



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

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**DesignPro Ltd
Rathkeale Industrial Estate
Rathkeale
Co Limerick
V94 E5C0**

RECEIVED 07 MAR 2018

6th March 2018

**Section 5 referral Reference R18-5 in the name of DesignPro Ltd
Whether the deployment of a floating kinetic turbine at the Western Tip of Canon Island on the Shannon Estuary and whether the locating of a temporary office or storage space in the form of a portacabin/container for the storage of equipment and monitoring of testing of the tidal device off Canon Island, Co. Clare, is or is not development and is or is not exempted development.**

A Chara,

I refer to your application received on the 8th February 2018 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 Pleanala of the required fee, refer a declaration for review by An Bord Pleanala 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

Handwritten signature of Annette Ryan in black ink.

**Annette Ryan
Planning Department
Economic Development Directorate**

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

Reference No.: R18-5



Comhairle Contae an Chláir
Clare County Council

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

Whether the deployment of a floating kinetic turbine at the Western Tip of Canon Island on the Shannon Estuary and whether the locating of a temporary office or storage space in the form of a portacabin/container for the storage of equipment and monitoring of testing of the tidal device off Canon Island, Co. Clare, is or is not development and is or is not exempted development.

AND WHEREAS, DesignPro Ltd has requested a declaration from Clare County Council on the said question

AND WHEREAS Clare County Council (Planning Authority) in considering this referral had regard to:

- (a) Sections 2,3, 4 and 224 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended
- (c) Class 16 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The details as indicated in submitted documents from the referrer, including that the subject structures are for a temporary period of 9 months.

AND WHEREAS Clare County Council has concluded that –

- (a) The deployment of a floating kinetic turbine at the Western Tip of Canon island on the Shannon Estuary, Co Clare is outside the functional area of the Planning Authority having regard to the provisions of Section 224 of the Act, and thus is not considered to constitute 'development', as defined in the Planning Acts;
- (b) the provision at Cahiracon Pier of a portacabin/container constitutes a form of development that is exempted development having regard to the provisions of Class 16 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, as this structure is needed temporarily in connection with the tidal device.

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:

- (j) The deployment of a floating kinetic turbine at the Western Tip of Canon Island on the Shannon Estuary, Co Clare **does not constitute development**, and
- (ii) The provision of a portocabin/container associated with the tidal device constitutes development which **is exempted development**.

Thomas Hogan
Senior Staff Officer, Planning Department

6th March 2018