



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

Nancy O'Keeffe
Ballycannon
Quinpool
Parteen
Co. Clare

RL 5660 3315 8 IE

Your Clients: Ann Marie & Evan O'Keeffe

9th May, 2022

Section 5 referral Reference R22-25 – Ann Marie & Evan O'Keeffe

Is the installation of 800mm x 800mm frosted UPVC windows at first floor level on the gable wall of the dwelling at No. 6, St. Judes Terrace, Parteen, Co. Clare, considered to be development and if so, is it exempted development?

A Chara,

I refer to your application received on 13th April 2022 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

Anne O'Gorman
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.: R22-25



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R22-25

Is the installation of 800mm x 800mm frosted UPVC windows at first floor level on the gable wall of the dwelling at No. 6, St. Judes Terrace, Parteen, Co. Clare, considered to be development and if so, is it exempted development?

AND WHEREAS, Ann Marie & Evan O'Keeffe 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) The works as indicated in submitted documents received by the Planning Authority on 13th April 2022.

And whereas Clare County Council has concluded:

- (a) the installation of 800mm x 800mm frosted UPVC windows at first floor level on the gable wall of the dwelling at No. 6 St. Judes Terrace, Parteen, 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 consisting of the installation of 800mm x 800mm frosted UPVC windows at first floor level on the gable wall of the dwelling at No. 6 St. Judes Terrace, Parteen, Co. Clare, is exempted development having regard to Section 4(1)(h) of the Planning and Development Act 2000, 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 proposed development consisting of the installation of 800mm x 800mm frosted UPVC windows at first floor level on the gable wall of the dwelling at No. 6 St. Judes Terrace, Parteen,

is development and is exempted development, as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

A handwritten signature in black ink, appearing to read 'Anne O'Gorman', with a horizontal line drawn underneath it.

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

9th May, 2022

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:

79737

Reference Number:

R22-25

Date Referral Received:

13th April 2022

Name of Applicant:

Ann Marie & Evan O'Keeffe

Location of works in question:

No. 6, St. Judes Terrace, Parteen, Co. Clare

Section 5 referral Reference R22-25 – Ann Marie & Evan O'Keeffe

Is the installation of 800mm x 800mm frosted UPVC windows at first floor level on the gable wall of the dwelling at No. 6, St. Judes Terrace, Parteen, Co. Clare, considered to be 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) The works as indicated in submitted documents received by the Planning Authority on 13th April 2022.

AND WHEREAS Clare County Council has concluded:

- (a) the installation of 800mm x 800mm frosted UPVC windows at first floor level on the gable wall of the dwelling at No. 6 St. Judes Terrace, Parteen, 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 consisting of the installation of 800mm x 800mm frosted UPVC windows at first floor level on the gable wall of the dwelling at No. 6 St. Judes Terrace, Parteen, Co. Clare, is exempted development having regard to Section 4(1)(h) of the Planning and Development Act 2000, 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 Gareth 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, Gareth Ruane, Senior Executive Planner, hereby declare that the installation of 800mm x 800mm frosted UPVC windows at first floor level on the gable wall of the dwelling at No. 6 St. Judes Terrace, Parteen, is development and is exempted development.

Signed:



GARETH RUANE
SENIOR EXECUTIVE PLANNER A.S. /

Date:

9th May, 2022

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

FILE REF: R22-25
APPLICANT(S): Ann Marie and Evan O'Keefe
REFERENCE: Is the installation of 800mm x 800mm frosted UPVC windows at first floor level on the gable wall of the dwelling at No. 6 St. Judes Terrace, Parteen, Co. Clare, considered to be development and if so, is it exempted development?
DUE DATE: 10th May 2022

Site Location

The subject site is located in the settlement of Parteen and is zoned as "*Existing Residential*" as per the Clare County Development Plan 2017-2023 (as varied). It accommodates an end of row terrace that addresses the R464 St Judes Terrace. The site is one of 6 dwellings in the terrace and its northern gable overlooks a car parking area utilised by the Parteen Pitch and Putt.

Planning History

None on site

Nearby (across the street to the east):

08-549 – Yvonne Browne – Granted - for partial change of use of property comprising of alterations to existing dwelling for a Beauty Therapy salon, including all ancillary services for the development

19-211 – John Healy – Granted - for a change of use from an existing commercial unit to a Preschool at the premises known locally as the "Supermarket", R464, Parteen Village, Co. Clare. Works to include the following: 1. Changes to the existing front elevation (West facing Elevation) to include the removal of all existing roller shutter blinds and fitting a new natural stone cladding. 2. The provision of 2 pedestrian safety barriers on the footpath outside the proposed Preschool. 3. The provision of a new pedestrian gate to the existing West facing boundary wall, 4. The provision of new doors and windows along the existing South and East facing elevations. 5. Replacing all existing signage with new signage to reflect the nature of the proposed preschool. 6. All ancillary site works

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Nancy O'Keefe on behalf of Ann Marie and Evan O'Keefe, who are the stated owners of existing dwelling to which this referral relates.

The applicant is seeking a Section 5 Declaration as to whether the installation of 800mm x 800mm frosted UPVC windows at first floor level on the gable wall of the dwelling at No. 6 Judes Terrace, Parteen, Co. Clare, is considered to be development and if so, is it exempted development.

Statutory Provisions

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.

Exempted Development

4.—(1) The following shall be exempted developments for the purposes of this Act—

(h) 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;

Assessment

Particulars of the Development

- Window Installation of 800mm x 800mm frosted UPVC windows to the first floor gable.

Planning Exemption Assessment

Planning and Development Act 2000 (as amended) Section 4

4.—(1) The following shall be exempted developments for the purposes of this Act—

(h) 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 work, which it is noted will affect the exterior of the dwelling, I do not consider same will materially affect the external appearance of the structure so as to render it inconsistent with the character of the structure / neighbouring structures.

Recommendation

The following question has been referred to the Planning Authority:

Whether the installation of 800mm x 800mm frosted UPVC windows at first floor level on the gable wall of the dwelling at No. 6 St. Judes Terrace, Parteen, Co. Clare, is considered to be development and if so, is it exempted development?

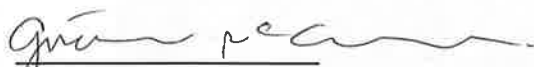
The Planning Authority in considering this referral had regard to:

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) The works as indicated in submitted documents received by the Planning Authority on 13th April 2022.

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

- (a) the installation of 800mm x 800mm frosted UPVC windows at first floor level on the gable wall of the dwelling at No. 6 St. Judes Terrace, Parteen, 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 consisting of the installation of 800mm x 800mm frosted UPVC windows at first floor level on the gable wall of the dwelling at No. 6 St. Judes Terrace, Parteen, Co. Clare, is exempted development having regard to Section 4(1)(h) of the Planning and Development Act 2000, as amended.

Now therefore Clare County Council (Planning Authority), hereby decides that the installation of 800mm x 800mm frosted UPVC windows at first floor level on the gable wall of the dwelling at No. 6 St. Judes Terrace, Parteen, is development and is exempted development.


Assistant Planner
Date: 09.05.2022


Senior Executive Planner
Date: 09/05/22

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

Planning File Reference	P22/25
Applicant Name	Ann Marie and Evan O'Keefe
Development Location	at No. 6 St. Judes Terrace, Parteen, Co. Clare
Application accompanied by an EIS	no
Application accompanied by an NIS	no
Description of the project (To include a site location map):	
PERMISSION to construct private dwelling house, detached garage, wastewater treatment system and all associated site works	



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)¹ 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. Having regard to the nature and scale of the proposed development, the likely zone of impact is no greater than 5km. 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 5km of Applicant Site

European Sites ²	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
Special Protection Areas: River Shannon and River Fergus Estuaries SPA 004077	Cormorant (<i>Phalacrocorax carbo</i>) [A017] Whooper Swan (<i>Cygnus cygnus</i>) [A038] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Scaup (<i>Aythya marila</i>) [A062] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Knot (<i>Calidris canutus</i>) [A143]	c. 4km
Special Area of Conservation: Lower River Shannon SAC 002165	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260] Molinia meadows on calcareous, peaty or clayey-silt-laden	0.58km

¹ 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.

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

European Sites ²	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
	soils (Molinion caeruleae) [6410] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Tursiops truncatus (Common Bottlenose Dolphin) [1349] Lutra lutra (Otter) [1355]	

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?	yes
2	Impacts on terrestrial habitats & species.	Is the development within 1km of a European site with terrestrial based habitats or species?	No
3	Impacts on designated marine habitats & species.	Is the development located within marine or intertidal areas and within 5km of a European site whose qualifying habitats or species include the following: Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs	yes
4	Impacts on birds in SPAs	Is the development within 1km of a Special Protection Area	No
5	Indirect effects	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?	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.

1	Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species. <i>Please answer the following if the answer to question 1 in table 2 was "yes" or "unknown". Does the development involve any of the following:</i>	
1.1	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
1.2	Discharges either directly (via pipe from the development) or indirectly (via sewer) to surfacewater or groundwater What is the likely volume of the discharge?	NA
1.3	Abstraction from surface water 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
1.4	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
1.5	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
1.6	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
1.7	Installation of waste water treatment systems; percolation areas; septic tanks within 500m of watercourses?	NA
1.8	Construction within a floodplain or within an area liable to flood (See www.floodmaps.ie , internal flood risk maps, County Development Plan SFRA and www.cframes.ie)	NA
1.9	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	Impacts on terrestrial habitats and species. <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	Impacts on designated marine habitats and species. <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	Impacts on birds in SPAs <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	P22/25
Proposed Development	Installation of a 800mmx800mm window to northern gable
Development Location	at 6 St. Judes Terrace, Parteen, Co Clare
European sites within impact zone	
Description of the project: PERMISSION to construct private dwelling house, detached garage, wastewater treatment system and all associated site works	
Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site	
As above	
Describe how the project or plan (alone or in combination) is likely to affect the European site(s).	
It is not considered that the proposed development would have an effect on the European sites	
If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?	
Documentation reviewed for making this statement	
<ul style="list-style-type: none"> - County Development Plan (including Flood Maps, SEA & AA) - NPWS website - Documents received as part of the planning application - EPA Code of Practice 	
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) ³	N/A
(b) There is no potential for significant effects to European Sites ³	There is no potential for significant effects to European Sites.
(c) The potential for significant effects to European Site(s) cannot be ruled out ⁴	N/A

³ 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.

⁴ 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

(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 2010⁵	N/A
Completed By	Gráinne McCormack
Date	09.05.2022

Alternatively, where other planning concerns arise the proposal could be refused planning permission.

⁵ 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.

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: planoff@clarecc.co.ie
Website: www.clarecc.co.ie

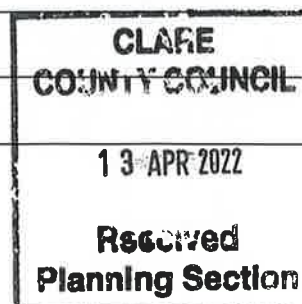


**REQUEST FOR A DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT
(Section 5 of the Planning & Development Act 2000 (as amended))**

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	Ann Marie + Evan O'Keefe
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	Nancy O'Keefe Ballycannon, Quinpool, Perteen, Co. Clare.



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?

Can we install a 800mm x 800mm frosted uPvc window at first floor level on the gable wall.

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

We wish to install a new window that match the style and colour of the front elevation. The window is to provide more light within the room and at the top of the staircase. The window will be frosted to avoid anyone seeing into the room and to obstruct external views.

- (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)

2201-01 - Landholding/site map. 2201-02- Site location.
 2201-03 - Site location 1:500 | 2201-04 - Front Streetscape Elevation.
 2201-05 - Gable 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:	6 St Jades Terrace, Parteen, 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):	owner
(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)?:	Yes
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	n/a (none)
(g) Were there previous planning application/s on this site? If so please supply details:	no
(h) Date on which 'works' in question were completed/are likely to take place:	May 2022

SIGNED: _____



DATE: _____

13/04/22

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:	





Planning Pack Map

CENTRE COORDINATES:
 ITM 558349,660770

PUBLISHED: 13/04/2022 **ORDER NO.:** 50262076_1

MAP SERIES: 1:2,500 **MAP SHEETS:** 4622-D

-  Landholding outline
-  Site Boundary outline

COMPILED AND PUBLISHED BY:
 Ordnance Survey Ireland,
 Phoenix Park,
 Dublin 8,
 Ireland.

Unauthorised reproduction
 infringes Ordnance Survey Ireland
 and Government of Ireland
 copyright.

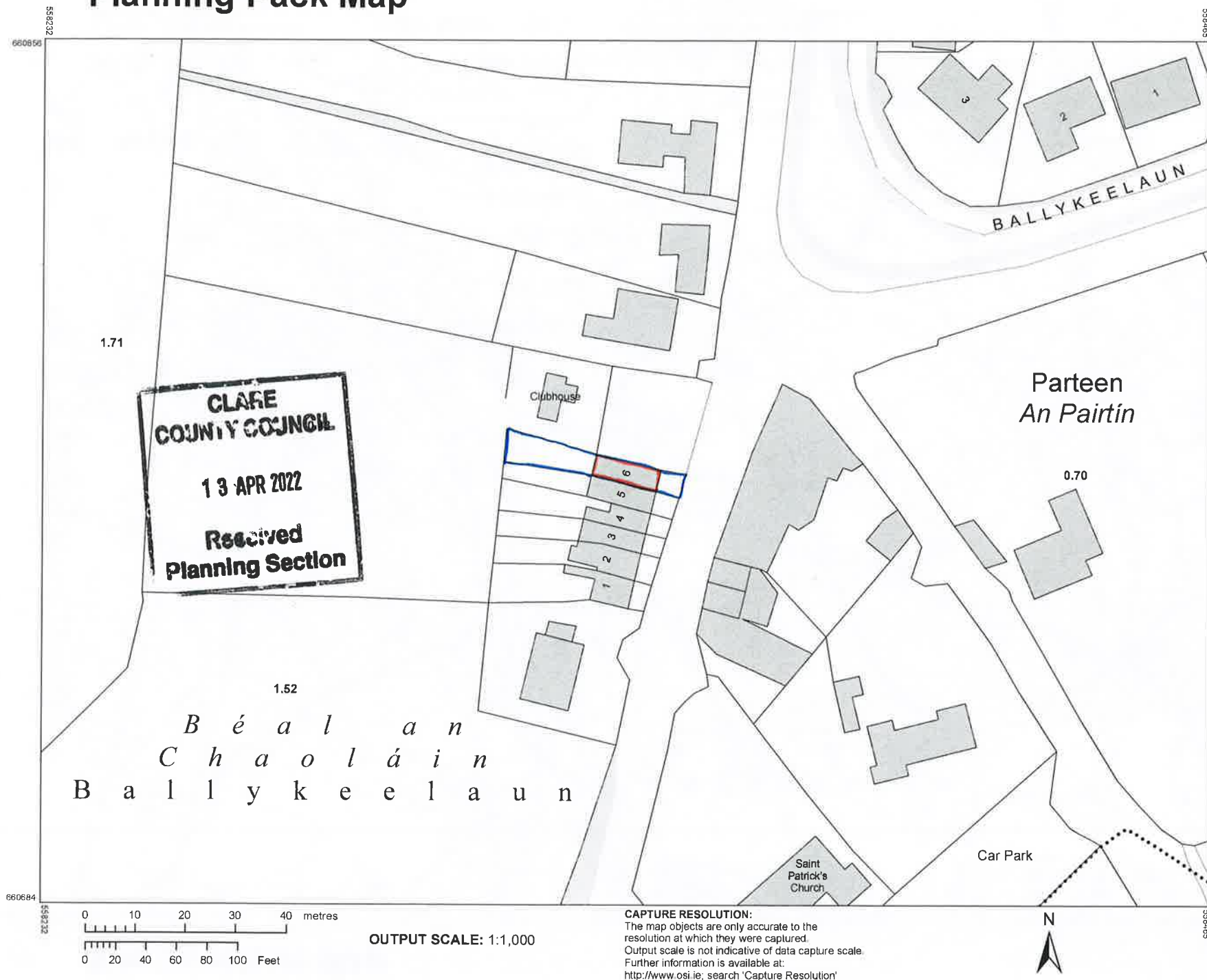
All rights reserved.
 No part of this publication may
 be copied, reproduced
 or transmitted in any form
 or by any means without the prior
 written permission of
 the copyright owners.

The representation on this map
 of a road, track or footpath
 is not evidence of the existence
 of a right of way.

Ordnance Survey maps
 never show legal property
 boundaries, nor do they
 show ownership of
 physical features.

© Suirbhéireacht Ordanáis Éireann,
 2022
 © Ordnance Survey Ireland, 2022
www.osi.ie/copyright

2201-01 / not / 13/04/22
LEGEND:
<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

Site Location Map

CENTRE COORDINATES:
ITM 558349,660770

PUBLISHED: 13/04/2022
ORDER NO.: 50262076_1

MAP SERIES: 6 Inch Raster
MAP SHEETS: CE063+063A LK005

■ - Site Location

COMPILED AND PUBLISHED BY:
Ordnance Survey Ireland,
Phoenix Park,
Dublin 8,
Ireland.

Unauthorised reproduction
infringes Ordnance Survey Ireland
and Government of Ireland
copyright.

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.

The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way.

Ordnance Survey maps
never show legal property
boundaries, nor do they
show ownership of
physical features.

© Suirbhéireacht Ordnáis Éireann,
2022
© Ordnance Survey Ireland, 2022
www.osi.ie/copyright

LEGEND: 2201-02
Not 13/04/22
<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: 1:10,560



CLARE COUNTY COUNCIL

13 APR 2022

Received

Planning Section

Legend:

Site Location



Project Status:

Revisions:

1	-
2	-
3	-

ALL WORKS SHALL BE DONE IN ACCORDANCE WITH LOCAL REGULATIONS AND ANY APPLICABLE PLANNING REGULATIONS.

NOTE
THESE DRAWINGS HAVE BEEN PREPARED FOR SECTION 5 APPLICATION ONLY.

THESE DRAWINGS ARE NOT TO BE USED OR REPRODUCED FOR ANY OTHER PURPOSE, INCLUDING ALTERNATIVE PLANNING APPLICATIONS, TENDER, CONSTRUCTION OR ANY FURTHER APPLICATION APPLICABLE TO THIS SITE/STRUCTURE WITHOUT THE WRITTEN PERMISSION THE CLIENT.

ALL DRAWINGS TO BE READ IN CONJUNCTION WITH ALL OTHER REFERENCES AND DOCUMENTATION REFERRED TO IN THESE ARCHITECTURAL DRAWINGS.

DO NOT SCALE FROM THESE DRAWINGS, WORK TO FIGURED DIMENSIONS. THESE DRAWINGS ARE NOT TO INTENDED FOR OR MEANT TO BE USED FOR CONSTRUCTION.

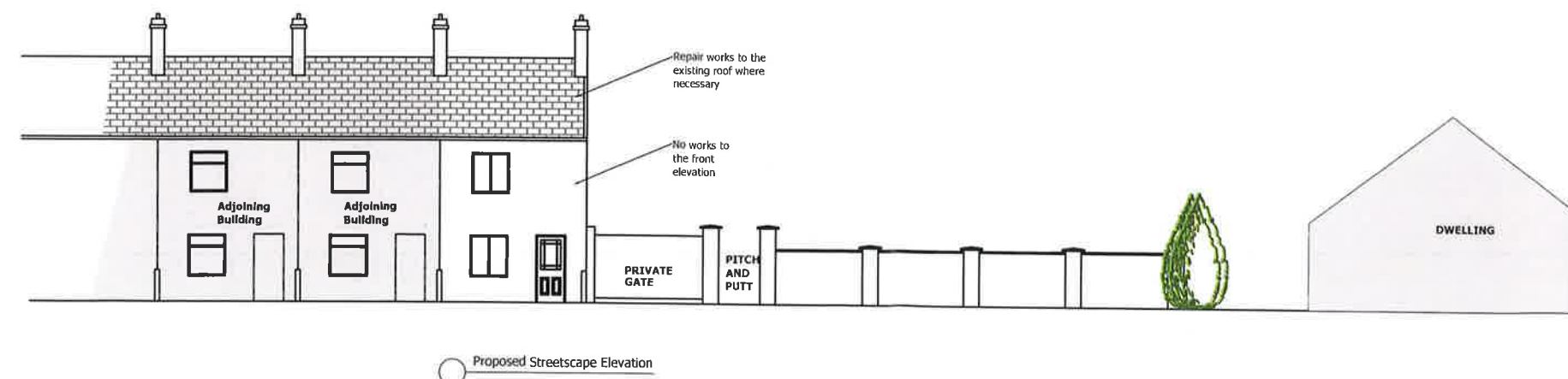
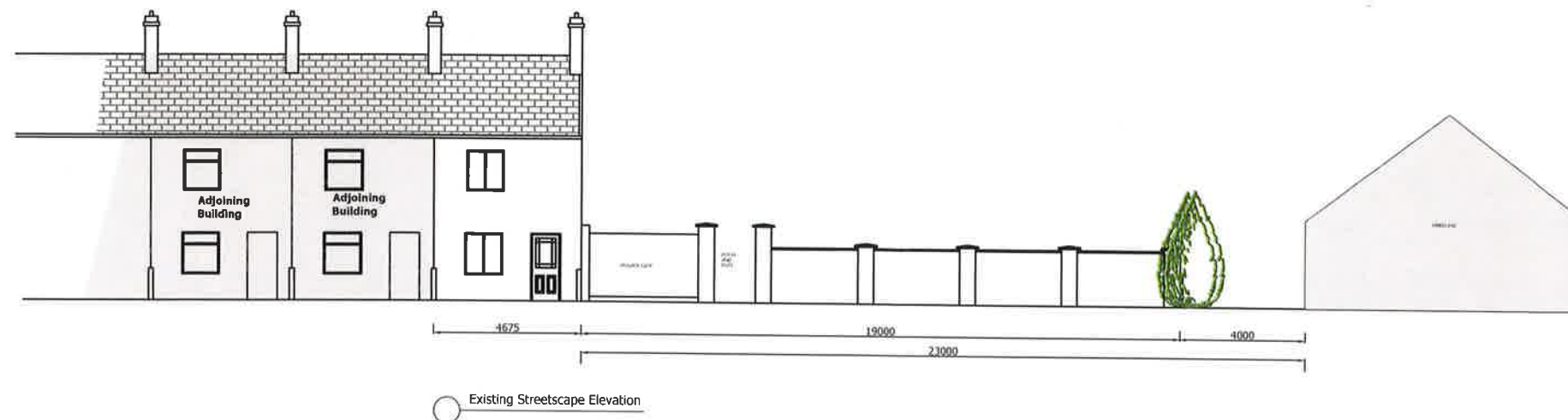
NOT FOR CONSTRUCTION
SECTION 5 APPLICATION ONLY

Project:
No. 6 St Jude's Terrace,
Parteen, Co. Clare

Title:
Site Location

Client:
Ann Marie & Evan O'Keeffe

Scale: 1:500 @A3	Date: 12/04/2022
Drawing By: Nancy O'Keeffe	Checked By: Nancy O'Keeffe
Drawing No: 2201-03	Revision: 00



Project Status:	
Revision:	
1	-
2	-
3	-

ALL WORKS SHALL BE DONE IN ACCORDANCE WITH LOCAL REGULATIONS AND ANY APPLICABLE PLANNING REGULATIONS.

NOTE: THESE DRAWINGS HAVE BEEN PREPARED FOR SECTION 5 APPLICATION ONLY.

THESE DRAWINGS ARE NOT TO BE USED OR REPRODUCED FOR ANY OTHER PURPOSE, INCLUDING ALTERNATIVE PLANNING APPLICATIONS, TENDER, CONSTRUCTION OR ANY FURTHER APPLICATION APPLICABLE TO THIS SITE/STRUCTURE WITHOUT THE WRITTEN PERMISSION OF THE CLIENT.

ALL DRAWINGS TO BE READ IN CONJUNCTION WITH ALL OTHER REFERENCES AND DOCUMENTATION REFERRED TO IN THESE ARCHITECTURAL DRAWINGS.

DO NOT SCALE FROM THESE DRAWINGS. WORK TO FIGURED DIMENSIONS. THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION.

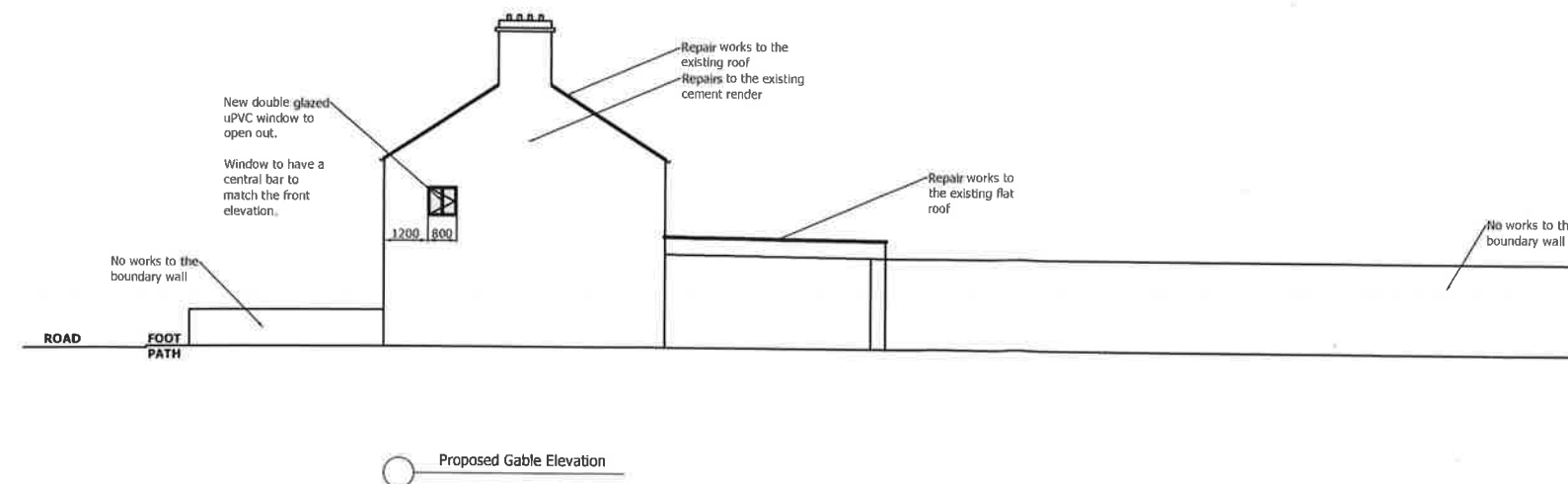
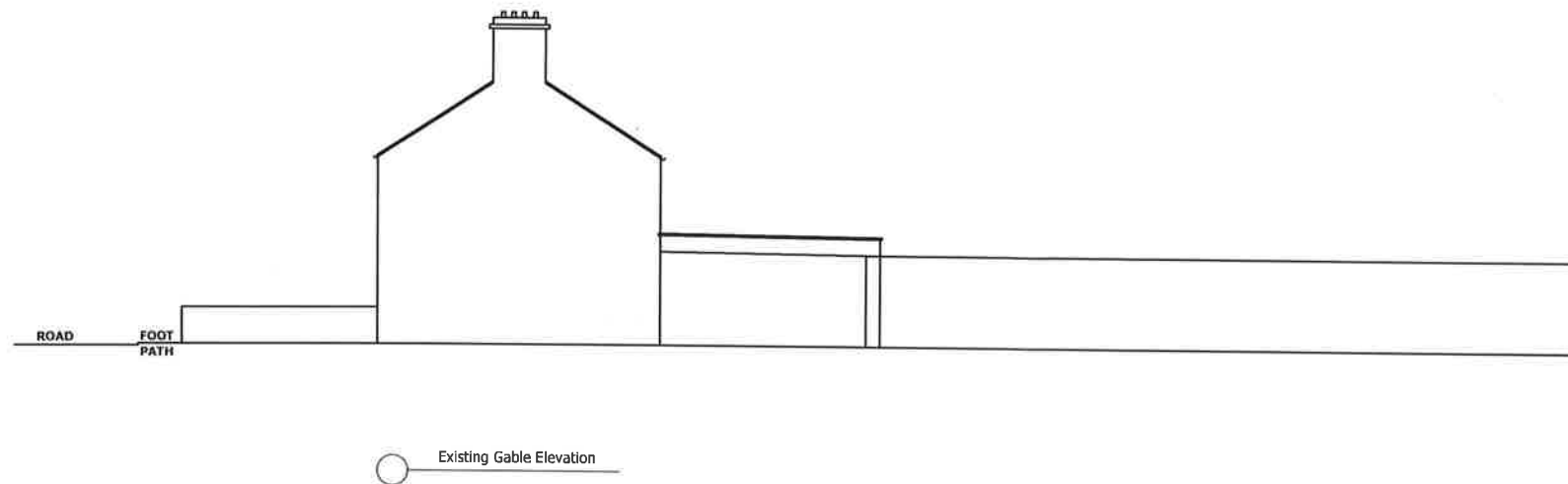
NOT FOR CONSTRUCTION
SECTION 5 APPLICATION ONLY

Project:
No. 6 St Judea Terrace,
Parthen, Co. Clare

Title:
Existing Streetscape Elevation
Proposed Streetscape Elevation

Client:
Ann Marie & Evan O'Keeffe

Scale: 1:200 @A3	Date: 12/04/2022
Drawing By: Nancy O'Keeffe	Checked By: Nancy O'Keeffe
Drawing No: 2201-04	Revision: 00



CLARE COUNTY COUNCIL
13 APR 2022
Received Planning Section



Project Status:
 Revision:
 1 -
 2 -
 3 -

ALL WORKS SHALL BE DONE IN ACCORDANCE WITH LOCAL REGULATIONS AND ANY APPLICABLE PLANNING REGULATIONS.

NOTE
 THESE DRAWINGS HAVE BEEN PREPARED FOR SECTION 5 APPLICATION ONLY.

THESE DRAWINGS ARE NOT TO BE USED OR REPRODUCED FOR ANY OTHER PURPOSE, INCLUDING ALTERNATIVE PLANNING APPLICATIONS, TENDER, CONSTRUCTION OR ANY FURTHER APPLICATION APPLICABLE TO THIS SITE/STRUCTURE WITHOUT THE WRITTEN PERMISSION THE CLIENT.

ALL DRAWINGS TO BE READ IN CONJUNCTION WITH ALL OTHER REFERENCES AND DOCUMENTATION REFERRED TO IN THESE ARCHITECTURAL DRAWINGS.

DO NOT SCALE FROM THESE DRAWINGS. WORK TO FIGURED DIMENSIONS. THESE DRAWINGS ARE NOT TO INTENDED FOR OR MEANT TO BE USED FOR CONSTRUCTION.

NOT FOR CONSTRUCTION
 SECTION 5 APPLICATION ONLY

Project:
 No. 6 St Judea Terrace,
 Parteen, Co. Clare

Title:
 Existing Gable Elevation
 Proposed Gable Elevation

Client:
 Ann Marie & Evan O'Keeffe

Scale: 1:200 @A3	Date: 12/04/2022
Drawing By: Nancy O'Keeffe	Checked By: Nancy O'Keeffe
Drawing No: 2201-05	Revision: 00

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

13/04/2022 12:05:50

Receipt No. LICASH/0/331141
REPRINT

NANCY O'KEEFFE
BALLYCANNON
QUINPOOL
PARTEEN
CO. CLARE

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

Total : 80.00 EUR

Tendered :
CREDIT CARDS

80.00

Change :

0.00

Issued By : LICASH - DEIRDRE FRENCH
From : MAIN CASH OFFICE LODGEMENT AREA
Vat reg No:0033043E