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CONTAE AN CHLÁIR | COUNTY COUNCIL

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**Aisling Garrahy
C/o Deirdre Foran
Lisdoonvarna
Co. Clare**

23rd June 2025

Section 5 referral Reference R25-24 – Aisling Garrahy

Is the proposed agricultural shed for housing sheep during lambing season development and if so, is it exempted development?

A Chara,

I refer to your application received on 1st April 2025 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

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

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

Mise, le meas

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

**An Roinn Pleanála
An Stiúrthóireacht Forbairt Gheilleagrach**

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

**Planning Department
Economic Development Directorate**

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



CLARE COUNTY COUNCIL

SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED

DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT

Chief Executive's Order No:

85732

Reference Number:

R25-24

Date Referral Received:

1st April 2025

Date Further Information Received:

10th June 2025

Name of Applicant:

Aisling Garrahy

Location of works in question:

Ballyconnoe, Lisdoonvarna, Co. Clare

Section 5 referral Reference R25-24 – Aisling Garrahy

Is the proposed agricultural shed for housing sheep during lambing season development and if so, is it exempted development?

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

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

AND WHEREAS Clare County Council has concluded:

- (a) The development consisting of a sheep shed constitutes “works” and “development” which come within the scope of sections 2 and 3 of the Planning and Development Act 2000, as amended.
- (b) The said development is considered to be exempted development having regard to Class 6 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, and Article 9 as amended.

ORDER: Whereas by Chief Executive's Order No. HR 343 dated 19th May 2025, Gordon Daly, Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate to Garreth 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, Garreth Ruane, Senior Executive Planner, hereby declare that the construction of a shed for the housing of sheep at Ballyconnoe, Lisdoonvarna, Co. Clare is considered development which is exempted development.

Signed:



GARRETH RUANE
SENIOR EXECUTIVE PLANNER



Date:

23rd June 2025

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

Reference No.: R25-24



Section 5 referral Reference R25-24

Is the proposed agricultural shed for housing sheep during lambing season development and if so, is it exempted development?

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

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

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

And whereas Clare County Council has concluded:

- (a) The development consisting of a sheep shed constitutes “works” and “development” which come within the scope of sections 2 and 3 of the Planning and Development Act 2000, as amended.
- (b) The said development is considered to be exempted development having regard to Class 6 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, and Article 9 as amended.

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

The proposed development consisting of the construction of a shed for the housing of sheep at Ballyconnoe, Lisdoonvarna, Co. Clare **constitutes development** which is **exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

A handwritten signature in blue ink, appearing to read "Anne O'Gorman", with a long horizontal flourish extending to the right.

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

23rd June 2025

COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF: R25/ 24

APPLICANT(S): Aisling Garrighy

REFERENCE: Whether the construction of a sheep shed for housing of sheep during the lambing season at Ballyconnoe, Lisdonnvarna Co. Clare is or is not development and is or is not exempted development.

LOCATION: Ballyconnoe, Co. Clare

DUE DATE: 30th June 25

Further information was requested as follows

1. Please be advised that generally under the Planning and Development Regulations (as amended) Schedule 2, part 3, Class 6 works consisting of the provision of a roofed structure for the housing of sheep, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage are considered to be exempted development provided that effluent storage facilities adequate to serve the structure having regard to its size, use and location are constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and have regard to the need to avoid water pollution.

Please submit details including the cubic volume of any effluent storage facilities / seepage tank. It must be demonstrated that the volume of the tank is adequate to serve the proposed development. In addition, please arrange to submit a table showing the number and type of livestock to be housed, the estimated volume of effluent arising and the proposed period of housing (i.e. no. of weeks).

2. Please arrange to submit revised landholding maps for the subject lands and lands at Kilshanny such that the area suitable for spreading is hatched or shaded in colour to enable the Planning Authority to carry out Appropriate Assessment Screening (Habitat Directive) of the proposed development.

Summary of Applicants Reply

1. The proposed building is not a slatted unit and has no slurry seepage or tank storage. There will be a concrete base with straw bedding with the dung spread on the land when the lambing season is over. (Feb to April 12-14 weeks). Dept of agriculture herd no details are submitted.
2. The lands at Ballyconnoe are the only lands owned by the applicant. The lands in Kilshanny are rented. There will be no requirement to rent the land at Kilshanny when the shed is built.

Statutory Provisions

Planning and Development Act, 2000 (as amended)

In order to assess this proposal, regard has to be had to the *Planning and Development Act 2000, as amended*.

'Works' are defined in Section 2 of the *Planning and Development Act 2000, as amended* as follows:

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

'Development' are defined in Section 3 of the *Planning and Development Act 2000, as amended* 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.

Planning & Development Regulations, 2001, as amended

Article 6 refers to Exempted Development and states that subject to Article 9, development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

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

Part 3 Exempted Development Rural- Article 6

Class 6

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 6

Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

- 1. No such structure shall be used for any purpose other than the purpose of agriculture.*
- 2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.*
- 3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution*
- 4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.*
- 5. No such structure within 100 metres of any public road shall exceed 8 metres in height.*
- 6. No such structure shall be situated, and no effluent from such structure shall be stored, 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.*
- 7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.*

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

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

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

cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,

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

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

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

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

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

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

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

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

(xi) obstruct any public right of way,

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

Assessment

Basis of Referral

The applicant is seeking a Section 5 Declaration as to whether the construction of a sheep shed for lambing is development and is or is not exempted development.

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

Class 6

Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

1. *No such structure shall be used for any purpose other than the purpose of agriculture. **This is the case.***

*The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate. **The gross floor space of the proposed structure is to be 187sq.m. The proposal therefore does not exceed any aggregate floor area threshold (300 sq.m) for units required for housing of livestock.***

2. *Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution. **It is not proposed to store effluent in a tank. The straw based dung will be removed from the shed when the lambing season is finished and spread on the land. No holding tank is proposed .***
3. *No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road. **The building is 155m distance from the public road.***
4. *No such structure within 100 metres of any public road shall exceed 8 metres in height. **The structure is 5.8m in height and as such complies with this height limitation.***
5. *No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the*

structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof. **The structure complies with this requirement as the nearest neighbouring dwelling is 132m distance to the north. No seepage tank is proposed .**

- 6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure. There is cladded sheeting on the roof and mass concrete walls.**

Article 9 of the Planning and Development Regulations 2001, as amended

Article 9 of the Planning and Development Regulations 2001, as amended outlines restrictions on exempted development, and these are assessed below:

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

There are no previous planning permissions on site.

- (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,*

No alterations to the existing access arrangements are proposed and that access is from a private laneway.

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

N/A.

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

N/A.

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

The subject site is located in a Heritage landscape. The section of the N67 from Lisdoonvarna town (towards Ballyvaaghan) for a distance of 6.25km is not designated

as a scenic route. The subject development is located along this section of the N67. The proposal is not considered to interfere with the character of the landscape given its nature of proposed use, the stand of forestry nearby and given that the view from the N67 at this location is not a protected view.

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

N/A This is not applicable in this instance.

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

N/A This is not applicable in this instance. The nearest archaeological zone is 140m distance to the west.

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

N/A This is not applicable in this instance.

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

A land holding map has been submitted comprising 2 folios adjacent to one another in the vicinity of the proposed shed on the northern side of the N67 at Ballybonnoe North . The nearest European site, Moneen

Mountain, is 2.5km distance to the east. There are a no hydrological pathways linking the subject lands to the Moneen Mountain SAC. The lands referred to at Kilshanny will not be used for spreading of effluent.

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

This is not applicable in this instance as the subject site is not located in a NHA or p NHA.

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

This is not applicable in this instance.

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

This is not applicable in this instance.

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

This is not applicable in this instance.

- (xi) *obstruct any public right of way,*

This is not applicable in this instance.

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

This is not applicable in this instance.

Conclusion

Having regard to the above it is considered that the agricultural shed for housing sheep during the lambing seasons is development which is exempted development.

Recommendation

The following questions have been referred to the Planning Authority:

Whether the construction of a shed for the housing of sheep during the lambing season is or is not development and is or is not exempted development.

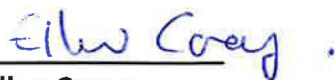
The Planning Authority in considering this referral had regard to:

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

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

- (a) the development consisting of a sheep shed constitutes "works" and "development" which come within the scope of sections 2 and 3 of the Planning and Development Act 2000, as amended.
- (b) The said development, is considered to be exempted development having regard to Class 6 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, and Article 9 as amended.

Now therefore Clare County Council (Planning Authority), hereby decides that construction of a shed for the housing of sheep is development and is ~~not~~ exempted development.



Ellen Carey

Executive Planner

Date: 18 June 25.



Gareth Ruane

Senior Executive Planner

Date: 23/06/25.

REVISED Appropriate Assessment & Determination on foot of receipt of further information.

STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	Section 5 R25/ 54
(b) Brief description of the project or plan:	Sheep shed
(c) Brief description of site characteristics:	Field in agricultural use
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.				
European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Moneen Mountain SAC		2.5km	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, taking into account the size and scale of the project under the following headings:	
Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none">• Vegetation clearance• Demolition• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)• Dust, noise, vibration• Lighting disturbance• Impact on groundwater/dewatering• Storage of excavated/construction materials• Access to site• Pests	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	Spreading of effluent
In-combination/Other	none

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

Examples of the type of changes to give consideration to include:

- Reduction or fragmentation of habitat area
- Disturbance to QI species
- Habitat or species fragmentation
- Reduction or fragmentation in species density
- Changes in key indicators of conservation status value (water or air quality etc.)
- Changes to areas of sensitivity or threats to QI
- Interference with the key relationships that define the structure or ecological function of the site

- Changes in key indicators of conservation status value (water or air quality etc.)

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

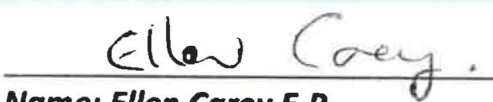
☐ Yes ☒ No




Step 4. Screening Determination Statement

The assessment of significance of effects:

The proposed development comprises a sheep shed which is located approx. 2.5km distance from the Moneen Mountain SAC. There is no hydrological pathway linking the subject to the SAC. Lands at Kilshanny are not used for spreading and there is no requirement to screen for AA in relation to these lands.

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

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	17 th June 25  Name: Ellen Carey E.P.	
Signature and Date of the Decision Maker:		

	Deirdre Foran, B.Eng. (Civil), M.E.I., Chartered Building Engineer, Lisdoonvarna, Co Clare. dforandesign@gmail.com 087 675 0327	
	 ENGINEERS IRELAND	

03-06-2025

Planning Department,

Clare County Council,

New Road,

Co Clare



Reference: Section V Referral R25-24: Aisling Garrihy

A Chara,

Following on from correspondence received in relation to the above application, please accept the following information:

1. The proposed building is not a slatted unit and has no slurry seepage or tank storage. The proposal is for a concrete base with straw bedding, with the dung being spread on the lands after the lambing season is over. The sheep are to be housed for lambing time and care before and after, not for long duration of times as cattle are housed. The predicted time period for lambing season is generally February to April, 12-14 weeks.
I enclose the herd numbers as registered to the Department.
2. I enclose the land holdings map at Ballyconnoe North, Lisdoonvarna which are the only lands owned by Aisling. The lands in Kilshanny are rented along with the sheds there. The proposed shed at the subject location is to eliminate the need for renting the lands in Kilshanny and to provide a shed nearby, allowing for ease of supervision and care during lambing season and thereby reduce the risk of livestock loss.

I hope that you accept these details, and understand the reasoning for the proposed shed better as a result.

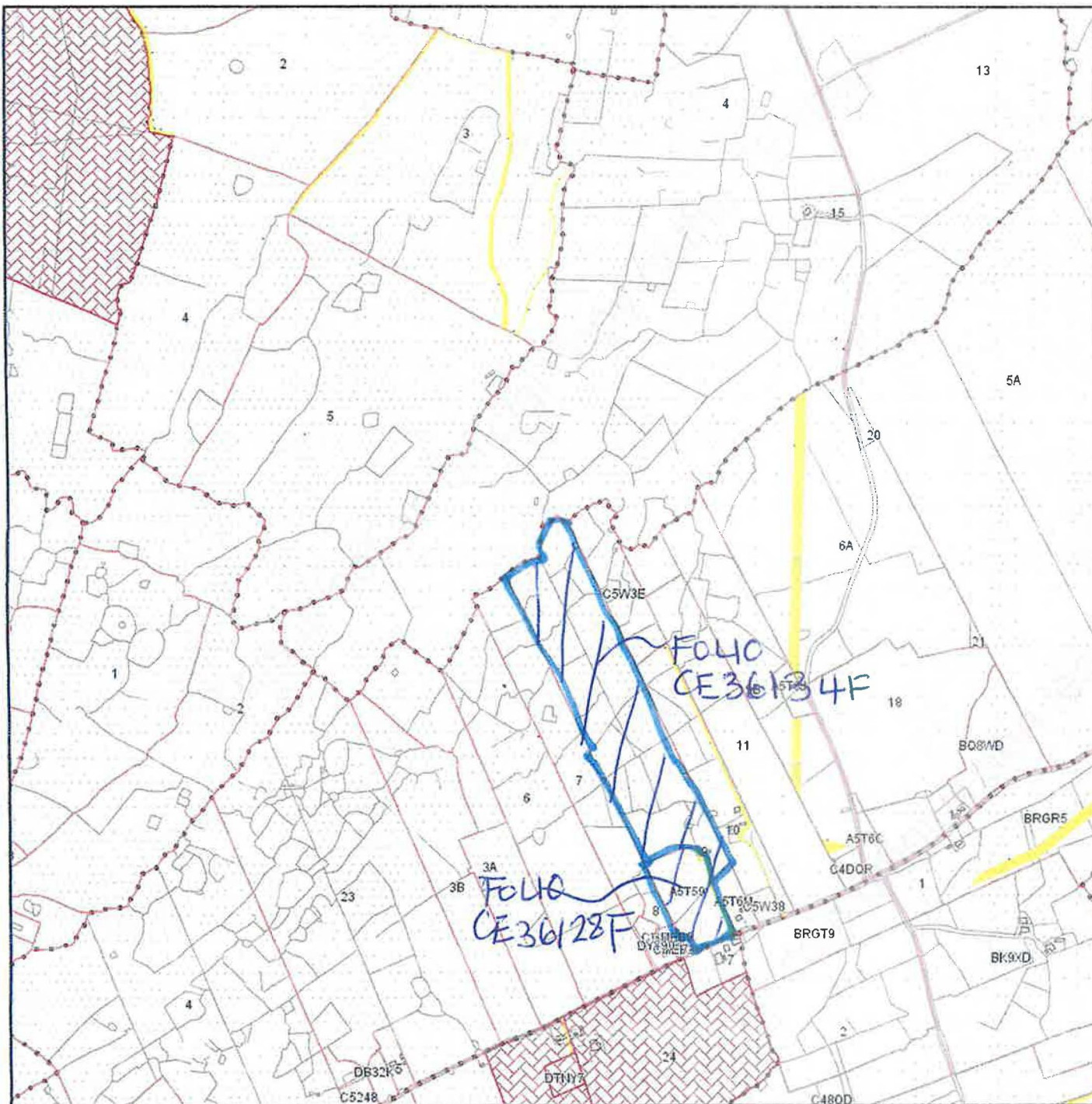
Thankyou

Mise, le meas

Deirdre Foran

Deirdre Foran





**Tailte
Éireann**

Clárúchán, Luacháil,
Suirbhéireacht
Registration, Valuation,
Surveying

Official Tailte Éireann Registration Map

This map should be read in conjunction with the folio.

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(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- SubLeasehold
- 'S' Register

(see Section 8(b)(II) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- Soak Pit

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

Tailte Éireann Registration operates a non-conclusive boundary system. The TÉ Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TÉ Registration map is conclusive as to the boundaries or extent.

(see Section 85 of the Registration of Title Act, 1964). As Inserted by Section 62 of the Registration of Deed and Title Act 2006.

AILUNG GARRATTY
BALLYCONNOR NORTH
LISDOONVARNA



View OVINE Census for 2024

Business Details for

Name AISLING GARRAHY
Address: BALLYCONNOE
 LISDOONVARNA
 CO. CLARE
 V95 W957

Description		Type	Breed	Number
A	Breeding Ewes over 12 months of age	Mountain		
		Mountain Cross		
		Lowland	Texel, Suffolk, Charollais	51
		Lowland Cross		
B	Breeding Rams over 12 months of age	Pure Bred Mountain		
		Mountain Cross		
		Pure Bred Lowland	Texel, Charollais	2
		Lowland Cross		
C	Number of REMAINING SHEEP on the holding e.g. Wethers, Lambs, Cull Ewes etc. Do NOT include Ewes or Rams previously included at A or B above	Mountain		
		Mountain Cross		
		Lowland		
		Lowland Cross		
			Total Number of Animals	53
D	If no sheep at present but wish to remain registered as a flockowner tick this box			NO
	If no sheep and do not intend to re-enter sheep farming in the immediate future tick this box			NO
STATISTICAL INFORMATION FOR USE BY THE CENTRAL STATISTICS OFFICE (CSO)				Number
E	Out of all the breeding ewes declared in section A above, how many were 2 years and older on 31 December			31



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Aisling Garrahy
C/o Deirdre Foran
Lisdoonvarna
Co. Clare

25/04/2025

Section 5 referral Reference R25-24 – Aisling Garrahy

Is the proposed agricultural shed for housing sheep during lambing season development and if so, is it exempted development?

A Chara,

I refer to your application received on 1st April 2025 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

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

1. Please be advised that generally under the Planning and Development Regulations (as amended) Schedule 2, part 3, Class 6 works consisting of the provision of a roofed structure for the housing of sheep, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage are considered to be exempted development provided that effluent storage facilities adequate to serve the structure having regard to its size, use and location are constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and have regard to the need to avoid water pollution.

Please submit details including the cubic volume of any effluent storage facilities / seepage tank. It must be demonstrated that the volume of the tank is adequate to serve the proposed development. In addition, please arrange to submit a table showing the number and type of livestock to be housed, the estimated volume of effluent arising and the proposed period of housing (i.e. no. of weeks).

2. Please arrange to submit revised landholding maps for the subject lands and lands at Kilshanny such that the area suitable for spreading is hatched or shaded in colour to enable the Planning Authority to carry out Appropriate Assessment Screening (Habitat Directive) of the proposed development.

An Roinn Pleanála
An Stiúrthóireacht Forbairt Gheilleagrach

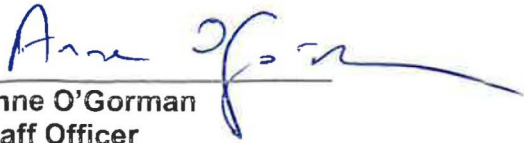
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department
Economic Development Directorate

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



Mise, le meas



Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF: R24/ 24
APPLICANT(S): Aisling Garrighy

REFERENCE: Whether the construction of a sheep shed for housing of sheep during the lambing season at Ballyconnoe, Lisdonnvarna Co. Clare is or is not development and is or is not exempted development.

LOCATION: Ballyconnoe, Co. Clare

DUE DATE: 28th April 25

Site Description.

The subject site is located at Ballyconnoe. The site forms part of a larger field set back 105m from the N67. The site is served by a private access road. The applicant's dwelling is located to the east. There is an archaeological complex located approx. 140m to the northwest.

Planning History on site

None

Details submitted with the application

- Site location map (landholding) 1:2500.
- Site plan 1:1000
- Site layout 1: 500
- Floor plans, sections, elevations and cross sections of the proposed shed scale 1: 100 .Dimensions of the shed: overall height is 5.8m to ridge, and 4 m to eaves, total length 17.0 m, width 11.20 m. Floor area 187. sq.m.
- Distance to family dwelling 85m.
- Distance to nearest neighbouring dwelling 135m.
- Distance from the public road 155m.

The development is described as:

A shed with a 2.5 metre concrete wall and sheeting to soffit height, with sheeting on the roof, three roller doors to the east, loose pens each side of a central feeding passage. The shed is more than 100 metres from the nearest dwelling not within the ownership the applicant. The concrete floor will have straw bedding when sheep are housed during lambing season and the dung would be spread on the area within folio file plan CE3612 8F. (2 hectares) The applicant has 52 sheep in the flock with lambing season from February to April. The applicant currently rents a shed in Kilshanny but during lambing season. Not being close to the shed has led to loss of stock. The applicant bought the land beside her house in 2020 and 2024 for the purpose of meeting management of livestock.

Statutory Provisions

Planning and Development Act, 2000 (as amended)

In order to assess this proposal, regard has to be had to the *Planning and Development Act 2000, as amended*.

'Works' are defined in Section 2 of the *Planning and Development Act 2000, as amended* as follows:

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

'Development' are defined in Section 3 of the *Planning and Development Act 2000, as amended* 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.

Planning & Development Regulations, 2001, as amended

Article 6 refers to Exempted Development and states that subject to Article 9, development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

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

Part 3 Exempted Development Rural- Article 6

Class 6

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 6

Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres

(whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

- 1. No such structure shall be used for any purpose other than the purpose of agriculture.*
- 2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.*
- 3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution*
- 4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.*
- 5. No such structure within 100 metres of any public road shall exceed 8 metres in height.*
- 6. No such structure shall be situated, and no effluent from such structure shall be stored, 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.*
- 7. 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.

Basis of Referral

The applicant is seeking a Section 5 Declaration as to whether the construction of a sheep shed for lambing is development and is or is not exempted development.

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

Class 6

Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

1. *No such structure shall be used for any purpose other than the purpose of agriculture. **This is the case.***

*The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate. **The gross floor space of the proposed structure is to be 187sq.m. The proposal therefore does not exceed any aggregate floor area threshold (300 sq.m) for units required for housing of livestock.***

2. *Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution. **No details of effluent storage facilities have been provided. There is no detail of the volume of any tank. While the number of livestock to be housed is stated (52) and the proposed period of housing (i.e the number of weeks) is not stated.***
3. *No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road. **The building is 155m distance from the public road.***
4. *No such structure within 100 metres of any public road shall exceed 8 metres in height. **The structure is 5.8m in height and as such complies with this height limitation.***
5. *No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for*

public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof. The structure complies with this requirement as the nearest neighbouring dwelling is 132m distance to the north. The location of an seepage tank is not indicated.

6. *No unpainted metal sheeting shall be used for roofing or on the external finish of the structure. There is cladded sheeting on the roof and mass concrete walls.*

Article 9 of the Planning and Development Regulations 2001, as amended

Article 9 of the Planning and Development Regulations 2001, as amended outlines restrictions on exempted development, and these are assessed below:

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

There are no previous planning permissions on site.

- (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,*

No alterations to the existing access arrangements are proposed and that access is from a private laneway.

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

N/A.

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

N/A.

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

The subject site is located in a Heritage landscape. The section of the N67 from Lisdoonvarna town (towards Ballyvaaghan) for a distance of 6.25km is not designated

as a scenic route. The subject development is located along this section of the M67. The proposal is not considered to interfere with the character of the landscape given its nature of proposed use, the stand of forestry nearby and given that the view from the N67 at this location is not a protected view.

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

N/A This is not applicable in this instance.

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

N/A This is not applicable in this instance. The nearest archaeological zone is 140m distance to the west.

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

N/A This is not applicable in this instance.

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

A land holding map has been submitted comprising 2 folios adjacent to one another in the vicinity of the proposed shed on the northern side of the N67 at Ballybonnoe North . The nearest European site, Moneen

Mountain, is 2.5km distance to the east. There are a no hydrological pathways linking the subject lands to the Moneen Mountain SAC. However that applicant has also indicated that they have lands at Kilshanny also and no map has been submitted in this regard. It is not clear if this land is also available or intended for spreading of effluent .

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

This is not applicable in this instance as the subject site is not located in a NHA or p NHA.

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

This is not applicable in this instance.

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

This is not applicable in this instance.

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

This is not applicable in this instance.

- (xi) *obstruct any public right of way,*

This is not applicable in this instance.

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

This is not applicable in this instance.

Conclusion

Having regard to the above it is considered that further information is required in respect of effluent storage facilities and suitability of land holding for spreading of effluent.

Recommendation

I recommend requesting additional information as follows:

1. Please be advised that generally under the Planning and Development Regulations (as amended) Schedule 2, part 3, Class 6 works consisting of the provision of a roofed structure for the housing of sheep, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage are considered to be exempted development provided that effluent storage facilities adequate to serve the structure having regard to its size, use and location are constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and have regard to the need to avoid water pollution.

Please submit details including the cubic volume of any effluent storage facilities / seepage tank. It must be demonstrated that the volume of the tank is adequate to serve the proposed development. In addition, please arrange to submit a table showing the number and type of livestock to be housed, the estimated volume of effluent arising and the proposed period of housing (i.e. no. of weeks).

2. Please arrange to submit revised landholding maps for the subject lands and lands at Kilshanny such that the area suitable for spreading is hatched or shaded in colour to enable the Planning Authority to carry out Appropriate Assessment Screening (Habitat Directive) of the proposed development.



Ellen Carey
Executive Planner

Date: 24/04/25



Gareth Ruane
Senior Executive Planner

Date: 25/04/25

Appropriate Assessment & Determination

STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	Section 5 R25/ 54
(b) Brief description of the project or plan:	Sheep shed
(c) Brief description of site characteristics:	Field in agricultural use
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.				
European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Moneen Mountain SAC		2.5km	None	No
			None	Yes

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

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

STEP 3. Assessment of Likely Significant Effects	
(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:	
Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <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 	Spreading of effluent
In-combination/Other	none

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

Examples of the type of changes to give consideration to include:

- Reduction or fragmentation of habitat area
- Disturbance to QI species
- Habitat or species fragmentation
- Reduction or fragmentation in species density
- Changes in key indicators of conservation status value (water or air quality etc.)
- Changes to areas of sensitivity or threats to QI
- Interference with the key relationships that define the structure or ecological function of the site

- Changes in key indicators of conservation status value (water or air quality etc.)

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

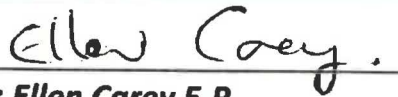
☐ Yes ☒ No

Step 4. Screening Determination Statement

The assessment of significance of effects:

The proposed development comprises a sheep shed which is located approx. 2.5km distance from the Moneen Mountain SAC. there is no hydrological pathway linking the subject to the SAC. However the applicant also owns a farm at Kilshanny and no land holding map of same has been submitted. It is not clear of these lands also used for spreading or are suitable for same. Further information will be requested.

Conclusion: Further information will be requested

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input checked="" type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	24 th April 25  Name: Ellen Carey E.P.	
Signature and Date of the Decision Maker:		



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Aisling Garrahy
C/o Deirdre Foran
Lisdoonvarna
Co. Clare

01/04/2025

Section 5 referral Reference R25-24 – Aisling Garrahy

Is the proposed agricultural shed for housing sheep during lambing season development and if so, is it exempted development?

A Chara,

I refer to your application received on 1st April 2025 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

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

Mise, le meas

Brian Fahy
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stiúirthóireacht Forbairt Gheilleagrach

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

Planning Department
Economic Development Directorate

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



CONTAE

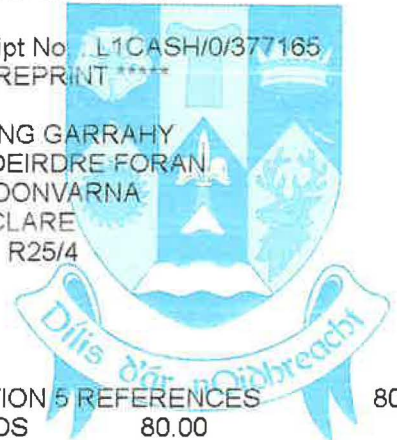
Clare County Council
Aras Contae an Chlair
New Road
Ennis
Co Clare

AN CHLÁIR

01/04/2025 09:55:12

Receipt No. L1CASH/0/377165
***** REPRINT *****

AI SLING GARRAHY
C/O DEIRDRE FORAN
LISDOONVARNA
CO. CLARE
REF: R25/4



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

Total : 80.00 EUR

COMHAIRLE

Tendered :
CHEQUES 80.00

CONTAE

Change 0.00

AN CHLÁIR

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

P07

**CLARE COUNTY COUNCIL
COMHAIRLE CONTAE AN CHLÁIR**

Planning Department,
Economic Development Directorate,
Clare County Council,
New Road, Ennis,
Co. Clare.
V95DXP2

Telephone No. (065) 6821616
Fax No. (065) 6892071
Email: planoff@clarecoco.ie
Website: www.clarecoco.ie



R25-24

**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	AISLING GARRAHY BALLYCONNOE NORTH LISDOONVARNA CO CLARE
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	DEIRDRE FORAN LISDOONVARNA CO CLARE

2. DETAILS REGARDING DECLARATION BEING SOUGHT

(a) PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT

Note: only works listed and described under this section will be assessed.

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

IS THE PROPOSED AGRICULTURAL SHED FOR HOUSING SHEEP DURING LAMBING SEASON 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.

A SHED WITH 2.5M CONCRETE WALLS AND SHEETING TO SOFFIT HEIGHT, WITH SHEETING ON THE ROOF, 3 ROLLER DOORS TO THE EAST, LOOSE PENS EACH SIDE OF A CENTRAL FEEDING PASSAGE. THE SHED IS MORE THAN 100M FROM THE NEAREST DWELLING NOT WITHIN THE OWNERSHIP OF THE APPLICANT.

THE CONCRETE FLOOR WILL HAVE STRAW BEDDING WHILE SHEEP ARE HOUSED DURING LAMBING SEASON, AND THE DUNG WILL BE SPREAD ON THE AREA WITHIN FOLIO FILE PLAN CE36128F, 2 HECTARES.

AISLING HAS 52 SHEEP IN THE FLOCK WITH LAMBING SEASON FROM FEBRUARY TO APRIL.

AISLING CURRENTLY RENTS A SHED IN KILSHANNY BUT DURING LAMBING SEASON NOT BEING CLOSE TO THE SHED HAS LED TO LOSS OF STOCK.

AISLING BOUGHT THIS LAND BESIDE HER HOUSE IN 2020 & 2024 FOR THE PURPOSE OF MBETTER MANAGEMENT OF LIVESTOCK.

(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)

DRAWINGS; SITE LOCATION MAP; SITE LAYOUT PLAN

LANDHOLDINGS MAP & FILE PLANS

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	BALLYCONNOE NORTH LISDOONVARNA CO CLARE
(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):	AISLING IS THE REGISTERED OWNER OF THE PROPERTY
(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>	
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	YES
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	NO
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	NO
(h) Date on which 'works' in question were completed/are likely to take place:	SHED TO BE COMPLETED IN TIME FOR LAMBING SEASON IN 2026

SIGNED: Kendal Foran B.ENG.

AGENT ON BEHALF OF APPLICANT

DATE: 25-03-2025

GUIDANCE NOTES

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

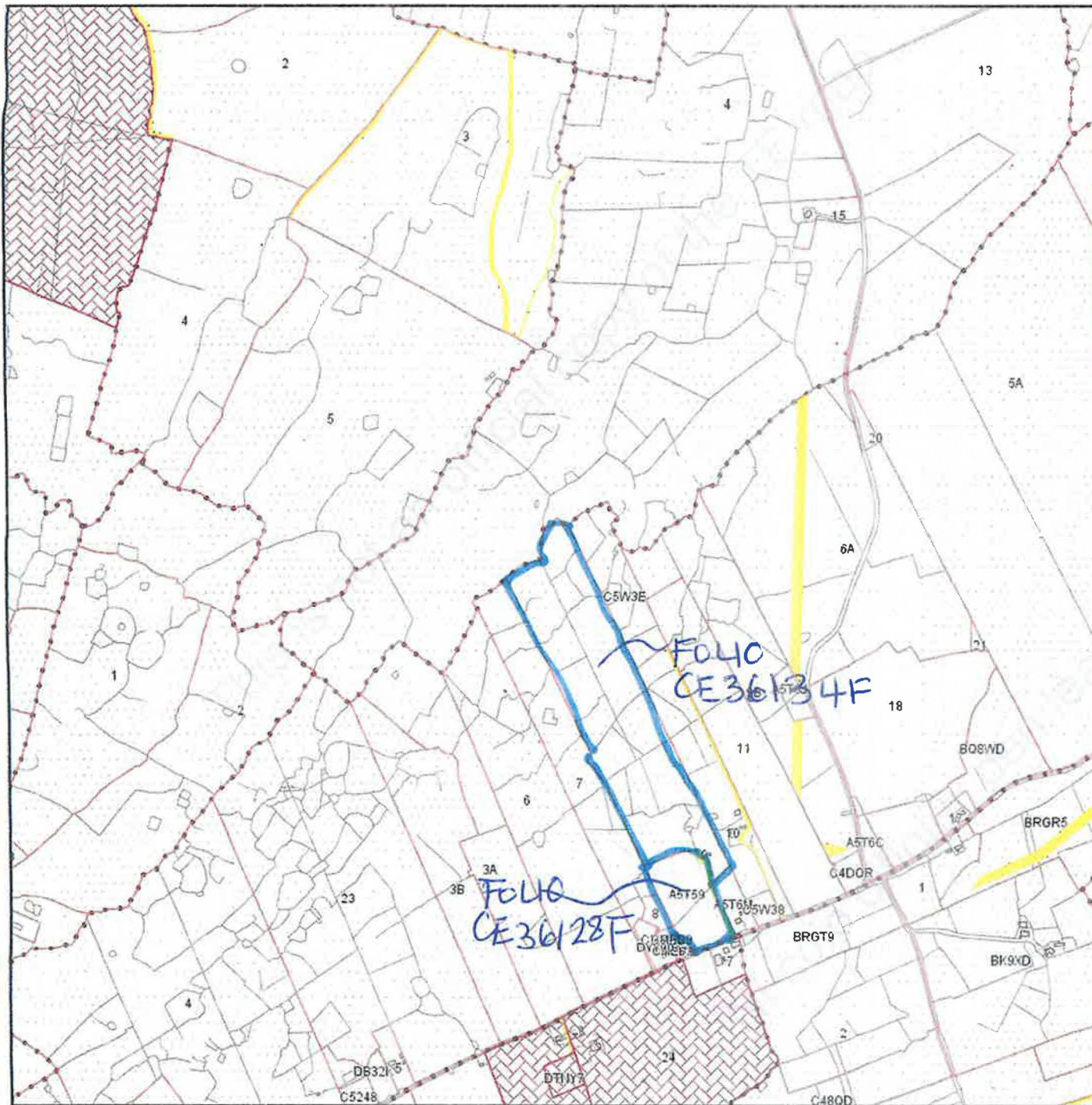
- (i) The request for a declaration under Section 5 must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
- (ii) The request for a declaration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

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

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

FOR OFFICE USE ONLY

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



**Tailte
Éireann**

Clárúchán, Luacháil,
Suirbhéireacht
Registration, Valuation,
Surveying

Official Tailte Éireann Registration Map

This map should be read in conjunction with the folio.

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

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

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(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- SubLeasehold
- 'S' Register

(see Section 8(b)(II) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- ◡ Soak Pit

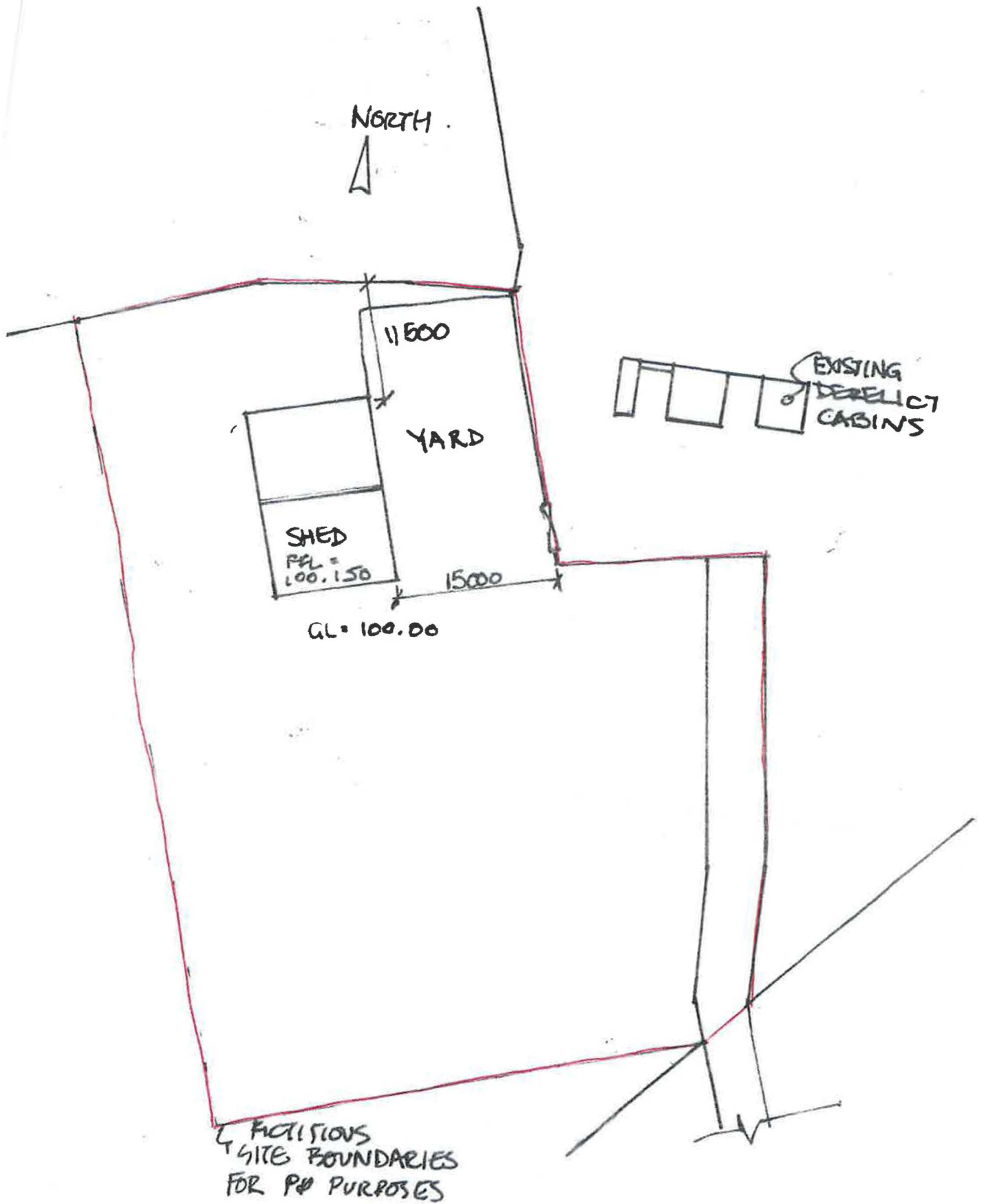
A full list of burdens and their symbology can be found at: www.landdirect.ie

Tailte Éireann Registration operates a non-conclusive boundary system. The TÉ Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TÉ Registration map is conclusive as to the boundaries or extent.

(see Section 85 of the Registration of Title Act, 1964). As Inserted by Section 62 of the Registration of Deed and Title Act 2006.

**AILSING GARRAHY
BALLYCONNOR NORTH
LISDOONVARNA**

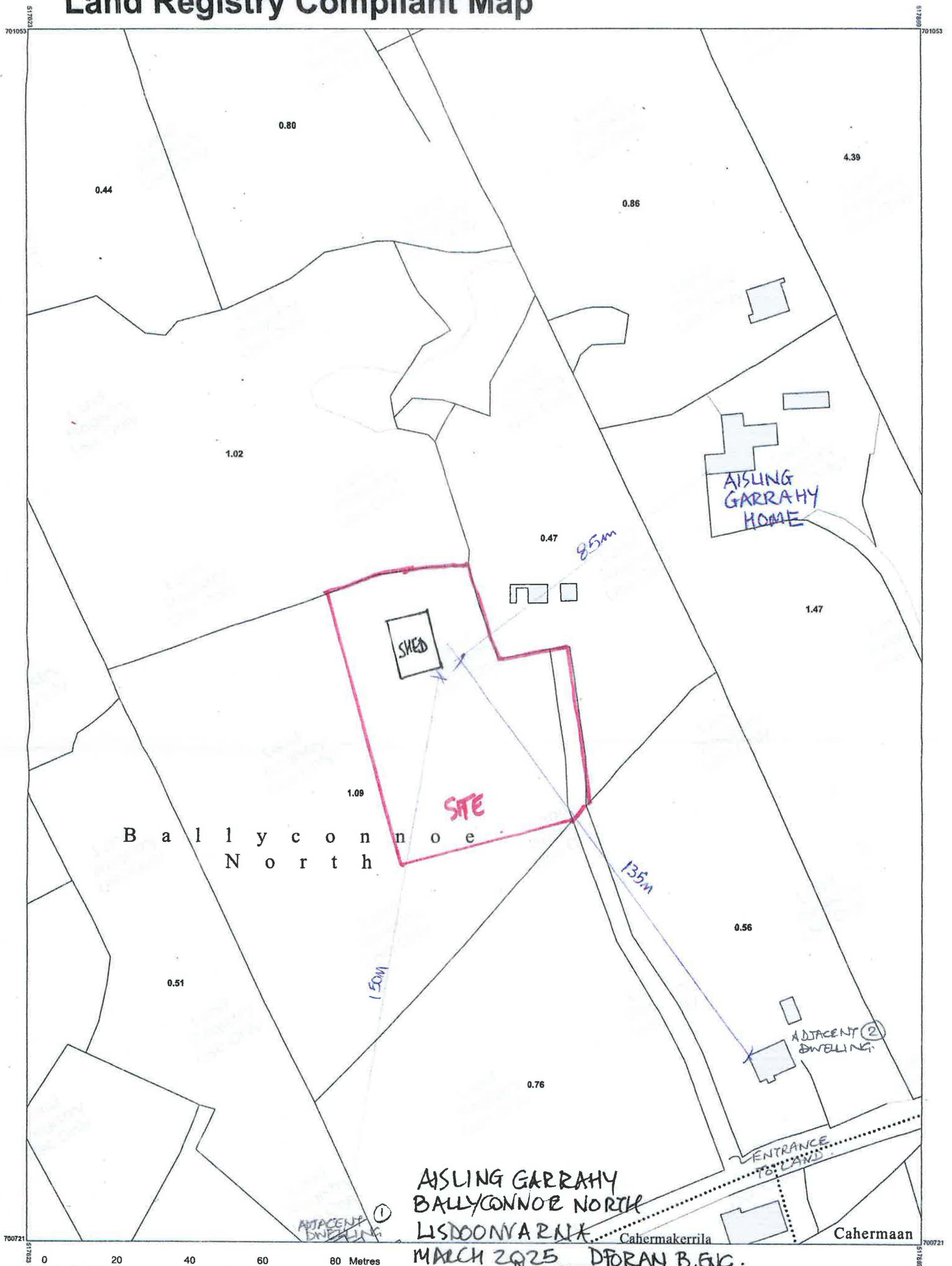




SITE LAYOUT 1/500
AREA = 0.39ha

AISLING GARRAHY
BALLYCONNOE NORTH
USDOONVARN
MARCH 2025
DRAWN BY

Land Registry Compliant Map



COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

www.tailte.ie

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of a right of way.

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does not show
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nor does it show
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CENTRE
COORDINATES:
ITM 517746,700887

ORDER NO.:
50455710_1

MAP SERIES:
1:5,000

PUBLISHED:
21/03/2025

MAP SHEETS:
3853

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.tailte.ie; search 'Capture Resolution'

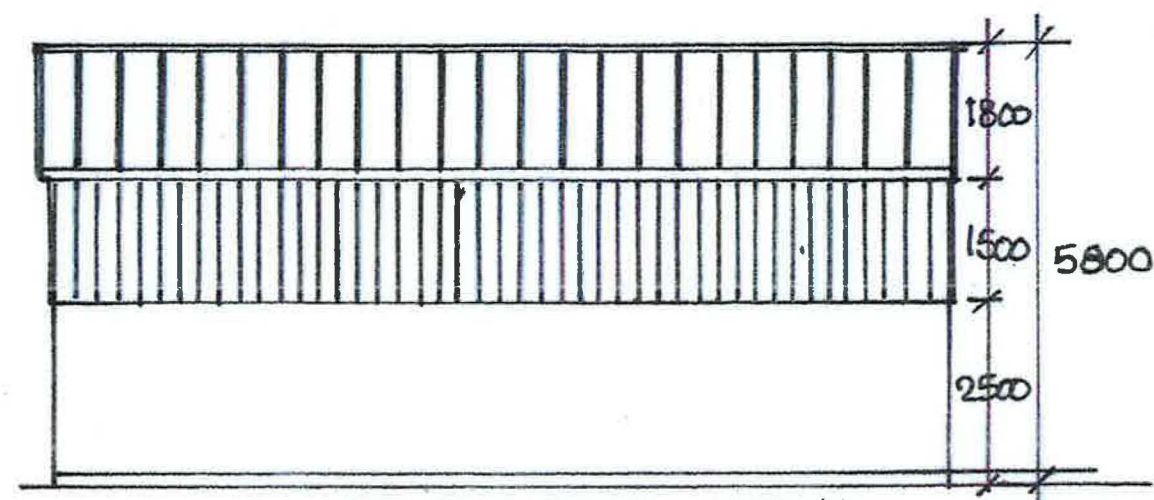
LEGEND:
To view the legend visit
www.tailte.ie and search for
'Large Scale Legend'



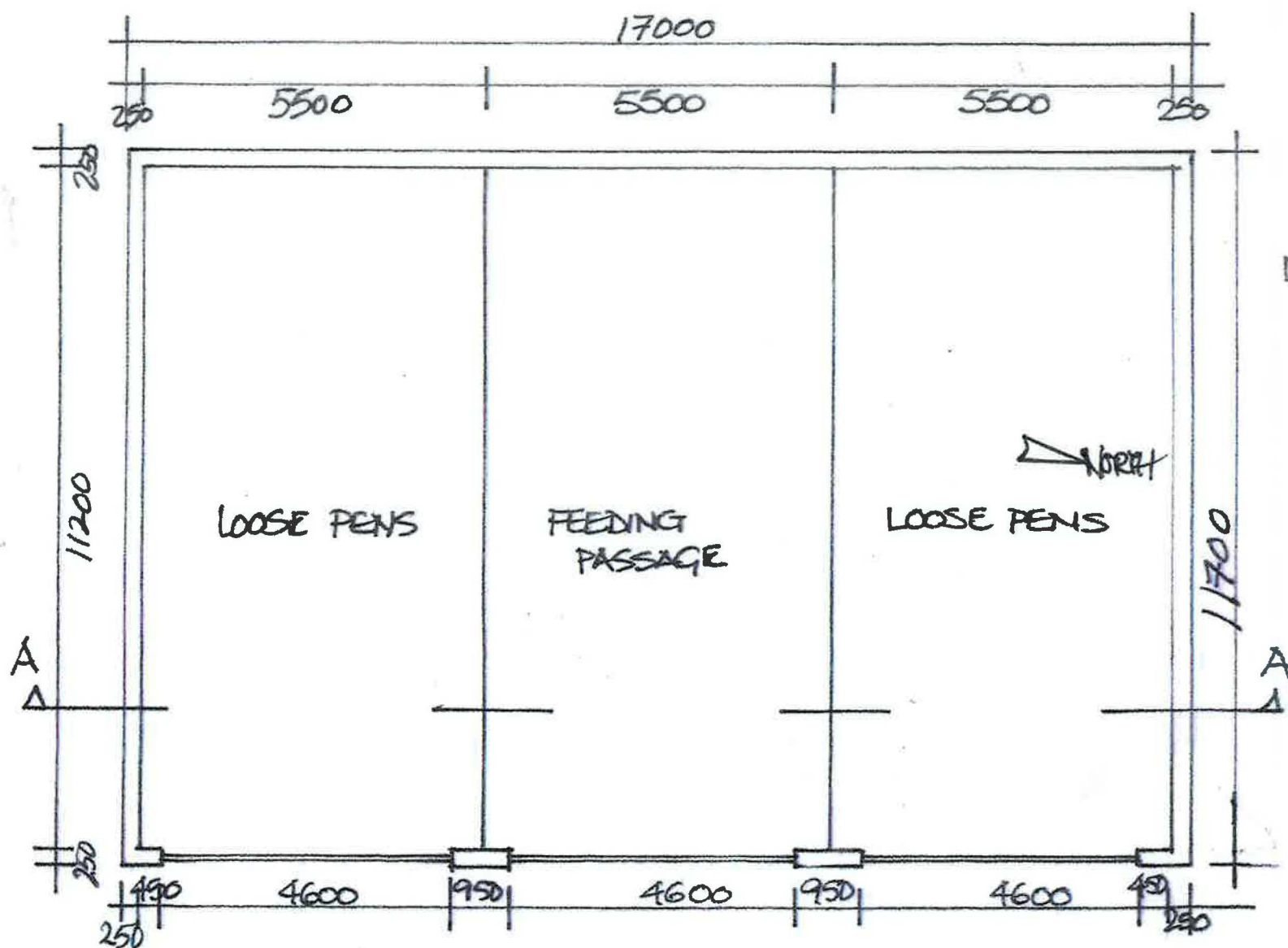
**Tailte
Éireann**



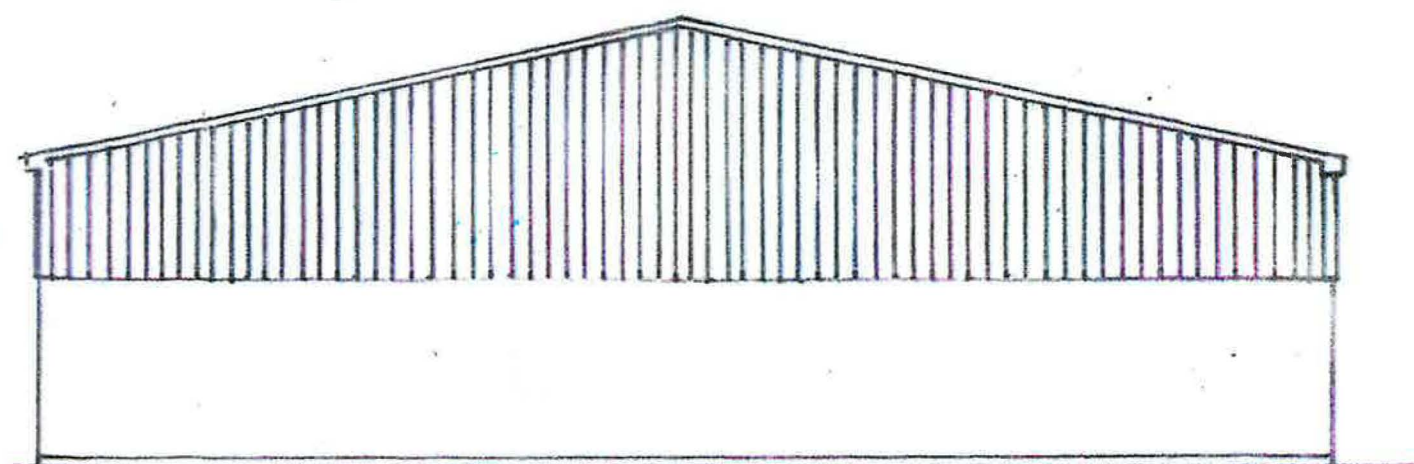
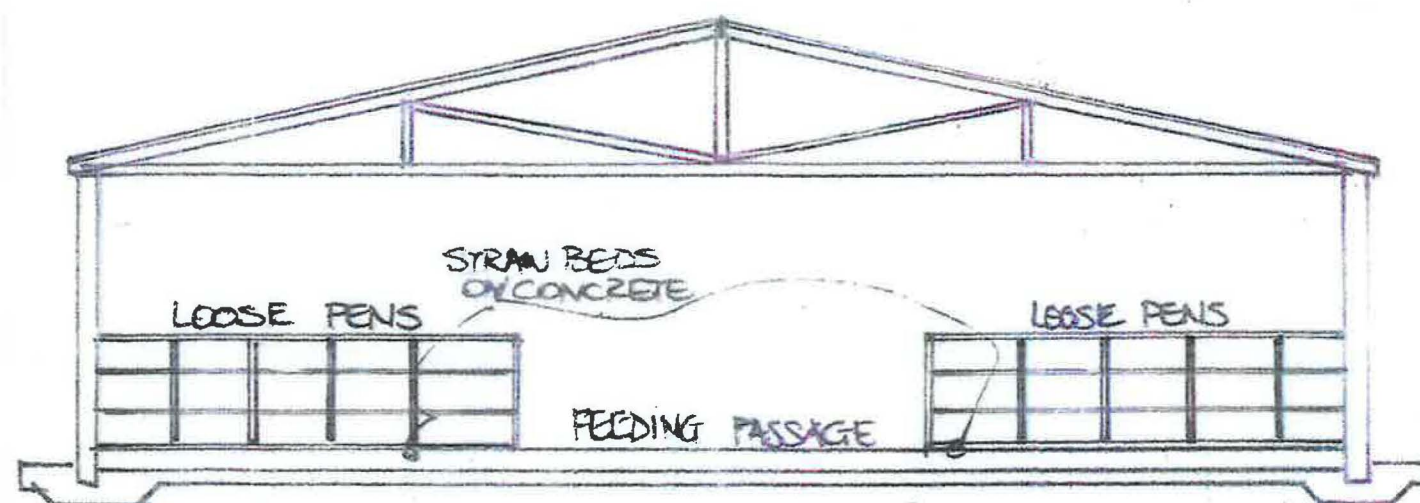
- RIGHT VIEW -



- FRONT & REAR VIEWS -



- PLAN - 1/100 -



- LEFT VIEW -

AISLING GARRAHY
 BALLYCONNOE NORTH
 LISDONVARNA
 MARCH 2015 DFORAN REV.