

An
Bord
Pleanála

Planning Appeal Form

AN BORD PLEANÁLA
LDG- 023646-20
ABP- _____
23 JAN 2020
Fee: € 220 Type: Cheque
Time: 9:38 By: Post

Your details

1. Appellant's details (person making the appeal)

Your full details:

(a) Name

FINTAN MEANEY

(b) Address

ROSCLIFF BALLYNACALLY CO CLARE

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Click or tap here to enter text.

N/A.

(b) Agent's address

Click or tap here to enter text.

N/A.

Postal address for letters

3. During the appeal we will post information and items to you or to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1

☒

The agent at the address in Part 2

☐

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) Planning authority

(for example: Ballytown City Council)

CLARE COUNTY COUNCIL

(b) Planning authority register reference number

(for example: 18/0123)

APPLICATION FOR EXEMPTED DEVELOPMENT R19-21

(c) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

ROSCLIFF BALLYNACALLY CO CLARE

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

IN 2014 I BUILT A SLATTED UNIT ON LAND THAT I OWNED THAT WAS AFTER A SERIES OF CORROSPONDANCE (SEE ATTACHED CORROSPONDANCE LETTERS IN SEQUENCE) WAS DEEMED TO BE AN EXEMPRED DEVELOOMENT AND THERE WAS NO OBLIGATION TO CARRY OUT EXPENSIVE SCREENING ON THE SLURRY SPREADLANDS AREA.

IN 2019 I APPLIED FOR A SHED THAT I BELIEVED WAS ALSO WITHIN THE REMITS OF THE EXEMPTED DEVELOPMENT AS I REQUIRED NOTIFICATION IN WRITING FOR DEPARTMENT OF AGRICULTURAL PURPOSES.

I DID NOT GET AN EXEMPTION NOTICE THIS TIME. (SEE ATTACHED CORROSPONDANCE)

I AM APPEALING ON THE GROUNDS THAT I BELIEVE THAT THIS APPLICATION HAS BEEN TREATED IN A DIFFERENT MANNER THAN THE PREVIOUS APPLICATION.

I AM UNSURE AS TO WHY ?

TO THE BEST OF MY KNOWLEDGE THERE HAS BEEN NO CHANGES OF RULES SINCE THEN.

I PROVIDED MAPS FOR EXTRA LANDS FOR WHERE SLURRY WOULD BE SPREAD AWAY FROM THE LOCATION OF THE DEVELOPMENT AND BELIEVED THAT THIS INFORMATION SHOULD HAVE SATISFIED

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

ANY ISSUES THAT THE CLARE COUNTY COUNCIL HAD IN RELATION TO SPREAD LANDS.

I AM ABIDING BY ANY CONDITIONS THAT HAVE BEEN REQUESTED AND AM APPEALING TO OVERTURN THE DECISION AND TO GRANT ME A SECTION 5 EXEMPTED NOTICE THAT I ORIGINALLY REQUESTED

Frankie King
22/1/2020

AN BORD PLEANÁLA

23 JAN 2020

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct **fee** is included with your appeal. You can find out the correct fee to include in our [Fees and Charges Guide](#) on our website.

AN BORD PLEANÁLA

23 JAN 2020

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

Oral hearing request

9. If you wish to **request the Board to hold an oral hearing** on your appeal, please tick the “yes, I wish to request an oral hearing” box below.

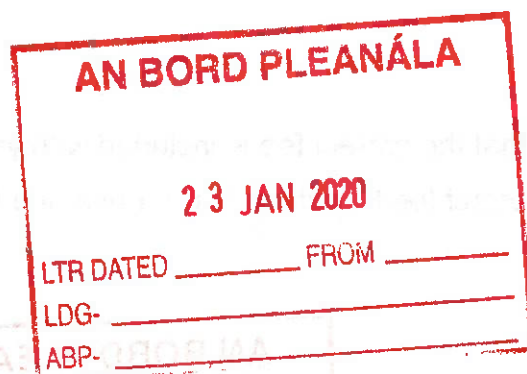
Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on [our website](#) or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

Yes, I wish to request an oral hearing

☐

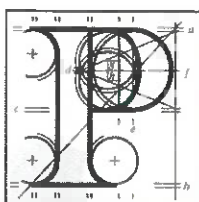
No, I do not wish to request an oral hearing

☒

NALA has awarded this document its Plain English Mark

Last updated: April 2019.





An
Bord
Pleanála

Planning Appeal Form Instructions and Checklist

Instructions to complete the planning appeal form

Where to get the form

To get the planning appeal form you can:

- [download it from our website](#), or
- pick it up in the reception of our office, or
- contact us and ask us to send it to you.

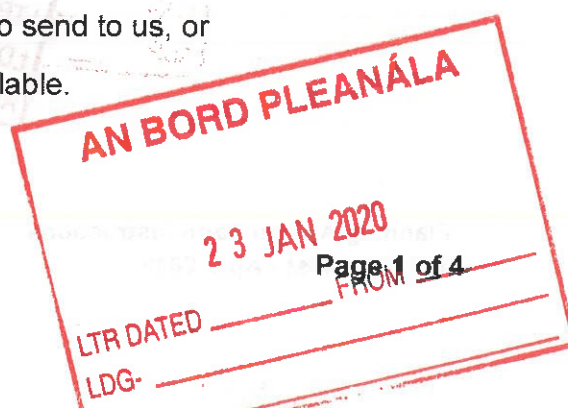


Please remember: For your appeal to be valid, we need to receive it within 4 weeks of the date of the planning authority's decision.

How to complete the form

You can either:

1. complete the form by typing in your answers if you have a digital copy of it. We prefer if you type your answers as it is easier for us to read. There is **no word limit** as the answer boxes expand to fit what you write. When you have finished the form, you **must** print it off as a hard copy to send to us, or
2. print this form and write on it in the space available.



Where to deliver or post your appeal

You must:

- post it to: The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1, D01 V902,



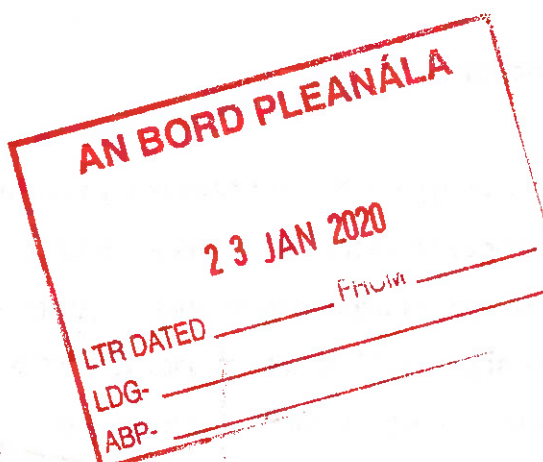
or

- deliver it in person to a member of An Bord Pleanála staff at our office (address above) during office hours - Monday to Friday from 9.15 am to 5.30 pm. Please note that the security staff in our office cannot accept appeals;



Remember, do **not** place your appeal in the letterbox of our office or do **not** email it to us as your appeal will be **invalid**.

We are closed on weekends, public holidays and other publicised days such as Christmas Day and Good Friday.



Checklist

Have you included everything?

Tick each item as you complete your appeal form. If you are not sure about any requirement, check the [making a planning appeal](#) guide or contact us.

✓	You have:
✓	put your appeal in writing (either typed or handwritten).
✓	included your own name and address. (Planning appeal form, part 1).
✗	also included the agent's name and address if an agent is acting for you. (Planning appeal form, part 2).
✓	selected the postal address to receive post from us. (Planning appeal form, part 3).
✓	provided enough details to allow us to easily identify the planning application you wish to appeal. (Planning appeal form, part 4).
✓	provided us with the full grounds of appeal (reasons and arguments) of why you want to appeal the decision. (Planning appeal form, part 5).
✓	included any supporting items for your appeal. (Planning appeal form, part 6).
✗	if you are a third-party appeal , included the acknowledgement document the planning authority gave to you which confirms that you made a submission to it. (Planning appeal form, part 7).
✓	included the correct fee (Planning appeal form, part 8).
✗	included your request and fee if requesting an oral hearing. (Planning appeal form, part 9).
✓	made your appeal on time: within 4 weeks from the date that the planning authority made its decision.
✓	printed off all the pages of the form if you have typed it.

AN BORD PLEANÁLA

23 JAN 2020

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

Important information

We have tried to make these instructions and checklist as accurate and helpful as possible, but it is not legal advice. An Bord Pleanála will not be held responsible for any issues or actions that occur due to the checklist's use.

You do not have to use the planning appeal form or checklist to make a valid planning appeal, but it may help you if you wish to use it.

For the statutory rules governing the making of appeals, you should consult:

- [Planning and Development Act 2000, as amended,](#)
- [Planning and Development Regulations 2001, as amended.](#)

Data Protection

An Bord Pleanála uses your personal data only to provide our services as set out under relevant legislation.

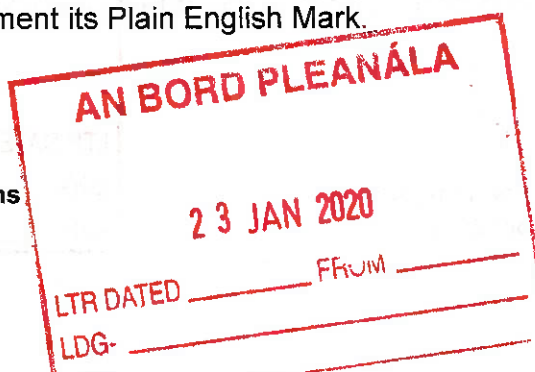
To provide these services, we are required to collect certain personal data such as names, addresses and site descriptions. We will use any extra personal data that you voluntarily supply to meet statutory requirements to carry out our duties and functions.

You should note that the personal data you supply may be circulated to other relevant parties and made available in the public domain about any matter before An Bord Pleanála. This use complies with the General Data Protection Regulation (GDPR).

NALA has awarded this document its Plain English Mark.

Last updated: April 2019.

Planning Appeal Form Instructions
and Checklist - April 2019





COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Fintan Meaney
Roscliff
Ballynacally
Ennis
Co Clare

19th December 2019

**Section 5 referral Reference R19-21 in the name of Fintan Meaney
Whether the construction of a slatted unit at Roscliff, Ballynacally, Co. Clare, is or is
not development and is or is not exempted development.**


A Chara,

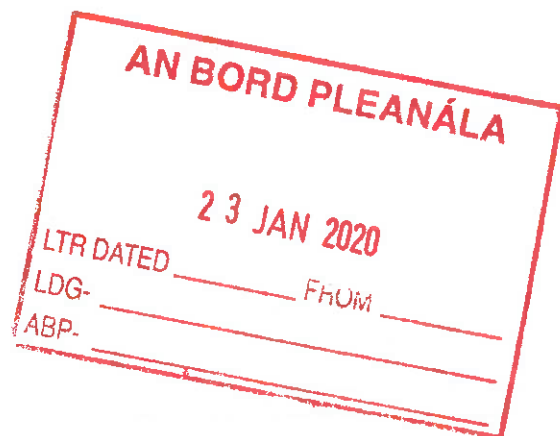
I refer to your application received on the 15th April 2019 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

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


Thomas Hogan
Senior Staff Officer
Planning Department
Economic Development Directorate



An Roinn Pleanála
An Stiúrthóireacht Forbairt Gheilleagrach
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department
Economic Development Directorate
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



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

Reference No.: R19-21



WHEREAS a question has arisen as per the provisions of Section 5 (1) of the Planning and Development Act 2000 (as amended) as to:

Section 5 referral Reference R19-21 in the name of Fintan Meaney

Whether the construction of a slatted unit at Roscliff, Ballynacally, Co. Clare, is or is not development and is or is not exempted development.

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

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) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended
- (c) The works as indicated in submitted documents from the referrer.

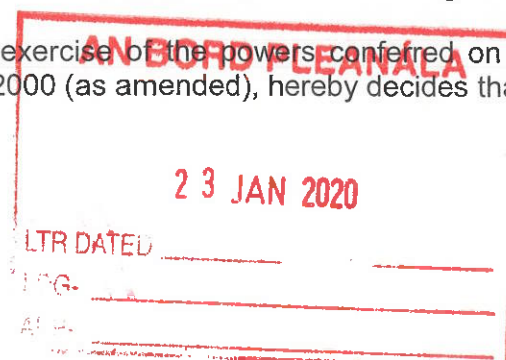
AND WHEREAS Clare County Council has concluded that –

(a) The construction of a slatted unit at Roscliff, Ballynacally, Co. 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 construction of a slatted unit at Roscliff, Ballynacally, Co. Clare, generally falls within the conditions and limitations of Class 6 of Part 3 of Schedule 2 of the Planning & Development Regulations, 2001, as amended. However it is considered that the development would 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, and as such the proposal would come within the restrictions on exemption as set out in Article 9(1)(a)(viiB) of the said Regulations.

NOW 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:

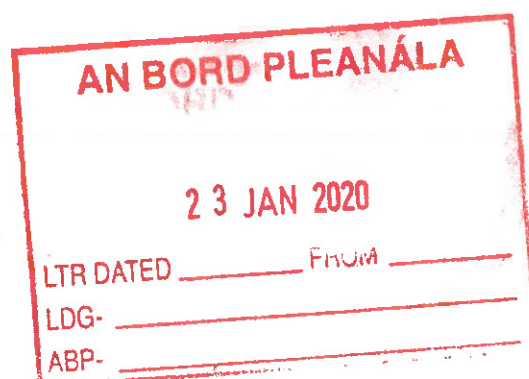


the construction of a slatted unit at Roscliff, Ballynacally, Co. Clare constitutes development which is not exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

Thomas Hogan

Thomas Hogan
Senior Staff Officer
Planning Department
Economic Development Directorate

19th December 2019



Copy.

PHILIP FARRELLY & PARTNERS

Agricultural Consultants

Philip Farrelly, B. Agr.Sc., M.A.C. A.

54 Cathedral Court Clare Road, Ennis Tel: (065) 6823449

Date 03/12/2019

Philip Farrelly & Co.
54 Cathedral Court Clare Road
Ennis, Co. Clare
065 6823449

REF: SECTION 5 FURTHER INFORMATION FOR
FINTAN MEANEY ROSSCLIFF BALLYNACALLY CO CLARE

Dear sir or madam

Reply in relation to the three issues that the County Council had regards the section 5 exemption applied for by Fintan Meaney on the 15th of April 2019

We have revised the location for the proposed development. The shed will remain as planned but the tank underneath the shed will now be made smaller to facilitate the locating of the shed as far away as possible from the adjoining properties. This means that the agitation point will be removed from one side of the shed and the tank made smaller. The new dimensions are shown in the attached drawings.

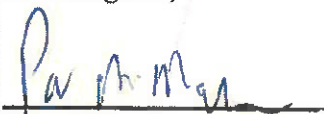
The revised location is also shown in the attached drawing. This will resolve the issues regards the shed been over 100 meters from neighboring dwellings.

We have also revised the floor level of the proposed tank. The new tank proposed will be 0.15 meters above the floor level of the existing shed at 2. This resolves two issues. The proposed shed will be 20 meters approx. further away from the stream that bounds the site. Also the raising of the level of the tank removes the risk of any potential issues regards flooding by placing the tank levels above those that already exist. Note the facilities will be managed in such a way to ensure that the tanks never become too full avoiding any risk of slurry or effluent causing potential risk to the stream.

Finally. Since the application the applicant has acquired extra lands away from the farm. There is over 25 acres of lands in this block. The slurry from the proposed development will be spread on these lands moving the slurry spread lands well away from the SAC Area. A map of the land is attached. This should resolve the requirement for slurry spread lands and allow you to remove the requirements in this regard as outlined in your reply.

If you have any queries, please contact our office.

Kind Regards,



Pat McMahon

Philip Farrelly & Partners

AN BORD PLEANÁLA

23 JAN 2020

LTR DATED _____ P.10001 _____

LDG- _____

ABP- _____

PHILIP FARRELLY & PARTNERS

Agricultural Consultants
Philip Farrelly, B. Agr.Sc., M.A.C. A.

54 Cathedral Court Clare Road, Ennis Tel: (065) 6823449

Date 03/12/2019

Philip Farrelly & Co.
54 Cathedral Court Clare Road
Ennis, Co. Clare
065 6823449

REF: SECTION 5 FURTHER INFORMATION FOR
FINTAN MEANEY ROSSCLIFF BALLYNACALLY CO CLARE

Dear sir or madam

Reply in relation to the three issues that the County Council had regards the section 5 exemption applied for by Fintan Meaney on the 15th of April 2019

We have revised the location for the proposed development. The shed will remain as planned but the tank underneath the shed will now be made smaller to facilitate the locating of the shed as far away as possible from the adjoining properties. This means that the agitation point will be removed from one side of the shed and the tank made smaller. The new dimensions are shown in the attached drawings.

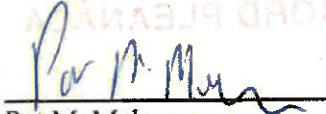
The revised location is also shown in the attached drawing. This will resolve the issues regards the shed been over 100 meters from neighboring dwellings.

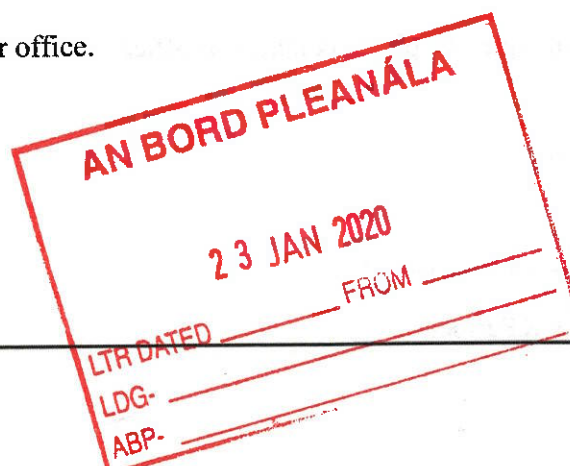
We have also revised the floor level of the proposed tank. The new tank proposed will be 0.15 meters above the floor level of the existing shed at 2. This resolves two issues. The proposed shed will be 20 meters approx. further away from the stream that bounds the site. Also the raising of the level of the tank removes the risk of any potential issues regards flooding by placing the tank levels above those that already exist. Note the facilities will be managed in such a way to ensure that the tanks never become too full avoiding any risk of slurry or effluent causing potential risk to the stream.

Finally. Since the application the applicant has acquired extra lands away from the farm. There is over 25 acres of lands in this block. The slurry from the proposed development will be spread on these lands moving the slurry spread lands well away from the SAC Area. A map of the land is attached. This should resolve the requirement for slurry spread lands and allow you to remove the requirements in this regard as outlined in your reply.

If you have any queries, please contact our office.

Kind Regards,


Pat McMahon
Philip Farrelly & Partners



LANDS ADDED 2019 FINTAN MEANEY



CLAIMED	
7109	— 3.75ha
2110	— 4.70ha

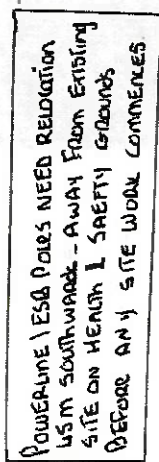
AN BORD PLEANÁLA

23 JAN 2020

LTR DATED _____ FROM _____

LDG- _____

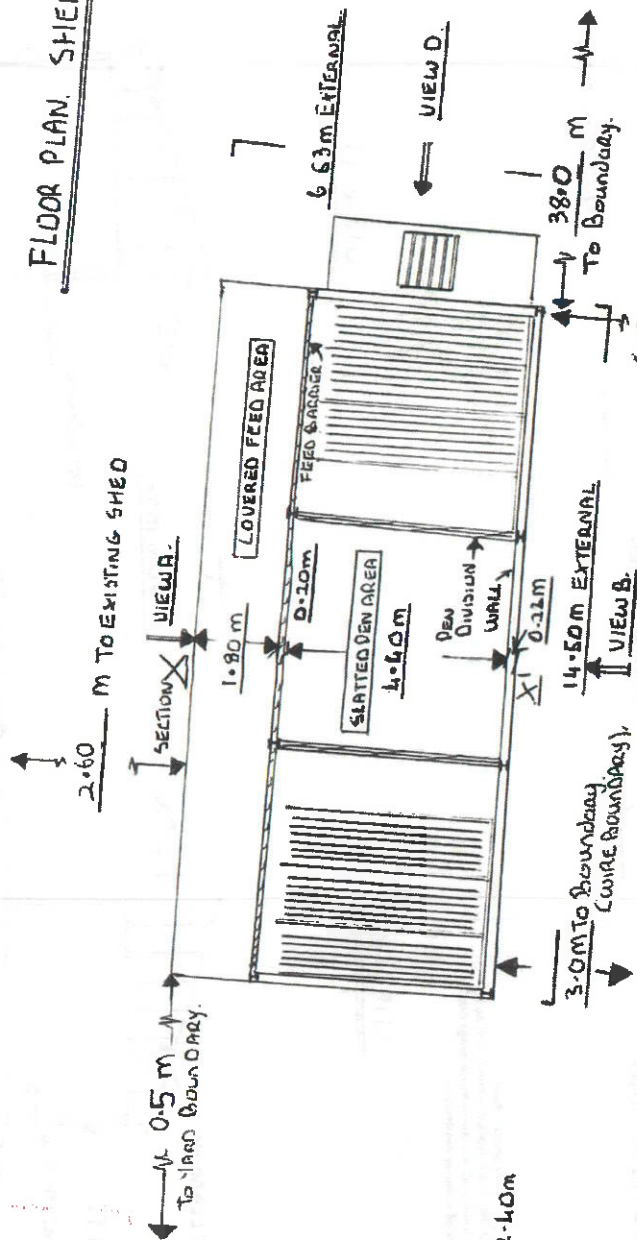
ABP- _____



100-507

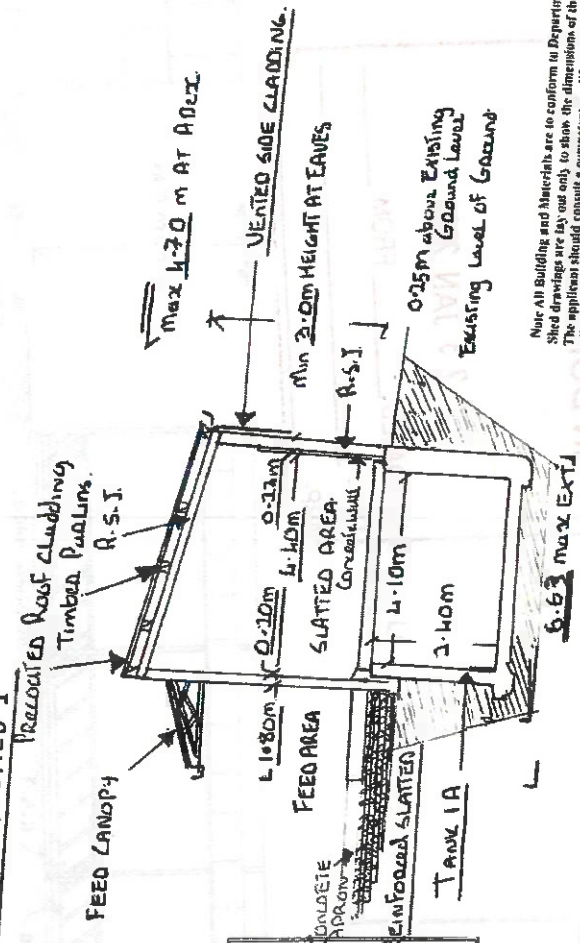
Client	PINTAN MEANEY
Address	ROSSCLIFF BALLYNACALLY CO. CLARE
Townland	ROSSCLIFF
County	Clare
County/Map O.S.	Clare (50 10)
Drawing No.	4
Scale	1 : 100
Signed:	<i>Pat McMahon</i> Pat McMahon Philip Farrelly & Partners Ltd.
DATE:	03/12/2019

FLOOR PLAN SHED 1



TANK SIZE 15.9m x 4.10m x 1.40m
→ 156 m³

SECTION X-X' THROUGH SHED 1



Client	PINTAN MEANEY
Address	ROSSCLIFF BALLYNACALLY CO. CLARE
Townland	ROSSCLIFF
County	Clare
County/Map O.S.	Clare (50 10)
Drawing No.	4
Scale	1 : 100
Signed:	<i>Pat McMahon</i> Pat McMahon Philip Farrelly & Partners Ltd.
DATE:	03/12/2019

AN BORD PLEANÁLA	
23 JAN 2020	
LTR DATED	FROM
LDG.	
ABP.	

Floor level of the proposed shed will be 0.15 meters above the floor level of the dwelling unit at 2. This will be 1.25 meters above the road level at the entrance to the site.

Note: All Building and Materials are to conform to Department of Agriculture Specifications. Shed drawings are lay out only to show the dimensions of the shed and are not detailed technical drawings. The applicant should consult a competent qualified engineer in relation to all relevant technical details. All requirements under health and safety legislation should be adhered to during construction.

Client	FINTAN MEANEY
Address	ROSSCLIFF BALLYMACALLY CO CLARE
Town land	ROSSCLIFF
County	CLARE
County (Map O.S.)	Clare (59 10)
Drawing No	5
Scale	1 : 100
Side Elevations	
Signature:	<i>Pat McMahon</i>
	Pat McMahon
	Philip Farrelly & Partners Ltd.
DATE:	03/12/2019

AN BORD PLEANÁLA

23 JAN 2020

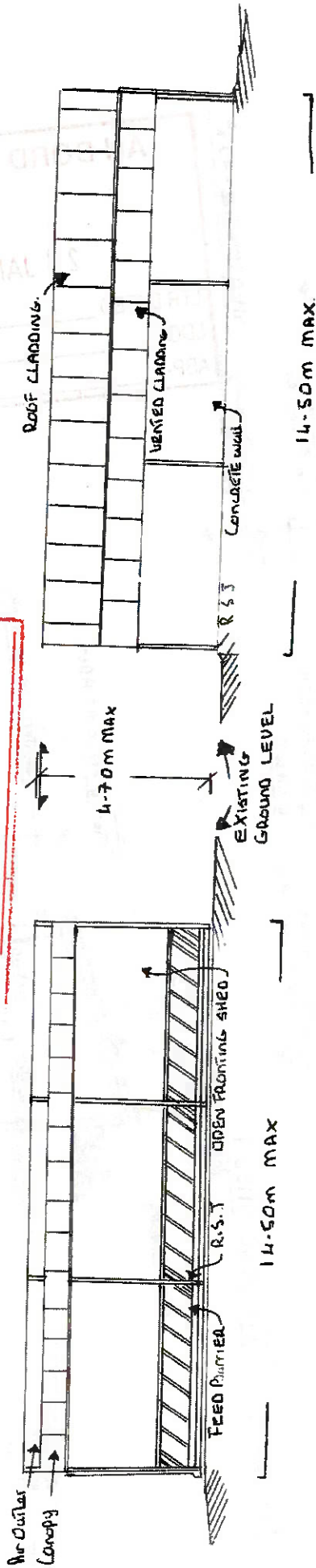
VIEW A LTR DATED

FROM

L.D.G.

ABP.

VIEW B

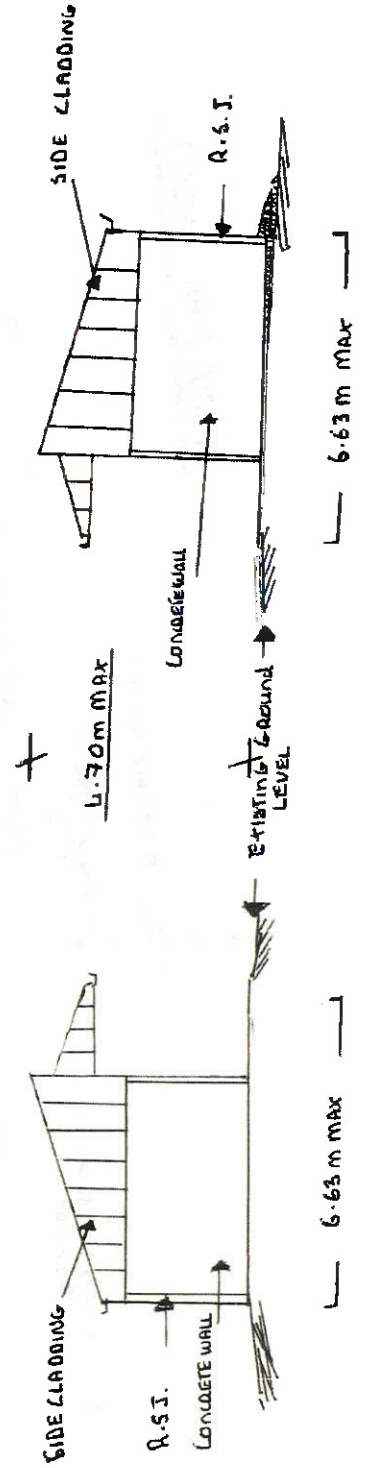


Note: All Buildings and Materials are to conform to Department of Agriculture Specifications
 Shed drawings are for use only to show the dimensions of the shed and are not detailed technical drawings.
 The applicant should consult a competent qualified engineer in relation to all relevant technical design details.
 All requirements under health and safety legislation should be adhered to during construction

VIEW C

Client	FINTAN MEANEY
Address	ROSSCLIFF BALLYMACALLY CO CLARE
Town land	ROSSCLIFF
County	CLARE
County (Map O.S.)	Clare (59 10)
Drawing No	6
Scale	1 : 100
Side Elevations	
Signature:	<i>Pat McMahon</i>
	Pat McMahon
	Philip Farrelly & Partners Ltd.
DATE:	03/12/2019

VIEW D





COMHAIRLE CLARE
CONTAE AN CHLÁIR COUNTY COUNCIL

Fintan Meaney
Roscliff
Ballynacally
Ennis
Co Clare

9th May 2019

AN BORD PLEANÁLA

23 JAN 2020

LTR DATED _____

PG. _____

**Section 5 referral Reference R19-21 in the name of Fintan Meaney
Whether the construction of a slatted unit at Roscliff, Ballynacally, Co. Clare, is or is not development and is or is not exempted development.**

A Chara,

I refer to your application received on the 15th April 2019 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

In accordance with Section 5 (2) (b) of the Planning and Development Act 2000 as amended, and in order for the Planning Authority to make an assessment on this declaration application you are requested to submit the following information:

1. The Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 6 define that the following is exempted development:

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.

The exemption is subject to limitations that are stated in Class 6. In this instance, a number of those limitations may mean that the proposed development is not exempted development. You are requested to address the following items:

Class 6 – Limitation No. 2 states that "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".

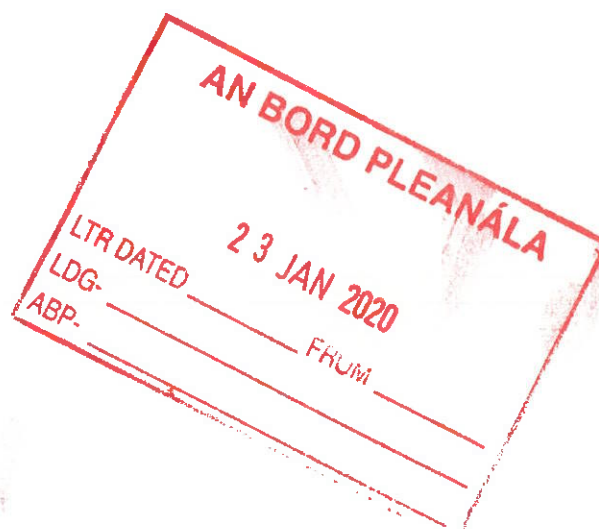
The 300 sqm threshold may be exceeded in this instance. The gross floor space of the existing cattle housing structure within the site is not stated in the submitted documents, but based on the dimensions provided on the submitted layout plan, it may be in excess

integrity of the associated European site (Lower River Shannon SAC) and in particular the qualifying interest features. The Screening should also take account of the existing Slatted Unit that is located on the site.

Mise le meas



Thomas Hogan
Senior Staff Officer
Planning Department
Economic Development Directorate





COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Fintan Meaney
Roscliff
Ballynacally
Ennis
Co Clare

16th April 2019

**Section 5 referral Reference R19-21 in the name of Fintan Meaney
Whether the construction of a slated unit at Roscliff, Ballynacally, Co. Clare, is or is
not development and is or is not exempted development.**

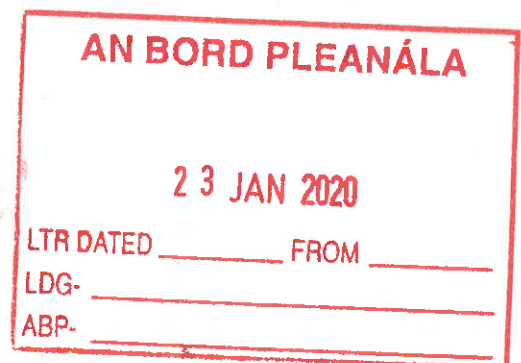
A Chara,

I refer to your application received on the 15th April 2019 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

Annette Ryan
Clerical Officer
Planning Department
Economic Development Directorate



An Roinn Pleanála
An Stiúrthóireacht Forbairt Gheilleagrach
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department
Economic Development Directorate
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



P07

TO COUNTY COUNCIL ON THE 12/04/2019
CLARE COUNTY COUNCIL
COMHAIRLE CONTAE AN CHLÁIR

Planning & Enterprise Development,
 New Road,
 Ennis,
 Co. Clare

Telephone No. (065) 6821616
 Fax No. (065) 6828233
 Email: planoff@clarecoco.ie
 Website: www.clarecoco.ie



APPLICATION FORM FOR A DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT
(Section 5 of the Planning & Development Acts 2000-2010)

FEE: €80

This following application 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 decision to be made under Section 5 by the Planning Authority

1. APPLICANT DETAILS.	
(a) Applicant Name:	FINTAN MEANEY
(b) Applicant's Address:	ROSCLIFF BALLYNACALLY ENNIS _____ CO CLARE _____
(c) Telephone No.:	(086 6026006)
(d) Email Address:	N/A
(e) Agent's Name and address:	PAT MCMAHON PHILIP FARRELLY AND PARTNERS 54 CATHEDRAL COURT CLARE ROAD ENNIS CO CLARE

AN BORD PLEANÁLA

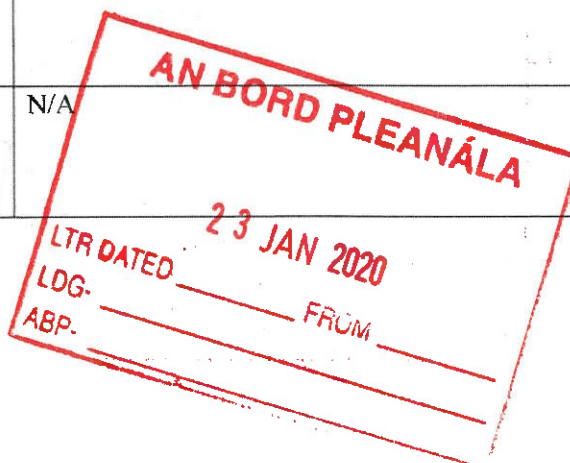
23 JAN 2020

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

2. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	ROSCLIFF BALLYNACALLY CO CLARE CLARE OS NO (50 10)
(b) Is this a Protected Structure or within the cartilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority?	N/A
(c) Applicant's legal interest in the land or structure (Give Details):	LEGAL OWNER
(d) If the applicant is not the owner and/or occupier, states the name and address of the owner of the property in question:	APPLICANT IS LEGAL OWNER
(e) Is the owner aware of the current application for a Declaration under Section 5 of the Planning & Development Acts 2000-2010?:	N/A
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	N/A
(g) Were there previous planning application/s on this site? If so please supply details:	N/A



3. DETAILS REGARDING DECLARATION BEING SOUGHT

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

(Note: only works listed and described under this section will be assessed under this section 5 application. Use additional sheets if required.)

THE APPLICANT WISHES TO DEVELOP A SLATTED UNIT ON HIS FARM IN ROSCLIFF BALLYNACALLY WHICH FALL UNDER THE EXEMPTION LIMITS

THE BUILDING WILL CONSIST OF A SLATTED UNIT WITH ANCILLARY SLURRY STORAGE TANK FOR HOUSING CATTLE ON THE APPLICANTS FARM.

WE BELIEVE THAT THE SCALE OF THE SHED AT 1 (96 SQ MTRS) OF A CLASS 6 STRUCTURE FOR HOUSING ANIMALS AND THEIR LOCATION ON THE FARM 100 METERS FROM ANY OTHER YARDS OR BUILDINGS MAKES THE PROPOSED BUILDING EXEMPTED DEVELOPMENT.

THEY WILL BE LOCATED IN A YARD THAT CONSISTS OF AN EXISTING SLATTED SHED OF LESS THAN 200 SQ METERS IN SIZE

THEY ALSO CONFORM TO ALL OTHER REQUIREMENTS FOR EXEMPTION I.E. BELOW 8 METERS IN HEIGHT, MORE THAN 10 METERS AWAY FROM PUBLIC ROAD. MORE THAN 100 METERS FROM ALL BUILDINGS.

THE PRODUCTION LEVELS ON THE FARM WILL NOT BE ALTERED BY THIS DEVELOPMENT

THE FARM IS A DRYSTOCK FARM AND HOLDS 25 1-2 YEAR OLDS
EACH OF THESE ANIMALS WILL PRODUCE 6.5 CUBIC METERS OF WASTE OVER THE WINTER PERIOD SO THE WASTE PRODUCED OVER THE WINTER WILL BE 162 CUBIC METERS
THE EXISTING CAPACITY OF TANK 2 A IS 109 CUBIC METERS. THE TANK PROPOSED AT TANK 1 A WILL HAVE STORAGE FOR A FURTHER 171 CUBIC METERS THE EXTRA CAPACITY WILL ALLOW THE ANIMALS TO BE HOUSED FOR A LONGER PERIOD AS MAY BE NECESSARY IN YEARS OF ADVERSE WEATHER
THESE ANIMALS WILL BE HOUSED FOR THE WINTER PERIOD IN THE FUTURE

List of plans, drawings etc. submitted with this application:

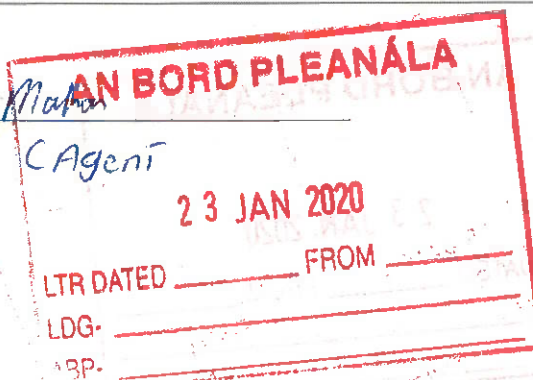
(Note: a site location map to a scale of not less than 1:2500 based on Ordnance Survey map for the areas, shall be provided to identify the lands in question)

ATTACHED IS A LOCATION MAP FOR THE PROPOSED BUILDING PLUS DRAWINGS SHOWING THE PROPOSED DEVELOPMENTS WHICH I BELIEVE FALLS INTO THE EXEMPTION CATEGORY

SIGNED:

Paul M. Mahon

DATE: 12 / 04 / 2019



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

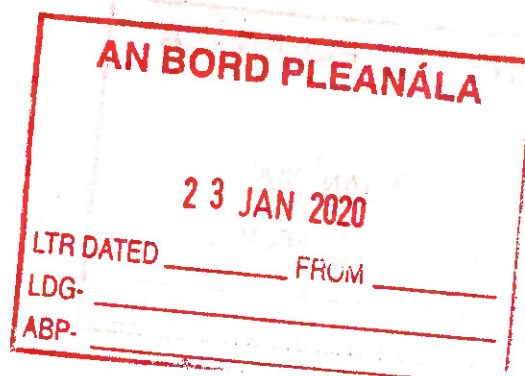
- (i) The application must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
- (ii) The application must be accompanied by the required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

Planning & Enterprise Development,
Aras Contae an Chlair,
New Road,
Ennis,
Co. Clare

- (v) The planning authority shall issue the declaration on the question that has arisen within 4 weeks of receipt of the request except in the case where further information is required.
- (vi) The applicant is advised that notwithstanding the completion of the above form, that the Planning Authority may require the applicant to submit further information with regard to the request in order to enable the Authority to issue a declaration on the question. In this instance the planning authority shall issue a declaration within 3 weeks of the date of receipt of the further information.
- (vii) The applicant is also advised that the Authority may also request other persons, other than the applicant 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:	MO No.:
Decision:.....			





NETWORKS

esbnetworks.ie

Bóthar Chuinche, Inis, Co an Clár, Éire
Fón +353 65 689 7101 Fáics +353 65 686 9016

Quin Road, Ennis, Co. Clare, Ireland
Phone +353 65 689 7101 Fax +353 65 686 9016

Mr. Fintan Meaney,
Roscliff,
Ballynacally,
Ennis,
Co. Clare.

11th December 2017.

Re: Proposed Development at Roscliff, Ballynacally, Ennis, Co. Clare.

Dear Mr. Meaney,

I refer to your recent enquiry concerning the above development.

As there is an overhead line in conflict with the site please be aware that contact directly or indirectly with this line may result in serious injury or loss of life. As you are responsible for safety on-site, I request that you inform all workers and contractors on-site of its presence and brief them on the safety implications. All safety information can be found at www.esb.ie/esbnetworks/safety_environment/booklets.jsp. Alternatively it can also be found in www.hsa.ie New Code of Practice for Avoiding Danger from Overhead Electricity Lines. I request that the safety precautions contained therein are implemented. I have included a copy of Sections 19 & 20 of the Electricity Supply Act, 1934 and safety stickers for your attention.

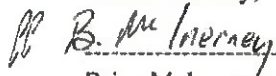
In the interest of safety, you should not work directly under the line. Should you need to work in close proximity, Sections 6.0, 6.1, 6.2 and 6.3 of www.esb.ie/esbnetworks/safety must be adhered to in consultation with your local Customer Services Supervisor, Alan Hogan who may be contacted at our Ennis Office, Tel. 065-6897101

The line will be altered to accommodate the building, if necessary, depending on the position of the building relative to our line. E.S.B. will be pleased to meet and discuss this on-site with you.

The time span for the diversions of the above lines can be up to 3 months due to difficulties which may arise with adjoining landowners and existing workloads, therefore early notification is essential.

If you are unsure as to when it is safe to proceed our Supervisor Alan Hogan will be pleased to advise on the matter.

Yours sincerely,


Brian McInerney,
Engineering Officer.

AN BORD PLEANÁLA

23 JAN 2020

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

Surveyed 2000
Revised 2015-2017
Levelled

Rural PLACE Map



ITM CENTRE PT COORDS
528195,663364

DESCRIPTION

MAP SHEETS

Digital Map
4556 4555



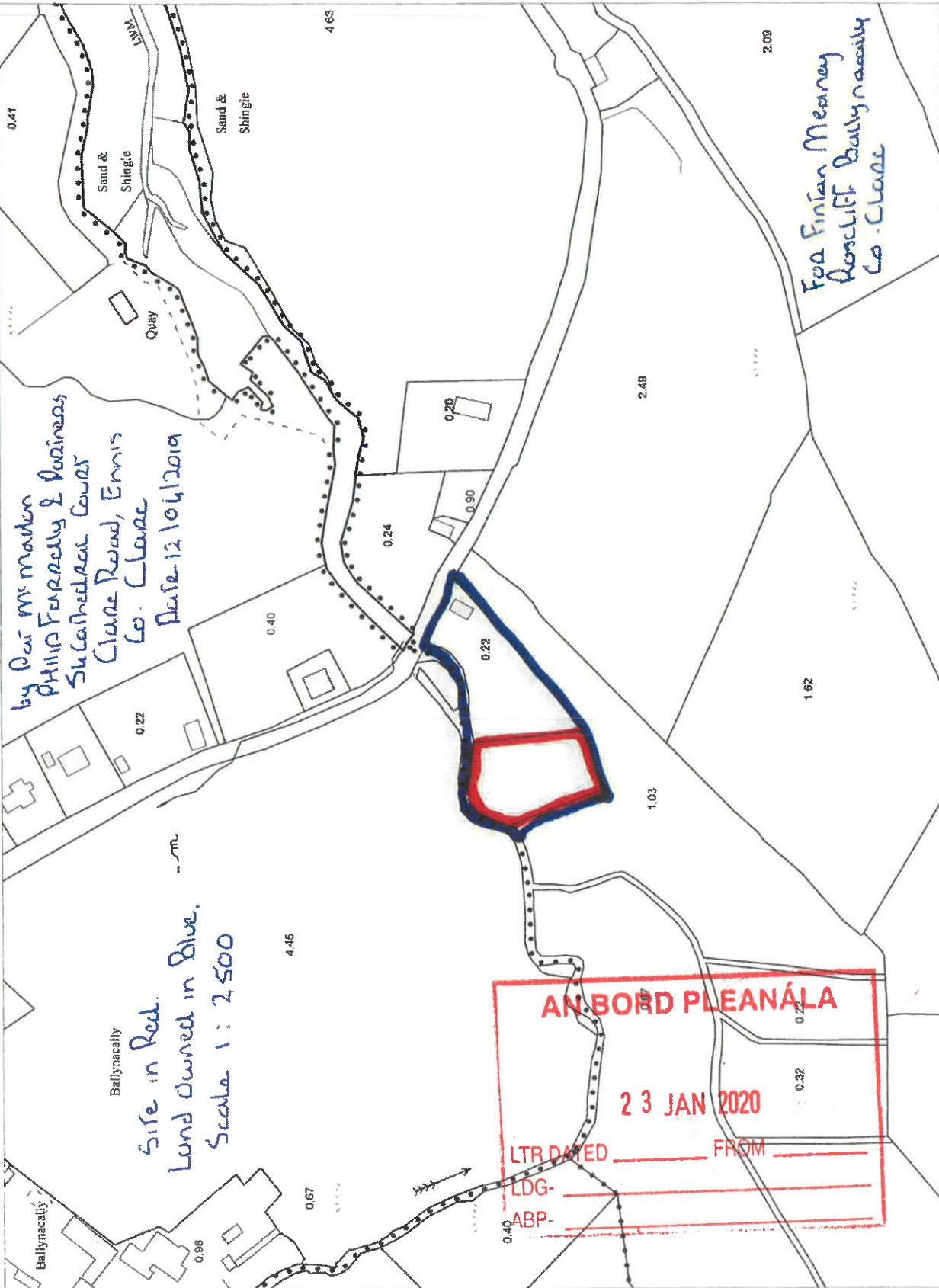
Produced by National Map Services,
Unit 7, South Ring Business Park,
Kissale Road,
Co. Cork

On behalf of Ordnance Survey Ireland,
Phoenix Park, Dublin 8.

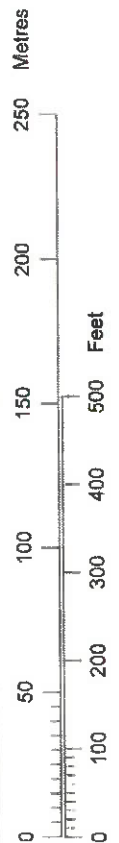
Síraíom aigegeath neamhdáiríte cóisheart
Stuáthéiracht Ordánais Éireann agus
Rialtas na hÉireann
Unauthorised reproduction infringes Ordnance
Survey Ireland and Government of Ireland
copyright.

Gach cead coisheart: Ní ceadmíocht sona chuid
den fhóilsíocht seo a chloí, a aigegeath nó
a hachur in aon form ná ar aon bhealach gan
cead i scríbhinn nó in ó dárta an chloíoch.
All rights reserved. No part of this publication may
be copied, reproduced or transmitted in any form
or by any means without the prior written
permission of the copyright owners

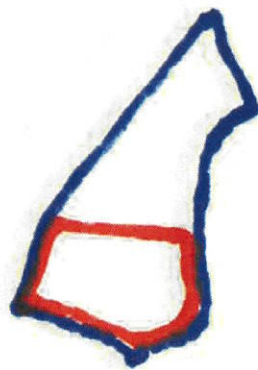
© Stúthéiracht Ordánais Éireann, 2018
© Ordnance Survey Ireland, 2018



Plot Ref. No. 25319369_1_1
Plot Date 06-FEB-2018



Scale:- 1:2,500
Scála:- 1:2,500



AN BORD PLEBANJA

27 JAN 2020

IN DATA _____

IN DATA _____

IN DATA _____

IN DATA _____

Surveyed 1840
Revised 1918
Levelled 1895

Record PLACE Map



ITM CENTRE PT COORDS

528195,663365

Location map

Finian Meaney's

DESCRIPTION

Proposed Development

MAP SHEETS

6 inch
CE050



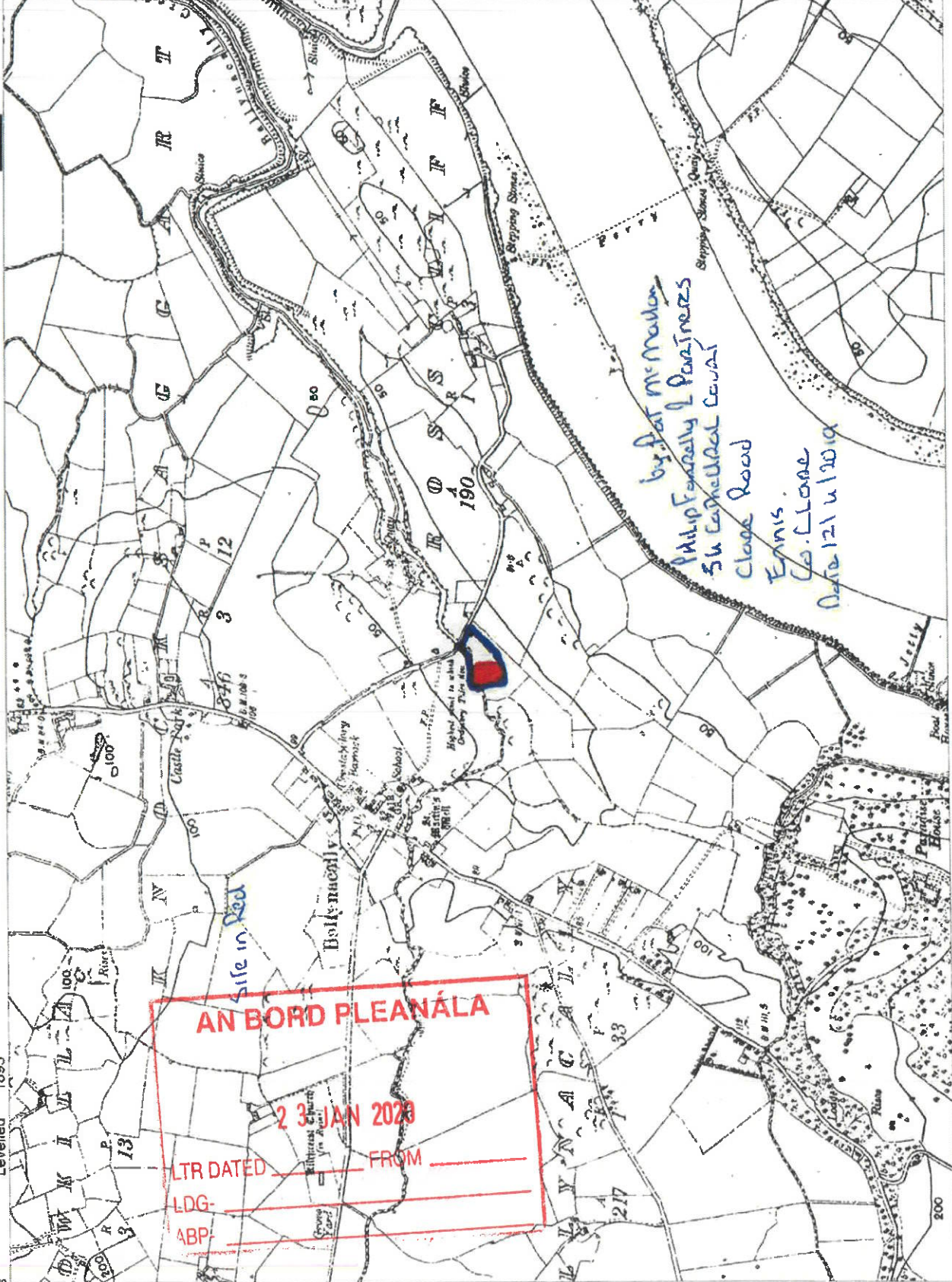
Produced by National Map Services,
Unit 7, South Ring Business Park,
Kinsale Road,
Co. Cork

On behalf of Ordnance Survey Ireland,
Phoenix Park, Dublin 8.

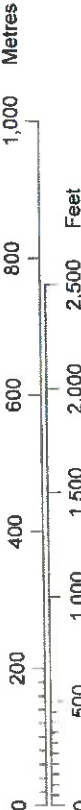
Saradom aitheasc iomparthaíocht
Shuíbhreach Ordnála Éireann agus
Rialas na hÉireann.
Unauthorised reproduction infringes Ordnance
Survey Ireland and Government of Ireland
copyright.

Gach cead oireant, ní ceadmhaicín ionaid
den fhaisic seo a chloí, a athscríobh nó
a tharair in eon bharr ná ar eon theasach gien
cead i scríobhann reo ó fíor an aitheasc.
All rights reserved. No part of this publication may
be copied, reproduced or transmitted in any form
or by any means without the prior written
permission of the copyright owners.

© Suirbhreach Ordnála Éireann, 2018
© Ordnance Survey Ireland, 2018



Plot Ref. No. 25319369_1
Plot Date 06-FEB-2018



Scale:- 1:10,560
Scála:- 1:10,560



AN BORD PLEAN
1 JAN 1981
1981
1981
1981
1981

Philip Farrelly & Partners
54 Cathedral Court
Clare Road
Ennis
Co Clare

January, 2019

COPYRIGHT LICENCE 2019
Ordnance Survey Ireland
(Copyright Duplication Licence)

To Whom it May Concern:

Philip Farrelly & Partners

is/are hereby authorised by the CEO, *Ordnance Survey Ireland* (acting on behalf of the Government) to reproduce *Ordnance Survey Ireland* maps subject to the conditions set out, such reproductions to be used solely in connection with office purposes in the ordinary course of their practice for the year 2019.

Dated this day: December 11, 2018

Acknowledgement in the following form must appear in reasonable prominence on the face of all reproductions:

Ordnance Survey Ireland Licence No. EN 0077319
© Ordnance Survey Ireland/Government of Ireland



Daniel O'Connell
Copyright Department

AN BORD PLEANÁLA	
23 JAN 2020	
LTR DATED _____	FROM _____
LDG- _____	
ABP- _____	



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

25th June 2015

Fintan Meaney
Roscliffe
Ballynacally
Ennis
Co. Clare

Our Ref: KS/LM/UD15-048

Re: Development at Roscliffe, Ballynacally, Ennis, Co. Clare

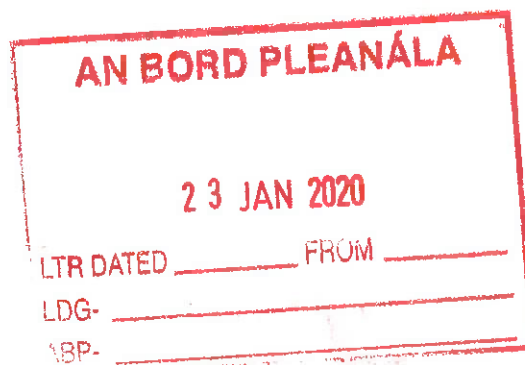
A Chara,

I refer to your submission dated 12th February 2015 which was passed to our Environment Section. There are no issues with the proposals from Environment and the Planning Authority is satisfied that the shed on site is considered exempt development as defined by the Planning and Development Regulations 2001(as amended).

Therefore, no enforcement action will be taken at this time.

Mise le meas,

Karen Stackpoole
Karen Stackpoole
Staff Officer
Planning & Enterprise Development



Pleanáil agus Forbairt Fiontraíochta
Áras Contae an Chláir, Bothar Nua, Inis, Co. an Chláir

Planning and Enterprise Development
Áras Contae an Chláir, New Road, Ennis, Co. Clare

☎: 065 6846232 F : 065 6892071 ✉: planoff@clarecoco.ie 🌐: www.clarecoco.ie

Fostóir comhionannas deiseanna is ea
Comhairle Contae an Chláir,
a chuireann fáilte roimh
iarratais ón bpobal i gcoitinne



Clare County Council is an
equal opportunities employer
and welcomes applications from all
sections of the Community

100% Recycled Paper



COMHAIRLE CLARE
CONTAE AN CHLÁIR COUNTY COUNCIL

16th February 2015

Fintan Meaney
Rossciffe
Ballynacally
Ennis
Co. Clare

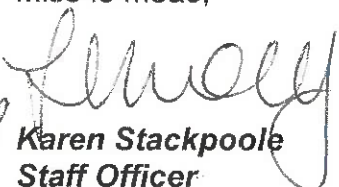
Our Ref: KS/LM/CO.74.14

Re: Development at Roscliffe, Ballynacally, Ennis, Co. Clare

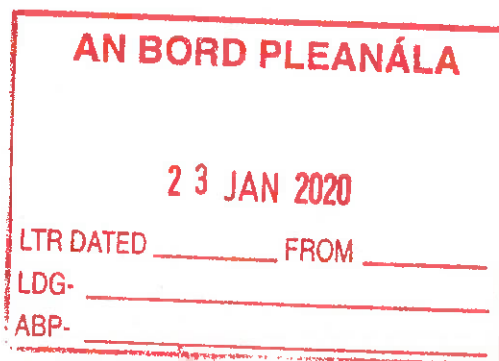
A Chara,

I acknowledge receipt of your submission dated 12th February 2015 which has been forwarded to the Area Planner for review. We will revert shortly regarding same.

Mise le meas,

pp 

Karen Stackpoole
Staff Officer
Planning & Enterprise Development



Pleanáil agus Forbairt Fiontraíochta
Áras Contae an Chláir, Bothar Nua, Inis, Co. an Chláir

Planning and Enterprise Development
Áras Contae an Chláir, New Road, Ennis, Co. Clare

☎: 065 6846232 F : 065 6892071 ✉: planoff@clarecoco.ie 🌐: www.clarecoco.ie

Fostóir comhionannas deiseanna is ea
Comhairle Contae an Chláir,
a chuireann fáilte roimh
iarratais ón bpobal i gcoitinne



Clare County Council is an
equal opportunities employer
and welcomes applications from all
sections of the Community

100% Recycled Paper



10th

February 2015 COMHAIRLE CLARE
CONTAE AN CHLÁIR COUNTY COUNCIL

Fintan Meaney
Roscliffe
Ballynacally
Ennis
Co. Clare

Our Ref: KS/LM/CO.74.14

Re: Development at Roscliffe, Ballynacally, Ennis, Co. Clare

A Chara,

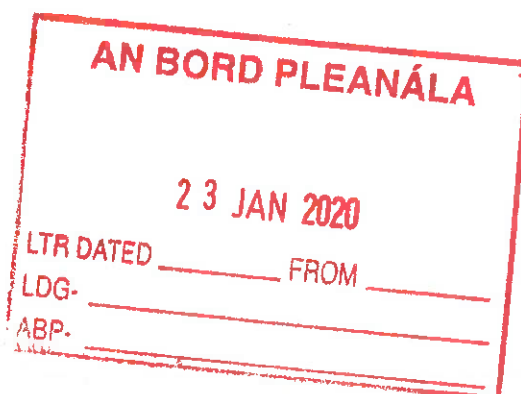
I refer to your letter dated 31st January 2015.

Under Section 4 Exempted Development of the Planning & Development Act 2000, as amended, development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required. In order for our Environment Section to determine the matter, you are requested to submit maps of spreadlands of effluent, as outlined in my letter dated 22nd January 2015, copy enclosed.

Mise le meas,

Karen Stackpole

Karen Stackpole
Staff Officer
Planning & Enterprise Development



Pleanáil agus Forbairt Fiontraíochta
Áras Contae an Chláir, Bothar Nua, Inis, Co. an Chláir

Planning and Enterprise Development
Áras Contae an Chláir, New Road, Ennis, Co. Clare

☎: 065 6846232 F : 065 6892071 ✉: planoff@clarecoco.ie 🌐: www.clarecoco.ie

Fostóir comhionannas deiseanna is ea
Comhairle Contae an Chláir,
a chuireann fáilte roimh
iarrtais ón bpobal i gcoitinne



Clare County Council is an
equal opportunities employer
and welcomes applications from all
sections of the Community

100% Recycled Paper



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

6th February 2015

Fintan Meaney
Roscliffe
Ballynacally
Ennis
Co. Clare

Our Ref: KS/LM/CO.74.14

Re: Development at Roscliffe, Ballynacally, Ennis, Co. Clare

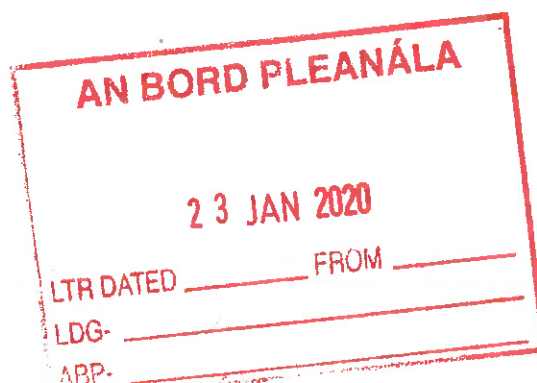
A Chara,

I acknowledge receipt of your letter dated 31st January 2015 and received on 6th February 2015.

We will review your submission and revert in due course.

Mise le meas,


Karen Stackpoole
Staff Officer
Planning & Enterprise Development



Pleanáil agus Forbairt Fiontraíochta
Áras Contae an Chláir, Bothar Nua, Inis, Co. an Chláir

Planning and Enterprise Development
Áras Contae an Chláir, New Road, Ennis, Co. Clare

☎: 065 6846232 F : 065 6892071 ✉: planoff@clarecoco.ie 🌐: www.clarecoco.ie

Fostóir comhionannas deiseanna is ea
Comhairle Contae an Chláir,
a chuireann fáilte roimh
iarratais ón bpobal i gcoitinne



Clare County Council is an
equal opportunities employer
and welcomes applications from all
sections of the Community

100% Recycled Paper

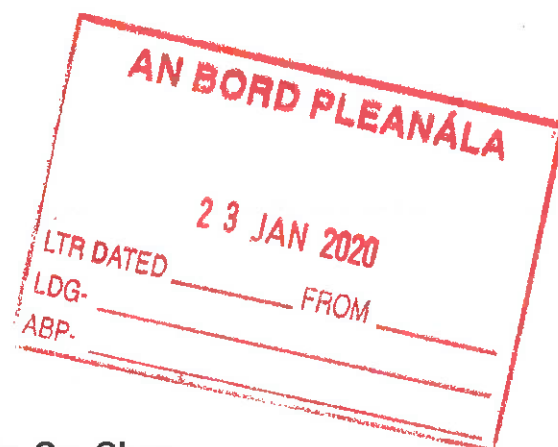


22nd January 2015

COMHAIRLE
CONTAE AN CHLÁIR

CLARE
COUNTY COUNCIL

Fintan Meaney
Rosscliff
Ballynacally
Ennis
Co. Clare



Our Ref: KS/LM/CO.74.14

Re: Development at Rosscliff, Ballynacally, Ennis, Co. Clare

A Chara,

I refer to previous correspondence with you regarding development at the above site. Based on the information submitted it was concluded that the slatted shed was exempted development. However, we have been advised there may be further concerns on the site.

The Planning Authority requires details of the following in order to determine if the slatted shed is exempted development:

See attached details of Class 6 of Part 3, Article 6 Exempted Development – Rural, of the Planning & Development Regulations 2001, as amended.

You are requested to confirm in writing how the existing slatted shed complies with the conditions and limitations of those regulations. You are advised to include all details in relation to No. 3 including maps of spreadlands of effluent. In this regard please note that under Section 4 Exempted Development of the Planning & Development Act 2000, as amended, development **shall not be exempted development** if an **environmental impact assessment** or an **appropriate assessment** of the development is required. You were advised previously that as the development is adjacent to a Natura 2000 Site it may be a notifiable action and require the consent of the Department of Agriculture.

In order for the Planning Authority to carry out a Habitat Directive screening you are advised to submit exact details of each element of the conditions and limitations attached to Class 6 (Agricultural Structures) of Article 6, Part 3 Exempted Development Rural, of the Exempted Development Regulations 2001, as amended.

Pleanáil agus Forbairt Fiontraíochta
Áras Contae an Chláir, Bothar Nua, Inis, Co. an Chláir

Planning and Enterprise Development
Áras Contae an Chláir, New Road, Ennis, Co. Clare

☎: 065 6846232 F : 065 6892071 ✉: planoff@clarecoco.ie 🌐: www.clarecoco.ie

Fostóir comhionannas deiseanna is ea
Comhairle Contae an Chláir,
a chuireann fáilte roimh
iarratais ón bpobal i gcoitinne



Clare County Council is an
equal opportunities employer
and welcomes applications from all
sections of the Community

100% Recycled Paper

You are advised to reply in writing to this letter within three weeks of the date of receipt of this letter.

Mise le meas,



Karen Stackpoole

Staff Officer

Planning & Enterprise Development

AN BORD PLEANÁLA	
23 JAN 2020	
LTR DATED _____	FROM _____
LDG- _____	
ABP- _____	



COMHAIRLE
CONTAE AN CHLÁIR

CLARE
COUNTY COUNCIL

11th November 2014

Fintan Meaney,
Rosscliffe,
Ballynacally,
Ennis,
Co. Clare

Our Ref: KS/MM/CO.74.14

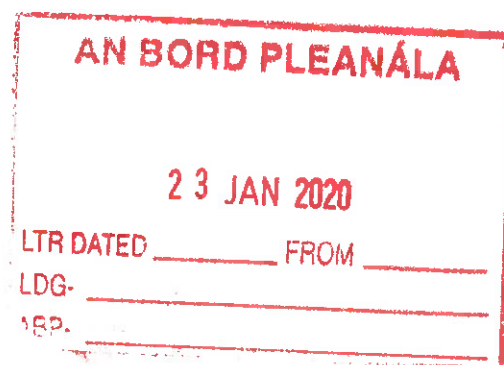
Re: Development at Roscliffe, Ballynacally, Ennis, Co. Clare

A Chara,

I wish to advise that the Planning Authority has completed its investigation and is satisfied that the works at the above location are exempted development. The file on this matter has now been closed.

Mise le meas,


Karen Stackpoole
Staff Officer
Planning & Enterprise Development



Pleanáil agus Forbairt Fiontraíochta
Áras Contae an Chláir, Bothar Nua, Inis, Co. an Chláir

Planning and Enterprise Development
Áras Contae an Chláir, New Road, Ennis, Co. Clare

☎: 065 6846232 F : 065 6892071 ✉: planoff@clarecoco.ie 🌐: www.clarecoco.ie

Fostóir comhionannas deiseanna is ea
Comhairle Contae an Chláir,
a chuireann fáilte roimh
iarrtais ón bpobal i gcoitinne



Clare County Council is an
equal opportunities employer
and welcomes applications from all
sections of the Community

100% Recycled Paper



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

10th October 2014

Fintan Meaney,
Rossliffe,
Ballynacally,
Ennis,
Co. Clare

Our Ref: CO.74.14

Re: Development at Roscliffe, Ballynacally, Ennis, Co. Clare

A Chara,

I wish to acknowledge receipt of your letter dated 4th October 2014 and received in this office on 10th October 2014. Your submission has been referred to the Area Planner and we will revert to you in due course.

Mise le meas,

Moira McMahon
Assistant Staff Officer
Planning & Enterprise Development

AN BORD PLEANÁLA

23 JAN 2020

LTR DATED _____ FROM _____

LDG- _____

Pleanáil agus Forbairt Fiontraíochta
Áras Contae an Chláir, Bothar Nua, Inis, Co. an Chláir

Planning and Enterprise Development
Áras Contae an Chláir, New Road, Ennis, Co. Clare

☎: 065 6846232 F : 065 6892071 ✉: planoff@clarecoco.ie 🌐: www.clarecoco.ie

Fostóir comhionannas deiseanna is ea
Comhairle Contae an Chláir,
a chuireann fáilte roimh
iarratais ón bpobal i gcoitinne



Clare County Council is an
equal opportunities employer
and welcomes applications from all
sections of the Community

100% Recycled Paper



COMHAIRLE
CONTAE AN CHLÁIR

CLARE
COUNTY COUNCIL

29th September 2014

Fintan Meaney,
Rosscliffe,
Ballynacally,
Ennis,
Co. Clare

Our Ref: CO.74.14

Re: Development at Roscliffe, Ballynacally, Ennis, Co. Clare

A Chara,

It has come to the attention of the Planning Authority that works are/may be carried out on a site in Rosscliffe, Ballynacally which may be unauthorised development and may require the benefit of planning permission; namely the construction of a slatted shed and a parking area for buses and agricultural machinery.

You are requested to submit details in writing indicating the extent of the works carried out/proposed and purpose of the works.

The Planning Authority also considers that any works carried out on a site that has potential to feed into a Natura 2000 site i.e. Lower Shannon Special Area Conservation, Site Code 002165 and may be a notifiable action requiring the consent of the National Parks and Wildlife Service. You are advised to ensure that you have the appropriate consents and can avail of exempted development status prior to continuing with your works/proposals.

You are advised to reply in writing to this letter within two weeks of receipt of this letter, otherwise the Planning Authority will have no alternative but to pursue the matter through Planning Enforcement legislation.

Mise le meas,

Moira McMahon
Assistant Staff Officer
Planning & Enterprise Development

Pleanáil agus Forbairt Fiontraíochta
Áras Contae an Chláir, Bothar Nua, Inis, Co. an Chláir

Planning and Enterprise Development
Áras Contae an Chláir, New Road, Ennis, Co. Clare

☎: 065 6846232 F : 065 6892071 ✉: planoff@clarecoco.ie 🌐: www.clarecoco.ie

Fostáir comhionannas deiseanna is ea
Comhairle Contae an Chláir,
a chuireann fáilte roimh
iarratais ón bpobal i gcoitinne



Clare County Council is an
equal opportunities employer
and welcomes applications from all
sections of the Community

100% Recycled Paper

