



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

Odran Madden
'An Fraoch'
Cahercalla Road,
Ennis
Co. Clare

4th May, 2021

Section 5 referral Reference R21-20 – Odran Madden

Whether the construction of a boundary wall between the front and back garden, maximum height of 2m at 'An Fraoch' Cahercalla Road, Ennis Co. Clare is considered development and if so, is it exempted development.

A Chara,

I refer to your application received on 8th April 2021 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

Josephine Connors
Staff Officer
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stiúthóireacht 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.: R21-20



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R21-20

Whether the construction of a boundary wall between the front and back garden, maximum height of 2m at 'An Fraoch' Cahercalla Road, Ennis Co. Clare is considered development and if so, is it exempted development.

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

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

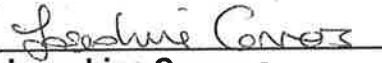
- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended
- (c) Class 5 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The works as indicated in submitted documents from the referrer on the 8th April 2021.

And whereas Clare County Council has concluded:

- (a) The construction of a wall between the front and back garden, maximum height of 2 meters at 'An Fraoch', Cahercalla Road, Ennis, County Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended
- (b) The said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended
- (c) The said development consisting of the construction of a wall between the front and back garden, maximum height of 2 meters at 'An Fraoch', Cahercalla Road, Ennis, County Clare is exempted development having regard to Section 4(1)(h) of the Planning and Development Act 2000, as amended and Class 5 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

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 wall between the front and back garden, maximum height of 2 meters at 'An Fraoch', Cahercalla Road, Ennis, County Clare constitutes development which is exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.


Josephine Connors
Staff Officer
Planning Department
Economic Development Directorate

4th May, 2021

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:

77547

Reference Number:

R21-20

Date Referral Received:

8th April 2021

Name of Applicant:

Odran Madden

Location of works in question:

**'An Fraoch' Cahercalla Road, Ennis Co.
Clare**

Section 5 referral Reference R21-20 – Odran Madden

Whether the construction of a boundary wall between the front and back garden, maximum height of 2m at 'An Fraoch' Cahercalla Road, Ennis Co. Clare is considered 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, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended
- (c) Class 5 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The works as indicated in submitted documents from the referrer on the 8th April 2021.

AND WHEREAS Clare County Council has concluded:

- (a) The construction of a wall between the front and back garden, maximum height of 2 meters at 'An Fraoch', Cahercalla Road, Ennis, County Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended
- (b) The said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended
- (c) The said development consisting of the construction of a wall between the front and back garden, maximum height of 2 meters at 'An Fraoch', Cahercalla Road, Ennis, County Clare is exempted development having regard to Section 4(1)(h) of the Planning and Development Act 2000, as amended and Class 5 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

ORDER: Whereas by Chief Executive's Order No. HR 152 dated 9th April 2021, Pat Dowling, Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate to 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 wall between the front and back garden, maximum height of 2 meters at 'An Fraoch', Cahercalla Road, Ennis, Co. Clare is considered development which is exempted development

Signed:



GARRETH RUANE
SENIOR EXECUTIVE PLANNER

Date:

4th May 2021

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION

FILE REF:	R21 20
APPLICANT(S):	Odran Madden
REFERENCE:	Whether the construction of a wall boundary wall between the front and back garden, maximum height of 2m at 'An Fraoch', Cahercalla Road, Ennis Co. Clare is development and if so is it exempted development.
LOCATION:	'An Fraoch', Cahercalla Road, Ennis Co. Clare.
DUE DATE:	5 th May 2021.

Site Location

The site is located on the Chaercalla Road, Ennis and comprises of a detached dwelling which has recently been renovated and extended (pl. Ref. no. p17 732 refers).

Planning History

P17 732 Application by O & N Madden for planning permission for construction of new extension and alterations to existing dwelling along with roof alterations to existing bungalow, construction of a new garage and all associated alterations and site works. Permission granted subject to 5 no. conditions.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Odran Madden.

It is submitted that the applicant is the owner of the subject lands.

The applicant is seeking a Section 5 Declaration as to whether the erection of a wall between the front and back garden with a maximum height of 2 meters is development and if so is it exempted development.

The works would involve the erection of a wall, 2 meters in height located approximately in line with the rear elevation of the existing dwelling, so as to separate the front garden and the rear garden.

Statutory Provisions

Relevant Statutory Legislation

Planning and Development Act 2000, as amended

Section 2(1) interpretation of “works” and “structure”.

Section 3(1) meaning of “development”.

Section 2 of the Planning and Development 2000, as amended also defines the terms used within the Act and the following terms are relevant for the purposes of this referral.

A house - means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

A fence - includes a hoarding or similar structure but excludes any bank, wall or other similar structure composed wholly or mainly of earth or stone.

A structure - means any building structure, excavation or other thing constructed or made on, in or under any land or any part of a structure so defined.

Works - include any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

Section 3 (1) of the Act defines development except where the context otherwise requires the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4 sets out development which is deemed to be exempted development.

Section 4(1) states that the following shall be exempted development for the purposes of the Act :

Development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied, together with the land so used.

Section 4(1)(l) – development consisting of the carrying out of any works referred to in the Land Reclamation Act, 1949, not being works comprised in the fencing or enclosure of land which has been open to or used by the public within 10 years preceding the date on which the works are commenced. All works consisting of land reclamation or reclamation of estuarine, marshland and of callows referred to in Section 2 of that Act.

Section 6 - (a) The Board shall keep a record of any decision made by it on a referral under this section and the main reasons and considerations on which its decision is based and shall make it available for purchase and inspection.

(c) The Board shall, from time to time and at least once a year, forward to each planning authority a copy of the record referred to in *paragraph (a)*.

Section 7 - A planning authority, before making a declaration under this section, shall consider the record forwarded to it in accordance with *subsection (6)(c)*.

Planning and Development Regulations 2001, as amended

Article 6 Relates to Exempted Development.

Article 6 (1)

Subject to article 9, development of a class specified in **column 1 of Part 1 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 1 opposite the mention of that class in the said column 1.

Article 9(1) Relates to restrictions on exemptions.

Article 9 (1) concerns development to which Article 6 relates and shall not be exempted development for the purposes of the Act.

(a) If the carrying out of such development would inter alia,

(vi) 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 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,

Part 1, Schedule 2 relates to Exempted Development – General:

Class 5 of Part 1 of the Regulations include - The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete

The limitations and conditions include

1. The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres
2. Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.
3. No such structure shall be a metal palisade or other security fence

Assessment

Is it development?

Works are defined in the Act as *“any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal”*.

The erection of a wall therefore comes within the scope of works as defined in the Act. As such it can be reasonably and logically concluded that the erection of a wall constitutes “development” under the meaning of development as stipulated in the Act, as development is defined as, inter alia, “the carrying out of any works on, in, over or under land”.

Is / is not exempted development?

A question now arises as to whether or not development constitutes exempted under the broader provisions of Section 4 of the Planning and Development Act 2000, namely Section 4 (1)(h).

Section 4 (1) (h) relates to development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

Having regard to the nature of the proposed development, I consider that same would fall under the scope of Section 4(1)(h) of the Planning and Development Act 2000, as amended.

The next question arises as to whether or not the works undertaken could be considered exempted development under the provisions of Article 6 of the Planning and Development Act 2000 as amended.

Article 6(3) states that inter alia, subject to Article 9, development of a class specified in Column 1 of Part 3 shall be exempted development for the purposes of the Act provided that it complies with the conditions and limitations set out adjacent to the column. The subject development, having regard to its location in the urban context, does not allow for consideration under Part 3 of Schedule 2 of the Regulations.

In this regard, the subject development is being considered under Part 1, Schedule 2 which relates to Exempted Development – General. Class 5 of Part 1 of the Regulations include - The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete

The limitations and conditions include

1. The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres
2. Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.
3. No such structure shall be a metal palisade or other security fence

A question now arises as to whether or not the works undertaken accord with the various stipulations set out in Article 9 of the Regulations. There are 14 separate stipulations or de-exemptions set out under Article 9. In the context of this question I note the following:

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 – **the subject wall does not contravene any condition attached to pl. Ref. no. p17 732**

(ii) consist of or comprise 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 – **Not applicable**

(iii) endanger public safety by reason of traffic hazard or obstruction of road users – **Not applicable**

(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 - **Not applicable**

(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 - **Not applicable**

(vi) 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 - **Not applicable**

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan - **Not applicable**

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant

to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended - **Not applicable**

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site - **Not applicable – refer to AA screening below**

(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 - **Not applicable**

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan - **Not applicable**

Under Section 7 of the Planning and Development Act 2000, as amended, the Planning Authority is required to consider any relevant decision as made by An Bord Pleanála. I have searched and examined the Board's database of referrals and note there are a number of referrals relating to individual matters such as right of way, land habitually open to or used by the public during the 10 years preceding, change of use, primary and subsidiary/ancillary uses. However, I have not been able to find a previous referral that I consider to be comparable to the subject referral – i.e. the erection of a wall of 2m in height in line with the rear elevation of a dwelling in a residential area.

Environmental Impact Assessment

In assessing this application I have had regard to the provisions of EU Directive 2014/52/EU (which amends EU Directive 2011/92/EU), and which has been transposed into Irish legislation by the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (SI No. 296 of 2018). The subject development does not fall within the mandatory requirements for EIA as set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. I therefore consider that the proposal constitutes a sub-threshold development and note the requirements of Article 103 (1)(a) and (b) of the Planning and Development Regulations 2001, as amended. As such having regard to the nature and scale of the proposed development and the nature of the receiving environment I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Appropriate Assessment

The proposed development is located within an established residential area and comprises the construction of a wall.

Having regard to:

- the small scale and domestic nature of the development,
- the location of the development in a serviced urban area so that any construction surface water runoff will be managed via the existing drainage system,
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

Conclusion

The proposed works, which propose a wall on a residential property of 2 meters in height constitute 'development' within the meaning of the Planning and Development Act 2000, as amended and benefit from exempted development status under Schedule 2, Part 1, Class 5 of the Planning and Development Regulations 2001, as amended.

Recommendation

The following questions have been referred to the Planning Authority:

Whether the construction of a wall between the front and back garden, maximum height of 2 meters

The Planning Authority in considering this referral had regard to:

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended
- (c) Class 5 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The works as indicated in submitted documents from the referrer on the 8th April 2021.

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

- (a) the construction of a wall between the front and back garden, maximum height of 2 meters at 'An Fraoch', Cahercalla Road, Ennis, County Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended
- (b) the said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended
- (c) the said development consisting of the construction of a wall between the front and back garden, maximum height of 2 meters at 'An Fraoch', Cahercalla Road, Ennis, County Clare is exempted development having regard to Section 4(1)(h) of the Planning and Development Act 2000, as amended and Class 5 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

Now therefore Clare County Council (Planning Authority), hereby decides that the construction of a wall between the front and back garden, maximum height of 2 meters at 'An Fraoch', Cahercalla Road, Ennis, County Clare is development and is exempted development.



Fiona Barry

Executive Planner

Date: 28.04.2021



Garreth Ruane

Senior Executive Planner

Date: 04/05/21



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Odran Madden
'An Fraoch'
Cahercalla Road,
Ennis
Co. Clare

9th April 2021

Section 5 referral Reference R21-20 – Odran Madden

Whether the construction of a wall between the front and back garden, maximum height of 2m at 'An Fraoch' Cahercalla Road, Ennis Co. Clare considered development and if so, is it exempted development.

A Chara,

I refer to your application received on 8th April 2021 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

Mark Kerin
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stúirtheoireacht 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

**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: planoft@clarecoco.ie
Website: www.clarecoco.ie



**REQUEST FOR A DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT
(Section 5 of the Planning & Development Act 2000 (as amended))**

FEE: €80 — enclosed

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	<u>Odran Madden</u> <u>'An Fraoch'</u> <u>Cahercalla Road,</u> <u>Ennis, Co. Clare,</u> <u>V95 WTD9</u>
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	<u>N/A</u>

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 the construction of a wall, maximum height of 2m at An Fraoch, Cahercalla Road, Ennis, Co. Clare exempted development?

Proposed wall is between front and back garden as shown on enclosed drawing

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

It is proposed to build a wall, no more than 2m in height, between the front garden and the back garden at 'An Fraoch', Cahercalla Rd., Ennis, Co. Clare. The wall will provide screening between the front and the back of the property. It is proposed that the wall will be plastered and painted.

(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)

- Site location map enclosed (2 x copies)
- Drawing showing location of proposed wall enclosed (2 x copies).

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT

(a) Postal Address of the Property/Site/Building for which the declaration sought:	'An Fraoch', Cahercalla Road, Ennis, Co. Clare, V95 WTD9
(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 of property
(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)?:	N/A - I am the owner.
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	No - there are none.
(g) Were there previous planning application/s on this site? If so please supply details:	Yes - 17/732
(h) Date on which 'works' in question were completed/are likely to take place:	Not yet commenced - will commence some time in 2021

SIGNED:



DATE: 07/4/2021

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:

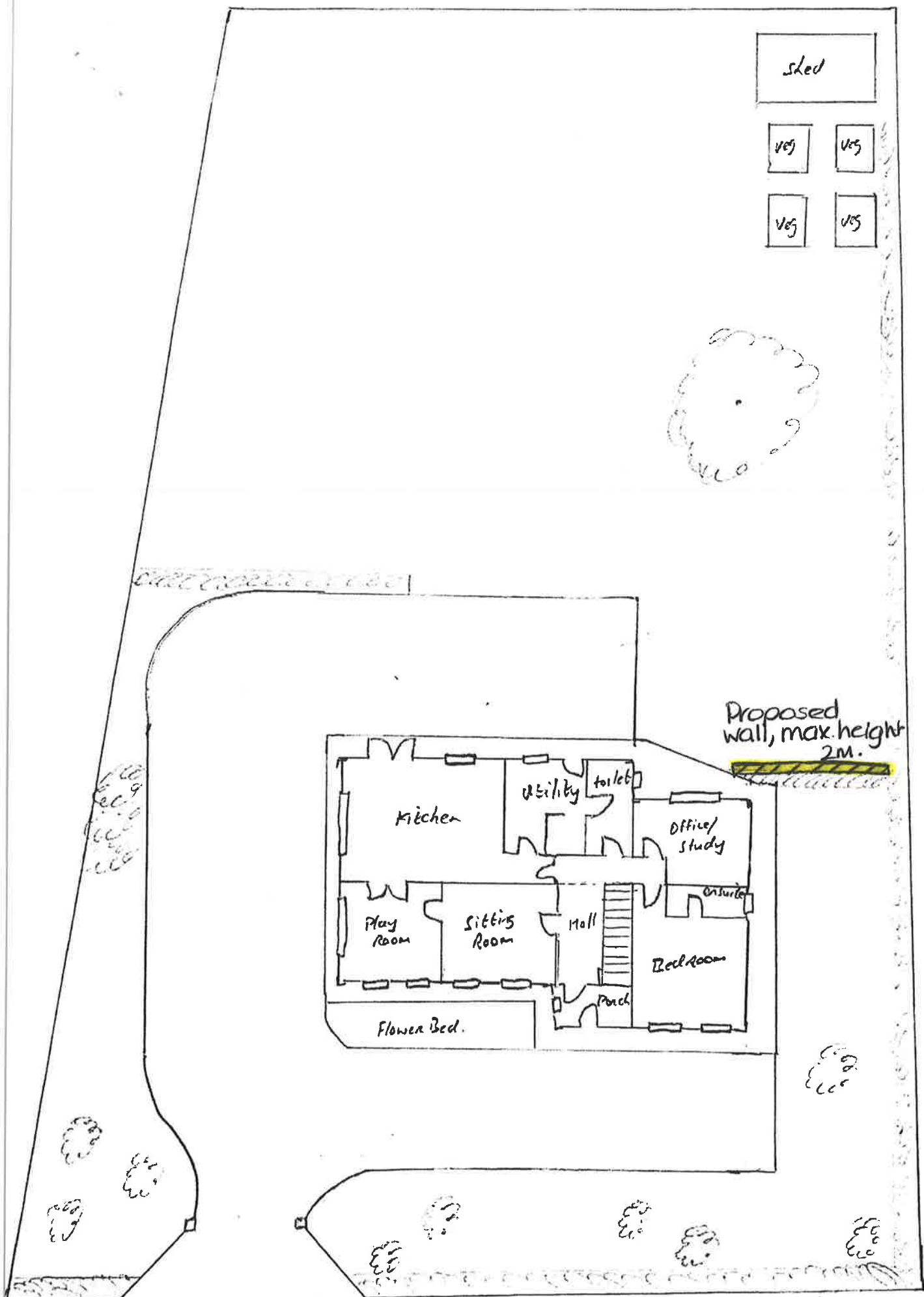
Date Acknowledged:

Reference No.:

Date Declaration made:

CEO No.:

Decision:



House address: 'An Fraoch', Cahercalla Road,
Ennis, Co. Clare.

Folio Number:

Application Number: P2017LR029993W

533010 mE, 676460 mN

The Property
Registration Authority
An tÚdarás
Clárúcháin Maoine



Folio:

This map should be read in conjunction with the folio.

Registry maps are based on OSI topographic mapping. Where registry maps are printed at a scale that is larger than the OSI published scale, accuracy is limited to that of the original OSI map scale.

For details of the terms of use and limitations as to scale, accuracy and other conditions relating to Land Registry maps, see www.lral.ie.

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(centre-line of parcel(s) edged)

Freehold

Leasehold

SubLeasehold

Burdens (may not all be represented on map)

Right of Way / Wayleave

Turbary

Pipeline

Well

Pump

Septic Tank

Soak Pit

A full list of burdens and their symbology can be found at: www.landdirect.ie

The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.



1:1000 Scale



532690 mE, 676200 mN

Creation Date: 13 April 2017 08:00:36

Application Number: P2017LR029993W

AN CHLÁIR

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

08/04/2021 15:36:04

Receipt No. : LICASH/0314897

REPRINT

ODRAN MADDEN
AN FRAOCH
CAHERCALLA ROAD
ENNIS
CO. CLARE



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

COMHAIRLE

Total : 80.00 EUR

CONTÁE

Tendered :
Cash 80.00

AN CHLÁIR

Change : 0.00

Issued By : LICASH - Patricia Quinlivan