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**Planning and Development Act 2000, as amended**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: R25-81**

**WHEREAS** a question has arisen as to whether the erection of a 282.96-square-metre agricultural shed at Creggaunahilla, Clarecastle, Ennis, County Clare is or is not development or is or is not exempted development,

**AND WHEREAS** Declan McCormack requested a declaration on this question from Clare County Council and the Council issued a declaration on the 22<sup>nd</sup> day of October, 2025 stating that the matter is development and is not exempted development,

**AND WHEREAS** Declan McCormack referred the matter to An Coimisiún Pleanála for consideration on the 14<sup>th</sup> day of November, 2025,

**AND WHEREAS** An Coimisiún Pleanála, in considering this referral had regard to:

- (a) Section 2(1) of the Planning and Development Act 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act 2000, as amended,

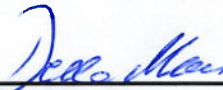
- (c) Section 4(1)(a) of the Planning and Development Act 2000, as amended,
- (d) Article 6(1) and Article 9(1) of the Planning and Development Regulations 2001, as amended,
- (e) Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (f) the planning history of the site,
- (g) the pattern of development in the area, and
- (h) the report of the Planning Inspector,

**AND WHEREAS** An Coimisiún Pleanála has concluded that:

- (a) the agricultural shed constitutes development as defined under Section 2(1) of the Planning and Development Act 2000, as amended,
- (b) the agricultural shed, based on the details submitted, would not come within the scope of exemptions set out under Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended, as it would fail to meet conditions and limitation number 1 and number 5 of Class 9 as no details have been provided to demonstrate its intended use, and it is situated within 100 metres of a number of dwellings that pre-date the erection of the structure and for which no consent has been provided, and

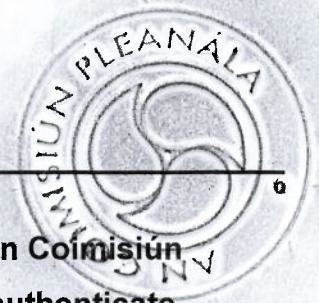
- (c) the structure is situated on a site that has a direct connection to the Lower River Shannon Special Area of Conservation (Site Code: 002165) and it cannot be concluded beyond a reasonable scientific doubt that the development will not be likely to have a significant effect on the integrity of a European Site and would, therefore, be contrary to Article 9(1)(a)(viib) of the Planning and Development Regulations 2001, as amended.

**NOW THEREFORE** An Coimisiún Pleanála, in exercise of the powers conferred on it by Section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that the erection of a 282.96-square-metre agricultural shed at Creggaunnahilla, Clarecastle, Ennis, County Clare is development and is not exempted development.



**Declan Moore**

**Planning Commissioner of An Coimisiún Pleanála duly authorised to authenticate the seal of the Commission.**



Dated this 11<sup>th</sup> day of MARCH 2026.