



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

Joseph Lyons
C/o OliverRuane
Ruane Survey, Design & Planning Ltd
Fohenagh
Ahascragh
Ballinasloe
Co. Galway

28th April 2025

Section 5 referral Reference R25-28 – Joseph Lyons

Is the construction of an agricultural slatted shed with creep area, concrete aprons, access gravel surface farm roadway from existing farm entrance development and if so, is it exempted development?

A Chara,

I refer to your application received on 3rd 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 Bord Pleanála of the required fee, refer a declaration for review by An Bord Pleanála within 4 weeks of the date of the issuing of the declaration. Details on making such appeal are available on the Board's website at www.pleanala.ie.

Mise, le meas

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

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: 85369

Reference Number: R25-28

Date Referral Received: 3rd April 2025

Name of Applicant: Joseph Lyons

Location of works in question: Ballyteige West, Ruan, Co. Clare

Section 5 referral Reference R25-28 – Joseph Lyons

Is the construction of an agricultural slatted shed with creep area, concrete aprons, access gravel surface farm roadway from existing farm entrance 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) Class 13, Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended
- (e) The details and drawing as indicated in submitted documents from the referrer.

AND WHEREAS Clare County Council has concluded:

- (a) The development consisting of the construction of a slatted unit for the housing of cattle including creep area, concrete aprons, and the construction of a new farm road from the entrance to the 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, consisting of a slatted unit for the housing of cattle, is not exempted development having regard to Article 9 of Planning and Development Regulations as amended, including the conditions and limitations therein, whereby the proposal comprises 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. In this regard it is noted that a portion of the lands identified for land-spreading of effluent are located with the Dromore Woods and Lough SAC 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,

(c) The proposed new access gravel surface farm roadway extending from the existing farm entrance to the proposed shed falls outside the scope of Class 13, which only allows for repair or improvement of an existing private roadway to be considered exempted development.

ORDER: Whereas by Chief Executive's Order No. HR 46 dated 1st January 2025, Carmel Kirby, Interim Chief Executive for Clare County Council, did, pursuant to the powers conferred on her 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 slatted shed with creep area, concrete aprons, access gravel surface farm roadway from the existing farm entrance at Ballyteige West, Ruan, Co. Clare is considered development which is not exempted development.

Signed:



GARRETH RUANE
SENIOR EXECUTIVE PLANNER



Date:

28th April 2025

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

Reference No.: R25-28



**Comhairle Contae an Chláir
Clare County Council**

Section 5 referral Reference R25-28

Is the construction of an agricultural slatted shed with creep area, concrete aprons, access gravel surface farm roadway from existing farm entrance development and if so, is it exempted development?

AND WHEREAS, Joseph Lyons 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) Class 13, Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended
- (e) The details and drawing as indicated in submitted documents from the referrer.

And whereas Clare County Council has concluded:

- (a) The development consisting of the construction of a slatted unit for the housing of cattle including creep area, concrete aprons, and the construction of a new farm road from the entrance to the 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, consisting of a slatted unit for the housing of cattle, is not exempted development having regard to Article 9 of Planning and Development Regulations as amended, including the conditions and limitations therein, whereby the proposal comprises 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. In this regard it is noted that a portion of the lands identified for land-spreading of effluent are located with the Dromore Woods and Lough SAC 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,
- (c) The proposed new access gravel surface farm roadway extending from the existing farm entrance to the proposed shed falls outside the scope of Class 13, which only allows for

repair or improvement of an existing private roadway to be considered exempted development.

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

The proposed development consisting of the construction of a slatted shed with creep area, concrete aprons, access gravel surface farm roadway from the existing farm entrance at Ballyteige West, Ruan, Co. Clare constitutes development which is not exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.



Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

28th April 2025

COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF: R25/ 28 Joseph Lyons

APPLICANT(S):

REFERENCE: Whether the construction of slatted shed with creep area, concrete aprons, access gravel surface farm roadway from the existing farm entrance at Ballyteige West Ruan is development and if so is it exempted development.

LOCATION: Ballyteige West, Ruan Co. Clare

DUE DATE: 30/ 04/25

Site Description.

The site is located north of Lough Nabrickogue

The south eastern boundary of the subject site bounded Dromore Woods and Lough SAC. I also note that some of the spread lands associated with the farm fall within the SAC.

The outer limit of the zone of notification of CL017- 169 Ring fort monument is located approx. 216m to the west.

Planning History on site

None

Details submitted with the application

- Site location/ land holding map outlined in blue scale 1: 2500.
- Site layout map scale 1: 500 with the site outlined in red
- Floor plans, sections, elevations and cross sections of the proposed slatted shed scale 1: 100 and
- Dimensions of the slatted shed: overall height is 6. m to ridge, and 4 m to eaves, total length 18.5 m, width 10.00m
- Floor area 197.60 sq.m.
- Distance from the public road- 64m.
- Distance from the applicant's dwelling- approx 230m .
- Distance from the nearest neighbouring dwelling. None shown on any layout plan but the written description accompanying the application advises that there are no dwellings within 100m radius.
- Fertiliser plan 2025.

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.*

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.

Part 3 Article 6 Exempted Development Rural - Classes 6 to Class 10 inclusive refers for provisions of structures used for agricultural purposes but does not include farm roads.

Schedule 2 Part 1 CLASS 13

The repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street road or way, and the construction of any private footpath or paving.

Conditions and limitations

The width of any such private footpath or paving shall not exceed 3 metres.

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 slatted shed with creep area, concrete aprons, access gravel surface farm roadway from the existing farm entrance 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.***
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. **The gross floor space of the proposed structure is to be 197.60sq.m. The proposal therefore does not exceed any aggregate floor are threshold (300 sq.m) for units required for housing of livestock.***
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. **The effluent storage facilities adequate to serve the structure are proposed to be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and***

Local Government requirements. The development therefore complies with this condition/ limitation.

4. *No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road. The structure including the proposed underground tank is set back 64m from the public road thus complying with this condition/limitation*
5. *No such structure within 100 metres of any public road shall exceed 8 metres in height. The structure is 6.0 m in height and as such complies with this height limitation.*
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. The structure complies with this requirement as the nearest neighbouring dwelling is greater than 100m distance.*
7. *No unpainted metal sheeting shall be used for roofing or on the external finish of the structure. External finishes are shown as complying with minimum specification for Agricultural buildings.*

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 point are proposed.

- (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.*

N/A

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

N/A 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.

- (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 portion of the lands identified for landspread of effluent are located with the Dromore Woods and Lough SAC 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,

- 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 Dromore Woods and Lough SAC is also apNHA

- (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 proposed development constitutes both 'works' and 'development' which are not exempted development. Regard has been had to Class 6, of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended and Article 9 as amended of the same Regulations.

Class 13 which allows for repair or improvement of an existing private roadway. However the proposed development does not fall within the scope of this class because the applicant has clarified that this will be a new farm roadway and the works do not constitute repair or improvement of an existing farm road. This aspect of the proposal is also considered development which is not exempted development.

Recommendation

The following questions have been referred to the Planning Authority:

Whether the construction of a slatted shed with creep area, concrete aprons, access gravel surface farm roadway from the existing farm entrance is 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) Class 13, Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended
- (e) The details and drawing as indicated in submitted documents from the referrer.

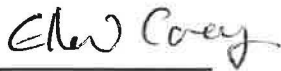
And whereas Clare County Council (Planning Authority) has concluded:

- (a) the development consisting of the construction of a slatted unit for the housing of cattle including creep area, concrete aprons, and the construction of a new farm road from the entrance to the 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, consisting of a slatted unit for the housing of cattle, is not exempted development having regard to Article 9 of Planning and Development Regulations as amended, including the conditions and limitations therein, whereby the proposal comprises 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. In this regard it is noted that a portion of the lands identified for land-spreading of effluent are located with the Dromore Woods and Lough SAC 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,

- (c) The proposed new access gravel surface farm roadway extending from the existing farm entrance to the proposed shed falls outside the scope of Class 13, which only allows for repair or improvement of an existing private roadway to be considered exempted development.

Now therefore Clare County Council (Planning Authority), hereby decides that the construction of a slatted shed with creep area, concrete aprons, access gravel surface farm roadway from the existing farm entrance is development and is not exempted development.



Ellen Carey
Executive Planner

Date: 28/04/25



Gareth Ruane
Senior Executive Planner

Date: 28/04/25

Appropriate Assessment & Determination

STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	Section 5 R25/ 28
(b) Brief description of the project or plan:	slatted shed with underground effluent tank, creep area and new farm road way
(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 Interest¹	Distance from proposed development² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Dromore Woods and Lough SAC	<p>Annex I habitats:</p> <ul style="list-style-type: none"> • Natural eutrophic lakes with Magnopotamion or Hydrocharition-type vegetation [3150] • Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] • *Limestone pavements [8240] <p>Annex II species •</p> <ul style="list-style-type: none"> Lesser Horseshoe Bat <i>Rhinolophus hipposideros</i> [1303] • Otter <i>Lutra lutra</i> [1355] 	Spreadlands located within SAC	Yes	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 	Surface water runoff from soil excavation
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 	<ul style="list-style-type: none"> • Direct emission to ground and water bodies vis spreading of effluent

- 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

In-combination/Other

Unknown

(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.)
- Disturbance to QI species

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

☐ Yes ☒ No

Step 4. Screening Determination Statement

The assessment of significance of effects:

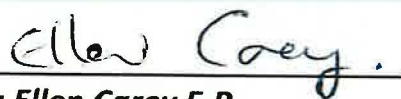
Describe how the proposed development (alone or in-combination) is/is **not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

A portion of the lands identified for land spread of effluent are located with the Dromore Woods and Lough SAC 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

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

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input 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:


Name: Ellen Carey E.P.

28/04/25

Signature and Date of the
Decision Maker:



28/04/25.



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Joseph Lyons
C/o Olive Ruane
Ruane Survey, Design & Planning Ltd
Fohenagh
Ahascragh
Ballinasloe
Co. Galway

04/04/2025

Section 5 referral Reference R25-28 – Joseph Lyons

Is the construction of an agricultural slatted shed with creep area, concrete aprons, access gravel surface farm roadway from existing farm entrance development and if so, is it exempted development?

A Chara,

I refer to your application received on 3rd 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 Stiúirtheoireacht 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 Chláir
New Road
Ennis
Co Clare

03/04/2025 10:23:44

Receipt No. L1CASH/0/377294
***** REPRINT *****

JOSEPH LYONS
C/O OLIVER RUANE
RUANE SURVEY DESIGN
& PLANNING LTD
FOHENAGH
AHASCRAH
CO GALWAY

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

Total : 80.00 EUR

Tendered :
CHEQUES 80.00

Change : 0.00

Issued By : L1CASH - Rachael Barrett
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



Comhairle Contae an Chláir
Clare County Council

R25-28



**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	<p>Joseph Lyons.</p> <p>Ballyteige West,</p> <p>Ruan,</p> <p>Co. Clare.</p>
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	<p>Oliver Ruane. Ruane Survey, Design & Planning Ltd.</p> <p>Fohenagh,</p> <p>Ahascragh.</p> <p>Ballinasloe,</p> <p>Co. Galway.</p>

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 construction of an agricultural slatted shed with creep area, concrete aprons, access gravel surface farm roadway from existing farm entrance exempted.

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

Slatted shed with creep area, feed passage, concrete aprons and farm roadway to include all associated site works.

Shed = 197.60 m² i.e. under 200 m². Concrete aprons = 178.12 m². Feed passage = 76.80 m².

No dwelling houses within 100 m.

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

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

Plans and elevations of proposed shed, 1:100.

Site Layout Map, 1:500.

Site Location Map, 1:2,500.

Nutrient Plan & maps of farm.

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	Ballyteige West, Ruan, 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):	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>	No.
(h) Date on which 'works' in question were completed/are likely to take place:	N. / A.

SIGNED:

Clive Ruan
(Agent)

DATE:

02/04/25

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:.....			

Exemption application

for

Joseph Lyons

at

Ballyteige West,

Ruan,

Co. Clare.

Scale: 1:100.

Ruane Survey, Design & Planning Ltd.
Fohenagh, Ahascragh, Ballinasloe, Co. Galway.

Phone:

Mob: (

www.oliverruane.ie

Name Joseph Lyons
Address Moyree Commons, Ruan, Co Clare
County (Zone) Clare (C)
Herd No.

This fertiliser plan is based on the information provided to Teagasc. Teagasc cannot accept responsibility for inaccurate information being supplied.

This report contains the following:

- 1.)- Cover Page
- 2.)- Farm Summary of Soil fertility and fertiliser requirements
- 3.)- Lime Report
- 4.)- Fertiliser Plan for the farm
- 5.)- Plan Notes



Farm & Soil fertility Summary

Fertiliser Plan Summary		Joseph Lyons	2025	
Herd No.		Land Areas	Ha	%
Address	Moyree Commons, Ruan, Co Clare	NMP Total Nitrates ha	16.63	
County (Zone)	Clare	Grassland	16.63	100.00
Weeks Storage.	18 Weeks	Arable	0.00	0.00
		Sampled Areas	0.00	0.00
Closed Periods		Stocking Rates		
Chemical	15 September to 29 January	Current Years Net WFSR	68.67 kg/Ha	
		Current Years GSR	68.67 kg/Ha	
		Previous Years GSR	6.00 kg/Ha	

Soil Fertility Summary

Overall Fertility Status

pH > 6.2, P & K index 3 or 4

Graphics and data for soil fertility require soil sample info to be included and linked to parcels.

	Ha's	%
Yes	0.00	%
No	0.00	%

Lime

Soil pH > 6.2

Graphics and data for soil fertility require soil sample info to be included and linked to parcels.

pH	Ha's	%
<5.5	0.00	%
5.5-5.9	0.00	%
5.9-6.2	0.00	%
6.2-6.5	0.00	%
6.5-6.8	0.00	%
6.8-7.1	0.00	%
7.1-7.4	0.00	%
7.4-7.7	0.00	%
7.7-8.0	0.00	%

Phosphorus

P Index

Graphics and data for soil fertility require soil sample info to be included and linked to parcels.

Index	Ha's	%
1	0.00	%
2	0.00	%
3	0.00	%
4	0.00	%
5	0.00	%

Potassium

K Index


Graphics and data for soil fertility require soil sample info to be included and linked to parcels.

Index	Ha's	%
1	0.00	%
2	0.00	%
3	0.00	%
4	0.00	%
5	0.00	%

% reduction in farm capacity to perform based on current fertility levels compared to optimal fertility			
pH, P and K	pH	P	K
Soil pH & Lime	Target pH	Grass	Tillage
Lime Planned	Mineral Soil	6.3	6.5
2025 0 Tonnes	Organic Soil	5.5	5.5
2026 0 Tonnes			
2027 0 Tonnes			
2028 0 Tonnes			
Four Year Total 0 Tonnes			

Organic Manure Plan

Chemical Fertiliser Advice

Nutrient Balance			
	N(kg)	P(kg)	K(kg)
Chemical Recommended	665	0 (100%)	0
Max Chemical Allowed	1,497	78	
Chemical Usage	1,130	62	123

Planned Fertilisers	
Fertiliser	Tonnes
Urea (18-6-12 + S) + Protected	1.03
Urea (46%N) + Protected	2.05


Lime Requirements

									Advised Lime			
Plot Name	Crop	Area (Ha)	Sample ID	Sample Reference	Result Date	pH (Water)	pH (Buffer/SMP)	Lime Req (T/Ha)	2025 (T/Ha)	2026 (T/Ha)	2027 (T/Ha)	2028 (T/Ha)
No data available in table												
Four Year Total (2025-2028):0 tonnes									0	0	0	0

Fertiliser plan for the Farm

Manure Allocations			
Fertiliser	Estimated T	Applied T	Balance T
Total P in Manures (Grazing + Non-Grazing 6.0)			60

Planned Fertilisers	
Fertiliser	Tonnes
Urea (18-6-12 + S) + Protected	1.03
Urea (46%N) + Protected	2.95

Nutrient Balance			
	N(kg)	P(kg)	K(kg)
Chemical Recommended	665	0 (100%)	0
Max Chemical Allowed	1,497	78	
Chemical Usage	1,130	62	123

Plot	Crop	Area(Ha)	Soil Sample	Index	Nutrients Applied (Kg/Ha)			Nutrients Advice (Kg/Ha)			Chemical Fertilisers	
				N P K	N	P	K	N	P	K	Urea (18-6-12 + S) + Protected (Bags/Acre)	Urea (46%N) + Protected (Bags/Acre)
SS	Grazing	0.04		1 3 3	68	4	7	40	4	0	0.5	1.0
SS	Grazing	0.20		1 3 3	68	4	7	40	4	0	0.5	1.0
SS	Grazing	0.69		1 3 3	68	4	7	40	4	0	0.5	1.0
SS	Grazing	1.20		1 3 3	68	4	7	40	4	0	0.5	1.0
SS	Grazing	1.40		1 3 3	68	4	7	40	4	0	0.5	1.0
SS	Grazing	2.20		1 3 3	68	4	7	40	4	0	0.5	1.0
SS	Grazing	2.20		1 3 3	68	4	7	40	4	0	0.5	1.0
SS	Grazing	2.60		1 3 3	68	4	7	40	4	0	0.5	1.0
SS	Grazing	6.10		1 3 3	68	4	7	40	4	0	0.5	1.0

Plan Notes

Legend

-  Drain
-  Farm Structure
-  Forestry Plots
-  Hedge
-  Land Feature
-  Margin
-  Published Parcels
-  Utility
-  Water



An Roinn Talmhaíochta,
Bia agus Mara
Department of Agriculture,
Food and the Marine

For Basic Payment Income Support for Sustainability, Areas
of Natural Constraint Scheme and other Area Based Scheme
purposes only

Year: 2025

Name: JOSEPH LYONS
Address: MOYREE COMMONS
RUAN
CO CLARE
V95 CFK1

Herd Nos: }
Townland Code: C11505
Townland Name: BALLYTEIGE EAST

Parcel	Digitised	Eligible Hectare	Claimed
C1150500016	1.41	1.41	1.41
C1150500029	0.09	0.09	0.04
C1150500032	2.17	2.17	2.17
C1150500033	2.19	2.03	2
C1150500035	0.19	0.19	0.19
C1150500072	0.49	0	0

Exclusions	Parcel	Excl	Area	Red%	Elig	Type
C1150500033	0016	0.06	100	0		Irishgore
C1150500033	0021	0.14	20	0.11		Rock
C1150500033	0367	0	100	0		Farm Yard
C1150500033	0368	0.07	100	0		Scrub
C1150500033	0369	0.1	100	0		Farm Road
C1150500072	0370	0.01	100	0		Scrub

Townland Code: C11506
Townland Name: BALLYTEIGE WEST

Parcel	Digitised	Eligible Hectare	Claimed
C1150600005	0.7	0.7	0.7
C1150600018	1.23	1.12	1.12
C1150600019	2.3	2.14	2.14

Exclusions	Parcel	Excl	Area	Red%	Elig	Type
C1150600018	0028	0.11	100	0		Quarry
C1150600019	0032	0.01	100	0		Marsh
C1150600019	0039	0.01	100	0		Scrub
C1150600019	0034	0.08	100	0		Scrub/Rock
C1150600019	0035	0.02	100	0		Scrub/Rock
C1150600019	0036	0.15	100	0		Farm Road

Ortho Used: ColOrthoFullCov:WMS:Imagery

All areas displayed above are in hectares

©Bluesky International Ltd. 2023

Imagery Dates: 06/06/2023
Unauthorized reproduction is not permitted.





An Roinn Talmhaíochta,
Bia agus Mara
Department of Agriculture,
Food and the Marine

For Basic Payment Income Support for Sustainability, Areas
of Natural Constraint Scheme and other Area Based Scheme
purposes only
Year: 2025

Name: JOSEPH LYONS
Address: MOYREE COMMONS
RUAN
CO CLARE
V95 CFK1

Herd Nos:
Townland Code: C11524
Townland Name: MOYREE COMMONS

Parcel	Digitised	Eligible Hectare	Claimed
C1152400087	3.39	3.39	3.39
C1152400088	0.2	0.2	0.2

Exclusions	Excl	Area	Red%	Elig	Type
C1152400087	0663	0.2	100	0	Scrub
C1152400087	0664	0.12	100	0	Scrub
C1152400087	0665	0.09	100	0	Scrub

Ortho Used: ColOrthoFullCov:WMS:Imagery

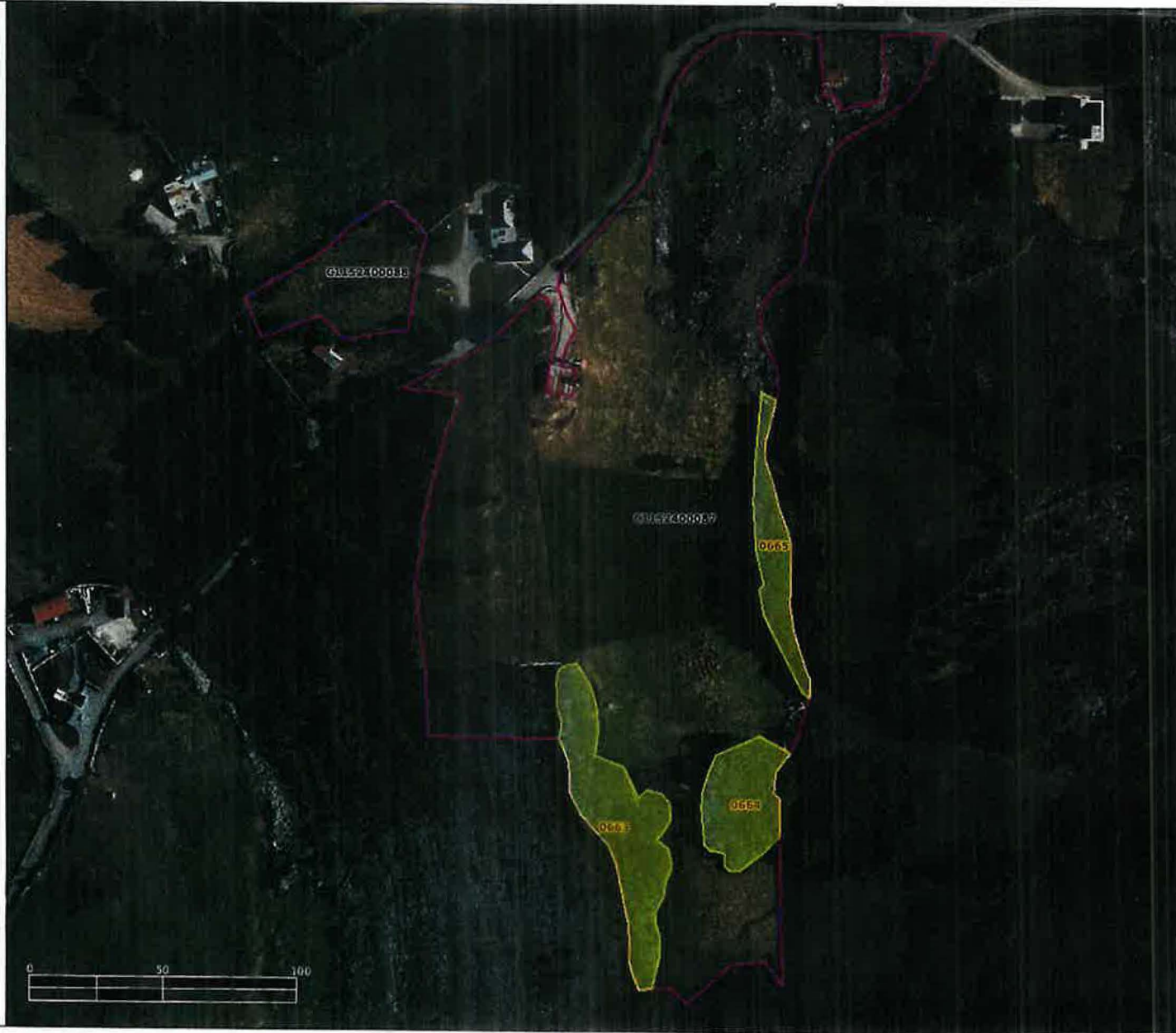
All areas displayed above are in hectares

©Bluesky International Ltd. 2023

Imagery Dates: 08/06/2023
Unauthorized reproduction is not permitted.



Page 3 of 4 Printed: 27/20/2024 08:49





An Roinn Talmhaíochta,
Bia agus Mara
Department of Agriculture,
Food and the Marine

For Basic Payment Income Support for Sustainability, Areas
of Natural Constraint Scheme and other Area Based Scheme
purposes only
Year: 2025

Name: JOSEPH LYONS
Address: MOYREE COMMONS
RUAN
CO CLARE
V85 CFK1

Herd Nos:
Townland Code: C11506
Townland Name: BALLYTEIGE WEST

Parcel	Digitised	Eligible Hectare	Claimed
C1150600013	6.14	6.11	6.11

Exclusions	Parcel	Excl	Area	Red%	Elig	Type
C1150600013	0020	0.02	100	0		Farm Road
C1150600013	0021	0.24	60	0.1		Flack
C1150600013	0022	0.84	60	0.34		Flack
C1150600013	0023	0.83	60	0.33		Flack
C1150600013	0024	0.24	100	0		Scrub
C1150600013	0025	0.01	100	0		Integrable
C1150600013	0026	0.08	60	0.03		Scrub
C1150600013	0027	0.1	40	0.06		Scrub

Ortho Used: ColOrthoFullCov:WMS:Imagery

All areas displayed above are in hectares

©Bluesky International Ltd. 2023

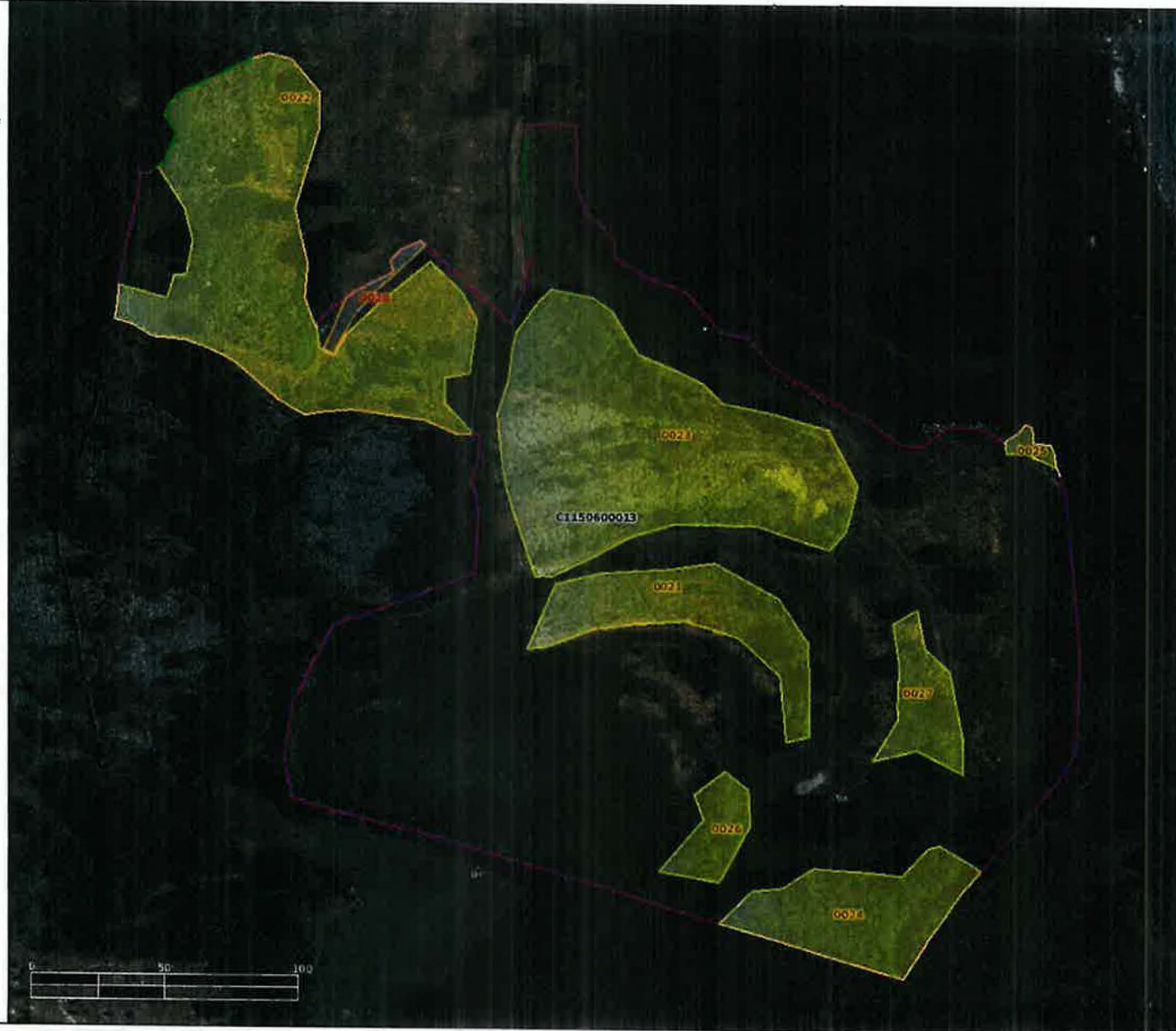
Imagery Dates: 06/06/2023

Unauthorized reproduction is not permitted.



3

Page 1 of 4 r1150600013_00:08:49 2024



Site Layout Map for Joseph Lyons.

At Ballyteige West,

Ruan,

Co. Clare.

Scale: 1:500.

Site edged red.

+ Existing levels in metres.

All uncontaminated clean surface water
to be piped to soak pits on site.

No structures within 50m.

A. Proposed slatted shed with creep area.

B. Proposed concrete apron.

C. Proposed concrete apron.

D. Proposed feed passage.

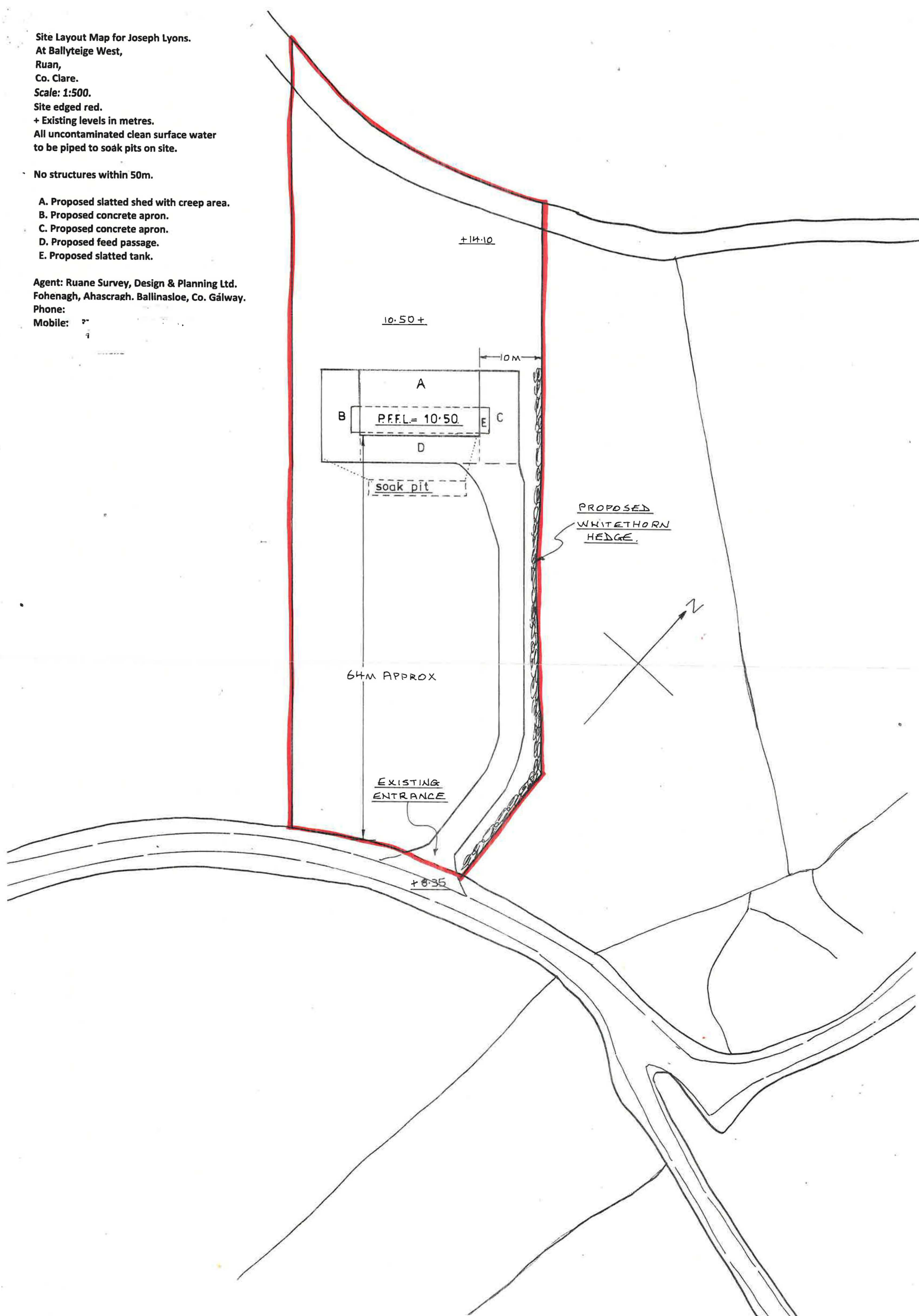
E. Proposed slatted tank.

Agent: Ruane Survey, Design & Planning Ltd.

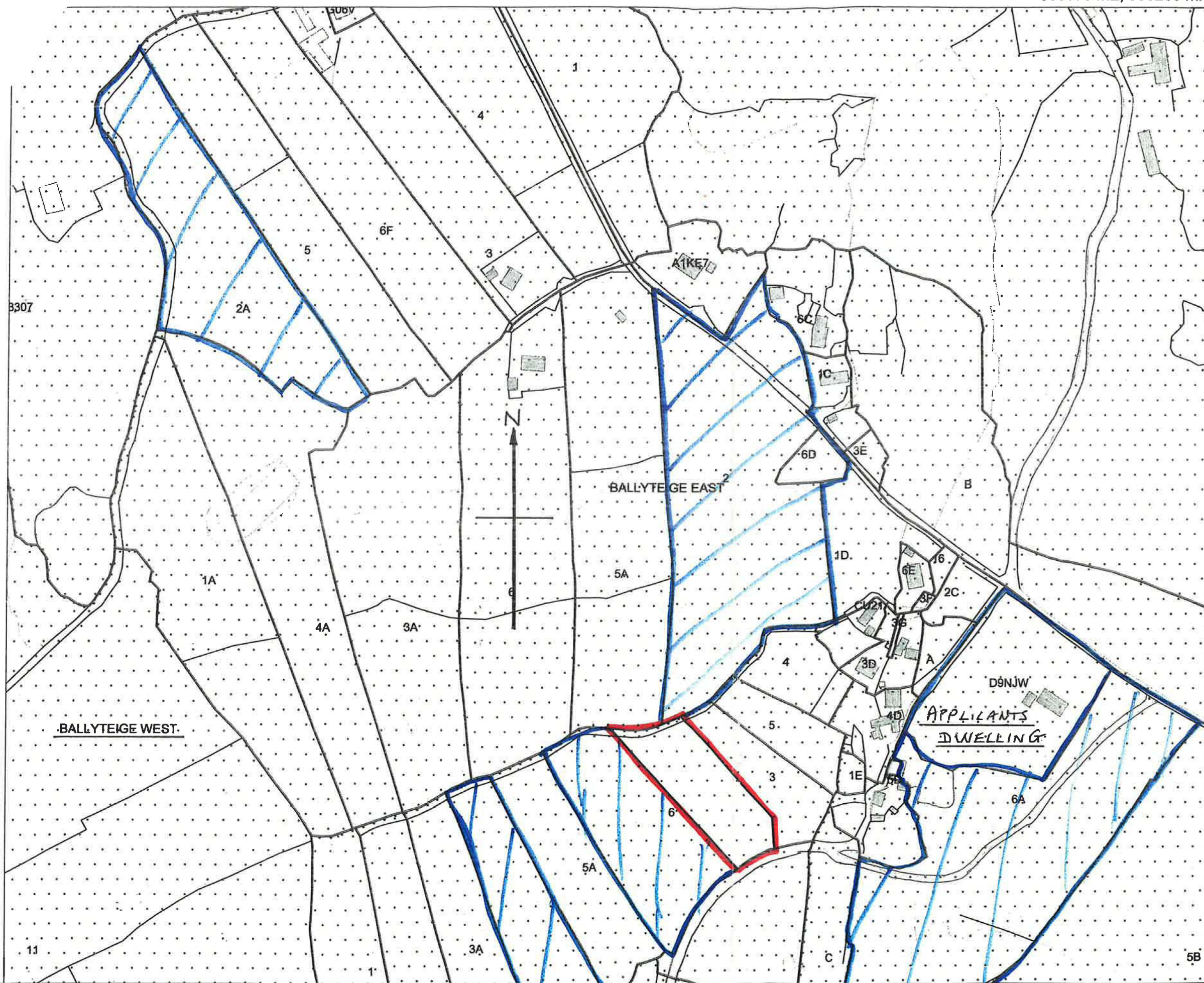
Fohenagh, Ahascragh. Ballinasloe, Co. Galway.

Phone:

Mobile: 77



535570 mE, 690250 mN



Site Location Map.

For Joseph Lyons.

At Ballyteige West,
Ruan,
Co. Clare.

O. S. Map No: CE 17/12.

Coordinates: 533072, 689260.

Scale: 1:2,500.

Site edged red.

Applicants adjoining lands edged blue.

Agent: Ruane Survey,
Design and Planning Ltd.
Fohenagh, Ahascragh,
Ballinasloe, Co. Galway.

Phone:
Mobile
www.oliverruane.ie

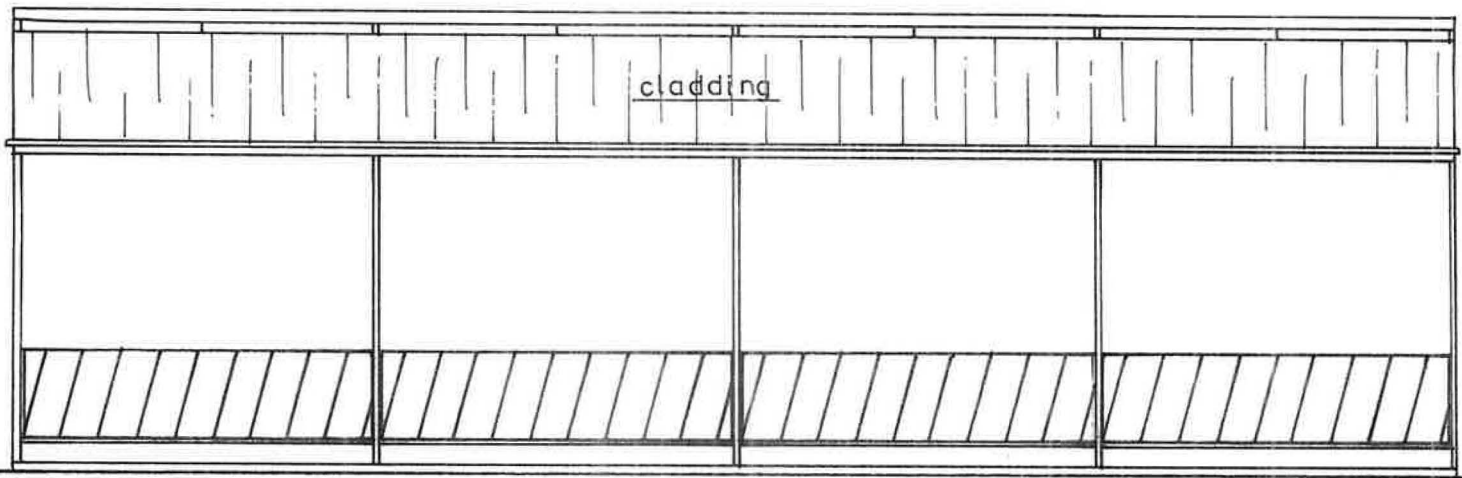
534770 mE, 689600 mN

Creation Date: 4 February 2025 09:03:22

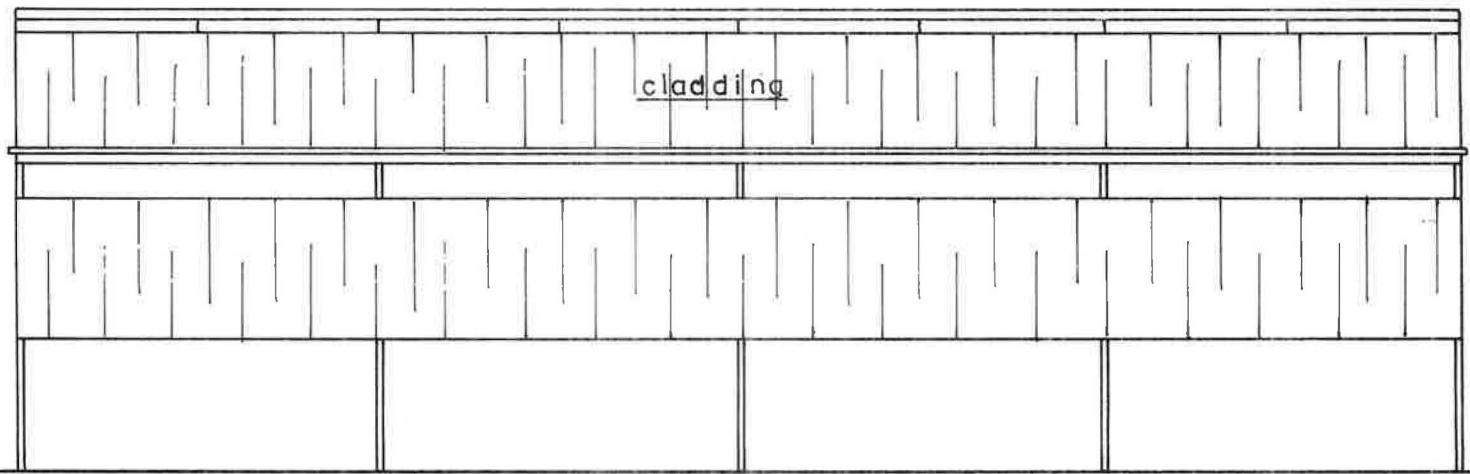
Application Number: S2025LR002221R

1:2500



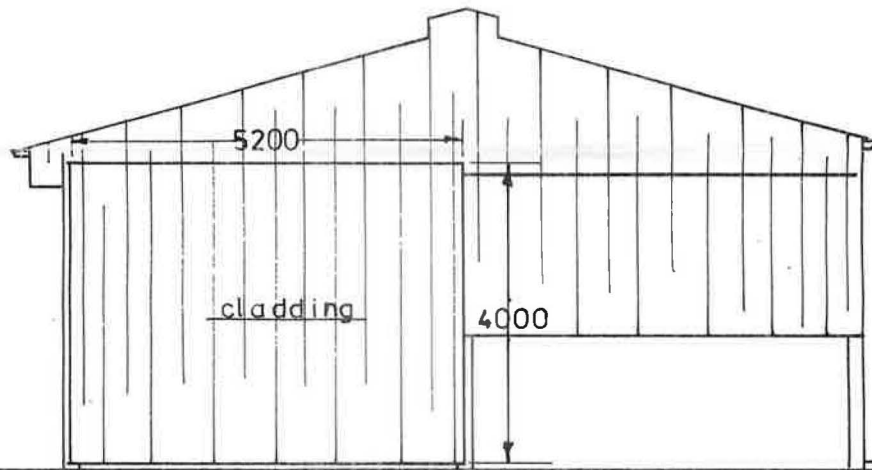


FRONT VIEW.

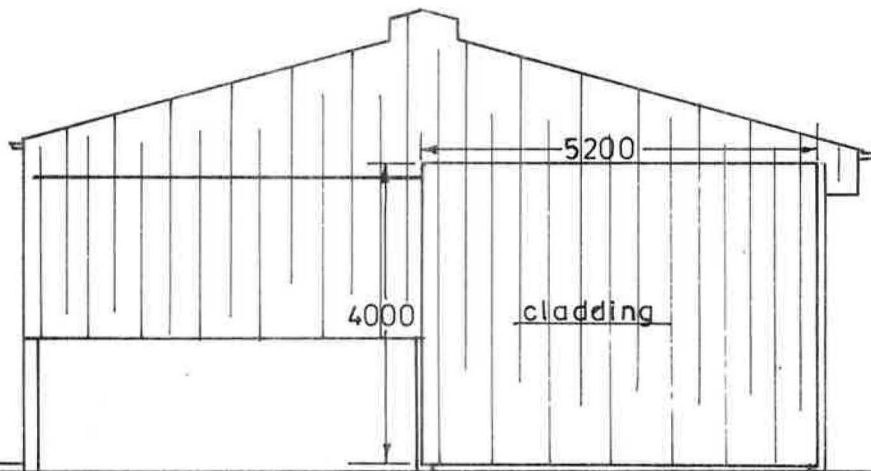


BACK VIEW.

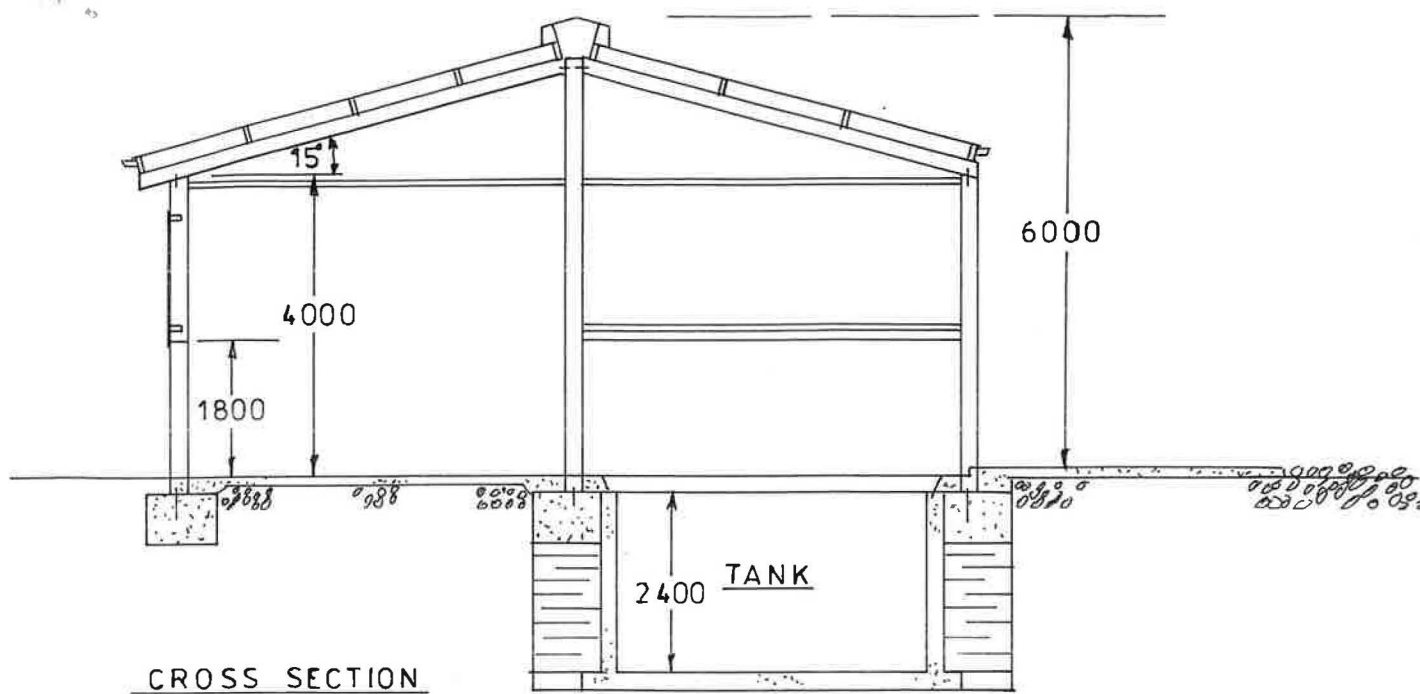
SCALE: 1:100.



SIDE VIEW.



SIDE VIEW.



SPECIFICATION.

FOUNDATIONS. Reinforced concrete strip foundations under walls. Concrete pad foundations under staunchions.

WALLS. Concrete block wall with napped plaster finish or concrete shuttered walls to department spec.

FLOORS. 125mm concrete floor on d.p.c. on 300mm minimum selected well compacted hardcore blinded with gravel to required levels.

ROOF & SIDES. Selected colour cladding with vent fixed to steel or timbers purlins on roof and ends. Vented cladding, spaced cladding or spaced boarding to sides.

WRITTEN DIMENSIONS SUPERSEDE SCALED DIMENSIONS.

ALL MEASUREMENTS TO BE CHECKED PRIOR TO CONSTRUCTION.

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE LATEST DEPARTMENT OF AGRICULTURE REGULATIONS AND SPECIFICATION.

