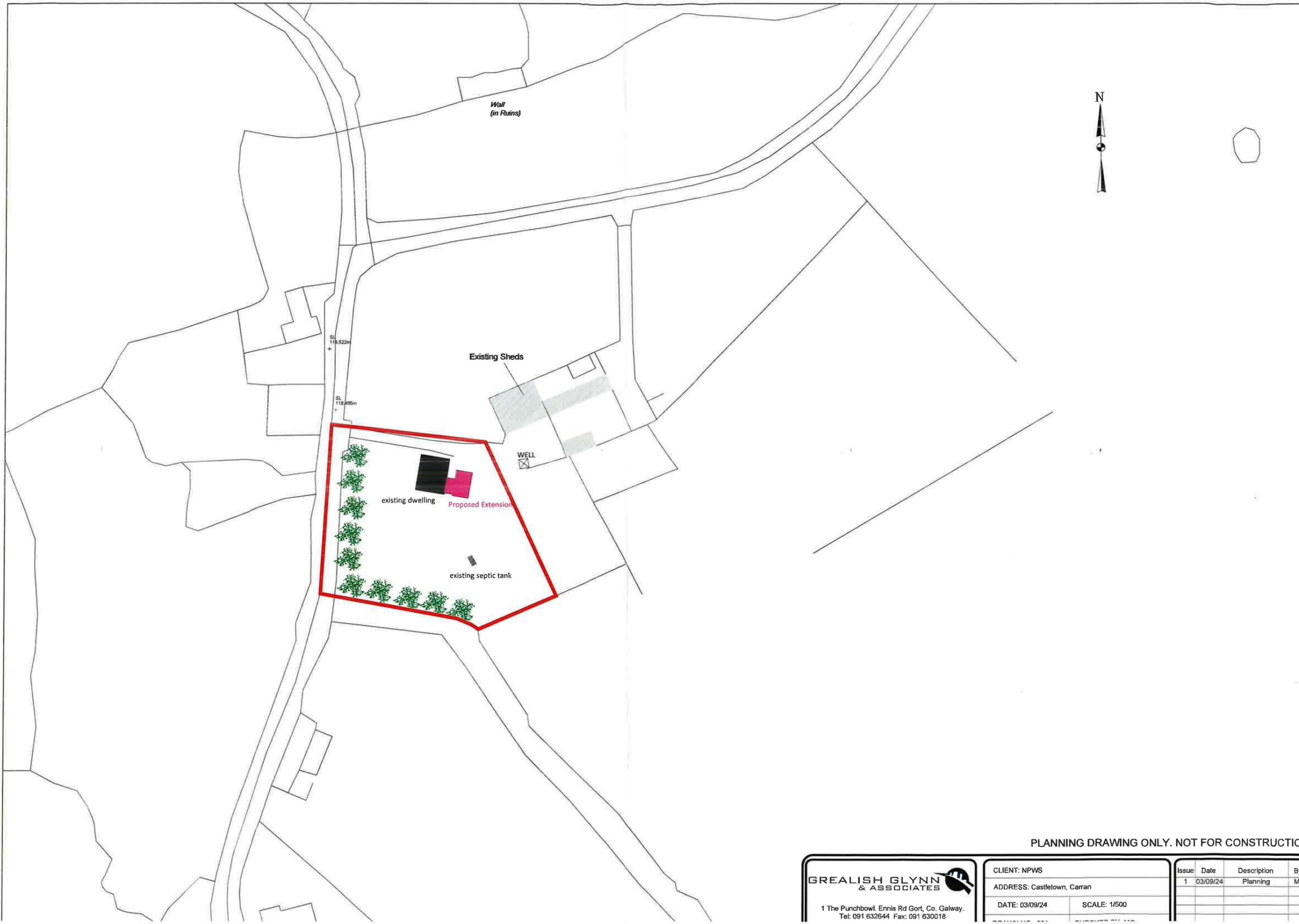
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Ordnance survey Ireland and Government of
Ireland Copyright.



E 528635
N 698045



N 697615
E 528052



PLANNING DRAWING ONLY. NOT FOR CONSTRUCTION

GREALISH GLYNN & ASSOCIATES

1 The Punchbowl, Ennis Rd Gort, Co. Galway.
Tel: 091 632644 Fax: 091 630018

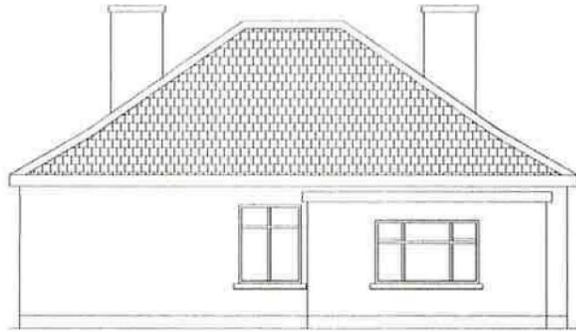
CLIENT: NPWS	
ADDRESS: Castletown, Carran	
DATE: 03/09/24	SCALE: 1/500

Issue	Date	Description	By
1	03/09/24	Planning	Mi

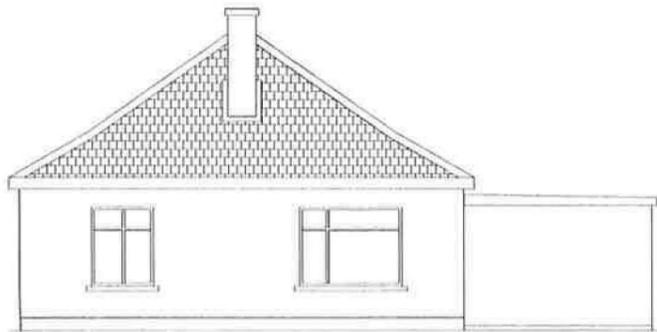
Existing Dwelling



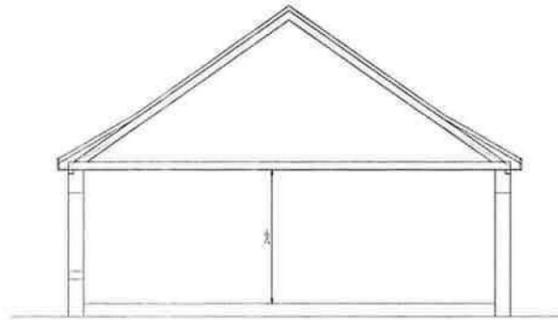
Front Elevation



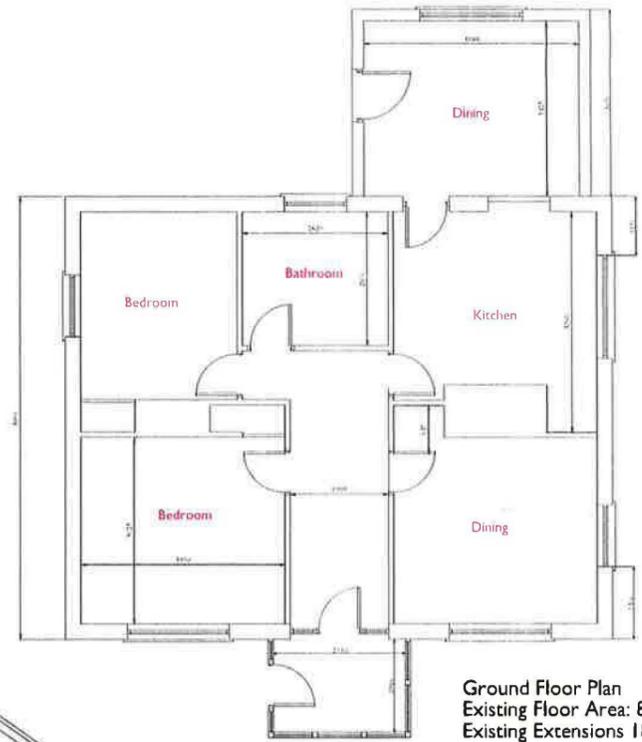
Rear Elevation



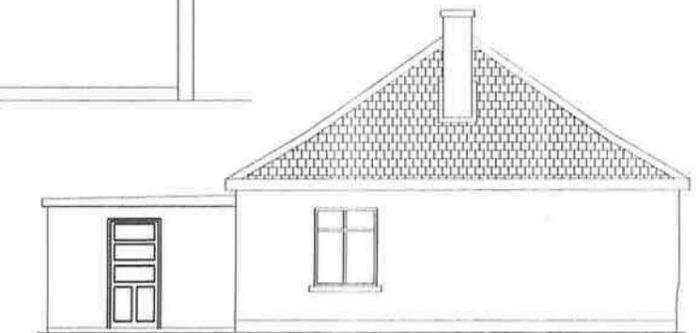
Side Elevation



Section

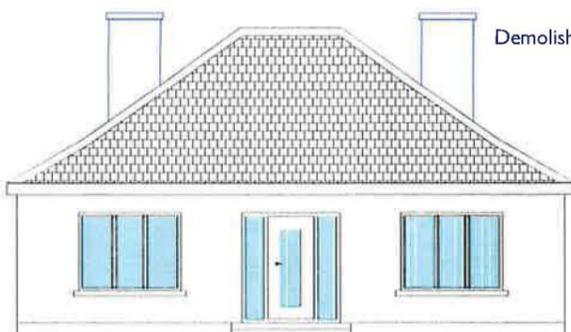


Ground Floor Plan
Existing Floor Area: 80 sq m
Existing Extensions 18.91 sq m

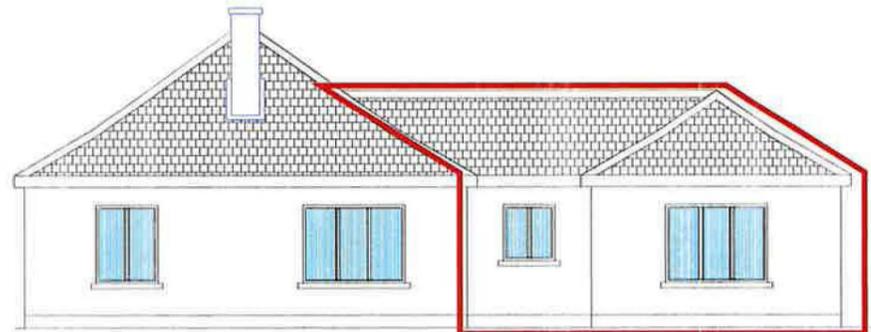


Side Elevation

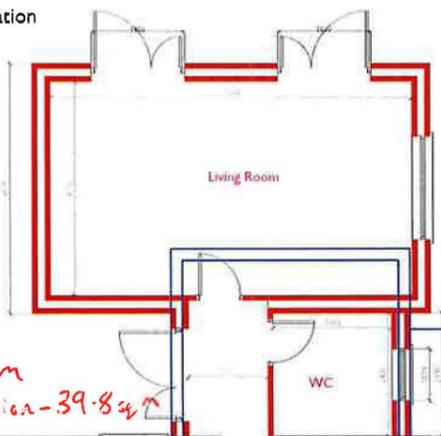
Proposed Extension (39.8 sq m)



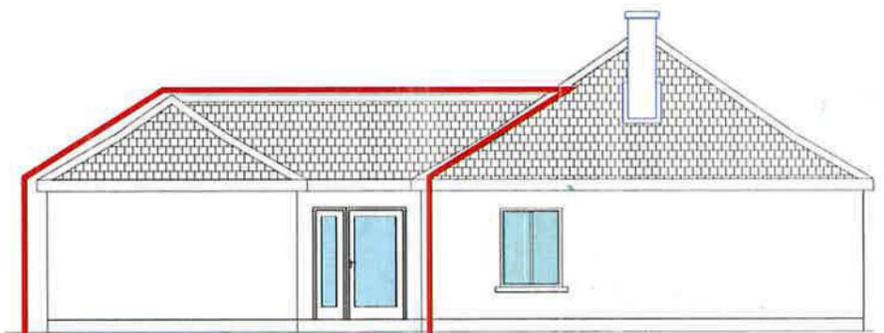
Front Elevation



Side Elevation



Existing extension to be removed



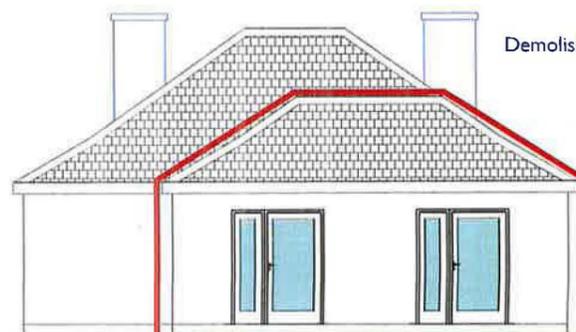
Side Elevation

existing floor area - 80 sq m
proposed extension - 39.8 sq m

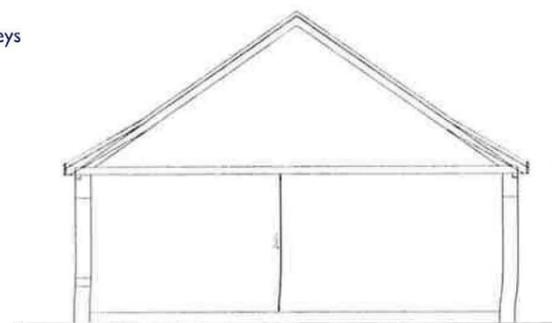


Ground Floor Plan

Porch to be removed



Rear Elevation



Section