



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Registered Post**

**Regenerative Agriculture & Woodland Trading Unlimited Company**  
C/o Padraig Neylon  
Atlantic Building Consultants Ltd  
Unit 1 Digital Hub  
Merchants Quay Business Quarter  
Frances Street  
Kilrush  
Co. Clare

3rd June 2025

**Section 5 referral Reference R25-35 – Regenerative Agriculture & Woodland Trading Unlimited Company**

Are the proposed modifications and enlargement to forestry entrances considered (as shown in the attached drawings) development and if so are they exempted development?

A Chara,

I refer to your application received on 7th May 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 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](http://www.pleanala.ie).

Mise, le meas

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

**An Roinn Pleanála**  
**An Stiúirthóireacht Forbairt Gheilleagrach**

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

**Planning Department**  
**Economic Development Directorate**

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



**CLARE COUNTY COUNCIL**

**SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED**

**DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT**

Chief Executive's Order No:

85603

Reference Number:

R25-35

Date Referral Received:

7th May 2025

Name of Applicant:

Regenerative Agriculture & Woodland  
Trading Unlimited Company

Location of works in question:

Ballyillaun, Kilmaley, Co. Clare

**Section 5 referral Reference R25-35 – Regenerative Agriculture & Woodland Trading  
Unlimited Company**

Are the proposed modifications and enlargement to forestry entrances considered (as shown in the attached drawings) development and if so, are they exempted development?

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) The works as indicated in submitted documents from the referrer on the 07<sup>th</sup> May 2025.

**AND WHEREAS Clare County Council has concluded:**

- (a) The proposed modifications and enlargement of forestry entrances at Ballyillaun, Kilmaley, County Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended.
- (b) The said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended.
- (c) The said development of the proposed modifications and enlargement of forestry entrances at Ballyillaun, Kilmaley, County Clare is not exempted development having regard to Article 9(a)(iii) of the Planning and Development Regulations 2001, as amended as the proposed works would endanger public safety by reason of traffic hazard and the obstruction of road users.

**ORDER:**

Whereas by Chief Executive's Order No. HR 343 dated 19<sup>th</sup> 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 Kieran O'Donnell, Administrative Officer, the powers, functions and duties as set out herein,

**NOW THEREFORE** pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the referral described above, I, Kieran O'Donnell, Administrative Officer, hereby declare that the proposed modifications and enlargement of forestry entrances at Ballyillaun, Kilmaley, Co. Clare is considered development which is not exempted development.

Signed:

  
KIERAN O'DONNELL  
ADMINISTRATIVE OFFICER 

Date:

3rd June 2025

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

Reference No.: R25-35



Comhairle Contae an Chláir  
Clare County Council

**Section 5 referral Reference R25-35**

**Are the proposed modifications and enlargement to forestry entrances considered (as shown in the attached drawings) development and if so, are they exempted development?**

**AND WHEREAS, Regenerative Agriculture & Woodland Trading Unlimited Company** has requested a declaration from Clare County Council on the said question.

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) The works as indicated in submitted documents from the referrer on the 07<sup>th</sup> May 2025.

**And whereas Clare County Council has concluded:**

- (a) The proposed modifications and enlargement of forestry entrances at Ballyillaun, Kilmaley, County Clare constitutes “works” which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended.
- (b) The said works constitute “development” which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended.
- (c) The said development of the proposed modifications and enlargement of forestry entrances at Ballyillaun, Kilmaley, County Clare is not exempted development having regard to Article 9(a)(iii) of the Planning and Development Regulations 2001, as amended as the proposed works would endanger public safety by reason of traffic hazard and the obstruction of road users.

**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 modifications and enlargement of forestry entrances at Ballyillaun, Kilmaley, Ennis, 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

Anne O'Gorman  
Staff Officer  
Planning Department  
Economic Development Directorate

3rd June 2025

**CLARE COUNTY COUNCIL  
SECTION 5 DECLARATION OF EXEMPTION APPLICATION  
PLANNERS REPORT 1**

<b>FILE REF:</b>	R25-35
<b>APPLICANT:</b>	Regenerative Agriculture & Woodland Trading Unlimited Company
<b>REFERRAL:</b>	Whether the proposed modifications and enlargement of forestry entrances at Ballyillaun, Kilmaley, County Clare is development and is or is not exempted development.
<b>LOCATION:</b>	Ballyillaun, Kilmaley, County Clare
<b>DUE DATE:</b>	03 <sup>rd</sup> June 2025

**Site Location**

The proposal site is located in the rural townland of Ballyillaun which is to the east of Lough Burke and to the north west of Kilmaley. The existing overgrown access points are located to the north and south of the LS8282 local secondary road. The views towards same are local in range only. To the rear of each of these access points is an area of commercial forestry.

**Recent Planning History**

**Onsite**

None.

**East**

19-512 – Withdrawn - Brid Griffin - to construct a dwelling house and garage, with effluent treatment system, new entrance from public road, and all associated site works.

19-768 – Granted - Brid Griffin - to construct a dwelling house and garage, with effluent treatment system, new entrance from public road and all associated site works.

**West**

03-2433 – Granted - Ann Treasa Griffin - to construct house, entrance and puraflo sewage treatment plant.

08-334 – Granted - Sean & Valerie Vaughan - for amendments to existing grant of planning permission ( planning register reference no. 03/2433 to construct a house, entrance and puraflo sewage treatment unit) The amendments include moving the conservatory to the opposite gable, minor internal plan alterations and minor adjustments to the fenestration only..

## Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Regenerative Agriculture & Woodland Trading Unlimited Company who is seeking a Section 5 Declaration as to whether the proposed modifications and enlargement of forestry entrances at Ballyillaun, Kilmaley, County Clare is not development and is or is not exempted development.

## Statutory Provisions

### Planning and Development Act, 2000 (as amended)

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

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

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

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

Under Article 9 (1) of the Planning and Development Regulations 2001 (as amended), development which may otherwise constitute exempted development 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,*
  - (iii)(a) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,*
  - (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.*

*(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 proposed modifications and enlargement of forestry entrances at Ballyillaun, Kilmaley, County Clare is not development and is or is not exempted development.

### Particulars of Proposal

The proposal pertains to 5 access points to serve existing forestry. It is stated that the proposal relates to the modification and enlargements of existing forestry entrances. I inspected the site on the 30<sup>th</sup> May 2025 and noted that all of the access points are overgrown and have not been used for a considerable period of time. At present none would be passable by vehicles for the purposes of deforestation. Bell-mouthed entrances are proposed.

### 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:

- (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*

Not applicable.

- (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,*

The local secondary road is less than 4 metres in width.

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

The proposed works relate to the facilitation of access to existing areas of commercial forestry to the north and south of the public road. No sightline distances have been demonstrated from any of the access points as indicated on the layout plans. In addition, having regard to the extent of the forestry that these access points would serve, there would be a considerable volume of traffic movements associated with deforestation and/or reforestation of these areas. No details have been received with regard to the proposed management of traffic associated with these activities. On the basis of the available information I consider that the proposed works would endanger public safety by reason of traffic hazard and the obstruction of road users (i.e. forestry vehicles at operational stage). Planning permission would therefore be required and any

grant of permission should include the requirement of a traffic management plan which would appropriately mitigate for the disturbance to local traffic.

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

Not applicable.

*(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 site is within the Western Corridor Working Landscape. Having regard to the nature of the proposed development, that nature of the proposal site and its receiving environs, and the views available towards the site I consider that development proposed would not interfere with the character of the landscape or views in the area.

*(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,*

Not applicable.

*(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,*

Not applicable.

*(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,*

The proposal site is located circa 6km from Pouldatig Cave SAC. Having regard to the nature and scale of the proposed development, and on the basis of the available information I consider that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European Site. An appropriate assessment screening report and determination is attached to this report.

*(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."*

The proposed development would not be likely to have an adverse impact on an area designated as a natural heritage area.

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

Not applicable.

*(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,*

Not applicable.

*(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,*

Not applicable.

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

Not applicable.

*(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.*

Not applicable.

**Recommendation**

**The following question has been referred to the Planning Authority:**

Whether the proposed modifications and enlargement of forestry entrances at Ballyillaun, Kilmaley, County Clare is ~~not~~ development and is or is not exempted development.

**The Planning Authority in considering this referral had regard to:**

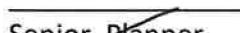
- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended
- (c) The works as indicated in submitted documents from the referrer on the 07<sup>TH</sup> May 2025

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

- (a) the proposed modifications and enlargement of forestry entrances at Ballyillaun, Kilmaley, County Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended.
- (b) the said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended.
- (c) the said development of the proposed modifications and enlargement of forestry entrances at Ballyillaun, Kilmaley, County Clare is not exempted development having regard to Article 9(a)(iii) of the Planning and Development Regulations 2001, as amended as the proposed works would endanger public safety by reason of traffic hazard and the obstruction of road users

Now therefore Clare County Council (Planning Authority) hereby decides that the proposed modifications and enlargement of forestry entrances at Ballyillaun, Kilmaley, County Clare is development and is not exempted development.

  
Executive Planner  
Date: 30<sup>th</sup> May 2025

  
Senior Planner  
Date:

  
30/5/25

# Clare County Council

## Screening for Appropriate Assessment & Determination

1. Table 1 to be filled in for all development applications.
2. Where proposed development is within a European site(s) site, go directly to table 3.
3. For all other development proposals, fill in table 2, and if required, table 3.
4. A Habitats Directive Screening Statement should be sought for all developments regardless of location which require an EIS

**Table 1: Project Details**

Planning File Reference	R25-35
Applicant Name	Regenerative Agriculture & Woodland Trading Unlimited Company
Development Location	Ballyillaun, Kilmaley, County Clare
Application accompanied by an EIS	No
Application accompanied by an NIS	No
Description of the project (To include a site location map):	
<p>Modifications and enlargement of forestry entrances</p> 	

**Table 2: Identification of European sites which may be impacted by the proposed development.**

This section identifies the European Sites within the likely zone of impact of the plan or project. For plans an initial 15km zone of influence (NPWS-DAHG)<sup>1</sup> is recommended. For projects, the distance could be much less than 15km, and in some cases less than 100m, but this must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects. Qualifying Interests/Special conservation Interests for each site and the distance relevant to the proposal are listed (Table 2 (a)).

**Table 2 (a): European Sites within 15km of Applicant Site**

European Sites <sup>2</sup>	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on <a href="http://www.npws.ie/protectedsites">www.npws.ie/protectedsites</a> ) or through Intranet.	Distance to Applicant Site (km)
Pouldatig Cave SAC	Lesser Horseshoe bat ( <i>Rhinolophus hipposideros</i> )	6.3

1	Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.	<i>Is the development in the catchment of or immediately upstream of a watercourse that has been designated as a European site?</i>	No
2	Impacts on terrestrial habitats and species.	<i>Is the development within 1km of a European site with terrestrial based habitats or species?</i>	No
3	Impacts on designated marine habitats and species.	<i>Is the development located within marine or intertidal areas and within 5 km of a European site whose qualifying habitats or species include the following: Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs</i>	No
4	Impacts on birds in SPAs	<i>Is the development within 1km of a Special Protection Area</i>	No
5	Indirect effects	<i>Is the development, in combination with other existing or proposed developments likely to impact on an adjacent European site? Is any emission from the development (including noise) likely to impact on an adjacent habitat or species?</i>	No impacts envisaged

<sup>1</sup> European Sites that are more than 15km from the proposal may have to be considered. For example in the case of sites with water dependent habitats or species and where a proposal could affect water quality or quantity it may be necessary to consider the full extent of the upstream and/or downstream catchment.

<sup>2</sup> European Site details are available on <http://webgis.npws.ie/npwsviewer/> or maybe obtained from internal mapping systems.

<b>Appropriate Assessment Screening Determination</b>	
<b>Planning File Reference</b>	R25-35
<b>Proposed Development</b>	Forestry Entrances
<b>Development Location</b>	Ballyinaun
<b>European sites within impact zone</b>	As per report
<b>Description of the project</b>	
Forestry Entrances	
<b>Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site</b>	
As per report	
<b>Describe how the project or plan (alone or in combination) is likely to affect the European site(s).</b>	
General disturbance	
<b>If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?</b>	
Not significant. Significant remove from the designation with no strong direct connections to same.	
<b>Documentation reviewed for making this statement</b>	
NPWS website Plans and particulars received GIS mapping database	
<b>Conclusion of assessment (a, b, c or d)</b>	
(a) The proposed development is directly connected with or necessary to the nature conservation management of a European Site(s) <sup>3</sup>	No
(b) There is no potential for significant effects to European Sites <sup>3</sup>	Yes
(c) The potential for significant effects to European Site(s) cannot be ruled out <sup>4</sup>	No

<sup>3</sup> Appropriate Assessment is not required and therefore Planning permission may be granted at this stage subject to all other planning considerations. However, no changes may be made to the proposed development after this conclusion has been reached as this would invalidate the findings of the screening exercise.

<sup>4</sup> In accordance with S177U of the Planning and Development (Amendment) Act 2010, the applicant should be requested to submit an 'Appropriate Assessment Screening Matrix' completed by a suitably qualified ecologist, by way of Further Information. Following receipt of this information a new Appropriate Screening Report should be completed. The requested 'Appropriate Assessment Screening Matrix' should be in accordance with the template outlined in Annex 2, Figure 1 of the EU (2001) guidance document 'Assessment of plans and projects significantly affecting European Sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. This guidance document is available from [http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura\\_2000\\_assess\\_en.pdf](http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf)

Alternatively, where other planning concerns arise the proposal could be refused planning permission.

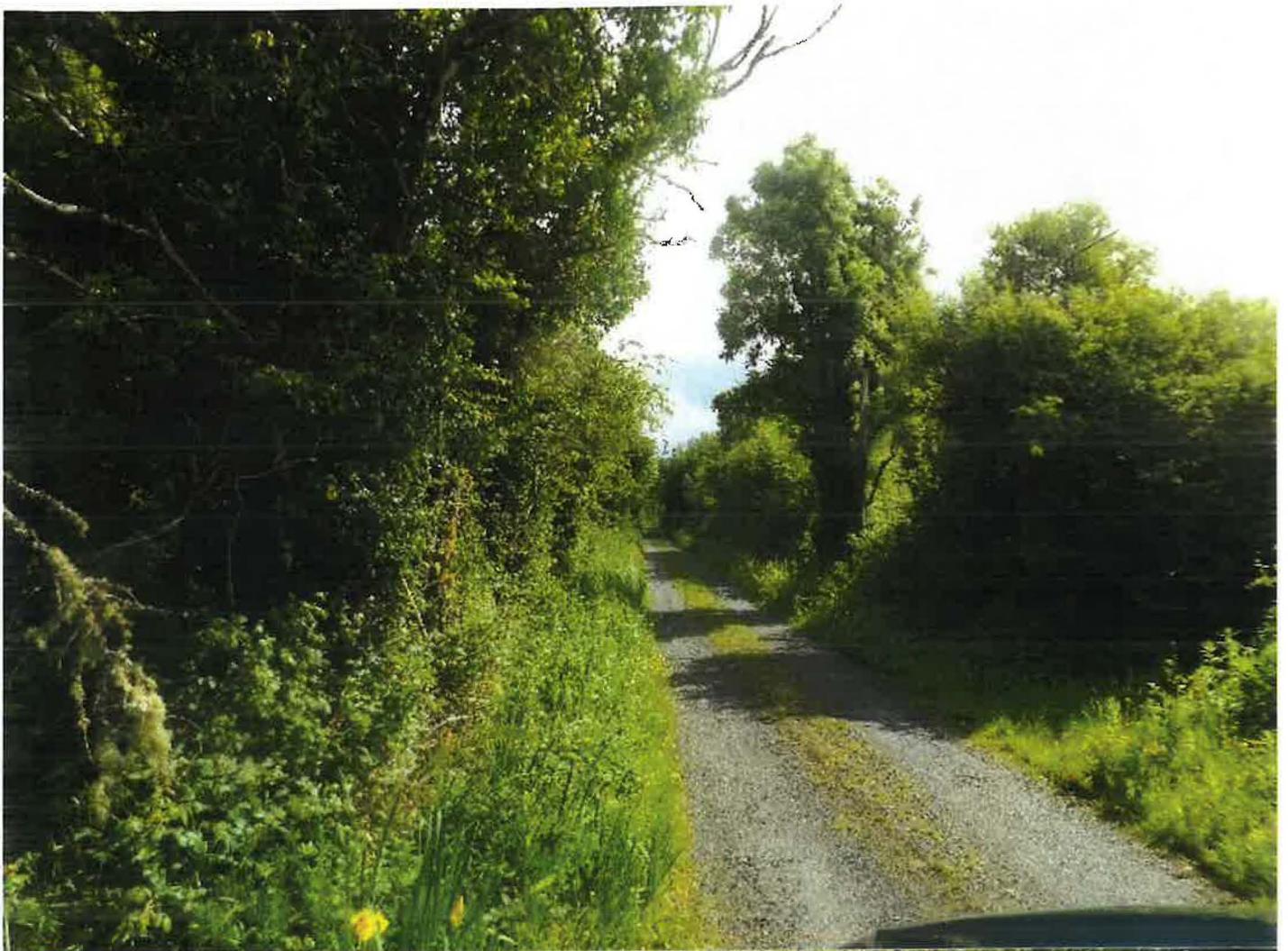
<b>(d) Significant effects to European sites are certain or likely or where potential for significant effects to European sites remains following receipt of Further Information requested under S177U of the Planning and Development (Amendment) Act 2010<sup>5</sup></b>	No
<b>Completed By</b>	John O'Sullivan
<b>Date</b>	30 <sup>TH</sup> May 2025

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<sup>5</sup> The proposed development must either by refused planning permission or alternatively an 'Appropriate Assessment' (AA) should be carried out by the Planning Authority. In order to facilitate the preparation of an AA the applicant should be requested to submit a Natura Impact Statement (NIS) in accordance with S177 (T) of the Planning and Development (Amendment) Act 2010. However, in the case of an application to retain unauthorised development of land and where the authority decides that an 'appropriate assessment' should have been carried out prior to the commencement of development, the application is required to be invalidated by the Planning Authority as per S34 (12) of the Planning and Development (Amendment) Act 2010 and accordingly an NIS should not be requested in such instances.





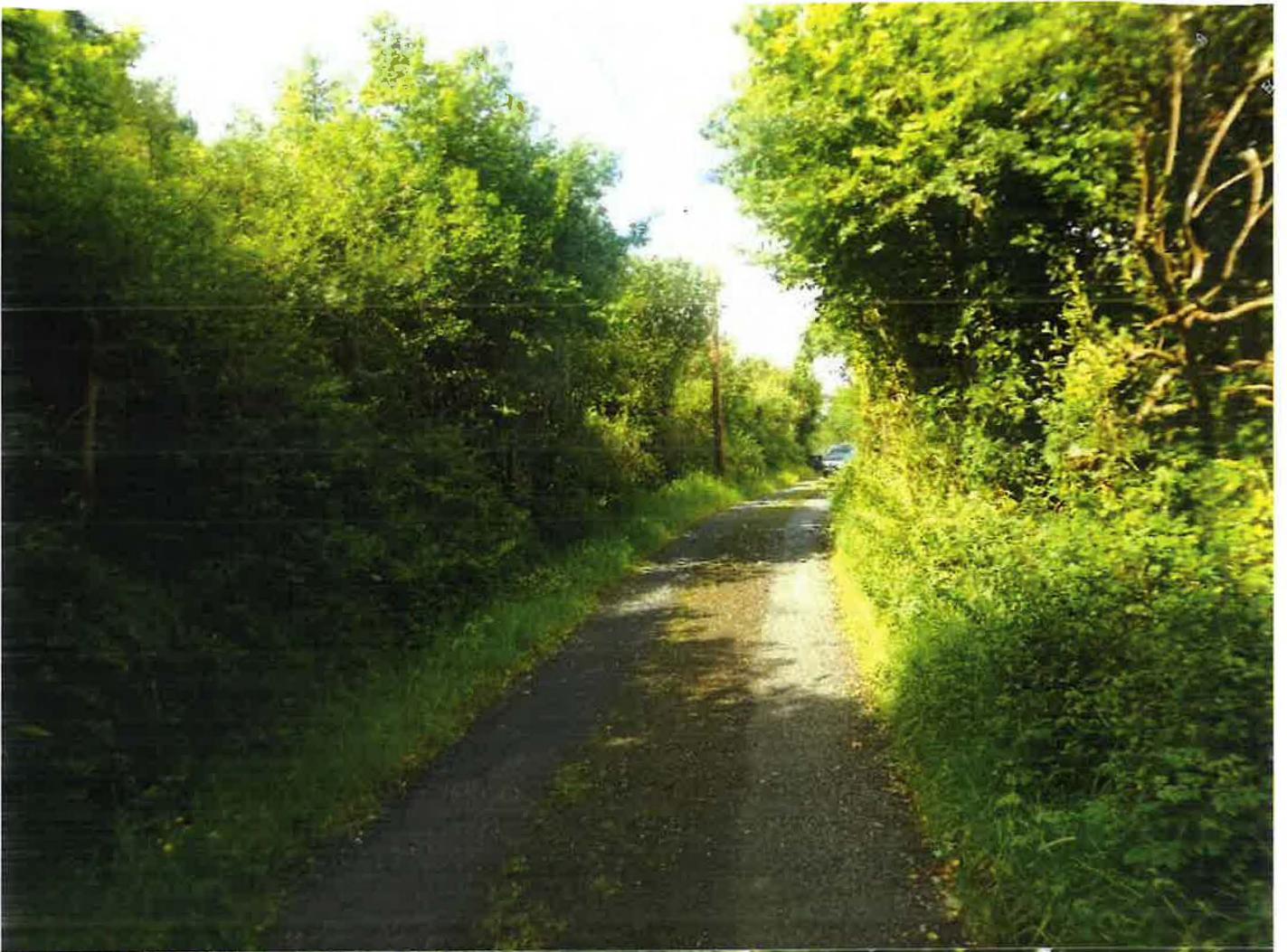


Area B



Area C





Area D









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C/o Padraig Neylon  
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09/05/2025

**Section 5 referral Reference R25-35 – Regenerative Agriculture & Woodland Trading Unlimited Company**

Are the proposed modifications and enlargement to forestry entrances considered (as shown in the attached drawings) development and if so, are they exempted development?

A Chara,

I refer to your application received on 7th May 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 Stiúarthóireacht Forbairt Gheilleagrach**

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**Planning Department**  
**Economic Development Directorate**

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



# AN CHLAIR

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



07/05/2025 10:57:54

Receipt No. L1CASH/0/378631  
\*\*\*\*\* REPRINT \*\*\*\*\*

REGENERATIVE AGRICULTURE &  
WOODLAND TRADING UNLIMITED CO.,  
C/O ATLANTIC BUILDING CONSULTANTS  
LTD., UNIT 1 DIGITAL HUB, MERCHANTS  
QUAY BUSINESS QUARTER, FRANCES  
ST., KILRUSH, CO. CLARE R25/35

## COMHAIRLE CONTAE AN CHLÁIR

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

Total : 80.00 EUR

## AN CHLÁIR

Tendered :  
CREDIT CARDS 80.00

Change : 0.00



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.  
T95DXP2

Telephone No. (065) 6821616  
Fax No. (065) 6892071  
Email: [planoff@clarecoco.ie](mailto:planoff@clarecoco.ie)  
Website: [www.clarecoco.ie](http://www.clarecoco.ie)



R25-35

**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	Regenerative Agriculture & Woodland Trading Unlimited Company,  Ballyillaun, Kilmaley, Ennis, Co. Clare.
Eircode	N/a
(b) Telephone No.:	
(c) Email Address:	N/a
(d) Agent's Name and address:	Note: All <u>Correspondence</u> to be <u>sent</u> to the below address -  Padraig Neylon, Atlantic Building Consultants Limited, Unit 1 Digital Hub, Merchants Quay Business Quarter, Frances Street, Kilrush, 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?*

Are the proposed modifications and enlargement to forestry entrances considered (as shown in the attached drawings) an exempted development?

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

The applicant wishes to construct 5 number forestry entrances along with all associated works.

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

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

Drawings (1/1,250) – Proposed Site Layout Plans  
Site Location Maps (1/2,500)

<b>3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT</b>	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	Ballyillaun, Kilmaley, Ennis, 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):	The applicant is the owner.
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question:  <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	N/a
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	Yes
(f) Are you aware of any enforcement proceedings connected to this site? <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>	N/a
(h) Date on which 'works' in question were completed/are likely to take place:	The works will take place pending the outcome of this application.

SIGNED:



Agent on behalf of Regenerative Agriculture & Woodland Trading  
Unlimited Company

DATE: 29 / 04 / 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

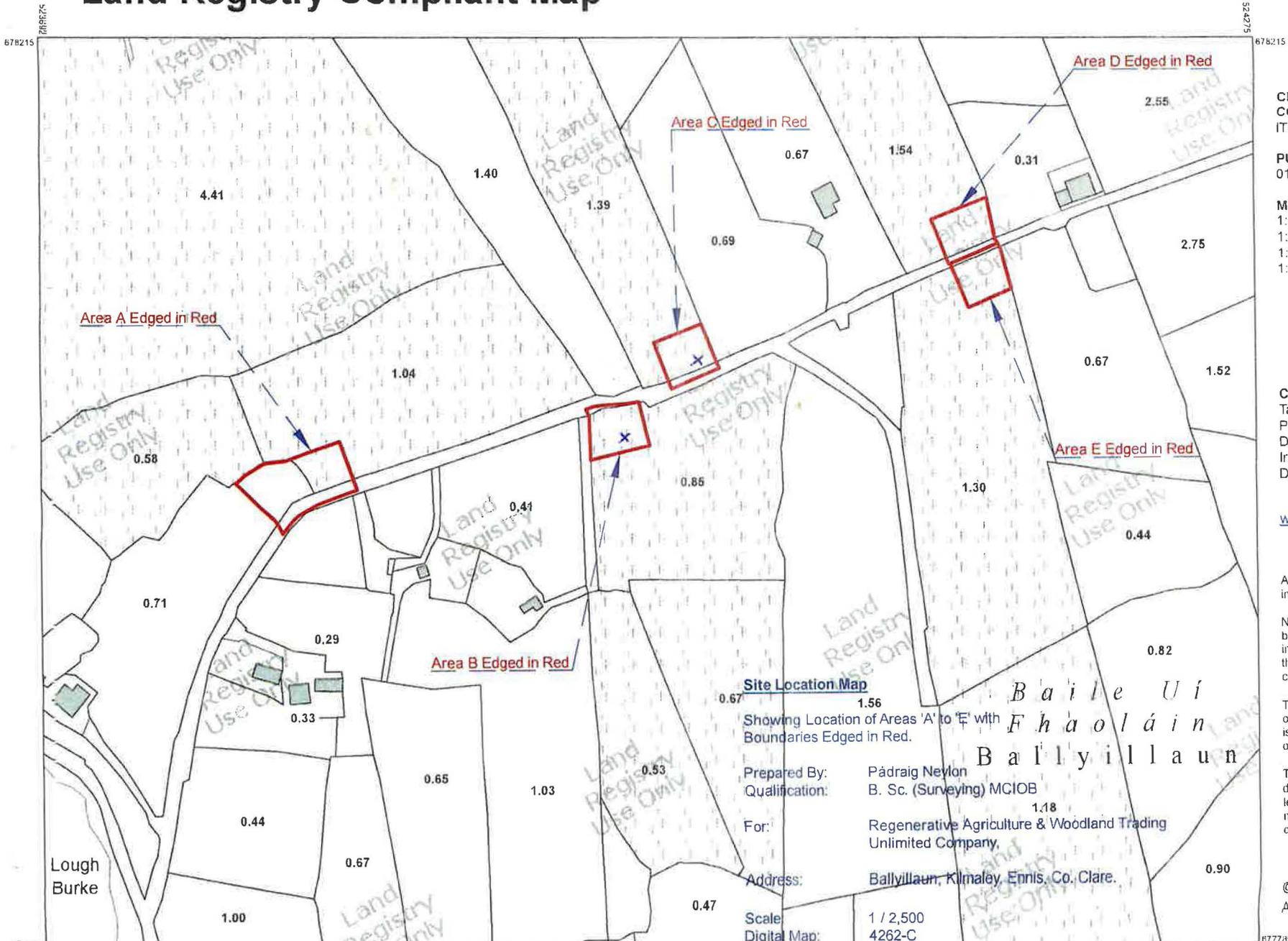
**FOR OFFICE USE ONLY**

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

# Land Registry Compliant Map



Tailte Éireann



**CENTRE COORDINATES:**  
ITM 523984,678000

**PUBLISHED:** 01/05/2025  
**ORDER NO.:** 50464003\_1

**MAP SERIES:** 1:5,000, 1:2,500, 1:5,000, 1:5,000  
**MAP SHEETS:** 4261, 4262-C, 4319, 4320

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

[www.tailte.ie](http://www.tailte.ie)

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The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

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**Site Location Map**

Showing Location of Areas 'A' to 'E' with Boundaries Edged in Red.

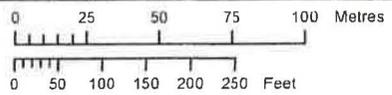
Prepared By: Pádraig Newlon  
Qualification: B. Sc. (Surveying) MCIQB  
For: Regenerative Agriculture & Woodland Trading Unlimited Company,  
Address: Ballyillaun, Kilmaley, Ennis, Co. Clare.

Scale: 1 / 2,500  
Digital Map: 4262-C

**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](http://www.tailte.ie), search 'Capture Resolution'

**LEGEND:**  
To view the legend visit [www.tailte.ie](http://www.tailte.ie) and search for 'Large Scale Legend'

**OUTPUT SCALE: 1:2,500**



Proposed  
Forestry Bellmouth  
Entrance as per  
'Technical Standard  
Design of Forestry  
Entrance from Public Road'

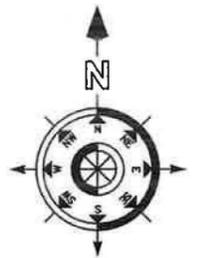
Area A Edged in Red

R12,000

# Site Layout Plan

Area A -  
Site Area = 0.126 ha

From OS Digital Map  
No.: 4262-C



(C) Copyright - Drawings for Section 5 Purposes Only

**Title -** Proposed Forestry Entrances Layout Plan - A  
**Project -** Proposed Forestry Entrances

**Client -** Regenerative Agriculture & Woodland Trading Unlimited Company  
**Address -** Ballyillaun, Kilmaley, Ennis, Co. Clare.

**Scale -** 1:250  
**Size -** A3

ATLANTIC BUILDING CONSULTANTS LTD.  
(Incorporating PND Building Consultancy &  
Tubridy Engineering)  
Unit 1 Digital Hub, Merchants Quay Business  
Quarter, Frances Street, Kilrush, Co. Clare.  
Teli 087 076 5226  
Email: padraig.neylon@atlanticbc.ie

P/25/96/SL/01

P-01 29.04.25

ATLANTIC BUILDING CONSULTANTS LTD.

A B C

Area B -  
Site Area = 0.061 ha

From OS Digital Map  
No.: 4262-C

Proposed  
Forestry Single Bellmouth  
Entrance as per  
'Technical Standard  
Design of Forestry  
Entrance from Public Road'

Area C Edged in Red

Proposed  
Forestry Single Bellmouth  
Entrance as per  
'Technical Standard  
Design of Forestry  
Entrance from Public Road'

R12,000

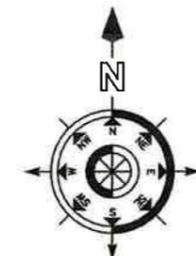
Area C -  
Site Area = 0.057 ha

From OS Digital Map  
No.: 4262-C

# Site Layout Plan

R12,000

Area B Edged in Red



<p><b>Title -</b> Proposed Forestry Entrances Layout Plan - B &amp; C</p> <p><b>Project -</b> Proposed Forestry Entrances</p>	<p><b>Client -</b> Regenerative Agriculture &amp; Woodland Trading Unlimited Company</p> <p><b>Address -</b> Ballyillaun, Kilmaley, Ennis, Co. Clare.</p>	<p><b>Scale -</b> 1:250</p> <p><b>Size -</b> A3</p>	<p>ATLANTIC BUILDING CONSULTANTS LTD. (Incorporating PND Building Consultancy &amp; Tubridy Engineering) Unit 1 Digital Hub, Merchants Quay Business Quarter, Frances Street, Kilrush, Co. Clare. Tel: 087 976 5226 Email: padraig.neylon@atlanticcbc.ie</p> <p>P/25/96/SL/02</p> <p>P-01      29.04.25</p>	<p>ATLANTIC BUILDING CONSULTANTS LTD</p> <p>A      B      C</p>
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# Site Layout Plan

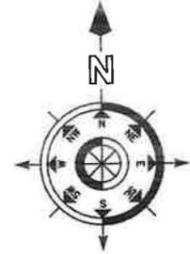
Area D Edged in Red

Area D -  
Site Area = 0.060 ha

From OS Digital Map  
No.: 4262-C

R12,000

Proposed  
Forestry Single Bellmouth  
Entrance as per  
'Technical Standard  
Design of Forestry  
Entrance from Public Road'



Area E -  
Site Area = 0.053 ha

From OS Digital Map  
No.: 4262-C

R12,000

Proposed  
Forestry Single Bellmouth  
Entrance as per  
'Technical Standard  
Design of Forestry  
Entrance from Public Road'

Area E Edged in Red

**Title -** Proposed Forestry Entrances Layout Plan - D & E

**Project -** Proposed Forestry Entrances

**Client -** Regenerative Agriculture & Woodland Trading Unlimited Company

**Address -** Ballyillaun, Kilmaley, Ennis, Co. Clare.

**Scale -** 1:250

**Size -** A3

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Tel: 087 976 5226  
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P/25/96/SL/03

P-01

29.04.25

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A B C