



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

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Louise Hann
C/o Christopher Kinghan & Associates
Carricknagoan
Coolderry P.O
Carrickmacross
Co. Monaghan
A81 E720

25th November 2024

Section 5 referral Reference R24-84 – Louise Hann

(a) Is the construction of an Agricultural Structure Class 9 General Purpose shed to store feed, fodder and farm implements development and if so, is it exempted development? (b) Is the construction of an Agricultural Structure Class 9 Roofed manure pit development and if so, is it exempted development?

A Chara,

I refer to your application received on 31st October 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

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

Reference No.: R24-84



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R24-84

(a) Is the construction of an Agricultural Structure Class 9 General Purpose shed to store feed, fodder and farm implements development and if so, is it exempted development? (b) Is the construction of an Agricultural Structure Class 9 Roofed manure pit development and if so, is it exempted development?

AND WHEREAS, Louise Hann has requested a declaration from Clare County Council on the said question.

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Schedule 2, Part 3, Class 9 of the Planning and Development Regulations 2001 (as amended)
- (c) Schedule 2, Part 1, Class 3 of the Planning and Development Regulations 2001 (as amended)
- (d) The details and particulars as received by the Planning Authority with this referral on 31st October 2024.

And whereas Clare County Council has concluded:

- (a) The subject structures constitute both 'works' and 'development' as set out in Sections 2 and 3 of the Planning & Development Act, 2000, as amended,
- (b) The proposed structures are to be located within the curtilage of a dwelling house, and as such the exemptions for agricultural buildings as set out under Class 9 of Part 3, Schedule 2 of the Planning & Development Regulations 2001, as amended, do not apply.
- (c) The structure would not meet the exempted development requirements of Class 3 of Part 1, Schedule 2 of the Planning & Development Regulations 2001, as amended (i.e. development within the curtilage of a house), including the conditions and limitations therein.
- (d) There were no other provisions under the Planning Acts or Regulations to render the subject structure as exempt development.

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

The proposed development consisting of the proposed construction of an agricultural structure general purpose shed to store feed fodder and farm implements and the construction of a roofed manure pit at Horseshoe Creek, Ruanard, Clonlara, Co. Clare **constitutes development** which is **not exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.



Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

25th November 2024

CLARE COUNTY COUNCIL

SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED

DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT

Chief Executive's Order No: 84522

Reference Number: R24-84

Date Referral Received: 31st October 2024

Name of Applicant: Louise Hann

Location of works in question: Horseshoe Creek, Ruanard, Clonlara, Co. Clare

Section 5 referral Reference R24-84 – Louise Hann

(a) Is the construction of an Agricultural Structure Class 9 General Purpose shed to store feed, fodder and farm implements development and if so, is it exempted development? (b) Is the construction of an Agricultural Structure Class 9 Roofed manure pit development and if so, is it exempted development?

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Schedule 2, Part 3, Class 9 of the Planning and Development Regulations 2001 (as amended)
- (c) Schedule 2, Part 1, Class 3 of the Planning and Development Regulations 2001 (as amended)
- (d) The details and particulars as received by the Planning Authority with this referral on 31st October 2024.

AND WHEREAS Clare County Council has concluded:

- (a) The subject structures constitute both 'works' and 'development' as set out in Sections 2 and 3 of the Planning & Development Act, 2000, as amended,
- (b) The proposed structures are to be located within the curtilage of a dwelling house, and as such the exemptions for agricultural buildings as set out under Class 9 of Part 3, Schedule 2 of the Planning & Development Regulations 2001, as amended, do not apply.
- (c) The structure would not meet the exempted development requirements of Class 3 of Part 1, Schedule 2 of the Planning & Development Regulations 2001, as amended (i.e. development within the curtilage of a house), including the conditions and limitations therein.
- (d) There were no other provisions under the Planning Acts or Regulations to render the subject structure as exempt development.

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 proposed construction of an agricultural structure general purpose shed to store feed fodder and farm implements and the construction of a roofed manure pit at Horseshoe Creek, Ruanard, Clonlara, Co. Clare is considered development which is not exempted development.

Signed:



GARETH RUANE
SENIOR EXECUTIVE PLANNER 

Date:

25th November 2024

CLARE COUNTY COUNCIL

SECTION 5 REFERRAL

Reference No: R24-84
Applicant: Louise Hann
Location: Horseshoe Creek, Ruanard, Clonlara County Clare.

Referral Question:

Is the construction of an Agricultural Structure Class 9 General Purpose shed to store feed, fodder, and farm implements development and if so, is it exempted development.

Is the construction of an agricultural structure Class 9 Roofed Manure Pit development and if so, is it exempted development?

Due Date: 27-11-24

Introduction and site location

The subject lands are in a rural area to the west of Clonlara and are adjacent to an existing housing development at Ruanard. There is an existing dwelling house, garage and stables and an all-weather horse arena on this site and this is on a large site area and is accessed via a long private access driveway, with a length of approx. 250m off the R463 Regional Road. The proposed shed that forms the basis of this query would be located to the rear of the existing dwelling .

Referral question:

The Referral Questions are as follows;

Is the construction of an Agricultural Structure Class 9 General Purpose shed to store feed, fodder and farm implements development and if so, is it exempted development

Is the construction of an agricultural structure Class 9 Roofed Manure Pit development and if so, is it exempted development

The referrer provides the following information in relation to this referral:

- It is proposed to construct a general purpose shed to store feed, fodder and farm implements and a roofed manure pit solely for agricultural use and ancillary works i.e. drainage yards etc.
- It is proposed to use the farms that existing public road entrance and access road.

The following information is provided in a cover letter as submitted;

- The applicant farms all of the lands shows on the site location plan as submitted which is just over 2 ha or 5 acres.
- The lands are an equine holding and currently have Planning permission on the holding for some stables.

- The Referrer has horses and is registered with the Department of Agriculture as an equine holding. There is also an existing all weather arena for the horses.
- There are no dwellings or public buildings other than the applicants own dwelling within 100m of the proposed location of the shed.
- The applicant is a small farmer and intends to lease or rent land long term as it becomes available in the locality. The applicant has previous agricultural planning history.
- Water supply is not required.
- From the site Farmyard / Layout plan it can be seen that it is proposed to construct the storage shed and roofed manure pit to the rear of the dwelling.
- As per the plans and drawings submitted, the shed as proposed has a floor area of 202m² and a maximum roof ridge height of 6.3m and is constructed partially with a low concrete wall and with galvanized sheeting.
- The agent for the Referrer has submitted a Statement of Screening for Appropriate Assessment as prepared for the proposed development.

Planning History at this site;

R23-86 Dualta Hann . This was a Section V Referral in which the following question was posed to the Planning Authority;

"Is the construction of a storage shed for Machinery at Horseshoe Creek, Ruanard Clonlara Development and if so, is it exempted development".

The referrer provided the following information in relation to this referral:

- The proposed shed is a storage shed for machinery under class 9 of the Planning and Development Regulations 2001, Part 3, Exempted Development, Rural.
- The proposed store will be greater than 100m from all other dwellings and will be used to store the applicants tractor and trailer, lawnmower, and other machinery to upkeep the landholding on which the application is made.
- The proposed store will be of painted metal construction with a shutter door to allow access and storage of a tractor and trailer/ Campervan.
- The proposed store will be 175m² in area with a ridge height of approx. 6m.

Clare County Council concluded that:

- i. The subject structure constituted both 'works' and 'development' as set out in Sections 2 and 3 of the Planning & Development Act, 2000, as amended,
- ii. The proposed structure was to be located within the curtilage of a dwelling house, and as such the exemptions for agricultural buildings as set out under Class 9 of Part 3, Schedule 2 of the Planning & Development Regulations 2001, as amended, do not apply.
- iii. The structure would not meet the exempted development requirements of Class 3 of Part 1, Schedule 2 of the Planning & Development Regulations 2001, as amended (i.e. development within the curtilage of a house), including the conditions and limitations therein.
- iv. There were no other provisions under the Planning Acts or Regulations to render the subject structure as exempt development.

Clare County Council deemed that the proposed construction of a storage shed for machinery at Horseshoe Creek, Ruanard Clonlara was development was not exempted development.

- **P14-635**

Dualta Hann

Permission was sought for the construction of a 150 square meter garage for the repair/servicing of cars (no onsite sales), connection to existing onsite services and all associated site works. Permission was refused for one reason as follows;

“ The subject site is located in a rural area that is characterized by Residential Development . The proposed development by reason of its scale and location, giving rise to noise and general disturbance relative to existing residential development, would seriously injure the amenities of and depreciate the value of neighboring properties that are located in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area”.

98-178

Anthony and Louise Scott

To construct a dwelling house, garage, 3 stables, treatment unit and associated works. Permission was granted subject to conditions.

UD 09-041 – This related to noncompliance with P 99-1753.

Statutory Provisions.

(1) Planning and Development Act 2000 (as amended)

To assess this proposal, regard must be had to the Planning and Development Act 2000, as amended (hereafter called The Planning and Development Act):

*S.3.(1)In this Act, “development” means, except where the context otherwise requires, **the carrying out of any works on, in, over or under land** or the making of any material change in the use of any structures or other land.*

‘Works are defined in Section 2 of the Planning Act 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.

'Structure' is defined at Section 2(1) of the Act as : *"any building, structure, excavation, or other thing constructed on or made on, in or under any land, or any part of a structure so defined, and:*

- 'Alteration' includes –

(a) *plastering or painting or the removal of plaster or stucco, or*

(b) *The replacement of a door, window, or roof,*

That materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures.

'Use' in relation to land does not include the use of the land by the carrying out of any works there on.

'Works' includes any act or operation of construction, excavation, demolition, extension, alteration, repair, or renewal.

(2) Planning & Development Regulations, 2001, as amended

Regard has been had to the provisions of Schedule 2, Part 1, Exempted Development General. 'Development within the Curtilage of a House' of the above regulations, and to Class 3 of his part of the Regulations, which provides for the following form of exempted development;

CLASS 3

Conditions and Limitations

The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.

1. No such structure shall be constructed, erected, or placed forward of the front wall of a house.

2. The total area of such structures constructed, erected, or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.

3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.

4. The external finishes of any garage or other structure constructed, erected, or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.

5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.

6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies, or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.

Regard has also been had to the provisions of Class 9 of Schedule 2 Part 3 of the Planning and Development Regulations 2001 (as amended), which provides for the following form of exempted development.

CLASS 9 Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in Class 6, 7 or 8 or 9 of this part of this Schedule, and having a gross floor space not exceeding 300 square meters.

Conditions and Limitations.

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

Under Article 9 (1) of the same Regulations

"Development to which Article 6 relates shall not be exempted development for the purposes of the Act:

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

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

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

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

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

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the

front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

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

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

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

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

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

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

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

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

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

(xi) obstruct any public right of way,

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

Environmental Impact Assessment

I do not consider that the proposed development falls within the mandatory requirements for an EIA as stated in EU Directive 85/337/EEC (as amended by Directive 97/11/EC, 2003/31/EC, and 2009/31/EC). The proposed development is also not considered to fall within the sub-threshold criteria having regard to the third schedule to the European Communities Environmental Impact Assessment (Amendment) Regulations 1999 and in Schedule 7 of the Planning and Development Regulations 2001, as amended.

Appropriate Assessment

Having regard to the nature and scale of the proposed development and the absence of proximity or connectivity to a European Site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects, on a European Site. An AA Screening Assessment is attached to this report.

Assessment

The referrer in this case has specifically, as per the application form submitted, asked if the proposed development, being;

The construction of an Agricultural Structure Class 9 General Purpose shed to store feed, fodder and farm implements, and the construction of an agricultural structure Class 9 Roofed Manure Pit

Is development and if so, is it exempted development.

(i) Is or is not development;

As per Section 3(1) of the Planning and Development Act 2000(as amended) 'development' is defined as follows;

*S.3.(1)In this Act, "development" means, except where the context otherwise requires, **the carrying out of any works on, in, over or under land** or the making of any material change in the use of any structures or other land.*

'Works are defined in Section 2 of the Planning Act 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.

Having regard to the nature of developments as proposed and to the above definitions of 'Development' and 'Works' the stated development is considered to be both development and Works.

(ii) Is or is not exempted development

The second matter relates to whether the developments to be carried out are or are not exempt development.

Consideration has been given to the provisions of Schedule 2, Part 1, Class 3 Exempted Development General 'Development within the Curtilage of a House' of the above regulations, and to Class 3 of his part of the Regulations, which provides for the following form of exempted development;

CLASS 3

Conditions and Limitations

The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.

- 1. No such structure shall be constructed, erected or placed forward of the front wall of a house.*
- 2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.*
- 3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.*
- 4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.*
- 5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.*
- 6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.*

Having regard to the floor area of the proposed structure, which is 202m², the proposed finishes of the structure which are not in keeping with those of the house on this site, the height of the proposed structure which is 6.3m and the proposal to use the structure for agricultural purposes and not for purposes solely incidental to the enjoyment of the house on the site, it is my view that the proposed structure does not meet the requirements of Schedule 2, Part 1, Class 3 of the Planning and Development Regulations and is not exempted development in accordance with this.

Consideration has been given to Class 9 of Schedule 2, Part 3, 'Exempted Development- Rural' of the Planning and Development Regulations 2001 (as amended), which provides for the following form of Exempted development:

CLASS 9 Works consisting of the provision of any store, barn, shed, glass-house or other
Conditions and Limitations.

- 1. No such structure shall be used for any purpose other than the purpose of a structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres. agriculture or forestry but **excluding the housing of animals or the storing of effluent.***
- 2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.*
- 3. No such structure shall be situated within 10 metres of any public road.*
- 4. No such structure within 100 metres of any public road shall exceed 8 metres in height.*
- 5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church, or building used for public assembly, save with the consent in writing of the owner and as may be appropriate, the occupier or person in charge thereof.*
- 6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.*

It is proposed to construct the structure within the curtilage of the Referrers own dwelling house and hence only the exempted development provisions that relate to development within the curtilage of a house can be considered in this case. The above class of exempted development only applies to development in a rural area but not within the curtilage of a house and hence cannot apply in this case.

Consideration has been given to Article 9 of the Planning and Development Regulations 2001 (as amended) which sets out restrictions on exempted developments. Having regard to the Restrictions on Exempted development as set out under Article, It is my opinion that none of the stated restrictions on exempted development would apply in this case.

Conclusion:

Consideration has been given to the potential exempt development provisions as may apply to the proposed development.

Having regard to the details as submitted the structure as proposed is considered to be both 'Works' and 'Development' as set out in Sections 2 and 3 of the Planning and Development Act 2000 as amended.

In the referral question submitted, the referrer has specifically asked the question if the proposed structure is exempted development in accordance with Schedule 1, Part 3 Class 9 of the Planning and Development Regulations 2001.

In this case it is proposed to construct the structure close to the referrers house and within the curtilage of this house, hence only the exempted development provisions as apply to development within the curtilage of a house can be considered and the forms of Exempted development – Rural cannot apply in this case.

There is no form/ class of exempted development provisions as set out in Schedule 2, Part 1 Exempted development General - Development within the curtilage of a house that can accommodate the proposed development.

It is considered that the stated structure is work's and is not exempted development.

Recommendation:

A question has arisen as to whether the construction of an agricultural structure general purpose shed to store feed fodder and farm implements and the construction of a roofed manure pit, is development and if so, is this exempted development.

And Whereas Clare County Council (Planning Authority) in considering this referral had regard to:

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Schedule 2, Part 3, Class 9 of the Planning and Development Regulations 2001 (as amended)
- (c) Schedule 2, Part 1, Class 3 of the Planning and Development Regulations 2001 (as amended)
- (d) The details and particulars as received by the Planning Authority with this referral on 31st October 2024.

Clare County Council concluded that:

- (iii) The subject structures constitute both 'works' and 'development' as set out in Sections 2 and 3 of the Planning & Development Act, 2000, as amended,
- (iv) The proposed structures are to be located within the curtilage of a dwelling house, and as such the exemptions for agricultural buildings as set out under Class 9 of Part 3, Schedule 2 of the Planning & Development Regulations 2001, as amended, do not apply.
- (v) The structure would not meet the exempted development requirements of Class 3 of Part 1, Schedule 2 of the Planning & Development Regulations 2001, as amended (i.e. development within the curtilage of a house), including the conditions and limitations therein.
- (vi) There were no other provisions under the Planning Acts or Regulations to render the subject structure as exempt development.

Clare County Council deemed that the proposed construction of an agricultural structure general purpose shed to store feed fodder and farm implements and the construction of a roofed manure pit, is development and **is not exempted development**.

Annemarie McCarthy

Annemarie McCarthy
Executive Planner
22-11-24

GA
22/11/24



Appropriate Assessment & Determination

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

(a) File Reference No:	24-84
(b) Brief description of the project or plan:	<p>The proposed construction of ;</p> <p>-An Agricultural Structure for general purpose uses and to store feed, fodder, and farm implements</p> <p>The proposed construction of a Roofed Manure Pit</p>
(c) Brief description of site characteristics:	The site consists of garden areas associated with a dwelling house and wider agricultural lands owned by the referrer.
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	N/A
(e) Response to consultation:	N/A

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Shannon SAC 002165	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic 0.25 Potential hydrological connectivity via open land drain in the adjacent field to the north of the site. This is downslope of the	2.06k	None	No

	<p>site and at a remove of 60 metres at its closest point. No works are proposed either to this drain or in close proximity to the drain. The site is separated from the adjacent field by an existing field boundary ditch. Surfacewater gravity flows from the majority of the site are in a south easterly direction. There are no connecting drains between the site and this open drain. Site Location Lough Acrow Bogs pNHA Saint Senans Lough pNHA Lower River Shannon SAC River Shannon and River Fergus Estuaries SPA Tullagher Bog SAC Carrowmore Dunes SAC Mid Clare Coast SPA Newhall and Edenvale Complex SAC Knockanira House SAC Clonderalaw Bay pNHA Derrygeeha Lough pNHA Fergus Estuary & Inner Shannon North Shore pNHA Cloonsnaghta Lough pNHA Lough Naminna Bog pNHA Cragnashingaun Bogs pNHA Cahiracon Wood pNHA Gortglass Lough pNHARECEIVED: 04/10/2023 and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco - Puccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitrich o - Batrachion vegetation [3260] Molinia meadows on calcareous, peaty or clayey - silt -laden soils (Molinion caeruleae) [6410] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno -Padion, Alnion incanae, Salicion albae) [91E0] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] RECEIVED: 04/10/2023 Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Tursiops truncatus (Common Bottlenose Dolphin) [1349] Lutra lutra (Otter) [1355]</p>			
River Shannon and River	<p>Cormorant (Phalacrocorax carbo) [A017] Whooper Swan (Cygnus cygnus) [A038] Light-bellied Brent Goose (Branta bernicla</p>	Within 10k of this site	None	No

Fergus Estuaries SPA 004077	<p>hrota) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Scaup (<i>Aythya marila</i>) [A062] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Knot (<i>Calidris canutus</i>) [A143] 4.8 Potential hydrological connectivity via open land drain in the adjacent field to the north of the site. This is downslope of the site and at a remove of 60 metres at its closest point. No works are proposed either to this drain or in close proximity to the drain. The site is separated from the adjacent field by an existing field boundary ditch. Surfacewater gravity flows from the majority of the site are in a south easterly direction. There are no connecting drains between the site and this open drain. RECEIVED: 04/10/2023</p> <p>Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Greenshank (<i>Tringa nebularia</i>) [A164] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]</p>			
SAC Glenomra Wood 001013	<p>• Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p>	3.21k	None	No
SAC Slieve Bernagh Bog 002312	<p>Annex I habitats: • Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] • European dry heaths [4030] • Blanket bogs (* if active bog) [7130]</p>	8.99k	None	No

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

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

STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	None
Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles, and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	None

(b) Describe any changes to the European site:	
Examples of the type of changes to consider include: <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	None
(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	No



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Louise Hann
C/o Christopher Kinghan & Associates
Carricknagoan
Coolderry P.O
Carrickmacross
Co. Monaghan
A81 E720

04/11/2024

Section 5 referral Reference R24-84 – Louise Hann

(a) Is the construction of an Agricultural Structure Class 9 General Purpose shed to store feed, fodder and farm implements development and if so, is it exempted development? (b) Is the construction of an Agricultural Structure Class 9 Roofed manure pit development and if so, is it exempted development?

A Chara,

I refer to your application received on 31st October 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

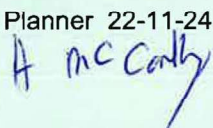
Brian Fahy
Planning Department
Economic Development Directorate

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.

Conclusion: The site is not within or close to any natura 2000 sites and consists of a storage shed. Having regard to the conservation objectives of the natura 2000 sites within a 10k radius of this site it is considered that no negative impacts would arise to the qualifying features of the Natura 2000 sites.

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	X <input type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
Signature and Date of Recommending Officer:	Annemarie McCarthy, Executive Planner 22-11-24	
Signature and Date of the Decision Maker:	 22-11-24	

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: planoft@clarecoco.ie
Website: www.clarecoco.ie



R24-84

**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	Louise Hann Horseshoe Creek, Ruanard, Clonlara, Co. Clare, V94 X2F9.
(b) Telephone No.:	
(c) Email Address:	N/A
(d) Agent's Name and address:	Christopher Kinghan & Associates Carricknagoan, Coolderry P.O., Carrickmacross, Co.Monaghan. A81 E720

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 Agricultural Structure Class 9 General Purpose shed to store feed, fodder and farm implements development and if so is it Exempted development.

Is the Construction of Agricultural Structure Class 9 Roofed manure Pit development and if so is it Exempted development.

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

Construct a General Purpose shed to store feed, fodder and farm implements and a Roofed Manure pit solely for agricultural use and ancillary works, i.e. yards, drainage etc. utilising the farm's existing public road entrance and access road

(c) List of plans, drawings etc. submitted with this request for a declaration:

(Note: Please provide a site location map to a scale of not less than 1:2500 based on Ordnance Survey map for the areas, to identify the lands in question)

See the Cover letter/ Schedule of documentation.

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT

(a) Postal Address of the Property/Site/Building for which the declaration sought:	Horseshoe Creek, Ruanard, Clonlara, Co. Clare, V94 X2F9. _____ _____
(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):	Freehold 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>	Not Applicable _____ _____
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	YES
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	NO
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	YES see Planning History letter for full details.
(h) Date on which 'works' in question were completed/are likely to take place:	Works will only commence when validated by the Planning Authority.

SIGNED:

Chris Toller Kingham

DATE: 18/09/2024

GUIDANCE NOTES

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

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

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

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

FOR OFFICE USE ONLY

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

Christopher Kinghan & Associates

CHARTERED SURVEYOR

ARCHITECTURAL, PLANNING & ENVIRONMENTAL DESIGN SOLUTIONS

Carricknagoan, Coolderry P.O., Carrickmacross, Co. Monaghan, A81 E720.

Tel: 085 164 6179 Email: kinghanchris@yahoo.com

no fee end

Our Ref: CK/Clare/ LH Your Ref:

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



Dear Sirs,

Application to Clare County Council - Louise Hann is applying for Confirmation of Exempted development to construct a General Purpose shed to store feed, fodder and farm implements and a Roofed Manure pit solely for agricultural use and ancillary works, i.e. yards, drainage etc. utilising the farm's existing public road entrance and access road at Horseshoe Creek, Ruanard, Clonlara, Co. Clare.

In connection with the above planning application we enclose the following documentation:-

Schedule of Documentation

Note all 1 copy unless stated

- Planning fee €80

Note all 2 copies unless stated

- Section 5 Application form
- Letter re- Planning History & Source of water supply.
- Planning History Information drawing scale 1:1,000
- Site Location Map Scale 1:2,500
- Proposed Farm/Site Layout Plan + contours and Notes Scale 1:500
- Construction Drawings for General Purpose shed to store fodder, feed and farm implements Scale 1:200
- Roofed Manure Pit Scale 1:200
- Standard specification and Safety notes
- Soakaway SUDS drawing Not to scale.
- Desktop Study - Stage 1 - Statement of Screening for Appropriate Assessment of a nearby Natura designated site.
- Part 2 of Desktop study. Organic Waste Nutrient Management Plan for the purpose of Planning Applications for Agricultural Development in accordance with the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2023.

We trust the above documentation is satisfactory and look forward to your favourable decision.

Yours faithfully,

A handwritten signature in cursive script that reads "Christopher Kinghan".

Christopher Kinghan B.Sc.(Hons) A.R.I.C.S.
Chartered Surveyor

Christopher Kinghan & Associates

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Clare County Council
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Dear Sirs,

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Planning History Letter

The applicant farms all the lands shown on the Site Location Plan Scale 1:2,500. At Horseshoe Creek, Ruanard, Clonlara, Co. Clare, V94 X2F9. Basically, just over 2 hectares or 5 acres. The lands are an equine holding and currently have Planning permission on the holding for some stables. The applicant has horses and is registered with the Department of Agriculture as an Equine holding. There is also an existing all weather arena for the horses.

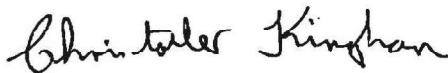
There are no dwelling houses or public buildings other than the applicant's which are within 100 meters of the proposed development.

The applicant is a small farmer, owns 2.02 hectares (5 acres approx.). The applicant also intends to purchase or lease land long term as it becomes available in the locality.

The applicant has previous agricultural planning history.

Water supply is not required. All the wells, sources of water supply/ septic tank and percolation areas for houses and public buildings in the vicinity (100 meters of the proposed building) are shown on the Planning Information map scale 1:2,500.

Yours faithfully,



Christopher Kinghan B.Sc.(Hons) A.R.I.C.S.
Chartered Surveyor

The information on neighbouring properties - wells , septic tanks, percolation areas, demonstration that 100 meter minimum distance to farm buildings has been achieved, 50 meter distance to water course is shown on General Information map Scale 1:2,500

Planning Pack Map

General Information Mapping 1.

Application to Clare County Council – Louise Hann is applying for Confirmation of Exempted development to construct a General Purpose shed to store feed, fodder and farm implements and a Roofed Manure pit solely for agricultural use and ancillary works, i.e. yards, drainage etc. utilising the farm's existing public road entrance and access road at Horseshoe Creek, Ruanard, Clonlara, Co. Clare.

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Caricknagoan, Coolderry P.O., Carrickmacross, Co. Monaghan, A81 E720
Tel: 085 164 6179 Email: kinghamchris@yahoo.com

A n R u á n A r d
R u a n a r d

Red Line denotes site boundary
Dark Blue Line denotes farm boundary/extent of the lands farmed by the applicant.

C l u a i n L á r a
C l o o n l a r a

For full details on water supplies and sewerage treatment see Page 2 .

SITE 'A'

Watercourses denoted in light blue

26.40

Ardnacrusha Canal
Ardnacrusha Canal

0 20 40 60 80 Metres
0 30 60 90 120 150 Feet

OUTPUT SCALE: 1:2,500



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008F6E4

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ITM 562060,864036
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17/10/2023
MAP SERIES:
1:2,500

ORDER NO.:
50363149_1
MAP SHEETS:
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4564-D

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www.osi.ie; search 'Capture Resolution'
LEGEND:
www.osi.ie; search 'Large Scale Legend'



Tailte

Planning Pack Map

General Information Mapping 2.

Application to Clare County Council – Louise Hann is applying for Confirmation of Exempted development to construct a General Purpose shed to store feed, fodder and farm implements and a Roofed Manure pit solely for agricultural use and ancillary works, i.e. yards, drainage etc. utilising the farm's existing public road entrance and access road at Horseshoe Creek, Ruanard, Clonlara, Co. Clare

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Carricknagagh, Coolderry P.O., Carrickmacross, Co. Monaghan, A81 E720
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An Ruán Ard
Ruanard

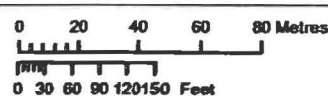
Red Line denotes site boundary
Dark Blue Line denotes farm boundary/extent of the lands farmed by the applicant.

Cluain Lára
Clonlara

100 meter circle from development showing all neighbouring dwellings are more than 100 meters distance from proposed buildings
Existing applicant's facilities highlighted in yellow.

Watercourses denoted in light blue

Ardnacrusa Canal
Ardnacrusa Canal



OUTPUT SCALE: 1:2,500



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Tel: 085 164 6179 Email: kinghanchris@yahoo.com

The red circles denote 100 meters distance from the nearest surrounding dwellings to the proposed works. This detail is clearer on the Site layout Plan Scale 1:500.

The dwellings in the estate and other houses including the applicant's are all on mains water supplied by the local Group water scheme. There are no wells within 100 meters of the development.

S denotes a a septic tank/percolation area for thew applicants dwelling.

The green shaded area is an area for communal sewerage system / above ground sewerage treatment, for some of the adjacent houses. It is more than 100 meters from the proposed works. There is an access lane from the estate also marked in green for maintenance purposes.

This information is provided to show that the proposed works detailed in this application does not pose any threat to potable water sources in the area (100 meters distance from proposed works).

The storage shed is also in existing farmyard area and greater than 10 meters from any watercourse.

Christopher Kinghan & Associates

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Application to Clare County Council – Louise Hann is applying for Confirmation of Exempted development to construct a General Purpose shed to store feed, fodder and farm implements and a Roofed Manure pit solely for agricultural use and ancillary works, i.e. yards, drainage etc. utilising the farm's existing public road entrance and access road at Horseshoe Creek, Ruanard, Clonlara, Co. Clare.

SITE (FARMYARD) LAYOUT PLAN NOTES

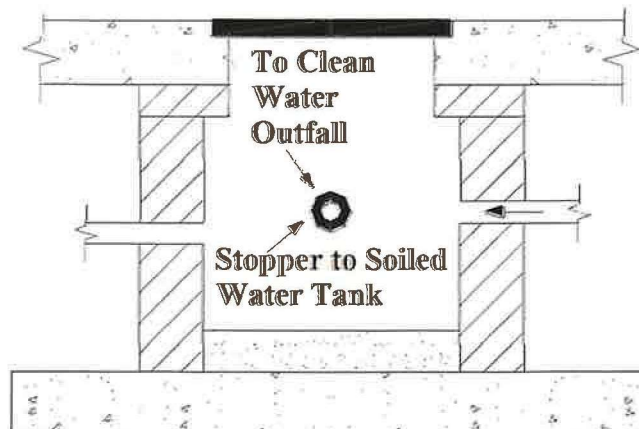
Please read in conjunction with desktop study and Site (farmyard) layout plan drawing scale 1:500

- 1) **SETTING OUT - Point A *** is an exact fixed point on the drawing from which all proposed buildings can be set out
- 2) Full surface water and effluent drainage facilities are to be provided throughout the farm yard in accordance with **Department of Agriculture Specification S129 Farmyard drainage, concrete yards and roads.**
- 3) All uncontaminated surface waters from all existing and proposed buildings, roofs and yards shall be separately collected, kept clean and piped directly by an impermeable system to soakaways or to the land drains system as indicated on the Site Layout Plan drawing. Uncontaminated drainage is signified on the drawing by a broken/dotted blue line.

All Concrete yards shaded in yellow and/or hardcore yards shaded in grey on the Site (Farmyard) Layout plan are clean yard areas, no soiled water and are to be laid to falls and cross falls and drained by stormwater drainage to SUDS soakaway. Blue dashed lines denote storm water (clean) drainage.

The drainage is constructed to S.129 Minimum Specifications for Farmyard Drainage, Concrete Yards and Roads - January 2016. There will be inspection chambers at all changes in direction, junctions and at maximum distances of 90 meters. Drains at the point of exit from the yard, at the point where it leaves the yard to allow the drainage water to be monitored for contamination.

Such manholes shall be constructed with a facility to close-off the outlet if required and a sump at least 300mm deep to allow the insertion of a submersible pump to facilitate evacuation should accidental spillage of oil, toxic sprays etc. gain access to the clean water yard drainage system.



- 4) **Where applicable**, Contaminated surface water i.e. soiled yard water, and all other effluents including silage effluents **shall not be** allowed to enter drains or waterways. Such effluents shall be directed to slatted tanks or effluent holding tanks. In instances where silage effluent is to be stored, the concrete specification for the holding tank needs to be upgraded accordingly. Contaminated drainage is signified on the drawing by a broken/dotted red line.
- 5) **Where applicable**, All effluent/slurry holding tanks shall be constructed so that groundwater is prevented from entering said tanks. There is to be manholes positioned at any pipe junctions or changes in direction of foul drainage as heretofore described.
- 6) **The farm roadway** from the entrance to the farmyard will be unpaved to DAFM Specification S.199 March 2024 It will be 3.5 m width for its entire length. In accordance with the latest revised S.199 specification for all new farm roadways, a fence on both sides of the roadway shall be erected, where animals are grazing adjacent to the roadway. An electric fence will suffice in this instance.
- 7) All material waste generated during construction, including any waste waters, shall be recovered and disposed of properly in accordance with the Waste Management Acts 1996-2008. With the exception of excavated material from the site which can be re-used within the applicant's farm boundary.
- 8) Main plan dimensions (for validation purposes) are shown for all new buildings.
- 9) The Site boundary is depicted by a solid red line - it is a notional boundary/ not a legal boundary for planning purposes only.
- 10) The position of the site notice is shown on plan, as the site is a considerable distance from the public road an additional notice is located on the public road accordingly.
- 11) It is not intended to screen existing farmyards with hedging.

Christopher Kinghan & Associates

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SPECIFICATION & HEALTH AND SAFETY PLAN

TO BE READ IN CONJUNCTION WITH ALL PLANNING AND CONSTRUCTION DRAWINGS

SPECIFICATION

NOTE : The written specification takes precedence over the drawings – obviously there is far greater construction detail in the written specifications and this detail needs to be met in its entirety. There are various methods to attain structural compliance, ventilation and natural lighting rules. This does not affect the overall building appearance nor does it affect overall dimensions of a building from a Planning compliance viewpoint.

For grant aided work it is an important condition of the grant that the buildings are exactly in the position and the size set out in the drawings associated with the planning application or exemption. Failing to meet this condition jeopardises all the grant monies. Note: All materials used in the construction of buildings to this specification shall be sourced as new.

A simplified sketch can be provided to the builder showing the critical dimensions for setting out the project on request from the Architect. ALL PROPOSED BUILDINGS MUST BE CONSTRUCTED EXACTLY IN THE POSITION AGREED BY THE GRANT OF PLANNING PERMISSION

Farm buildings can be dangerous and specialist work – all builders need to have a full understanding of the Department of Agriculture's specifications.

All elements of construction work to comply with the conditions set out in the Planning Permission or Exemption Notice, Irish Building regulations and the current DEPARTMENT OF AGRICULTURE AND FOOD specifications as follows:-

Dept of Agriculture Farm Building and Structures Specifications

- **Health and Safety Guide for Construction Works (pdf 398Kb)**
- **Listing of dates of when specifications were updated - 30 November 2018 (pdf 133Kb)**

Specifications

- **S100 Concrete Specification - October 2015 (doc 99Kb)**
- **S101 Minimum Specifications for the structure of Agricultural Buildings - July 2016 (doc 2,188Kb)**
- **S101A Non-Load Bearing Wall Panels for use in Cattle and Sheep Houses - May 2019 (doc 41Kb)**
- **S101D Accepted Safety Grids for Under Translucent Sheets - January 2017 (doc 1,027Kb)**
- **S102 Minimum Standards for Roof Cladding and Side Cladding - August 2018 (doc 137Kb)**
- **S105 Storage Structures for Farm Produce - February 2016 (doc 230Kb)**
- **S108 Manure pits and Dungsteads**
- **S127 - Minimum Specification for Gravel Roads and Access Roads to Mountain and Hill Pastures - Oct 08 (doc 16Kb)**
- **S129 Minimum Specifications for Farmyard Drainage, Concrete Yards and Roads - January 2016 (doc 118Kb)**
- **S135 Screening Belts and Shelter Belts for Farmyards and Farmbuildings - November 2008 (doc 39Kb)**
- **S148 Farm Fencing - August 2019 (doc 196Kb)**
- **S148A Accepted Fencing Posts - January 2019 (doc 69Kb)**
- **S.199 Minimum specification for farm roadways. January 2021 S100 Concrete Specification - October 2015 (doc 99Kb)**

And all other relevant standard specifications from the same source. In all instances the latest available revised specification is to be used.

Note: These specifications are flexible in that they set out various methods of construction. They are the minimum standard acceptable for grant aided works. Where there is a conflict with the drawings the standards set out in these specifications super-cedes the drawings. Construction details in the working drawings are only suggested methods of construction. Provided the contractor has the agreement of the client and Architect, does not change outer appearance of a building/ or the external dimensions, the Contractor is free to choose any construction method that complies with Dept. of Agriculture standards.

Construction details in the working drawings are only suggested methods of construction. Provided the contractor has the agreement of the client and Architect, does not change outer appearance of a building/ or the external dimensions, upon which the Planning permission is based, and the critical internal dimensions upon which the grant aid is based, then the Contractor is free to choose any construction method that complies with Dept. of Agriculture standards.

But, if there is any doubt as to eligibility of any change it is the contractor's responsibility to check with the Dept. of Agriculture and approve the change as otherwise the Dept. may impose financial penalties on the client/employer.

**The specifications are all available online and copies can also be obtained from the Architect.
If explanation or clarification is required on any matter you are welcome to contact the Architect at any time.**

Checking Ground conditions

Prior to making the grant application, or commencing construction if there is no grant, it is the farmer/ building contractor's responsibility to ascertain ground conditions in the vicinity of the proposed building or tank i.e. dig 2 no. trial holes (outside but in the vicinity of the footprint of the works) at a minimum depth of 3.0m and check there is no bed rock.

It is extremely difficult to alter the design once work has commenced and excavating in rock is often NOT financially justifiable.

These trial holes should be fenced off, stepped in construction to enable anyone who falls in to climb out and left open for 48 hours to ascertain the water table – It may be necessary to agree a method of keeping the excavations free of water whilst constructing the works.

DESIGN OF TANKS

General Design

A minimum of 16, 18, 20 or 22 weeks storage shall be provided in all new and converted structures in line with the requirements of S.I. 788 of 2005 European Communities (Good Agricultural Practice for Protection of Waters) Regulations and any subsequent amendments to the regulations. However, where the Local Authority has specified a higher winter storage period, then this must be complied with.

General note for Buildings over slatted tanks (where applicable)

Walls shall not be built directly onto slats under any circumstances. As walls are not mandatory in most houses steel barriers may instead be installed across the gable end of a building, with or without steel cladding. Prefabricated concrete wall panels may also be installed (Clause B9.2 in S.101), positioned at least 10mm above the top of the slats. If it is decided to install a blockwork or mass-concrete gable wall, then it shall be positioned on a supporting beam. This beam may either be prefabricated, or constructed on site and shall have at least 150 mm support at each end. If it is decided to extend the slats under the beam, there shall be a gap of at least 10mm between the beam and the top of the slats. In all circumstances there shall be sufficient space outside the house to install a 1.2m wide slab or manhole slab on the walls of the extended tank.

Where a wall is erected on a tank wall, the tank wall shall be wide enough to carry the full width of wall and provide a full slab bearing of 150mm. Where walls are 200mm, 350mm (min.) tank walls are necessary.

SAFETY AND HEALTH PLAN

FOR SAFETY DURING CONSTRUCTION

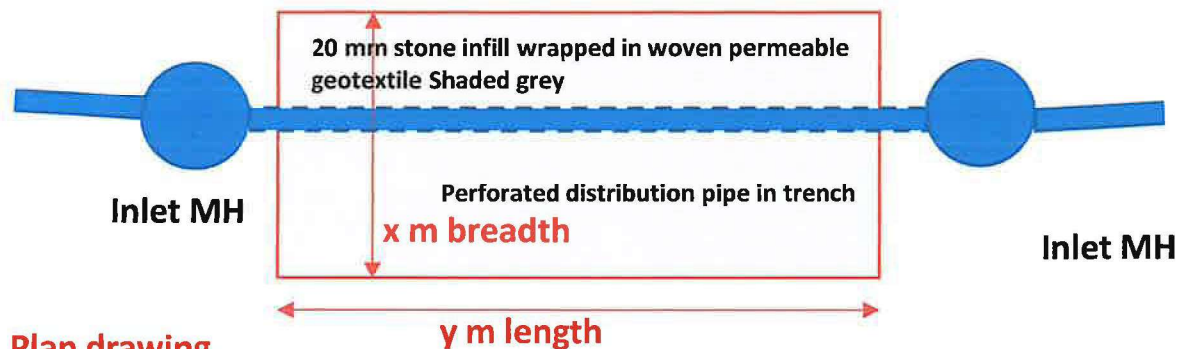
Also refer to Dept. of Agriculture Health and Safety Guide including Form AF1

This document is not part of the planning documentation but is prepared and given to the client at the time of planning submission. It is available to the planning Authority on request.

NOTE: The ESB will be notified by the applicant to move any of their installations which /if they impact on this development following grant of planning permission (usually within 10 metres of the development and applicable in this case).

SUDS Soakaway trench design Schematic only.

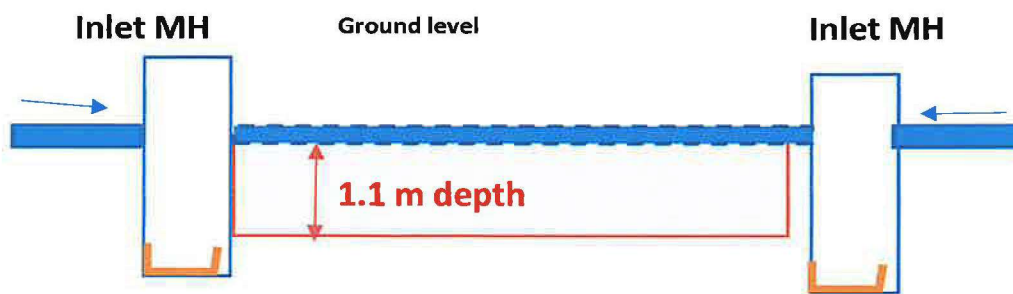
Not to scale.



Plan drawing

length breadth depth dimension determined in calculations.

20 mm stone infill wrapped in woven permeable geotextile Shaded grey



Construct 1.2 m diameter inlet chambers as Silt trap ie. 0.3 m below bottom of trench . Removable collection pans for silt to each side of the trench

Section drawing

Christopher Kinghan & Associates

CHARTERED SURVEYOR

ARCHITECTURAL, PLANNING & ENVIRONMENTAL DESIGN SOLUTIONS

Carricknagoan, Coolderry P.O., Carrickmacross, Co. Monaghan, A81 E720.

Tel: 085 164 6179 Email: kinghanchris@yahoo.com

Application to Clare County Council – Louise Hann is applying for Confirmation of Exempted development to construct a General Purpose shed to store feed, fodder and farm implements and a Roofed Manure pit solely for agricultural use and ancillary works, i.e. yards, drainage etc. utilising the farm's existing public road entrance and access road at Horseshoe Creek, Ruanard, Clonlara, Co. Clare.

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Desktop Study – Stage 1 - Statement of Screening for Appropriate Assessment of a nearby Natura designated site.

Part 2 of Desktop study. Organic Waste Nutrient Management Plan for the purpose of Planning Applications for Agricultural Development in accordance with the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2023.

Application to Clare County Council – Louise Hann is applying for Confirmation of Exempted development to construct a General Purpose shed to store feed, fodder and farm implements and a Roofed Manure pit solely for agricultural use and ancillary works, i.e. yards, drainage etc. utilising the farm's existing public road entrance and access road at Horseshoe Creek, Ruanard, Clonlara, Co. Clare.

Part 1 of Desktop study.

Stage 1 - Statement of Screening for Appropriate Assessment – Summary

Section 1 INTRODUCTION

The actual Assessment commences on Page 3. The notes on Pages 1 and 2 detail the reasons and methodology of the need for this natura assessment.

With the introduction of the Habitats Directive (Council Directive 92/43/EEC on the Conservation of natural habitat and of wild fauna and flora) came the obligation to establish the Natura 2000 network of Sites of Community Interest (SCIs), comprising a network of areas of highest biodiversity importance for rare and threatened habitats and species across the European Union (EU).

In Ireland, the Natura 2000 network of sites comprises Special Areas of Conservation (SACs, including candidate SACs) designated under domestic legislation transposing Directive 92/43/EEC, and Special Protection Areas (SPAs, including proposed SPAs) classified under the Birds Directive (Council Directive 2009/147/EC on the conservation of wild birds) and designated under the same domestic legislation.

SACs are designated for the conservation of Annex I habitats (including priority types which are in danger of disappearance) and Annex II species (other than birds). SPAs are designated for the conservation of Annex I birds and other regularly occurring migratory birds and their habitats. The annexed habitats and species for which each site is designated correspond to the qualifying interests of the sites; from these the conservation objectives of the site are derived.

SACs and SPAs make up the pan-European network of Natura 2000 sites. It should be noted that 'European sites' are defined in Regulation 2(1) of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended ('the 2011 Regulations') and Section 177R of the Planning and Development Act 2000, as amended ('the 2000 Act').

1.1 Appropriate Assessment

1.1.1 The Habitats Directive

A key protection mechanism in the Habitats Directive is the requirement to subject plans and projects to Appropriate Assessment (AA) in line with the requirements of Article 6(3) of the Habitats Directive, which requires that–

This desktop study is concerned only with **Stage 1 - Screening for Appropriate Assessment**: An initial or preliminary assessment of the project or plan's effect on a European site(s). If it cannot be concluded that there will be no significant effect upon a European site, then an appropriate assessment of the implications of a plan or project must be conducted.

1.2 Document Structure

Methodology and Guidance

Section 2 of the document, sets out the methodology followed and guidance documents used in conducting a screening appraisal for appropriate assessment and subsequent appraisal for appropriate assessment of the implications of the proposed development on European sites.

Proposed Development

Section 3 of the report describes the proposed development, the general methodology sequence and activities to be undertaken.

Stage 1 Screening Appraisal

Section 4 of the report contains a preliminary examination and analysis to understand whether or not the proposed development is likely to have a significant effect on any European site. This is the screening appraisal for appropriate assessment. It has been undertaken in view of best scientific knowledge, in light of the Conservation Objectives of the sites concerned and considers the proposed development

individually or in combination with other plans and projects. In accordance with EC guidance and settled case law of the CJEU, measures intended to avoid or reduce the harmful effects of the proposed development on European sites, (i.e. "mitigation measures") or best practice measures have not been taken into account in the screening stage appraisal.

Section 2 METHODOLOGY

2.1 Published guidance on Appropriate Assessment

Appropriate Assessment Guidelines for Planning Authorities have been published by the Department of the Environment Heritage and Local Government and more recently by the Office of the Planning Regulator Practice Note (PN01) (OPR,2021). In addition to the advice available from the Department, the European Commission has published a number of documents which provide a significant body of guidance on the requirements of Appropriate Assessment.

This Stage 1 Screening Appraisal is carried out in conformity with this guidance.

2.2 Likely Significant Effect

The Commission's 2018 Notice (EC, 2019) advises that the appropriate assessment procedure under Article 6(3) is triggered not by the certainty but by the likelihood of significant effects, arising from plans or projects regardless of their location inside or outside a protected site. Such likelihood exists if significant effects on the site cannot be excluded. The significance of effects should be determined in relation to the specific features and environmental conditions of the site concerned by the plan or project, taking particular account of the site's conservation objectives and ecological characteristics.

The threshold for a Likely Significant Effect ("LSE") is treated in the screening exercise as being above a de minimis level. A de minimis effect is a level of risk that is too small to be concerned with when considering ecological requirements of an Annex I habitat or a population of Annex II species present on a European site necessary to ensure their favourable conservation condition. If low level effects on habitats or individuals of species are judged to be in this order of magnitude and that judgment has been made in the absence of reasonable scientific doubt, then those effects are not considered to be LSEs.

The analysis involved in a Stage 1 screening appraisal for Appropriate Assessment is described in EC (2021) as comprising four steps:

- ascertaining whether the plan or project is directly connected with or necessary to the management of a Natura 2000 site;
- identifying the relevant elements of the plan or project and their likely impacts;
- identifying which (if any) Natura 2000 sites may be affected, considering the potential effects of the plan or project alone or in combination with other plans or projects;
- assessing whether likely significant effects on the Natura 2000 site can be ruled out, in view of the site's conservation objectives. Case law of the Court of Justice of the European Union (CJEU) has confirmed that a significant effect is triggered when:
 - there is a probability or a risk of a plan or project having a significant effect on a European site;
 - the plan is likely to undermine the site's conservation objectives; and
 - a significant effect cannot be excluded on the basis of objective information. EC (2021) defines a LSE as being "any effect that may reasonably be predicted as a consequence of a plan or project that would negatively and significantly affect the conservation objectives established for the habitats and species significantly present on the Natura 2000 site. This can result from either on-site or offsite activities, or through combinations with other plans or projects". The requirement that the effect in question be 'significant' exists in order to lay down a de minimis or negligible threshold – thus, plans or projects that have no appreciable or imperceptible effects on the site are thereby excluded.

2.3 Mitigation Measures In determining whether or not likely significant effects will occur or can be excluded in the Stage 1 appraisal, measures intended to avoid or reduce the harmful effects of the proposed development on European sites, (i.e. "mitigation measures") or best practice measures have not been taken into account in this screening stage appraisal. This approach is consistent with up-to-date EU guidance (EU,2019; EC,2021) and the case law of the Court of Justice of the European Union (CJEU).

EC (2001) states that "project and plan proponents are often encouraged to design mitigation measures into their proposals at the outset. However, it is important to recognise that the screening assessment should be carried out in the absence of any consideration of mitigation measures that form part of a project or plan and are designed to avoid or reduce the impact of a project or plan on a Natura 2000 site". This direction in the European Commission's guidance document is unambiguous in that it does not permit the inclusion of mitigation at screening stage.

In April 2018, the Court of Justice of the European Union issued a ruling in case C-323/17 *People Over Wind & Peter Sweetman v Coillte Teoranta* ("People Over Wind") that Article 6(3) of Directive 92/43/EEC must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, **it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.**

The judgment in *People Over Wind* is further reinforced in EC (2019) and EC (2021) which refers to CJEU Case C-323/17.

Therefore, in consideration of the above, no mitigation measures will be considered in the Stage 1 screening. It is also pointed out prior to commencement of this study that there is no change in stocking rates proposed on this farm, nor any change in the amounts of animal nutrients or the nature of the animal nutrients applied on or into the land by this project.

The maps and data utilised in this Stage 1 screening appraisal are all obtained from <https://www.npws.ie/maps-and-data>

Section 3 describing the proposed development, the general methodology sequence and activities to be undertaken.

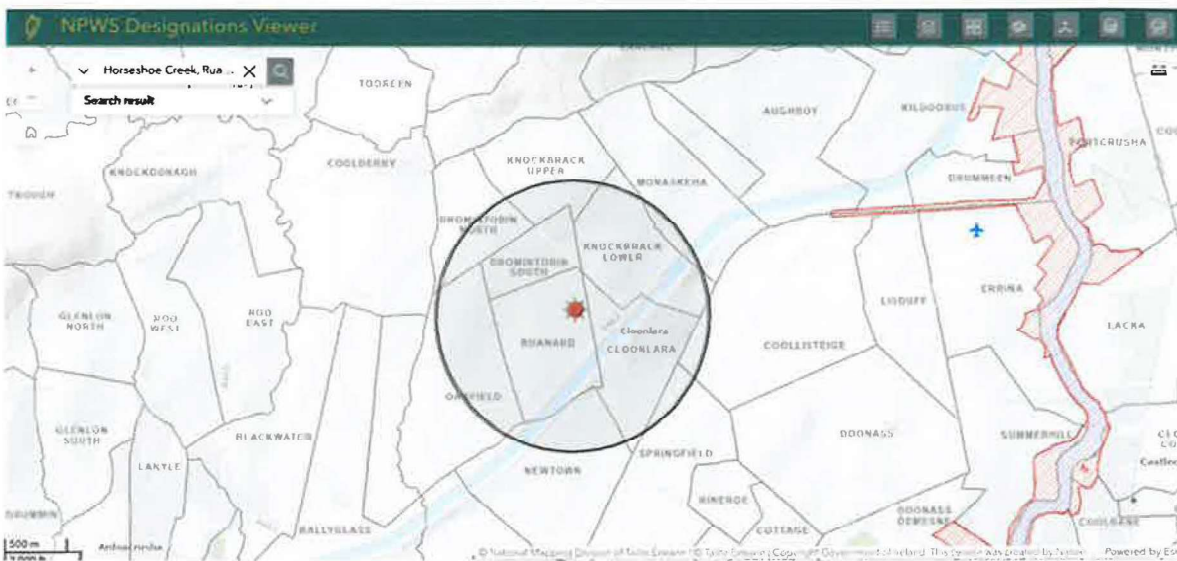
Description of proposed development (which is supported by all the planning documentation listed in the cover letter to the planning department:

Application to Clare County Council – Louise Hann is applying for Confirmation of Exempted development to construct a General Purpose shed to store feed, fodder and farm implements and a Roofed Manure pit solely for agricultural use and ancillary works, i.e. yards, drainage etc. utilising the farm's existing public road entrance and access road at Horseshoe Creek, Ruanard, Clonlara, Co. Clare.

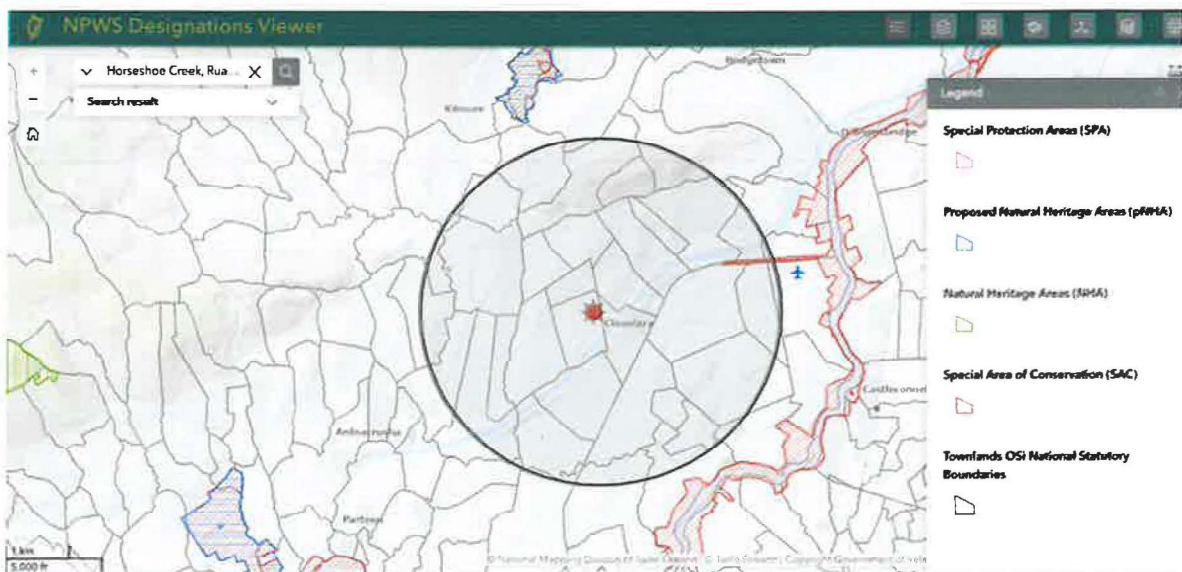
Section 4. Identification of all Natura 2000 sites located on or near (1km) to the applicant site

None on farm or within 1 km circle of site See map below : The proposed site is in Garadice townland indicated by the large red dot.

The natura study is mainly dedicated to examining SPA and SAC sites ,



Identification of all Natura 2000 sites located near (within 3 km) to the applicant site – One SAC within 3 km circle of site



Lower River Shannon SAC

Site Details

Site code 002165

Designation Special Area of Conservation (SAC)

Counties Clare Cork Kerry Limerick Tipperary

Coordinates Latitude: 52.5838 Longitude: -9.42806

Qualifying Interests

Sandbanks which are slightly covered by sea water all the time [1110]

Estuaries [1130]

Mudflats and sandflats not covered by seawater at low tide [1140]

Coastal lagoons [1150]

Large shallow inlets and bays [1160]

Reefs [1170]

Perennial vegetation of stony banks [1220]

Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]

Salicornia and other annuals colonising mud and sand [1310]

Atlantic salt meadows (*Glaucopuccinellietalia maritima*) [1330]

Mediterranean salt meadows (*Juncetalia maritimi*) [1410]

Water courses of plain to montane levels with the *Ranunculus fluitantis* and *Callitriche-Batrachion* vegetation [3260]

Molinia meadows on calcareous, peaty or clayey-silt-laden soils (*Molinia caerulea*) [6410]

Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0]

Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]

Petromyzon marinus (Sea Lamprey) [1095]

Lampetra planeri (Brook Lamprey) [1096]

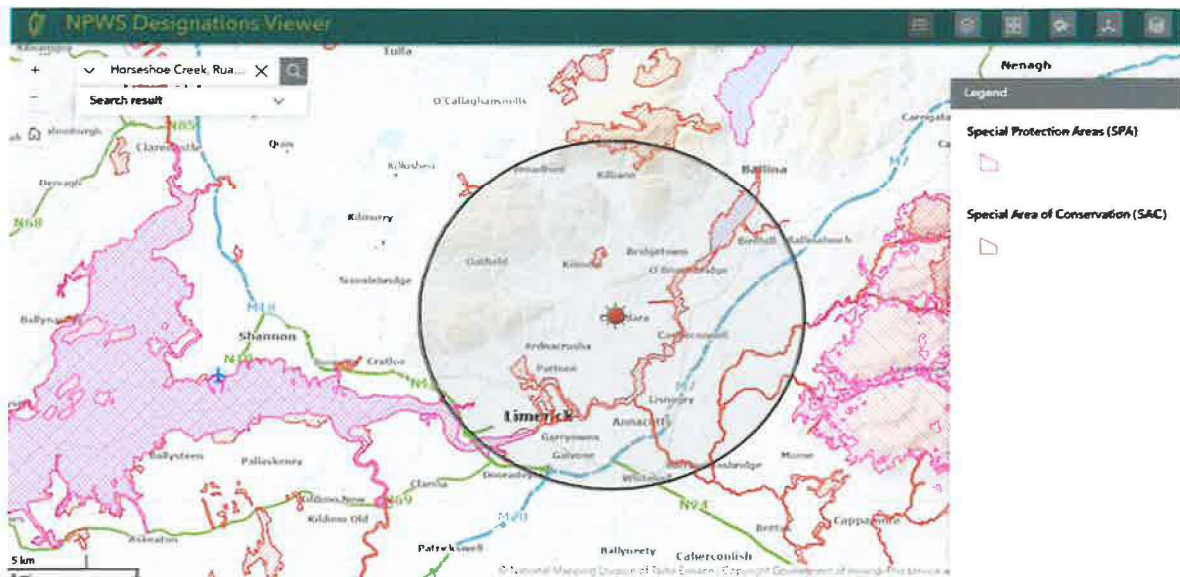
Lampetra fluviatilis (River Lamprey) [1099]

Salmo salar (Salmon) [1106]

Tursiops truncatus (Common Bottlenose Dolphin) [1349]

Lutra lutra (Otter) [1355]

Identification of all Natura 2000 sites located near (within 15 km) to the applicant site —4 no. within 15 km circle of site 1no. SPA and 3 no. SACs



SPA: 004077 - River Shannon and River Fergus Estuaries SPA

Zoom to

Site Code	004077
Site Name	River Shannon and River Fergus Estuaries SPA
Version	3.02
Area (HA)	32241.199964
Source CRS	ITM

SAC: 002312 - Slieve Bernagh Bog SAC

Zoom to

Site Code	002312
Site Name	Slieve Bernagh Bog SAC
County	cl
Version	3.02
Area (HA)	1945.630876
Source CRS	ITM

SAC: 001013 - Glenomra Wood SAC



Zoom to

Site Code	001013
Site Name	Glenomra Wood SAC
County	cd
Version	3.02
Area (HA)	50.269414
Source CRS	ITM
Source Scale	1:5000

The sites identified and not already described are a considerable distance from the site. As such it is sufficient to name and identify the sites.

The applicant farms outside all the SAC SPA areas. The farm activities pose no threat to these natura sites.

Assessment of likely effects Note: A ☒ means that the development poses no risk provided that the development is constructed in full accordance with the full Planning documentation and conditions of the Planning Permission.

Examples of effects that are likely to be significant, that have been considered by this study are:

- ☒ Any impact on an Annex I habitat
- ☒ Causing reduction in the area of the habitat or Natura 2000 site
- ☒ Causing direct or indirect damage to the physical quality of the environment (e.g. water quality and supply, soil compaction) in the Natura 2000 site
- ☒ Causing serious or ongoing disturbance to species or habitats for which the Natura 2000 site is selected (e.g. increased noise, illumination and human activity)
- ☒ Causing direct or indirect damage to the size, characteristics or reproductive ability of populations on the Natura 2000 site
- ☒ Interfering with mitigation measures put in place for other plans or projects

1. Screening statement with conclusions

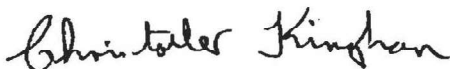
The applicant is a small farmer concentrating on horses as a family hobby. Very little animal nutrients are involved in the farming operation. As stated at the beginning of this Stage 1 assessment, no mitigation measures will be considered in the Stage 1 screening.

The proposed investments are not for animal housing. It has also been pointed out prior to commencement of this study that there is no change in stocking rates proposed on this farm, nor any change in the amounts of animal nutrients or the nature of the animal nutrients applied on or into the land by this project.

The farm is typical to this area. It will be farmed in an environmentally responsible manner. 1st stage Screening establishes that there is no potential for significant effects and the project can proceed as proposed. However, no changes may be made after this as this will invalidate the findings of screening.

Conclusion : I recommend that the AA process ends at the Stage 1 Screening stage because my conclusion is that no significant effects are likely.

Name, address and qualifications of the person who prepared the "Statement for Screening" / "Statement for Appropriate Assessment"

Signed: 

Date 30th October 2024

Christopher Kinghan (BSc Hons) A.R.I.C.S.

Chartered Surveyor

Honours degree in Building Surveying. Also, Post Graduate degree in Organic farming.

Carricknagoan, Coolderry PO, Carrickmacross, Co. Monaghan.

Sources

<http://www.npws.ie/protected-sites/sac>

Part 2 of Desktop study.

General description of the farm and proposed project.

Application to Clare County Council – Louise Hann is applying for Confirmation of Exempted development to construct a General Purpose shed to store feed, fodder and farm implements and a Roofed Manure pit solely for agricultural use and ancillary works, i.e. yards, drainage etc. utilising the farm's existing public road entrance and access road at Horseshoe Creek, Ruanard, Clonlara, Co. Clare.

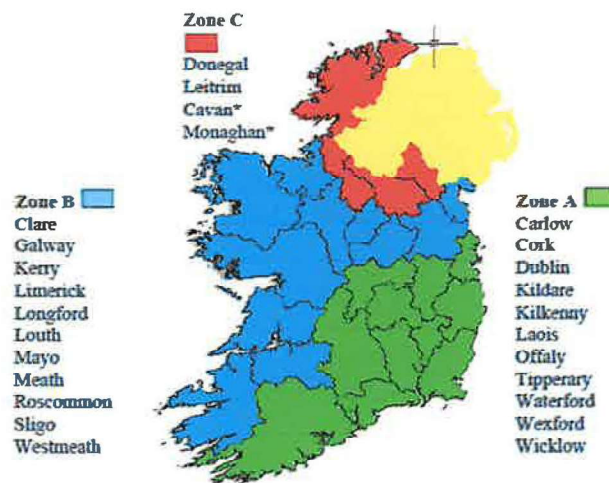
This Organic Waste Nutrient Management Plan has been prepared for the purpose of Planning Applications for Agricultural Development in accordance with NITRATES EXPLANATORY HANDBOOK for Good Agricultural Practice for the Protection of Waters Regulations 2022 - based upon Statutory Instrument S.I. No. 113 of 2022 [European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022] and Statutory Instrument S.I. No. 393 of 2022 [European Union (Good Agricultural Practice for Protected of Waters) (Amendment) Regulations 2022].

The main problems from agriculture are loss of excess nutrients and sediment to water with losses arising from point sources such as farmyards or diffuse sources such as spreading of fertilisers and manures on land particularly near to water courses.

The proposed development has been designed to focus extensively on the primary risks of this development i.e. the management and control of farm pollution in the main Farm Yard Area and the farm as a whole. This farm was inspected in October 2024 and passed all the necessary requirements for storage of nutrients etc. Inspection of Farm facilities relating to organic and inorganic fertilisers and dirty water systems and the separation of the clean rain water.

Any storm water from new development will be dispersed via a SUDS designed soakaway system, which is more appropriate than traditional soakaways, to ensure the protection of waters, including drinking water sources, against pollution caused by nitrogen and phosphorus from agricultural sources, with the primary emphasis on the management of livestock manures and other fertilisers. The set of measures also provide some basic safeguards against possible harmful impacts on water quality arising from agricultural expansion.

Zone Designation



Storage periods for cattle manure & the prohibited periods for spreading fertilisers to land

ZONES	STORAGE PERIOD FOR CATTLE MANURE	PROHIBITED APPLICATION PERIODS		
		CHEMICAL FERTILISERS	ORGANIC FERTILISERS (other than FYM)	FARMYARD MANURE (FYM)
A	16 WEEKS	15 SEPT–26th JAN	*1 st OCT–12 JAN	1 NOV–12 JAN
B	18 WEEKS	15 SEPT–29 th JAN	*1 st OCT–15 JAN	1 NOV–15 JAN
C (Donegal and Leitrim)	20 WEEKS	15 SEPT–14 th FEB	*1 st OCT–31 JAN	1 NOV–31 JAN
C (Cavan and Monaghan)	22 WEEKS	15 SEPT–14 th FEB	*1 st OCT–31 JAN	1 NOV–31 JAN

Note: *The prohibited period for application of organic fertilisers starts on 8th of October for each Zone 2022 and 1st October for each zone from 2023 onwards. Pre-defined scientific criteria for the application of slurry up to 15th October has been published² and where this criteria is met, farmers may be eligible to spread slurry up to the 15th October of that year

Under the National Action Programme (NAP) under the Nitrates Directive, **Co. Clare is in Zone B -18 weeks minimum storage capacity.**

Storage Capacity on farm holdings across all zones must be sufficient for the full housing period and should provide an adequate level of storage for difficult years. Organic fertiliser is deemed to mean slurry, farmyard manure, etc. Until they are ready to be applied to land, all organic fertilisers, effluents and soiled waters must be collected in a way that will prevent runoff or seepage, directly or indirectly, into groundwater or surface water.

In conjunction with the applicant I have considered the current storage facilities prior to this planning application. At the time of application there are no existing facilities, the animals are outwintered at a low stocking rate.

All facilities - proposed are of such standard as is necessary to prevent water pollution by run-off or seepage, directly or indirectly, into groundwater or surface water bodies. The whole farm yard complex is designed to be clean tidy and well maintained.

The applicants will farm a small group of horses on a commercial basis-i.e. high net worth animals . Fodder is in the form of hay and will be stored with straw for bedding in the proposed buildings.

~~Silage effluent is directed by channels into a nearby tank in the existing farmyard via its own independent channels and grids on the silage slab. All current sources of Rainwater are separately piped to the North of the farmyard.~~

New area of farm yard - All the storm Water falling on the proposed building and Yards needs to be protected from contamination and will be piped to a SUDS designed soakaway area.

In conjunction with this document - The Nutrient management mapping details the areas on the farm where slurry, manure and soiled water can be applied to the land. Also sterilised areas where nutrients cannot be spread such as near to watercourses, neighbouring dwellings and farmyards and farm roads.

Calculation of tank slurry capacity – Not applicable no slurry tank.

Manure / Slurry storage capacity requirements based on Livestock Type x Volume (m³/week)

Soiled water storage and management – Dairy washings -Not Applicable.

~~All holdings producing soiled water must have minimum 31 days storage from 1st December 2024. To reduce the impact of nutrient losses in the riskiest period, the spreading of soiled water will be prohibited for all milk producers between 1st and 31st December. However, 42 days is design criteria.~~

~~Silage effluent if applicable~~ is collected in tanks and largely spread before commencement of the closed winter period so is disregarded from calculations.

~~Silage bales~~ may not be stored outside of farmyards within 20 metres of waters or a drinking water abstraction point in the absence of adequate facilities for the collection and storage of any effluent that may arise.

Slurry storage Not applicable on this farm – manure and effluent only.

Survey on Manure Spreading and Storage Practices for this farm

☒ All Manure/ Slurry Storage facilities (including on this farm) – i.e. silage effluent tank, silage slab, existing and proposed slatted tanks, areas where silage is fed to cattle and the manure pit.

They are designed, sited and it is proposed that they are constructed, maintained and managed so as to prevent run-off or seepage, directly or indirectly, into groundwater.

☒ Storage capacity of at least 31 days is required for soiled water. 42 days provided.

☒ Storage facilities for silage effluent is **not** required ~~and is currently provided~~.

Also, it shall equal or exceed the capacities as outlined below.

~~Storage required for ensiled forage (grass or arable silage) effluent~~

~~Crop Minimum storage required (7 m³/100 tonnes) for short term storage. * Vacuum tanker or irrigation system must be available on farm~~

~~Full storage (21 m³/100 tonnes) for short term storage - Where silage effluent is piped to slatted tanks, it is assumed that the bulk of the annual silage effluent collected will be spread on the land prior to the closed winter period. Where it is piped to a new proposed slatted tank, the stronger cement specification is to be used in the slatted tank specification.~~

Application of organic fertilisers

The periods during which the application of organic fertiliser are prohibited (both dates inclusive)

Prohibition periods for applying organic fertilisers

County Clare Zone B Slurry - 01 Oct. to 15 Jan Manure 01 Nov. to 15 Jan. Chemical 15 Sept to 29 January.

Under the GAP Regulations livestock manure, other organic fertilisers and soiled water cannot be applied to land within the buffer zones set out below

Buffer zones for spreading organic fertilisers

Buffer zones for spreading organic fertilisers	
Water body/Feature	Buffer zone
Any water supply source providing 100m ³ or more of water per day, or serving 500 or more people	200 metres (or as little as 30 metres where a local authority allows)
Any water supply source providing 10m ³ or more of water per day, or serving 50 or more people	100 metres (or as little as 30 metres where a local authority allows)
Any other water supply for human consumption	25 metres (or as little as 15 metres where a local authority allows)
Lake shoreline	20 metres
Exposed cavernous or karstified limestone features (such as swallow holes and collapse features)	15 metres
Any surface watercourse where the slope towards the watercourse exceeds 10%	10 metres
Any other surface waters	5 metres*

*The 5 metre buffer zone is increased to 10 metres for a period of two weeks preceding and two weeks following the periods when application of fertilisers to land is prohibited as set out in Schedule 4 of the Regulations (check the table and map on page 7). The objective of increased setback distances at the shoulders of the closed period is to help retain as much of the applied nutrient in the field as possible thereby reducing its risk of loss through overland flow.

The land application of liquid livestock manure (slurry) by a high trajectory splash plate or sludge irrigator (rain gun) is prohibited.

Manure Spreading and Storage Practices

Soiled water shall not be applied to land at any one time in quantities exceeding 50,000 litres of soiled water per hectare. A period of at least 42 days shall be left between applications.

Stocking rate

The two main points about managing fertilisers are:

- The total amount of livestock manure applied to your land in a calendar year must not contain more than 170 kg of nitrogen to the hectare (or must not contain more than 220 kg of nitrogen if in derogation in most areas of Ireland).
- The total quantity of fertilisers (organic and chemical combined) that you apply to your land must not be more than the crops need (this includes grass). The GAP Regulations specifies the maximum amount of livestock manure which may be applied is 170 kg of nitrogen per hectare / annum based on standard livestock.

Current Manure generating livestock on this farm is set out below.

HELPSHEET B					
Working out whether you are within the limit of 170 kg of nitrogen to the hectare per year from livestock manure					
If you follow the Steps on this Helpsheets, you can work out whether you are complying with the limit of 170 kg of organic nitrogen to the hectare per year.					
Step 1: Working out the total N and P produced by grazing livestock on your holding					
Grazing livestock	Annual average numbers	Nitrogen excretion (kg/year) (Table 6 of Regulations)	Total Nitrogen ¹ (kg)	Phosphorus excretion (kg/year) (Table 6 of Regulations)	Total Phosphorus ¹ (kg)
	(a)	(b)	(a x b)	(d)	(a x d)
Dairy cow (2022 only)		89		13	
Dairy cow band 1 (from 2023)		80		12	
Dairy cow band 2 (from 2023)		92		13.6	
Dairy cow band 3 (from 2023)		106		15.8	
Suckler cow		65		10	
Cattle (0-1 year old)		24		3	
Cattle (1-2 year old)		57		8	
Cattle > 2 years		65		10	
Mountain ewe & lambs		7		1	
Lowland ewe & lambs		13		2	
Mountain hogget		4		0.6	
Lowland hogget		6		1	
Other ² (specify)					
Total N produced by grazing livestock			(a) ²		
Total P produced by grazing livestock					(b) ²

¹ The Annual Nitrogen and Phosphorous Statement from the Department of Agriculture, Food and the Marine will provide figures for the total amounts of nitrogen and phosphorus produced by all cattle on your holding.

² The available nitrogen or phosphorous to be taken into account as a source of such nutrients for the holding can be derived from these figures.

Calculation of manure capacity

Manure storage capacity requirements based on Livestock Type x Volume (m³/week)

Horses are currently out wintered. However, in the future stables are cleared out regularly so the bulk of manure will be stored in the proposed roofed manure pit. The holding holds 3 horses

Capacity of roofed manure pit = 62 m³ . (5.9 x 5.9 x 1.8 metre height). The manure pit in the detail drawing can hold greater than this calculation, however, if the retaining walls are higher than 1.8 m in height mass concrete walls are insufficient and a proper retaining wall needs to be constructed as per the detail drawing on Page 2 of the roofed manure pit drawing. The walls can be higher than 1.8 m , but 1.8 m is deemed adequate for this project.

Manure produced per horse over 52 weeks = 0.15 cu m = 23.4 m³ x 3 horses maximum = 70.2 m³. However over the course of a year 50% of this manure will be deposited directly outside on the grazed pasture. So 35 m³ minimum storage required.

Effluent is 5% when no rainwater involved so 7000 (7m³) litres of effluent from manure pit for 12 horses. The effluent tank has sufficient capacity for 34 m³

Therefore there is adequate storage capacity for all dirty forms of water and slurry on farm

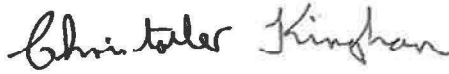
3 no. horses 13 kg Nitrogen 2 kg Phosphorus = 39 kg Nitrogen . Horses are extremely low in Nitrogen production. 1/4 hectare of land is sufficient for the disposal of Nitrogen.

Total Nitrogen produced by cattle on farm = 89 kg. At 170 kg of nitrogen per hectare = 0.25 hectares minimum land area required.

Area farmed by Applicant = 1.98 hectares

Conclusion: There is sufficient buildings and land area to adequately dispose of all slurry/ manure/ soiled water. There is no need to export livestock manure from the farm.

Signed:



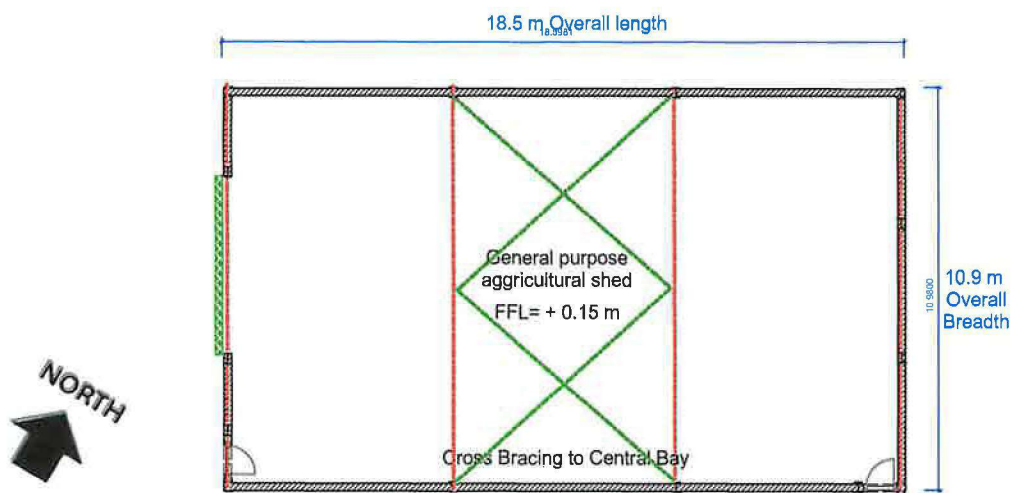
Date: 30th October 2024

Christopher Kinghan (BSc Hons) A.R.I.C.S.

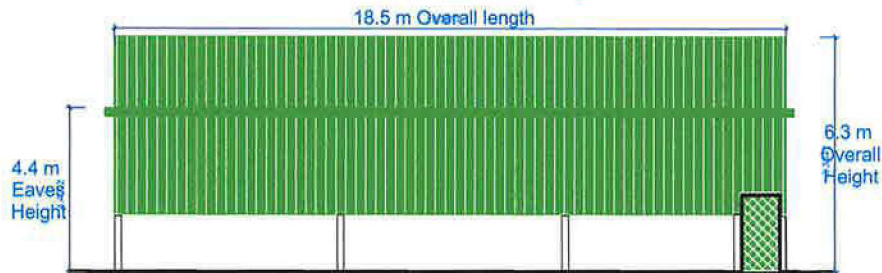
Chartered Surveyor

Honours degree in Building Surveying. Also, Post Graduate degree in Organic farming.

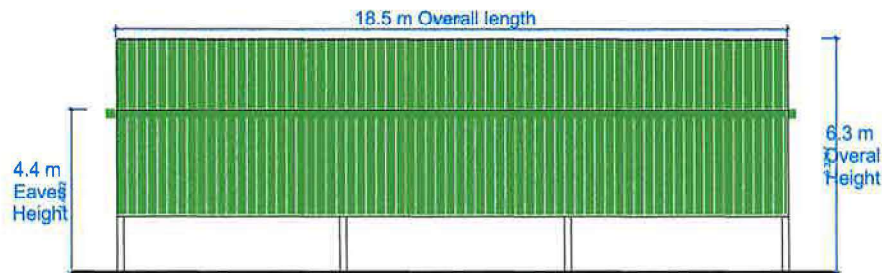
Carricknagoan, Coolderry PO, Carrickmacross, Co. Monaghan.



FLOOR PLAN 202 sq m



SIDE ELEVATION



SIDE ELEVATION

Christopher Kinghan & Associates

CHARTERED SURVEYOR

ARCHITECTURAL, PLANNING & ENVIRONMENTAL DESIGN SOLUTIONS

Carricknagoan, Coolderry P.O., Carrickmacross, Co. Monaghan, A81 E720.

Tel: 085 164 6179 Email: kinghanchris@yahoo.com

**General Purpose shed to store feed, fodder
and farm implements**

ELEVATIONS & PLAN DRAWINGS

Scale 1:200

Planning Pack Map

Nutrient management Plan

Application to Clare County Council – Louise Hann is applying for Confirmation of Exempted development to construct a General Purpose shed to store feed, fodder and farm implements and a Roofed Manure pit solely for agricultural use and ancillary works, i.e. yards, drainage etc. utilising the farm's existing public road entrance and access road at Horseshoe Creek, Ruanard, Clonlara, Co. Clare

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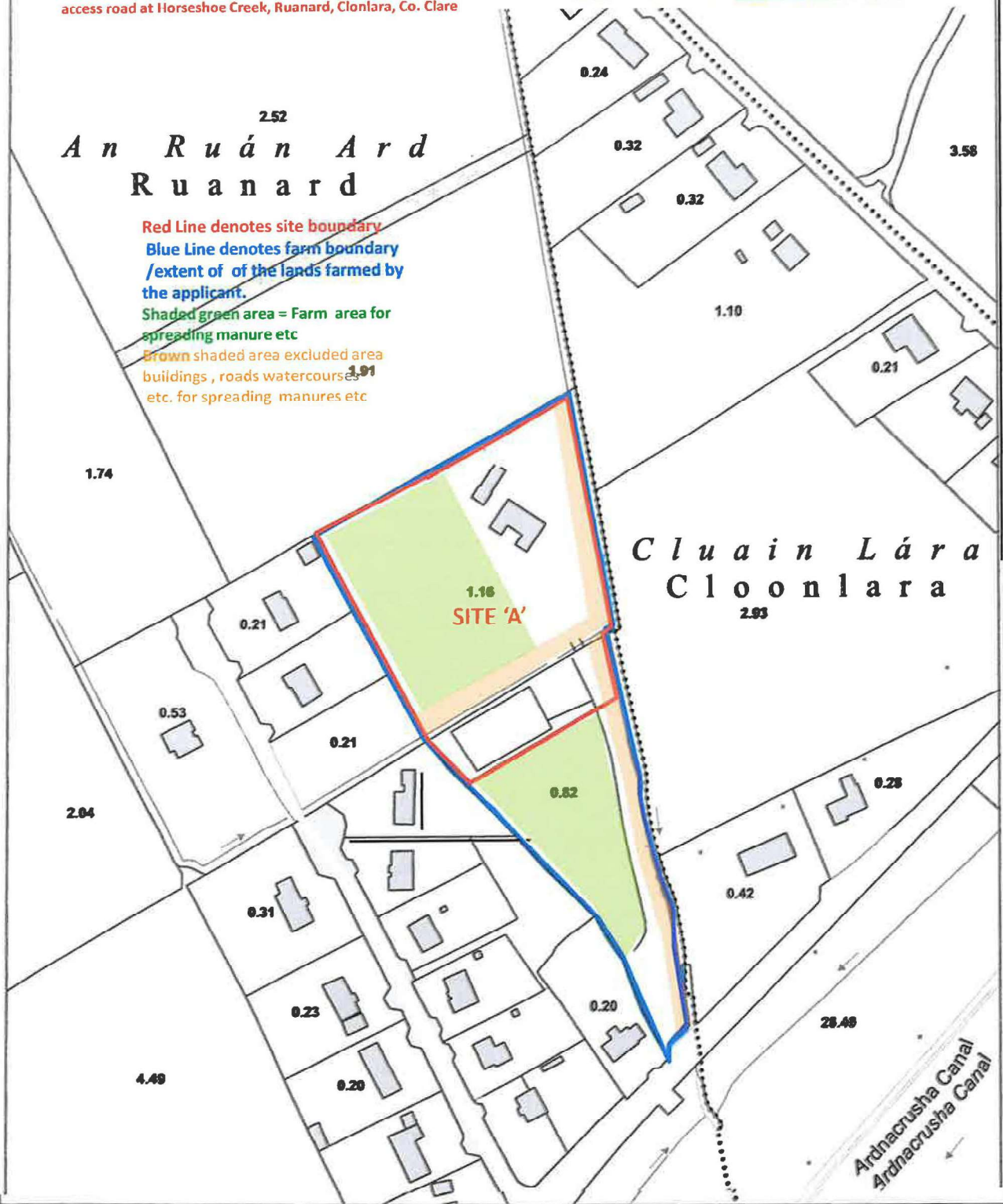
A n R u á n A r d
R u a n a r d

Red Line denotes site boundary

Blue Line denotes farm boundary
/extent of of the lands farmed by
the applicant.

Shaded green area = Farm area for
spreading manure etc

Brown shaded area excluded area
buildings, roads watercourse
etc. for spreading manures etc



0 20 40 60 80 Metres
0 30 60 90 120 150 Feet

OUTPUT SCALE: 1:2,500



CENTRE
COORDINATES:
ITM 562060,664038

PUBLISHED: 17/10/2023
MAP SERIES: 1:2,500
1:2,500
ORDER NO.: 50363149_1
MAP SHEETS: 4564-C
4564-D

CAPTURE RESOLUTION:
The map objects are only accurate to the
resolution at which they were captured.
Output scale is not indicative of data capture
scale.
Further information is available at:
www.osi.ie; search 'Capture Resolution'
LEGEND:
www.osi.ie; search 'Large Scale Legend'

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Tailte

Nutrient management Plan

These notes are to be read in conjunction with the Nutrient Management maps detailing where nutrients can be spread.

The entire Farm area can be used for spreading farm manure and slurry with the exception of areas which must be excluded. As detailed in the NITRATES EXPLANATORY HANDBOOK for Good Agricultural Practice for the Protection of Waters Regulations 2022

The applicant must not spread chemical fertiliser on land within 2 metres of a surface watercourse.

The following table shows the different buffer zones for different kinds of water bodies (lakes, rivers, wells etc.). The applicant must not spread soiled water, effluents, farmyard manures or other organic fertilisers inside these buffer zones.

Buffer zones for spreading organic fertilisers	
Water body/Feature	Buffer zone
Any water supply source providing 100m ³ or more of water per day, or serving 500 or more people	200 metres (or as little as 30 metres where a local authority allows)
Any water supply source providing 10m ³ or more of water per day, or serving 50 or more people	100 metres (or as little as 30 metres where a local authority allows)
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Any surface watercourse where the slope towards the watercourse exceeds 10%	10 metres
Any other surface waters	5 metres*

*The 5 metre buffer zone is increased to 10 metres for a period of two weeks preceding and two weeks following the periods when application of fertilisers to land is prohibited as set out in Schedule 4 of the Regulations (Note:- This farmer does not exceed 170 kg of nitrogen per hectare in a year in the form of animal excretion or organic fertiliser application in the form of Slurry, or Farmyard manure)

The applicant must do the following:-

- not spread any fertiliser, manure or soiled water on the lands during the prohibited spreading periods. (See Desktop study).
- must keep within the overall maximum fertilisation rates for nitrogen and phosphorus (i.e., organic and chemical fertiliser combined).
- must have sufficient storage capacity to meet at least the minimum requirements of the **Regulations**, and all storage facilities must be kept leak-proof and structurally sound.
- must keep various records, including records of the fertilisers and manures you bring onto the holding or send out of it, for each calendar year.
- Preventing direct run-off from farm roadways to waters (i.e. watercourses and dry drains) in accordance with the farm roadway specification (S.127)

Application to Clare County Council – Louise Hann is applying for Confirmation of Exempted development to construct a General Purpose shed to store feed, fodder and farm implements and a Roofed Manure pit solely for agricultural use and ancillary works, i.e. yards, drainage etc. utilising the farm's existing public road entrance and access road at Horseshoe Creek, Ruanard, Clonlara, Co. Clare

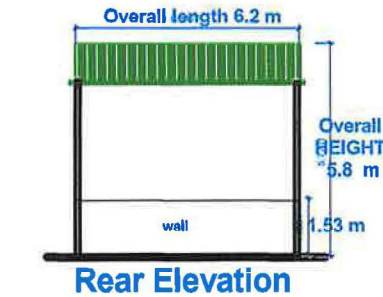
Christopher Kinghan & Associates

CHARTERED SURVEYOR

ARCHITECTURAL, PLANNING & ENVIRONMENTAL DESIGN SOLUTIONS
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ROOFED MANURE

ELEVATIONS & PLAN DRAWINGS



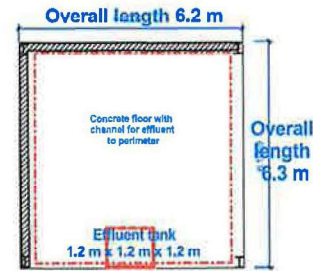
Rear Elevation



Section A-A



Side Elevation



Front Elevation



Side Elevation

ALL DRAWINGS MUST BE READ
IN ACCORDANCE
WITH SAFETY NOTES AND SPECIFICATION

Constructed in accordance
Agriculture specification

Christopher Kinghan & Associates
CHARTERED SURVEYOR
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