



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

RL 6269 4656 516

**Registered Post**

Michael Hehir  
c/o Mc Kenna Consulting Engineers  
Bank Place,  
Miltown Malbay,  
Co. Clare.

20<sup>th</sup> May, 2021

**Section 5 referral Reference R21-25 – Michael Hehir**

**Whether the development, as constructed, is within the parameters of the permission granted under P8-4993 at Malbay Tyres, Glendine, Miltown Malbay, Co. Clare.**

A Chara,

I refer to your application received on 26<sup>th</sup> 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](http://www.pleanala.ie)

Mise, le meas

**Josephine Connors**  
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



**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:**

77654

**Reference Number:**

**R21-25**

**Date Referral Received:**

**26<sup>th</sup> April 2021**

**Name of Applicant:**

**Michael Hehir**

**Location of works in question:**

**Malbay Tyres, Glendine, Miltown Malbay, Co. Clare.**

**Section 5 referral Reference R21-25 – Michael Hehir**

**Whether the development, as constructed, is within the parameters of the permission granted under P8-4993 at Malbay Tyres, Glendine, Miltown Malbay, Co. Clare.**

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

- (a) Sections 2, 3 of the Planning and Development Act, 2000, as amended,
- (b) The Planning history on site, Pl. Ref p8/4993 and conditions attached to same.
- (c) The details and particulars as received by the Planning Authority on the 26<sup>th</sup> April 2021.

**AND WHEREAS Clare County Council has concluded:**

- (a) The development as constructed is materially different to the plans approved under p8/ 4993 (in respect of roof plan and elevations),
- (b) The development as constructed does not fall within the terms and conditions of p8/ 4993
- (c) there are no exemptions that can be availed of under the Planning Act or the Planning Regulations which would render the development as constructed to be exempted development,

**ORDER:**

Whereas by Chief Executive's Order No.HR 152 dated 9<sup>th</sup> 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 development as constructed at Malbay Tyres, Glendine, Miltown Malbay, Co. Clare does not fall within the terms of the permission granted under p8/4993, and therefore constitutes development, which is not exempted development..

**Signed:**

  
\_\_\_\_\_  
**GARRETH RUANE**  
**SENIOR EXECUTIVE PLANNER**

**Date:**

**20<sup>th</sup> May 2021**

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

**Reference No.: R21-25**



**Section 5 referral Reference R21-25**

**Whether the development, as constructed, is within the parameters of the permission granted under P8-4993 at Malbay Tyres, Glendine, Miltown Malbay, Co. Clare.**

**AND WHEREAS, Michael Hehir** 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 –**

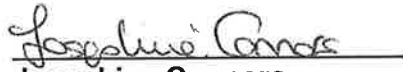
- (a) Sections 2, 3 of the Planning and Development Act, 2000, as amended,
- (b) The Planning history on site, Pl. Ref p8/4993 and conditions attached to same.
- (c) The details and particulars as received by the Planning Authority on the 26<sup>th</sup> April 2021.

**And whereas Clare County Council has concluded:**

- (a) The development as constructed is materially different to the plans approved under p8/4993 (in respect of roof plan and elevations),
- (b) The development as constructed does not fall within the terms and conditions of p8/4993
- (c) there are no exemptions that can be availed of under the Planning Act or the Planning Regulations which would render the development as constructed to be exempted development,

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

The development as constructed does not fall within the terms of the permission granted under p8/ 4993, and therefore constitutes development, which is not exempted as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.



**Josephine Connors**  
**Staff Officer**  
**Planning Department**  
**Economic Development Directorate**

**20<sup>th</sup> May, 2021**

CLARE COUNTY COUNCIL

SECTION 5 REFERRAL

Reference No: R21-25

Applicant: M. Hehir

Location: Glendine Miltown Malbay

Proposal: Whether the development , as constructed , is within the parameters of permission granted under p8/4993 at Malbay Tyres, Glendine, Miltown Malbay

Due Date: 21<sup>st</sup> May 2021

This proposal is a request for a declaration under Section 5 of the Planning and Development Act, 2000 as amended to determine whether or not the following development falls within the permission granted under p8/ 4993.

Whether the development , as constructed , is within the parameters of permission granted under p8/4993 at Malbay Tyres, Glendine, Miltown Malbay

**Details Submitted**

- Completed application form
- Photograph of the front elevation of the garage.
- Rough Sketch ( not to scale) of the site layout plan .

**Background**

Planning and Development Act, 2000 (as amended)

In order to assess this proposal, regard has to be had to the *Planning and Development Act 2000, as amended*.

S.3.(1)In this Act, “development” means, except where the context otherwise requires, **the carrying out of any works on, in, over or under land** or the making of any material change in the use of any structures or other land.

‘Works’ are defined in Section 2 of the *Planning and Development Act 2000, as amended* as follows:

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected

structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

### **Assessment**

Under p8/ 4993 planning permission was granted on the 12<sup>th</sup> July 1972 to construct an engineering workshop at Glendine in accordance with the plans submitted. The permission was granted subject to two conditions:

1. Adequate sight distance shall be provided at the access to the site from the main road.
2. The premises shall comply with the provisions of the Factories Act 1955.

The approved drawings under p8/ 4993 show that:

- The engineering workshop comprised a front elevation with high level glass panel inserts and large double doors.
- The 'A' pitch roof fitted with perpex roof lights on the slope of the roof facing the public road.
- The floor area of the workshop taken in conjunction with the existing stores/ sheds was approx. 176 sq.m.
- The permission granted was specifically for an engineering workshop.

Having regard to the details submitted by the applicant comprising a photo of the front of the garage and a site plan the following is noted:

- The floor area of the workshop as constructed when taken in conjunction with the existing sheds is similar to the extent of floor area granted permission under p8/ 4993.
- The front elevation and roof plan as constructed is materially different to the approved drawings. The roof plan of the approved drawings is for an 'A' pitch roof with the ridge running parallel to the public road whereas the building as constructed has the gable facing the public road with the ridge running perpendicular to it.
- The design of the front elevation as constructed is materially different to the approved drawings. The building as constructed comprises two large bays divided by a supporting column.
- The current use of the building appear to be for sale and fitting of tyres rather than an engineering workshop.

### **Conclusion**

With reference to the above assessment, the development as constructed and currently used does comply with the approved plans under P8/ 4993.

### **Recommendation**

Whereas a question has arisen as to whether development as constructed is within the parameters of the permission granted under p8/ 4993, at Glendine, Miltown Malbay.

**And Whereas** Clare County Council (Planning Authority) in considering this referral had regard to:

- (a) Sections 2, 3 of the Planning and Development Act, 2000, as amended,
- (b) The Planning history on site, Pl. Ref p8/4993 and conditions <sup>attached to</sup> same.
- (c) The details and particulars as received by the Planning Authority on the 26<sup>th</sup> April 2021.

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

- (a) The development as constructed is materially different to the plans approved under p8/ 4993 (in respect of roof plan and elevations),
- (b) The development as constructed does not fall within the terms and conditions of p8/ 4993
- (c) there are no exemptions that can be availed of under the Planning Act or the Planning Regulations which would render the development as constructed to be exempted development,

**Now therefore** Clare County Council, in exercise of the powers conferred on it by section 5(2) of the Planning & Development Act, 2000, as amended, hereby decides that the development as constructed does not fall within the terms of the permission granted under p8/ 4993, *and therefore constitutes development, which is not exempted development.*

Signed Ellen Cooney  
E.P.

Date 18-05-21

Signed Gareth Ruane  
Gareth Ruane S.E. P.

Date 14/05/21





**Clare County Council**  
**Screening for Appropriate Assessment & Determination**

1. Table 1 to be filled in for all development applications.
2. Where proposed development is within a European site(s) site, go directly to table 3.
3. For all other development proposals, fill in table 2, and if required, table 3.
4. A Habitats Directive Screening Statement should be sought for all developments regardless of location which require an EIS

**Table 1: Project Details**

<b>Planning File Reference</b>	<b>R21/25</b>
<b>Applicant Name</b>	<b>Michael Hehir</b>
<b>Development Location</b>	<b>Glendine Miltown Malbay</b>
<b>Application accompanied by an EIS</b>	<b>No</b>
<b>Application accompanied by an NIS</b>	<b>NO</b>
<b>Description of the project (To include a site location map):</b>	
Section 5 referral	

**Table 2: Identification of European sites which may be impacted by the proposed development.**

This section identifies the European Sites within the likely zone of impact of the plan or project. For plans an initial 15km zone of influence (NPWS-DAHG)<sup>1</sup> is recommended. For projects, the distance could be much less than 15km, and in some cases less than 100m, but this must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects. Qualifying Interests/Special conservation Interests for each site and the distance relevant to the proposal are listed (Table 2 (a)).

**Table 2 (a): European Sites within 15km of Applicant Site**

European Sites <sup>2</sup>	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on <a href="http://www.npws.ie/protectedsites">www.npws.ie/protectedsites</a> ) or through Intranet.	Distance to Applicant Site (km)
Mid Clare Coast SPA site code 4182	Cormorant ( <i>Phalacrocorax carbo</i> ) [A017] • Barnacle Goose ( <i>Branta leucopsis</i> ) [A045] • Ringed Plover ( <i>Charadrius hiaticula</i> ) [A137] • Sanderling ( <i>Calidris alba</i> ) [A144] • Purple Sandpiper ( <i>Calidris maritima</i> ) [A148] • Dunlin ( <i>Calidris alpina</i> ) [A149] • Turnstone ( <i>Arenaria interpres</i> ) [A169] • Wetland and Waterbirds [A999]	3.3km
Carowmore Point to Spanish Point and the Islands SAC 1021	Annex I habitats: • *Coastal lagoons [1150] • Perennial vegetation of stony banks [1220] • *Petrifying springs with tufa formation (Cratoneurion) [7220] • Reefs [1170]	3.3km

1	Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.	Is the development in the catchment of or immediately upstream of a watercourse that has been designated as a European site?	No
2	Impacts on terrestrial	Is the development within 1km of a	No

<sup>1</sup> European Sites that are more than 15km from the proposal may have to be considered. For example in the case of sites with water dependent habitats or species and where a proposal could affect water quality or quantity it may be necessary to consider the full extent of the upstream and/or downstream catchment.

<sup>2</sup> European Site details are available on <http://webgis.npws.ie/npwsviewer/> or maybe obtained from internal mapping systems.

	<b>habitats &amp; species.</b>	<i>European site with terrestrial based habitats or species?</i>	
<b>3</b>	<b>Impacts on designated marine habitats &amp; species.</b>	<i>Is the development located within marine or intertidal areas and within 5 km of a European site whose qualifying habitats or species include the following: Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs</i>	No
<b>4</b>	<b>Impacts on birds in SPAs</b>	<i>Is the development within 1km of a Special Protection Area</i>	No
<b>5</b>	<b>Indirect effects</b>	<i>Is the development, in combination with other existing or proposed developments likely to impact on an adjacent European site? Is any emission from the development (including noise) likely to impact on an adjacent habitat or species?</i>	No

**Conclusion:**

- If the answer to all of the above is *no*, significant impacts on European sites are unlikely. No further assessment is required; go directly to the conclusion statement.
- If the answer is *unknown* or *yes* proceed to Table 3 and refer to the relevant sections of Table 3.

**Table 3: Identification of potential impacts.**

<b>1</b>	<b>Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.</b> <i>Please answer the following if the answer to question 1 in table 2 was "yes" or "unknown".</i> <i>Does the development involve any of the following:</i>	
<b>1.1</b>	Removal of or interference with habitat within a European site. This may include any element of a project liable to interfere with breeding, nesting or roosting sites of birds, bats, water based species	NA
<b>1.2</b>	Discharges either directly (via pipe from the development) or indirectly (via sewer) to surfacewater or groundwater What is the likely volume of the discharge?	To public sewer
<b>1.3</b>	Abstraction from surfacewater or groundwater in or adjacent to a European site, where hydrology is a critical element in the protection of habitat and species at the site? What is the likely volume of the abstraction?	NA
<b>1.4</b>	Is removal of topsoil proposed within 500m of watercourses? What transportation requirements are provided? Does the removal involve reduction in area, population density or fragmentation of area of any habitat or species?	NA
<b>1.5</b>	Infilling or raising of ground levels within 500m of watercourses? What transportation requirements are provided? Does the infilling or raising involve interference with area, population density or fragmentation of area of any habitat or species?	NA
<b>1.6</b>	Construction of drainage ditches - (scale?) Where the run off is directed to? Is the drainage run off directed to a European site where species are identified and whose conservation status may be impacted by this drainage?	NA
<b>1.7</b>	Installation of waste water treatment systems; percolation areas; septic tanks within 500m of watercourses?	NA
<b>1.8</b>	Construction within a floodplain or within an area liable to flood (See <a href="http://www.floodmaps.ie">www.floodmaps.ie</a> , internal flood risk maps, County Development Plan SFRA and <a href="http://www.cframes.ie">www.cframes.ie</a> )	NA
<b>1.9</b>	Crossing or culverting of rivers or streams, installation of weirs, temporary watercourse crossings or any interference with a watercourse.	NA

1.10	Storage of chemicals or hydrocarbons (including oils and fuels) within 500m of a watercourse	NA
1.11	Development within catchment of a European site of a scale or type which involves the production of an EIS	NA
1.12	Consideration of effects in combination with existing development?	NA
2	<b>Impacts on terrestrial habitats and species.</b> <i>Please answer the following if the answer to question 2 in table 2 was yes.</i> <i>Does the development involve any of the following:</i>	
2a	Removal of or interference with habitat within the European site. This includes reduction in habitat area or fragmentation of habitat. Is the timing of this interference liable to impact on the nesting or breeding period of any protected species?	NA
2b	Construction of roads or other infrastructure on peat habitats within 1km of bog, marsh, fen or heath habitat within a European site	NA
2c	Is the development liable to impact on water quality in the European site, or liable to give rise to any change in a key indicator of water quality, including salinity. If yes, is the site designated for any bird species or other plant species whose feeding ground or life cycle may be affected by changes in water quality?	NA
2d	Development within 1km of terrestrial European site of a scale or type which involves the production of an EIS.	NA
3	<b>Impacts on designated marine habitats and species.</b> <i>Please answer the following if the answer to question 3 in table 2 was yes.</i> <i>Does the development involve any of the following:</i>	
3a	Removal of or interference with habitat within the European site. This includes timing of the project if there is potential to interfere with nesting or breeding periods, either directly or indirectly (e.g. by noise emission) or any aspect of the life cycle of a protected species. This also includes potential fragmentation, size reduction of habitat, or reduction in species density.	NA
3b	Coastal protection works on intertidal or marine habitats within 5km of a European site supporting coastal or marine habitats or species. This includes any works which may give rise to potential changes in hydrology or salinity of these areas.	NA

3c	Development of piers, slipways, marinas, pontoons or any other infrastructure within 5km of a European site that was designated because it supports marine habitats and/or species.	NA
3d	Dredging within 5km of a European site supporting coastal or marine habitats or species.	NA
3e	Removal of topsoil or infilling within 100m of marine habitats within the designated site.	NA
3f	Land based development within 1km of a European site of a scale or type which involves the production of an EIS.	NA
3g	Marine or intertidal based development within 5km of a European site of a scale or type which involves the production of an EIS.	NA

4	<b>Impacts on birds in SPAs</b> <i>Please answer the following if the answer to question 5 in table 2 was yes.</i> <i>Does the development involve any of the following:</i>	
4a	Removal of or interference with habitats within an SPA. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA
4b	Erection of wind turbines within 1km of an SPA.	NA
4c	All construction works within 100m of intertidal areas – Coastal SPAs, including indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA
4d	Infilling of coastal habitats within 500m of SPA, including indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA
4e	Discharges to coastal SPA, including any element of a discharge liable to give rise to disturbance of this habitat, either by direct, indirect, or in combination effects	NA
4f	Development of cycleways or walking routes within 100m of intertidal areas. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA
4g	Development within 1km of SPA of a scale or type which involves the production of an EIS. This includes consideration of indirect and in combination effects on the feeding, breeding and nesting grounds of Annex 1 birds	NA

**Conclusion:**

- If the answer to all of the above is *no*, significant impacts on European sites are unlikely. No further assessment is required; go directly to the conclusion statement.
- If the answer to any of the above is *yes*, or *unknown* effects on the European sites need to be assessed and a Natura Impact Statement will be required



Appropriate Assessment Screening Determination	
Planning File Reference	R21/25
Proposed Development	Section 5 referral
Development Location	Glendine Miltown Malbay
European sites within impact zone	Carrowmore Point to Spanish Point SAC and Mid Clare Coast SPA
Description of the project:	
As above	
Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site	
See above	
Describe how the project or plan (alone or in combination) is likely to affect the European site(s).	
Not likely- Question relates to whether development as constructed complies with permission.	
If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?	
Not significant	
Documentation reviewed for making this statement	
<ul style="list-style-type: none"> <li>- County Development Plan (including Flood Maps, SEA &amp; AA)</li> <li>- NPWS website</li> <li>- Documents received as part of the planning application</li> <li>- EPA Code of Practice</li> </ul>	
Conclusion of assessment (a, b, c or d)	
(a) The proposed development is directly connected with or necessary to the nature conservation management of a European Site(s) <sup>3</sup>	No
(b) There is no potential for significant effects to European Sites <sup>3</sup>	There is potential for significant effects to European Sites

<sup>3</sup> Appropriate Assessment is not required and therefore Planning permission may be granted at this stage subject to all other planning considerations. However, no material changes may be made to the proposed development after this conclusion has been reached as this would invalidate the findings of the screening exercise.

<b>(c) The potential for significant effects to European Site(s) cannot be ruled out<sup>4</sup></b>	<b>The potential for significant effects to European Site(s) can be ruled out</b>
<b>(d) Significant effects to European sites are certain or likely or where potential for significant effects to European sites remains following receipt of Further Information requested under S177U of the Planning and Development (Amendment) Act 2010<sup>5</sup></b>	<b>N/A</b>
<b>Completed By</b>	Ellen Carey
<b>Date</b>	18 <sup>th</sup> May 2021

<sup>4</sup> In accordance with S177U of the Planning and Development (Amendment) Act 2010, the applicant should be requested to submit an 'Appropriate Assessment Screening Matrix' completed by a suitably qualified ecologist, by way of Further Information. Following receipt of this information a new Appropriate Screening Report should be completed. The requested 'Appropriate Assessment Screening Matrix' should be in accordance with the template outlined in Annex 2, Figure 1 of the EU (2001) guidance document 'Assessment of plans and projects significantly affecting European Sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. This guidance document is available from [http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura\\_2000\\_assess\\_en.pdf](http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf) Alternatively, where other planning concerns arise the proposal could be refused planning permission.

<sup>5</sup> The proposed development must either by refused planning permission or alternatively an 'Appropriate Assessment' (AA) should be carried out by the Planning Authority. In order to facilitate the preparation of an AA the applicant should be requested to submit a Natura Impact Statement (NIS) in accordance with S177 (T) of the Planning and Development (Amendment) Act 2010. However, in the case of an application to retain unauthorised development of land and where the authority decides that an 'appropriate assessment' should have been carried out prior to the commencement of development, the application is required to be invalidated by the Planning Authority as per S34 (12) of the Planning and Development (Amendment) Act 2010 and accordingly an NIS should not be requested in such instances.





COMHAIRLE  
CONTAE AN CHLÁIR

CLARE  
COUNTY COUNCIL

**Michael Hehir**  
c/o Mc Kenna Consulting Engineers  
Bank Place,  
Miltown Malbay,  
Co. Clare.

**28<sup>th</sup> April 2021**

**Section 5 referral Reference R21-25 – Michael Hehir**

**Whether the development, as constructed, is within the parameters of the permission granted under P8-4993 at Malbay Tyres, Glendine, Miltown Malbay, Co. Clare.**

A Chara,

I refer to your application received on 26<sup>th</sup> 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 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

**CLARE COUNTY COUNCIL  
COMHAIRLE CONTAE AN CHLÁIR**

Planning Department,  
Economic Development Directorate,  
Clare County Council,  
New Road, Ennis,  
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V95DXP2

Telephone No. (065) 6821616  
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Email: [planoff@clarecoco.ie](mailto:planoff@clarecoco.ie)  
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**REQUEST FOR A DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT  
(Section 5 of the Planning & Development Act 2000 (as amended))**

**FEE: €80**

*This following form is a non-statutory form which has been prepared by Clare County Council for the purpose of obtaining the necessary information required for a declaration to be made under Section 5 by the Planning Authority*

**1. CORRESPONDENCE DETAILS.**

(a) Name and Address of person seeking the declaration	Michael Lehir c/o McKenna Consulting Engs. Bank Place, Milltown Malbay Co. Clare
(b) Telephone No.:	(065) 7085651
(c) Email Address:	Michael@mcKENNACE.com
(d) Agent's Name and address:	Same as (a)

## 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 development, as constructed, within the parameters of the permission granted under P8-4993

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

There was a permission granted for the development under P8-4993. The building as it stands today was constructed at the time of the permission and has been in place since the early 1970's. The building is known as Malbay Tyres.

The planning drawings, contained under P8-4993, differ from what was constructed. Is what constructed within the parameters of the original planning permission?

### (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
- sketch layout
- Photograph of front elevation

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	Malbay Tyres Glendine Milltown Malbay Co. Clare
(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	NO
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	Darren Griffin prospective Purchaser
(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>	Clement Kelly Lough
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	yes
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	NO
(g) Were there previous planning application/s on this site? If so please supply details:	P8-4993
(h) Date on which 'works' in question were completed/are likely to take place:	1973 / 1974

SIGNED: Michael HehirDATE: 21/04/2021

### **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: .....	



# Land Registry Compliant Map



National Mapping Agency

**CENTRE**  
**COORDINATES:**  
ITM 506998,678221  
**PUBLISHED:** 23/04/2021  
**ORDER NO.:** 50187470\_1  
**MAP SERIES:** 1:2,500  
**MAP SHEETS:** 4257-D

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<http://www.osi.ie>;  
search 'Large Scale Legend'



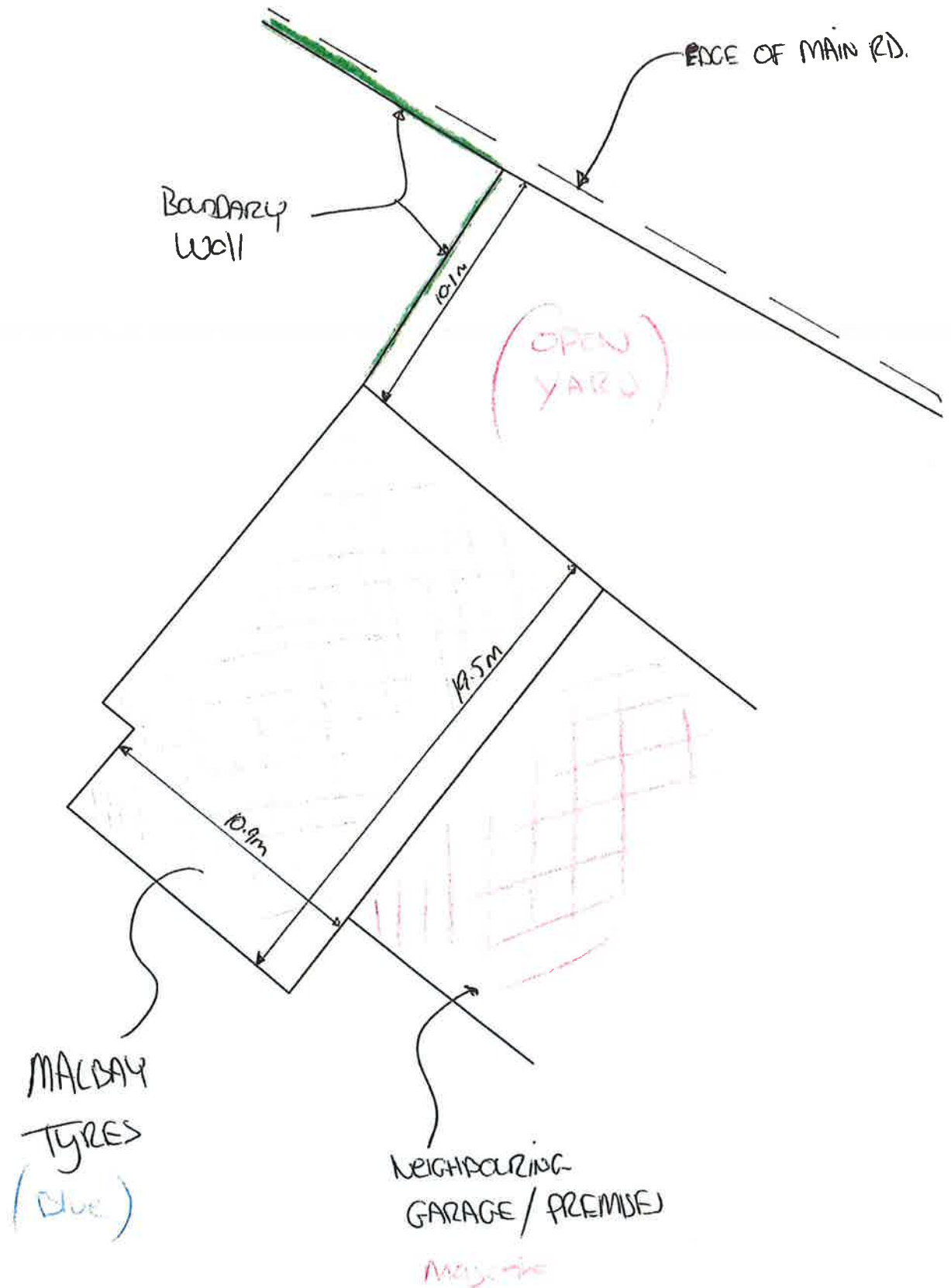
**CAPTURE RESOLUTION:**  
The map objects are only accurate to the  
resolution at which they were captured.  
Output scale is not indicative of data capture scale.  
Further information is available at:  
<http://www.osi.ie>; search 'Capture Resolution'

**OUTPUT SCALE: 1:1,000**



# SKETCH

Not to Scale



Clare County Council  
Aras Contae an Chláir  
New Road :  
Ennis  
Co Clare

28/04/2021 11:03:15

Receipt No. LICASH/0/315726  
REPRINT

MICHAEL HEHIR  
C/O MCKENNA CONSULTING ENGINEERS  
BANK PLACE  
MILTOWN MALBAY CO. CLARE  
R21/25

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

Total : 80.00 EUR

Tendered :  
CREDIT CARDS

80.00

Change :

0.00

Issued By : LICASH - Noelle Barry