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CONTAE AN CHLÁIR | COUNTY COUNCIL

**Keith McCullough
c/o Mike Flynn
Hassett Leyden & Associates, Architects & Engineers
Roslevan Shopping Centre, Tulla Road
Ennis, Co. Clare
V95 YN93**

31st May 2023

Section 5 referral Reference R23-17 – Keith McCullough

Are the proposed reinstatement works to the existing derelict house at V95 P2N7 exempted development based on the house being returned to a habitable dwelling?

A Chara,

I refer to your application received on 13th March 2023 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



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: 81850

Reference Number: R23-17

Date Referral Received: 13th March 2023

Date Further Information Received: 16th May 2023

Name of Applicant: Keith McCullough

Location of works in question: Fountain House, Fountain Cross, Ennis, Co. Clare, V95 P2N7

Section 5 referral Reference R23-17 – Keith McCullough

Are the proposed reinstatement works to the existing derelict house at V95 P2N7 exempted development based on the house being returned to a habitable dwelling?

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) The works as indicated in submitted documents received by the Planning Authority on 13th March 2023 and 16th May 2023.

AND WHEREAS Clare County Council has concluded:

- (a) The following reinstatement works which comprise of:
 - Removal of all **internal** walls
 - Removal of all **internal** floors
 - Replacement of all windows and doors
 - Upgrading of all external storage / outbuildings
 - Removal of existing front glazed extension
 - Replace **existing** roof finish including rafters, joists, timber battens

at Fountain House, Fountain Cross, 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 following works which comprise of:
 - The increase in ridge height of the original cottage
 - The provision of dormer windows on the Southwest (front) and northeast (rear) elevations of the original cottage.

- Upgrading of septic tank

at Fountain House, Fountain Cross, Ennis, County Clare would not constitute exempted development under Section 4 (1) (h) of the Planning & Development Act, 2000, as amended, as such works would materially alter the external appearance of the dwelling house so as to render the appearance inconsistent with the character of the house itself.

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 proposed development consisting of the following works:

- Removal of all **internal** walls
- Removal of all **internal** floors
- Replacement of all windows and doors
- Upgrading of all external storage / outbuildings
- Removal of existing front glazed extension
- Replace **existing** roof finish including rafters, joists, timber battens

at Fountain House, Fountain Cross, Ennis, Co. Clare is **considered development** which is **exempted development** and the following works:

- The increase in ridge height of the original cottage
- The provision of dormer windows on the Southwest (front) and northeast (rear) elevations of the original cottage.
- Upgrading of septic tank

is **considered development** which is **not exempted development**.

Signed:



GARETH RUANE
SENIOR EXECUTIVE PLANNER 

Date:

31st May 2023

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

Reference No.: R23-17



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R23-17

Are the proposed reinstatement works to the existing derelict house at V95 P2N7 exempted development based on the house being returned to a habitable dwelling?

AND WHEREAS, Keith McCullough 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) The works as indicated in submitted documents received by the Planning Authority on 13th March 2023 and 16th May 2023.

And whereas Clare County Council has concluded:

- (a) The following reinstatement works which comprise of:
 - Removal of all **internal** walls
 - Removal of all **internal** floors
 - Replacement of all windows and doors
 - Upgrading of all external storage / outbuildings
 - Removal of existing front glazed extension
 - Replace **existing** roof finish including rafters, joists, timber battons

at Fountain House, Fountain Cross, 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 following works which comprise of:
 - The increase in ridge height of the original cottage
 - The provision of dormer windows on the Southwest (front) and northeast (rear) elevations of the original cottage.
 - Upgrading of septic tank

at Fountain House, Fountain Cross, Ennis, County Clare would not constitute exempted development under Section 4 (1) (h) of the Planning & Development Act, 2000, as amended, as such works would materially alter the external appearance of the dwelling house so as to render the appearance inconsistent with the character of the house itself.

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:

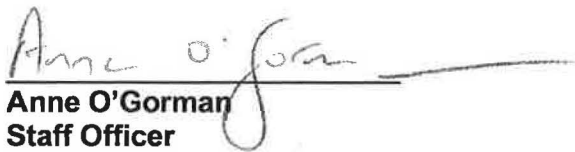
The proposed development consisting of the following works:

- Removal of all **internal** walls
- Removal of all **internal** floors
- Replacement of all windows and doors
- Upgrading of all external storage / outbuildings
- Removal of existing front glazed extension
- Replace **existing** roof finish including rafters, joists, timber battens

at Fountain House, Fountain Cross, Ennis, Co. Clare **constitutes development** which is **exempted development** and the following works:

- The increase in ridge height of the original cottage
- The provision of dormer windows on the Southwest (front) and northeast (rear) elevations of the original cottage.
- Upgrading of septic tank

of the dwelling **constitutes development** which is **not exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.



Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

31st May 2023

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION

FILE REF:	R23 17
APPLICANT(S):	Keith McCullagh
REFERENCE:	Whether the proposed reinstatement works to the existing derelict house is or is not development and is or is not exempted development.
LOCATION:	Fountain House, Fountain, Ennis, Co. Clare
DUE DATE:	5 th June 2023

Further Information

The following further information was requested on 4th April 2023:

1. *The proposed development is located within the foraging range for the Lesser Horseshoe Bat, which is a Qualifying Interest of Tooangh Estate Special Area of Conservation (SAC), with the adjacent tree / forestry area identified specifically as a potential foraging location. As the competent authority, Clare County Council must ensure that the proposed development will not negatively impact the conservation objectives of the European Site. The potential impact on Lesser Horseshoe bats must be assessed, particularly from work on the existing dwelling and outhouses, which may be used for roosting purposes, and the proposed removal of trees on site, which may provide foraging for the Lesser Horseshoe Bat. The conservation objectives of the European Site are to maintain or restore the favourable conservation condition of the qualifying interest Annex habitats and species. In order for the Planning Authority to give further consideration to the subject Section 5 declaration, an Appropriate Assessment screening will be required at this stage. The following will need to be considered inter alia:*
 - *The use of buildings, including the dwelling, by Lesser Horseshoe bats. Lesser Horseshoe bat surveys will be required. Any bat surveys and associated guidance/ mitigation should be in line with the 'Bat Mitigation Guidelines v2'. Irish Wildlife Manual 134.*
 - *The impact from lighting. Lesser Horseshoe bats are very sensitive to artificial light. External lighting should be avoided. If external lighting is proposed, more details will be required before an assessment can be made on this application.*
 - *Any loss of foraging or commuting habitat.*

The likelihood of use of the adjacent mature trees (which the structural survey has indicated may be removed) and dwelling / outhouses as a roosting habitat and / or commuting route for the annex IV species (Lesser Horseshoe bat which is a QI of this SAC) cannot be ruled out at this stage with regard to consideration of habitat protection and avoidance of artificial light spillage that is disruptive to the emergence of bats from roosts at dusk and subsequent movement from habitats to foraging locations.

The Appropriate Assessment Screening Report the which should be informed by a conclusive and appropriately carried out bat survey. Please submit a Natura Impact Statement screening report and bat survey in this regard. You are advised to note that if the Appropriate Assessment Screening Report cannot conclusively rule out any negative impact to the SAC as mentioned, or any other European Site within the zone of influence, or if specific mitigation measures are proposed, a Natura Impact Statement would be required, which would de-exempt the proposed works. Under Section 4(4) of the Planning and Development Act 2000, as amended, any development that cannot be screened out (i.e. where a NIS must

be prepared and appropriate assessment carried out) cannot be exempt from the requirement for planning permission. This includes any development that would otherwise be exempt under either Section 4 of the 2000 Act, or Article 6/Schedule 2 ('works') and Article 10 ('change of use') of the Planning and Development Regulations 2001, as amended. Article 9(1)(viiB) of the Regulations also provides a restriction on exemption (under Article 6) where development would require an appropriate assessment.

2. *The Planning Authority is not clear on the exact nature and scope of works to be carried out to the external walls of the dwelling, or the extent and scope of works to be carried out on the existing outhouses and sheds on site. Please submit clear and scaled drawings which clearly indicate the exact nature and scope of works proposed, particularly to the external elevations of the shed and outhouses. You are advised to note that demolition and reconstruction of any external walls would not be considered exempted development.*

Note to applicant:

- i. Should the bat survey and AA Screening identify a need to prepare a Natura Impact Statement, a response to this Section 5 declaration request is not necessary, as the proposed development will automatically, under the relevant legislation, require the benefit of planning permission.
- ii. The Planning Authority notes that the submitted structural survey makes reference to the upgrading of the existing septic tank on site. Such works are not considered exempt from the requirements of planning permission under the relevant legislation, and thus would require the benefit of planning permission.

A response to the further information request was received by the Planning Authority on 16th May 2023. Following the receipt of same, a report in relation to the Further information response was received from the Environmental Assessment Officer, which is appended to this report.

Assessment

Item 1

The applicant has submitted a Bat Impact Assessment (BIA) which concluded that there is no evidence of the Lesser Horseshoe Bat on site. The report recommends that the existing structurally damaged roof (or what remains) should be removed in stages ~~in stages~~. Similarly chimney breasts should be carefully examined to ensure no disturbance to bats (although no evidence of any were found) prior to the work commencing. Such measures are not relevant to the Lesser Horseshoe Bat, as none were found on site.

Planning Authority Response

I have reviewed the further information submitted in relation to file number R23-17. Based on the following it has been determined that there is no risk of significant effects on the environment:

- The front and back of the building is deemed unsuitable for roosting bats with no obvious cavities within the internal walls and no obvious openings where bats could access the building safely.
- With specific reference to the presence of Lesser horseshoe bats and/or usage of the site by this species there is no evidence of this species utilising the attic space in the back building and no evidence of presence in terms of individuals or prey items, staining etc. There is no evidence to indicate that any Lesser horseshoe bats are roosting or utilising this property.

- While the proposed reinstatement works to the derelict dwelling house is located approximately 2.5km from the Toonagh Estate SAC which is designated for Lesser horseshoe bats it is not located directly within the footprint of the European site. There is therefore no risk of direct effects on the Qualifying Interest Features of the SAC.
- The Site-Specific Conservation Objectives for this SAC require the extent of potential foraging habitat to be maintained with no significant decline together with no significant loss of linear features within 2.5km of a qualifying roost. In addition, there should be no significant increase in artificial light intensity adjacent to a named roost or along commuting routes within 2.5km of the roost. These are the key attributes and targets which could be affected by the current application.
- Having reviewed the Screening for Appropriate Assessment submitted as part of the Section 5 request, the specific details of the request which pertain to the reinstatement of the existing derelict house, and the absence of any proposed works to the surrounding hedgerow and treelines I am satisfied that the proposed development can be screened out for the requirement for appropriate assessment. This is taking into consideration the mapped foraging range of the Toonagh Estate SAC.

Item 2:

The applicant has clarified that the scope of the project is to carry out a complete refurbishment of the existing dwelling house, retaining the walls only. It is stated that the large outbuilding will be reroofed, external doors and windows "renewed". It is also stated that the existing septic tank on site will be reused, and that external concrete paths, driveways and patios "will be carried out". Drawings of the proposal have also been submitted.

Planning Authority Response

The submitted drawings and particulars are noted. I note that alterations to the existing roof profile are proposed on the front elevation of the existing dwelling, namely the provision of 2 no. dormer windows, and 1 no. rooflight. A further dormer window is proposed on the southern elevation. In addition, the ridge height (of the proposed development) is identified as 8.05m. The original cottage was extended in the past (unclear as to when) so as to accommodate a two-story extension to the rear, however the ridge height of the original cottage was not increased. Under the subject proposals and having regard to the drawings received with the further information response, it appears that the applicant is proposing to substantially increase the ridge height of the original part of the dwelling, to accommodate habitable space (namely 2 no. ensuite bedrooms) in this section of the dwelling.

Having regard to the information submitted I consider that the extent of the works carried out are significant. For the works in question to be exempted, they must fall within the range of operations specified in Section 4(1)(h) of the 2000 Act, which is expressed as follows:

(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.

The relevant terms to be applied to the works carried out are "improvement" and "alteration". Having regard to the nature of works proposed by the applicant it is considered that such works go beyond the scope of "improvement and alteration". I would further consider that the proposed dormer style windows and the increase in ridge height of the original dwelling would render the appearance inconsistent with the character of the original structure. As such, having regard to same, I would not consider the proposals fall under the provisions of Section 4(1)(h) of the P&D Act 2000, as amended.

Conclusion

The subject Section 5 referral is in respect of the following question:

“Whether the proposed reinstatement works to the existing derelict house is or is not development and is or is not exempted development”. While I would consider that reinstatement works may be considered exempt, from an examination of the drawings submitted with the further information response, it is clear that the proposed works, particularly the works to the original single story element with the increasing of the ridge height and the provision of inter alia, dormer windows, go beyond what may be reasonably considered “reinstatement”. I have no objection to the “reinstatement” of the structure as is (i.e. omitting the increased ridge height to the cottage). In this regard, I recommend a split decision issue in relation to the proposed works. Under the particulars as submitted with the application, the applicant indicated that the following works were to be carried out:

- Remove the existing roof – rafters, joists, timber battens
- Remove all internal walls
- Removal all internal floors
- Replace all windows and doors
- Upgrading existing septic tank
- Upgrading of all external storage / outbuildings
- Removal of existing front glazed extension

These works did not indicate / mention that the ridge height of the original cottage would be increased. This only became apparent, when the applicant submitted drawings with the further information response. In addition, and having regard to the aforementioned works, there is no specific exemption for the installation / upgrading of an onsite effluent treatment system to a dwelling provided for under Article 6 of the Planning and Development Regulations, 2001 (as amended) or the exemptions set out in the Second Schedule on foot of Article 9.

I recommend that the following reinstatement works, may be considered development, which is exempted development:

- Remove all internal walls
- Removal all internal floors
- Replace all windows and doors
- Upgrading of all external storage / outbuildings
- Removal of existing front glazed extension
- Replace existing roof finish including rafters, joists, timber battens

I recommend that the following works, may be considered development, which is not exempted development:

- The increase in ridge height of the original cottage
- The provision of dormer windows on the Southwest (front) and northeast (rear) elevations of the original cottage.
- Upgrading of septic tank (while I note that the applicant has stated in the Further Information response that such works are not going to be carried out, in the interests of clarity, I recommend that same is explicitly stated).

The following question has been referred to the Planning Authority:

- i. Whether reinstatement works to the existing derelict house

At Fountain House, Fountain Cross, Ennis, County Clare is or is not development and is or is not 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) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended
- (c) The works as indicated in submitted documents received by the Planning Authority on 13th March 2023 and 16th May 2023.

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

- (a) The following reinstatement works which comprise of:
 - Remove all **internal** walls
 - Removal all **internal** floors
 - Replace all windows and doors
 - Upgrading of all external storage / outbuildings
 - Removal of existing front glazed extension
 - Replace **existing** roof finish including rafters, joists, timber battens

at Fountain House, Fountain Cross, 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 following works which comprise of:
 - The increase in ridge height of the original cottage
 - The provision of dormer windows on the Southwest (front) and northeast (rear) elevations of the original cottage.
 - Upgrading of septic tank

at Fountain House, Fountain Cross, Ennis, County Clare would not constitute exempted development under Section 4 (1) (h) of the Planning & Development Act, 2000, as amended, as such works would materially alter the external appearance of the dwelling house so as to render the appearance inconsistent with the character of the house itself.

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 following works:

- Remove all **internal** walls
- Removal all **internal** floors
- Replace all windows and doors
- Upgrading of all external storage / outbuildings

- Removal of existing front glazed extension
- Replace **existing** roof finish including rafters, joists, timber battens

of Fountain House, Fountain Cross, Ennis, Co. Clare constitutes development which is exempted development and the following works:

- The increase in ridge height of the original cottage
- The provision of dormer windows on the Southwest (front) and northeast (rear) elevations of the original cottage.
- Upgrading of septic tank

of the dwelling constitutes development which is not exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.



Fiona Barry
Executive Planner
Date: 30.05.2023



Senior Executive Planner
Date: 31/05/23

Fiona Barry

From: Sheila Downes
Sent: Friday 19 May 2023 17:05
To: Fiona Barry
Subject: R23-17 Section 5 Referral

Fiona,

I have reviewed the further information submitted in relation to file number R23-17 as to whether the proposed reinstatement works to the existing derelict house at V95P2N7 is exempted development based on the house being returned to a habitable dwelling.

Based on the following it has been determined that there is no risk of significant effects on the environment:

- The front and back of the building is deemed unsuitable for roosting bats with no obvious cavities within the internal walls and no obvious openings where bats could access the building safely.
- With specific reference to the presence of Lesser horseshoe bats and/or usage of the site by this species there is no evidence of this species utilising the attic space in the back building and no evidence of presence in terms of individuals or prey items, staining etc. There is no evidence to indicate that any Lesser horseshoe bats are roosting or utilising this property.
- While the proposed reinstatement works to the derelict dwelling house is located approximately 2.5km from the Toonagh Estate SAC which is designated for Lesser horseshoe bats it is not located directly within the footprint of the European site. There is therefore no risk of direct effects on the Qualifying Interest Features of the SAC.
- The Site-Specific Conservation Objectives for this SAC require the extent of potential foraging habitat to be maintained with no significant decline together with no significant loss of linear features within 2.5km of a qualifying roost. In addition, there should be no significant increase in artificial light intensity adjacent to a named roost or along commuting routes within 2.5km of the roost. These are the key attributes and targets which could be affected by the current application.
- Having review the Screening for Appropriate Assessment submitted as part of the Section 5 request, the specific details of the request which pertain to the reinstatement of the existing derelict house, and the absence of any proposed works to the surrounding hedgerow and treelines I am satisfied that the proposed development can be screened out for the requirement for appropriate assessment. This is taking into consideration the mapped foraging range of the Toonagh Estate SAC.

Kind Regards
Sheila

Sheila Downes

BScEnv. Dip GIS. MSc. AdvDipPEL. MCIWEM. C.WEM. CSci.

Environmental Assessment Officer

Planning Department

Clare County Council, Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2

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LOCAL AUTHORITY OF THE YEAR 2022



COMHAIRLE CONTAE AN CHLÁIR
CLARE COUNTY COUNCIL



Tá an t-eolas atá sa ríomhphost seo, agus in aon cheangaltán leis, rúnda, agus is d'aird agus d'úsáid an fhaighteora nó na bhfaighteoirí amháin nó eintiteas ainmnithe thuas atá sé. Murar tusa faighteoir beartaithe an ríomhphost seo nó aon chuid de, níor chóir duit an teachtaireacht seo a úsáid, a nochtadh, a chóipeáil, a dháileadh nó a choinneáil. Más rud é gur trí bhotún a fuair tú an ríomhphost seo cuir sin in iúl don tseoltóir gan mhoill.

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HASSETT LEYDEN & ASSOCIATES

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copy to

Ms. Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate
Clare County Council
Aras Contae an Chlair
New Road
Ennis
Co. Clare



15th May 2023

Re: Section 5 Referral Reference R23-17 - Keith McCullough
Fountain House, Fountain Cross, Ennis, Co. Clare.
Response to Further Information

Dear Madam,

We refer to the above matter and acknowledge receipt of your letter dated the 4th of April 2023 requesting further information. In this regard, we would respond as follows:

1. The proposed development is located within the foraging range for the Lesser Horseshoe Bat which is a Qualifying Interest of Toonagh Estate Special Area of Conservation (SAC), with the adjacent tree/forestry area identified specifically as a potential foraging location.
 - Our client has commissioned a Bat Impact Assessment Report compiled by Ciaran Ryan (B.Sc. Analytical Science, M.Sc. Environmental Science), copy attached for your attention. In conclusion, there was no evidence of the Lesser Horseshoe Bat at the site of the proposed development (i.e. the existing dwelling and out building). The report recommends that the existing structurally damaged roof (i.e. what remains) should be removed in stages by leaving it undisturbed for 24 hours after opening a section (e.g. a quarter). Similarly chimney breasts should be carefully examined to ensure no disturbance before work commences. These measures will serve to allow any occasional roosting bat (although no evidence of any found) to escape. It should be noted that this is not relevant to the Lesser Horseshoe Bats which would not be roosting in these locations.

Directors:

Michael Flynn,
B.A., B.A.I., C.ENG.,
M.TECH., M.I.B.C.I.,
M.I.E.I.

Maximilian Kraus
(German)
DIP.ARCH., M.R.I.A.I.

Consultant:

James Hassett,
B.E., C.ENG., M.I.C.E.,
M.I.STRUCT.E., M.I.E.I.

Member of:



Engineers Ireland
Association of Consulting
Forensic Engineers

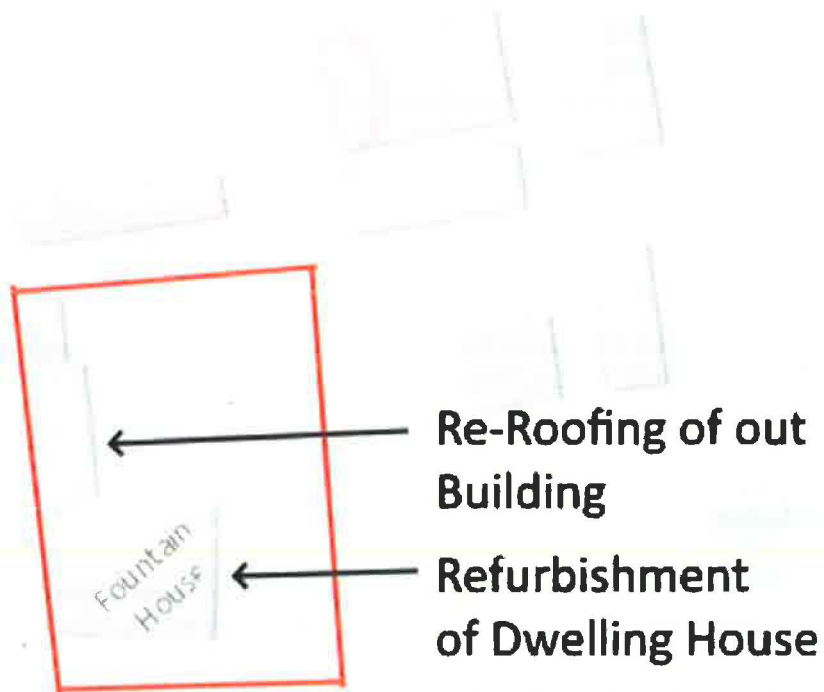
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50
years
1968 - 2018

- There will be no loss of foraging or commuting habitat. Please see report outlined above.
- Please see the attached Appropriate Screening Report in this regard.

2. Exact nature and scope of works to be carried out.

The Scope of the project is to carry out a complete refurbishment of the dwelling house retaining the walls only. The large outbuilding will be reroofed, external doors and windows renewed. The existing septic tank on site will be reused. Services are on site (water and electricity). External concrete paths, driveways and patios will be carried out.



Site Layout Drawing

We also attach a drawing of the elevations in this regard.

We trust the above is in order.

Yours sincerely,
HASSETT LEYDEN & ASSOCIATES

Max Kraus

Maximilian Kraus

BAT IMPACT ASSESSMENT REPORT **FOR FOUNTAIN HOUSE, FOUNTAIN, ENNIS**



1. INTRODUCTION

1.1 General

It is proposed to renovate an existing dwelling house near Fountain Cross, Ennis, Co. Clare. In this regard, Clare County Council has requested a Bat Impact Assessment Report.

This report has been compiled by Ciaran Ryan (B.Sc. Analytical Science; M.Sc. Environmental Science) with over 25 years experience in bat assessment reports, ecological survey (including SAC & SPA designations), SAC & SPA Management Plans, Commonage Framework Plans, SAC Appeals, Natura 2000 site assessments and reports (NIS), and general environmental consultancy. I am an accredited Native Woodland Scheme ecologist.

1.2 Description of project / development

The property in question is known as Fountain House located in the outskirts of Ennis in the area of Fountain.

The house is situated near the cross to Corofin and Ennistymon and the particular property is located on a large site. The property is accessed by way of a gateway off the main road with an avenue driveway leading to the dwelling. The present house is some 150 years old and consists of a stone and lime plastered building.

The Scope of the project is to carry out a complete refurbishment of the house retaining the walls only. The large outbuilding will be reroofed, external doors and windows renewed. The existing septic tank on site will be reused. Services are on site (water and electricity). External concrete paths, driveways and patios will be carried out.

2. SITE ASSESSMENT

2.1 Habitats

Habitats identified are categorised as per level 3 habitat mapping classification (Fossitt, 2000). The principal habitat present is buildings and artificial surfaces (BL3) i.e. Fountain House and adjacent sheds. This comprises a derelict, old, dwelling house. The front building is in extremely poor condition, with large gaps in the roof, exposing the roof beams with no internal lining (refer photograph 1). Inside, the walls are also in poor condition and ceilings are often badly damaged. Dwelling house items are still present, with abundant debris strewn across the floors. There are two chimneys present. One (to the right, facing front) has been totally walled over, while the other (left) has been blocked at the fireplace.

The back building, connected to the front, is again internally in similar poor condition, although ceilings are mostly intact. The slated roof, though, is intact with internal lining. This was viewed by breaking out a hole in a bedroom ceiling. Here, it was seen that there is good fibreglass insulation above the ceiling. The whole attic space here has extensive cobwebs throughout. The roof of a small, separately roofed section off the back building was also clearly viewed to be intact through a large opening in the internal ceiling. Externally this building is intact with no obvious gaps in or under the roof, the walls or windows. There is one chimney breast connected to an old range inside the house. Here, extensive soil and branch/twig debris was observed.

Old sheds occur adjacent to the back building (refer photograph 2). These are totally in ruins and unroofed. There is extensive Ivy (*Hedera helix*) and Bramble (*Rubus fruticosus*) present with some Elder (*Sambucus nigra*) also growing.

The site is surrounded by agricultural grassland (GA1, GS4), with hedgerow (WL1), treelines (WL2), scrub (WS1) and a small area of woodland to the north (WS2, WD1). These are all beyond the development.

There are no non-native, invasive plant species (as listed under schedule 3 of SI no. 477 of 2011) present.

2.2 Bat species

2.2.1 Past records and survey

No bat species have been recorded within within R3080 1km grid encompassing development site (biodiversityireland.ie).

The potential for bat presence was assessed based on Kelleher and Marnell (2006) including:

- Any knowledge of a history of bats,
- External inspection of the structure looking for suitable exit points around eaves, soffits, flashing, under tiles etc. as well as surveying for bat droppings on the ground or stuck on walls,
- Internal inspection of the structure focusing on areas could provide appropriate environmental conditions for bats e.g. warm darker areas, joints and crevices in wood, ridge beams and hips, as well as cool subterranean areas suitable for torpor or hibernation.

- Listening for bats, checking for characteristic smell of bat roosts,
- Examining floors, walls and structural elements for droppings or other signs of bats use (e.g skeletons, oily marks from fur, lack of cobwebs along beams, feeding remains such as moth wings or other insect parts).

In this regard, the front building is too exposed to be suitable for roosting bat, with no obvious cavities within internal walls. The back building may have some potential for occasional bat roosting in the lining beneath the intact roof. However, there are no obvious openings to the building where bats could access (e.g. gaps in tiles, under roof, windows etc.).

The front chimneys and the dense Ivy amid the shed ruins could possibly harbour occasional roosting bat. However, these would not be Lesser Horseshoe Bat which roosts hanging upside down.

With specific regard to Lesser Horseshoe Bat, there is no evidence of this species utilising the attic space in the back building. Although the roof and attic space are intact, there was no evidence of their presence. Firstly, there is no obvious access point(s) to this attic. Secondly, the fibreglass insulation present would deter bat roosting. Thirdly, the extensive spider cobwebs present would indicate that there is no bat activity within this attic space. In addition, the NPWS (D. Lyons, pers. comm.) does not have any record of Lesser Horseshoe Bat roosting in this property.

All of the above gave negative indicators for bats i.e. there were no evidence of bat presence. The back attic was assessed and viewed to be a typical "A" roof structure with modern insulation above the ceiling. The felt present under the roof is in good condition and undamaged. There is no damage to the outside structure leading to access holes with no droppings or other signs of bat use.

Bats also forage (and possibly roost), along hedgerow and trees. However, this development will not impact on any nearby trees or hedgerow.

2.2.2 Assessment

Although the proposed development cannot have any direct impact on the SAC, there could be an indirect impact if the works could negatively impact on roosting or foraging habitat for Lesser Horseshoe Bat within the nearby SAC.

However, there will be no disturbance of nearby hedgerow, trees and scrub which could provide foraging habitat for any bat species. With regard to roosting, there is no evidence of Lesser Horseshoe Bat utilising the derelict dwelling house. Much of it is totally unsuitable for this species. Although one attic space could be potential roosting habitat, all evidence (lack of access, fibreglass insulation, extensive cobwebs, no signs of bat presence, NPWS D. Lyons pers. comm.) indicates that the house is not utilised by Lesser Horseshoe Bat.

In summary, there is no major bat roost present. There is some potential for occasional roosting bat presence on site under the slates of intact roof, within chimney breasts and within dense Ivy amid the shed ruins. However, this would not include Lesser Horseshoe Bat.

3. Recommendations

- The intact roof should be removed in stages by leaving it undisturbed for 24 hours after opening a section (e.g. a quarter). Similarly chimney breasts should be subject to some disturbance before full demolition. These measures will serve to allow any occasional roosting bat to escape. It should be noted that this is not relevant to Lesser Horseshoe Bat which would not be roosting in these locations.

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KERRY ECOLOGICAL SERVICES

Appropriate Assessment Screening for Fountain House, Fountain Cross, Ennis, Co. Clare

[Ref. R23-17]

Ciaran Ryan M.Sc.
[April, 2023]



On behalf of: Hassett Leyden / Keith McCullough

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1. INTRODUCTION

1.1 General

It is proposed to renovate a derelict house at Fountain Cross, Ennis, Co. Clare.

The proposed development is <5km from Toonagh Estate Special Area of Conservation (SAC code 2247).

A Habitats Directive Screening Report has been requested.

The overall objectives of this assessment are:

- To assess any likely impacts that may impact on any existing Natura 2000 site(s) and their associated species.
- To assess the likely impacts, if any, on the existing habitats and fauna, which may arise from the proposed development.

This report has been compiled by Ciaran Ryan (B.Sc. Analytical Science; M.Sc. Environmental Science) with over 25 years experience in ecological survey (including SAC & SPA designations), SAC & SPA Management Plans, Commonage Framework Plans, SAC Appeals, Natura 2000 site assessments and reports (NIS) and general environmental consultancy. I am an accredited Native Woodland Scheme ecologist.

1.2 Description of project / development

The property in question is known as Fountain House located in the outskirts of Ennis in the area of Fountain.

The house is situated near the cross to Corofin and Ennistymon and the particular property is located on a large site. The property is accessed by way of a gateway off the main road with an avenue driveway leading to the dwelling. The present house is some 150 years old and consists of a stone and lime plastered building.

The Scope of the project is to carry out a complete refurbishment of the house retaining the walls only. The large outbuilding will be reroofed, external doors and windows renewed. The existing septic tank on site will be reused. Services are on site (water and electricity). External concrete paths, driveways and patios will be carried out.

2. LEGISLATIVE SCOPE OF THIS REPORT

2.1 Environmental Impact Assessment

The Habitats Directive (92/43/EEC) and EC (Natural Habitats) Regulations 1997 (S.I. 94/97), require local governments to ensure that appropriate ecological assessment of any proposed developments or works is carried out. Section 31 of the Natural Habitats Regulations stipulates that where an operation or activity is likely to have a significant effect on a European Site (i.e. an SAC or SPA), then an assessment should be carried out on the implications for that site in view of the site's conservation objectives. The Environmental Impact Regulations 1989 - 2000 stipulates the classes of development that would require an Environmental Impact Assessment (EIA).

The proposed project is sub-threshold and will not require an EIA as per the legislation.

2.2 Appropriate Assessment

The concept of Appropriate Assessment (AA) is the requirement to consider the possible nature conservation implications of any plan or project on the Natura 2000 site network, before that plan or project proceeds. The obligation to undertake an AA derives from Article 6(3) and 6(4) of the Habitats Directive. Both involve a number of steps and tests that need to be applied in sequential order. Article 6(3) is concerned with the strict protection of sites, while Article 6(4) is the procedure for allowing derogation from this strict protection in certain restricted circumstances. An AA is a focused and detailed impact assessment of the implications of the plan or projects, alone and in combination with other plans and projects, on the integrity of a Natura 2000 site, in view of its conservation objectives. Assessments should be undertaken on the basis of best scientific evidence and methods.

The Department of Environment, Heritage and Local Government (DoEHLG) has issued a document entitled *Appropriate Assessment of Plans and Projects in Ireland: guidance for planning authorities (2010)*. This document states that it is the responsibility of the competent authority to undertake the AA. The assessment should be based on sufficient relevant information such as that submitted by the proponent of the plan.

This assessment must be prepared by an ecological specialist(s) undertaking surveys, research and analysis, with input from other relevant disciplines as required e.g. engineers, hydrologists, archaeologists etc. Assessments should be undertaken on the basis of best scientific evidence and methods. Accordingly, data and information on the project and on the site must be obtained and an analysis of potential effects on the site must be undertaken.

This AA has been undertaken in accordance with the European Commission "*Methodological Guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC*" and the European Commission Guidance on "*Managing Natura 2000 Sites*" and in accordance with current DoEHLG guidance. It provides the information required in order to establish whether or not the proposed development is likely to have a significant impact on any Natura 2000 site. It considers the potential impacts on local Natura 2000 sites in the context of the habitats and species for which such Natura 2000 site(s) has been selected, along with their conservation objectives.

2.3 Screening Statement/ Natura Impact Assessment

The first step in an AA is a Screening Statement. This requires a description of the project, identification and description of relevant Natura 2000 sites, and an assessment of likely effects of the proposed project. If these are not deemed to be potentially significant, then there is no need to conduct a full AA. However, if any likely effects are deemed to be potentially significant, then a full AA or Natura Impact Assessment (NIS) must be conducted.

In complying with the obligations under Article 6(3) and following the above guidelines, this AA has been prepared using the following structure:

Stage 1: Screening

This includes:

- Description of the proposed development/project (and if the plan/project is necessary for the management of the Natura 2000 site(s)).
- Consultation with NPWS.
- Identification of all Natura 2000 sites potentially affected by the plan/project.
- Identification and description of individual and cumulative impacts likely to result from the plan/project.
- Assessment of the significance of the impacts identified above on site integrity.
- Exclusion of sites where it can be objectively concluded that there will be no significant effects.
- Determination of the necessity or otherwise for a Natura Impact Statement (NIS).

Screening for AA examines the likely effects of a project or plan, alone and in combination with other projects or plans, upon a Natura 2000 site and considers whether it can be objectively concluded that these effects will not be significant. If it is determined during screening that the development may have a significant effect on a Natura 2000 site then a NIS will need to be prepared. If it is determined during screening that the development may have a significant effect on a Natura 2000 site then a Stage 2 NIS will need to be prepared. This assessment has concluded that a Stage 2 Appropriate Assessment is not required on this occasion.

This report complies with a Screening Statement in accordance with current DoEHLG guidance. It provides the information required in order to establish that the proposed development is not likely to have a significant impact on any Natura 2000 site. It considers the potential impacts on local Natura 2000 sites in the context of the habitats and species for which such Natura 2000 site(s) has been selected, along with their conservation objectives.

3. ECOLOGICAL STATUS

3.1 General background

The proposed development is approximately 2.5km from a Natura 2000 site(s) i.e. Toonagh Estate SAC. This is part of the EU designated Natura 2000 site network.

The Lower River Shannon SAC (code 2165) and Ballyallia Lake SAC (code 0014) are also <5km east of the proposed works. However, there is no hydrological connection to these sites and no potential for any impact on any habitats or species designated for these Natura 2000 sites. As such, there cannot be any detrimental impact on these Natura 2000 sites and any potential impact can be screened out at this stage.

With the introduction of the Birds Directive in 1979 (79/409/EEC) and the Habitats Directive in 1992 (92/43/EEC), came the obligation to establish the Natura 2000 network of sites of highest biodiversity importance for rare and threatened habitats and species across the EU. In Ireland, the Natura 2000 network of European sites comprises Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). SACs are selected for the conservation of Annex I habitats (including priority types which are in danger of disappearance) and Annex II species (other than birds). SPAs are selected for the conservation of Annex I birds and other regularly occurring migratory birds and their habitats. The annexed habitats and species for which each site is selected correspond to the qualifying interests of the sites; from these the conservation objectives of the site are derived.

SACs are to be managed in a method to maintain a favourable ecological status for the relevant Annex I habitat(s) and Annex II species listed under the Habitats Directive.

Similarly, SPAs require the maintenance of the favourable conservation status of habitats for birds listed under Annex I of the EU Birds Directive, or areas that are important to migratory bird species. Important migratory sites are graded as either of national or of international importance i.e.:

- holds 1% of the estimated national population for non-Annex I migratory species,
- regularly supports 20,000 waterfowl,
- regularly sustains 1% of the all-Ireland bird population for an Annex I species,
- regularly sustains 1% of the bio-geographical (European) bird population for an non-Annex I migratory species.

3.2 Natura 2000 site(s)

3.2.1 Toonagh Estate SAC (code 2247)

This SAC has been designated for: Lesser Horseshoe Bat

Approximately 100 bats roost in a roof space, gaining access through gaps in the lower building. Parkland and trees within the estate are included within the SAC as foraging habitat.

Full site synopsis for this site can be accessed on the NPWS database, while details of the conservation objectives for this site can be accessed at:

http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002247.pdf

3.2.2 Qualifying interests & Conservation Objectives

The qualifying interest of the SAC relevant to this development is Lesser Horseshoe Bat. The potential impacts on this species within the SAC are addressed in section 5. This shows that there is no significant ecological impact.

The conservation objectives of the SAC are to maintain or restore the favourable conservation status of Annex I Habitats and Annex II Species.

4. SITE ASSESSMENT

4.1 General

The site was surveyed on the 18th April, 2023. The site was walked, identifying habitats and species likely to be affected. The survey was carried out in accordance with the Smith *et al.*, (2011), Foulkes *et al.*, (2013) and the Institute of Ecology and Environmental Management (2011 & 2012). Using the information gathered in the field, together with any published and/or local information on the site and its environs, it is considered that an adequate ecological assessment is achieved.

Survey for terrestrial mammals was carried out by means of a search within the site and immediate vicinity focusing on mammal dwellings (notably Lesser Horseshoe Bat), feeding signs or droppings and direct observations if possible. Special attention is paid to species listed under Schedule 5 of the Wildlife Act, 1976; 2000 in particular bat species, but also Badger or Otter. Bird sampling such as those recommended by Bibby *et al.*, (2000) were not carried out, but any bird species seen or heard were recorded. The survey also took account of the presence of any invasive species listed under the Third Schedule of the EC (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2011).

4.2 Habitats

Habitats identified are categorised as per level 3 habitat mapping classification (Fossitt, 2000). The principal habitat present is buildings and artificial surfaces (BL3) i.e. Fountain House and adjacent sheds. This comprises a derelict, old, dwelling house. The front building is in extremely poor condition, with large gaps in the roof, exposing the roof beams with no internal lining (refer photograph 1). Inside, the walls are also in poor condition and ceilings are often badly damaged. Dwelling house items are still present, with abundant debris strewn across the floors. There are two chimneys present. One (to the right, facing front) has been totally walled over, while the other (left) has been blocked at the fireplace.

The back building, connected to the front, is again internally in similar poor condition, although ceilings are mostly intact. The slated roof, though, is intact with internal lining. This was viewed by breaking out a hole in a bedroom ceiling. Here, it was seen that there is good fibreglass insulation above the ceiling. The whole attic space here has extensive cobwebs throughout. The roof of a small, separately roofed section off the back building was also clearly viewed to be intact through a large opening in the internal ceiling. Externally this building is intact with no obvious gaps in or under the roof, the walls or windows. There is one chimney breast connected to an old range inside the house. Here, extensive soil and branch/twig debris was observed.

Old sheds occur adjacent to the back building (refer photograph 2). These are totally in ruins and unroofed. There is extensive Ivy (*Hedera helix*) and Bramble (*Rubus fruticosus*) present with some Elder (*Sambucus nigra*) also growing.

The site is surrounded by agricultural grassland (GA1, GS4), with hedgerow (WL1), treelines (WL2), scrub (WS1) and a small area of woodland to the north (WS2, WD1). These are all beyond the development.

There are no non-native, invasive plant species (as listed under schedule 3 of SI no. 477 of 2011) present.

4.3 Fauna

4.3.1 General

There is no notable fauna recorded on this site. Species present within R3080 1km grid (encompassing development site) include Badger, Otter, Mountain Hare, Pine Marten, Fox and Spotted Flycatcher. (Biodiversityireland.ie). However as expected, none occur on the house site and none are qualifying interests for the SAC.

The soil and twig debris at the base of the back chimney would indicate crow nesting within this chimney breast.

4.3.2 Bat species

The potential for bat presence was assessed based on Kelleher and Marnell (2006) including:

- Any knowledge of a history of bats,
- External inspection of the structure looking for suitable exit points around eaves, soffits, flashing, under tiles etc. as well as surveying for bat droppings on the ground or stuck on walls,
- Internal inspection of the structure focusing on areas could provide appropriate environmental conditions for bats e.g. warm darker areas, joints and crevices in wood, ridge beams and hips, as well as cool subterranean areas suitable for torpor or hibernation.
- Listening for bats, checking for characteristic smell of bat roosts,
- Examining floors, walls and structural elements for droppings or other signs of bats use (e.g. skeletons, oily marks from fur, lack of cobwebs along beams, feeding remains such as moth wings or other insect parts).

In this regard, the front building is too exposed to be suitable for roosting bat, with no obvious cavities within internal walls. The back building may have some potential for occasional bat roosting in the lining beneath the intact roof. However, there are no obvious openings to the building where bats could access (e.g. gaps in tiles, under roof, windows etc.).

The front chimneys and the dense ivy amid the shed ruins could possibly harbour occasional roosting bat. However, these would not be Lesser Horseshoe Bat which roosts hanging upside down.

With specific regard to Lesser Horseshoe Bat, there is no evidence of this species utilising the attic space in the back building. Although the roof and attic space are intact, there was no evidence of their presence. Firstly, there is no obvious access point(s) to this attic. Secondly, the fibreglass insulation present would deter bat roosting. Thirdly, the extensive spider cobwebs present would indicate that there is no bat activity within this attic space. In addition, the NPWS (D. Lyons, pers. comm.) does not have any record of Lesser Horseshoe Bat roosting in this property.

All of the above gave negative indicators for bats i.e. there were no evidence of bat presence. The back attic was assessed and viewed to be a typical "A" roof structure with modern insulation above the ceiling. The felt present under the roof is in good condition and undamaged. There is no damage to the outside structure leading to access holes with no droppings or other signs of bat use.

Bats also forage (and possibly roost), along hedgerow and trees. However, this development will not impact on any nearby trees or hedgerow.

4.4 Rare plants / notable species

The site does not support any of the habitats or species for which any nearby SAC is designated, nor are there rare plants or other notable species present.

5. SCREENING

5.1 Identification of potential impacts

Only those features of the development that have the potential to impact on the integrity of the Natura 2000 site are considered. For screening purposes the potential impacts from the proposed development are examined with regard to the following:

- Habitat loss
- Alteration of habitats
- Habitat or species fragmentation
- Potential impairment of water quality
- Disturbance and/or displacement of protected species
- Cumulative impacts

5.2 Assessment of direct impacts

The development site is not located within a Natura 2000 site. Consequently, there is no direct loss of habitat from within the boundaries of any Natura 2000 site and as such no loss of habitat or fragmentation of habitat for the conservation interests of any site. Therefore, it can be concluded that no direct impacts will occur on any Natura 2000 site.

5.3 Assessment of indirect impacts

5.3.1 Lesser Horseshoe Bat

Although the proposed development cannot have any direct impact on the SAC, there could be an indirect impact if the works could negatively impact on roosting or foraging habitat for Lesser Horseshoe Bat within the nearby SAC.

However, there will be no disturbance of nearby hedgerow, trees and scrub which could provide foraging habitat for any bat species. With regard to roosting, there is no evidence of Lesser Horseshoe Bat utilising the derelict dwelling house. Much of it is totally unsuitable for this species. Although one attic space could be potential roosting habitat, all evidence (lack of access, fibreglass insulation, extensive cobwebs, no signs of bat presence, NPWS D. Lyons pers. comm.) indicates that the house is not utilised by Lesser Horseshoe Bat.

5.3.1 Sediment run-off / pollution

Sediment and nutrient run-off can occur owing to proposed works and the general operation of machines. These works could result in impacts on the semi-natural habitats present, notably any aquatic environment hydrologically linked with Natura 2000 sites. The works could result in the run-off of sediment, dust, hydrocarbons and other potential pollutants into on-site drains and watercourses, which could act as conduit for the transfer of such into a Natura 2000 site(s).

However, there are no nearby watercourses or drains into which sediment could run-off. Notwithstanding that, appropriate working practices will be employed (as per CIRA guidelines) to ensure that minimal to nil silt will run off-site.

5.4 Assessment of cumulative impacts

The proposed development is considered in combination with other developments in the area that could result in cumulative effects on Natura 2000 sites. In combination activities that could potentially impact on water quality with the developments include agriculture, wastewater treatment and further development/ construction in the area. Agricultural grassland predominantly used for grazing livestock is the main landuse in the surrounding area. Farming activities and buildings present potential point and diffuse sources of nutrients to the aquatic environment.

The following was undertaken:

- A search of on-line system for Clare County Council recent planning applications.
- A review of aerial photography in the vicinity of the proposed forestry works.

Both of the above indicate low-density dwelling houses and agricultural buildings in a rural environment of predominantly agricultural grassland fields and some scrub and woodland. There are no major developments proposed within the vicinity that could be considered to significantly impact on the integrity of the SAC.

The proposed development is very small and will have minimal impact on the local environment. It only comprises the renovation of an existing dwelling house. Standard building guidelines (e.g. CIRIA) and County Council requirements will be applied.

Considering that it can be shown that this current project will have no significant impact on any Natura 2000 site, it would therefore contribute little to any potential cumulative /combination impacts with other potential developments. Any future development will be subject to the Appropriate Assessment process, and therefore, cumulative or in-combination impacts are unlikely to ensue.

5.5 Screening Assessment Conclusion

On the basis of the above scientific assessment, this Screening for Appropriate Assessment finds that the proposed works, either individually or in combination with other projects and plans, will not have a significant effect on any designated Natura 2000 European Union site, notably Toonagh Estate SAC.

A Screening Matrix for Appropriate Assessment elements is given in Appendix 1.

5.6 Recommendations

Notwithstanding that the proposed works are deemed to not have a significant impact on any Natura 2000 site, the following is recommended with respect to improvement in general ecology of the locality, e.g. protecting other bat species, providing a foraging, nesting/refuge and food resource for birds, mammals and insects:

- The intact roof should be removed in stages by leaving it undisturbed for 24 hours after opening a section (e.g. a quarter). Similarly chimney breasts should be subject to some disturbance before full demolition. These measures will serve to allow any occasional roosting bat to escape. It should be noted that this is not relevant to Lesser Horseshoe Bat which would not be roosting in these locations.
- Any new hedgerow proposed will be planted with native species comprising a mix of at least 3 species such as Hawthorn, Blackthorn, Holly, Rowan, Birch, Crab Apple, Elder, Aspen, Ash, Oak. Some trees should be allowed to grow (i.e. not cut) at an interval of approximately 10 – 20m within the hedgerow.

Appendix 1: Matrix of Screening for Appropriate Assessment elements
(European Commission, 2001)

Brief description of the project	Renovation of derelict dwelling house.
Brief description of Natura 2000 site	Toonagh Estate SAC, designated for Lesser Horseshoe Bat
Assessment criteria	
Describe the individual elements of the project (either alone or along with other projects) likely to give rise to impacts on the Natura 2000 site	Could impact on roosting or foraging habitat for bat species.
Describe any likely impacts of the project (either alone or in combination with other projects) on the Natura 2000 site by virtue of: <ul style="list-style-type: none"> • Size and scale • Land-take • Distance from Natura 2000 site or key features of the site • Resource requirements (e.g. water abstraction) • Emissions (land, water, air) • Excavations requirements • Transportation requirements • Duration of operation • Other 	<ul style="list-style-type: none"> • The size and scale of the operation is small. • There is no land-take involved. • The works are c. 2.5km from Natura 2000 site • There are no resource requirements. • There will be no other emissions. • No excavations apart from that required to renovate the house. However, outside SAC. • Transportation involves importation of building materials. • Approximately 12 months.
Describe any likely changes to the site arising as a result of: <ul style="list-style-type: none"> • Reduction of habitat area • Disturbance to key species • Habitat or species fragmentation • Reduction in species density • Changes in key indicators of conservation value (e.g. water quality) • Climate change 	<ul style="list-style-type: none"> • There will be no reduction in Natura 2000 habitat area. • There will be no disturbance to key species • Habitat/species fragmentation will not occur as outside any Natura 2000 site. • There will be no reduction in species density. • There are no expected changes in the conservation value of the site e.g. designated habitats and species will not be affected. • No impact on climate change

Describe any likely impacts on the Natura 2000 site as a whole in terms of: Interference with the key relationships that define the (i) structure of the site (ii) function of the site	The limited scale of the proposed works will not result in any interference with the key relationships defining the structure or function of the site.
Provide indicators of significance as a result of the identification of effects set out above in terms of: <ul style="list-style-type: none"> Loss Fragmentation Disruption/disturbance Change to key elements of the site (e.g. water quality) 	<ul style="list-style-type: none"> There will be no habitat loss. There will be no fragmentation as the works occur outside the site boundary. Disturbance is restricted to a very small area for a limited time period. No changes to key elements of the site anticipated.
Finding of no significant effects	
Is the project directly connected with or necessary to the management of the site? (- details)	No. The works relate to house renovation.
Are there other projects that together with the project being assessed could affect the site? (-details)	No
Assessment of significance of effects	
Describe how the project (alone or in combination) is likely to affect the Natura 2000 site.	Could impact on foraging and/or roosting habitat for Lesser Horseshoe Bat.
Explain why these effects are not considered significant	There will be no impact on nearby hedgerow, trees and scrub. There is no evidence of Lesser Horseshoe Bat. with much of the building totally unsuitable.
Data collected to carry out assessment	
List of agencies consulted	NPWS.
Response to consultation	Positive
Who carried out assessment?	Ciaran Ryan M.Sc. (Environmental Science)
Sources of data	NPWS, refer Bibliography
Level of assessment completed	Screening Assessment / Statement
Where can the full results of the assessment be accessed?	Clare County Council
Overall conclusion: The proposed development will have no significant impact on the flora fauna, conservation interests and integrity of any Natura 2000 site, notably Toonagh Estate SAC.	

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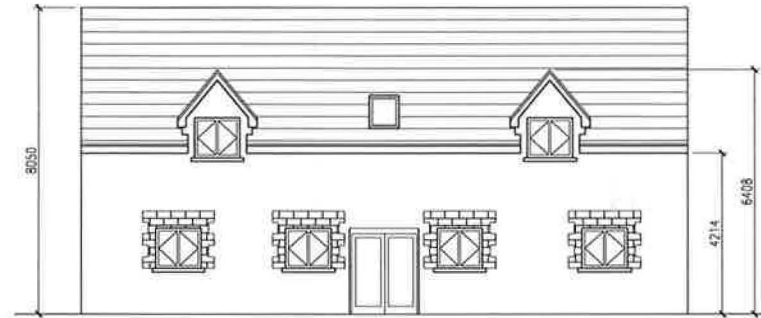
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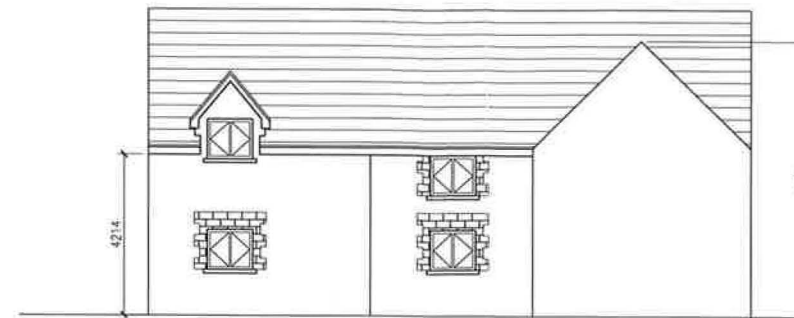
Photo 1: View at front building roof (and left chimney breast)



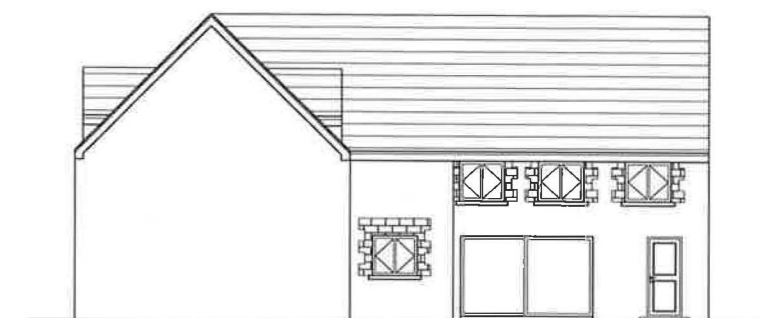
Photo 2: View of shed ruins



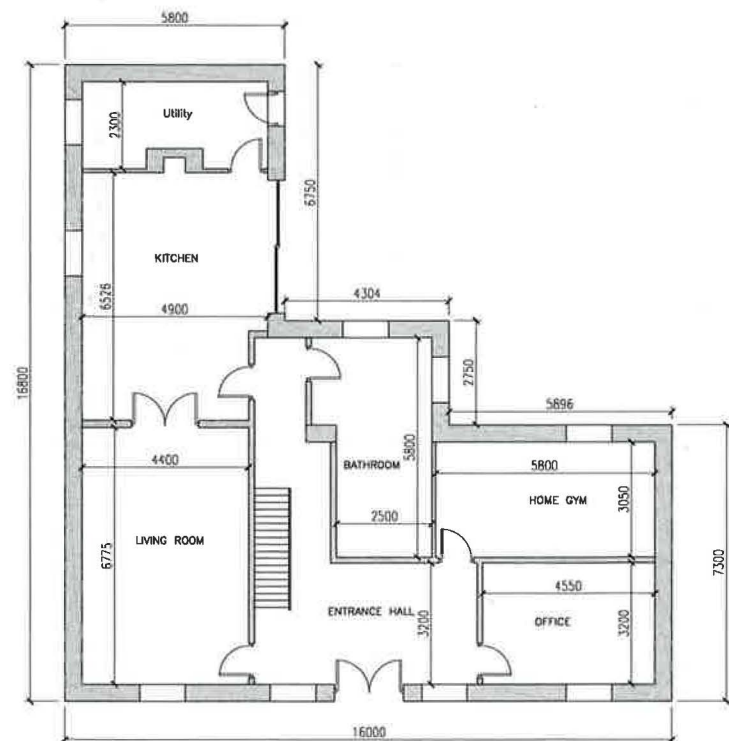
NORTH ELEVATION



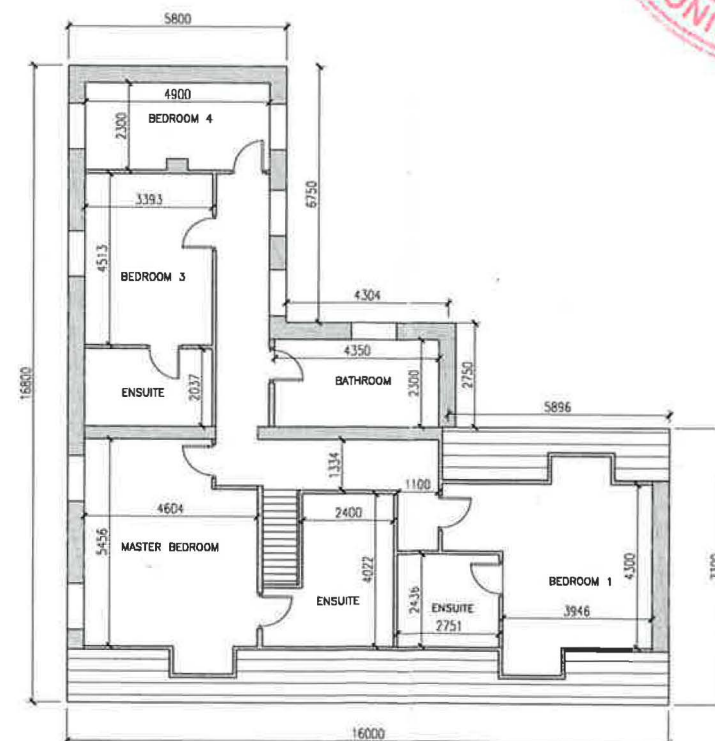
SOUTH ELEVATION



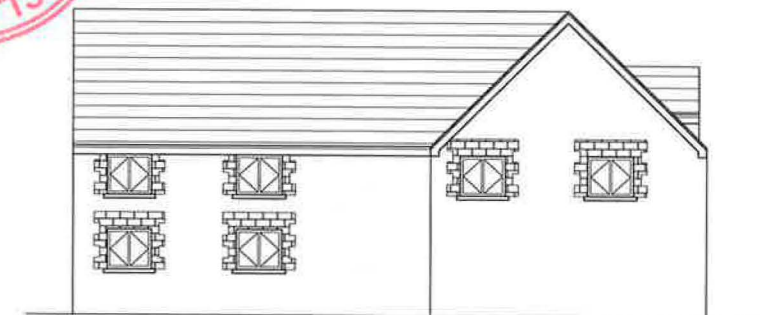
EAST ELEVATION



PROPOSED GROUND FLOOR



PROPOSED FIRST FLOOR



WEST ELEVATION

ISSUED FOR INFORMATION



CLIENT: Keith McCullough
PROJECT: Fountain House, Fountain, Ennis

TITLE: Proposed Plans & Elevations

Code	Originator	Zone	Level	Type	Role	Number	Status	Revision
2709	HLA	00	ZZ	DR	A	1000		
SCALE: 1-100 A1		DATE: May, 2023				DRW BY: M.R		APP BY:
HASSETT LEYDEN ASSOCIATES ARCHITECTS & CIVIL ENGINEERS						ROSLYNN SHOPPING CENTRE TULLA ROAD, ENNIS, CO. CLARE EIRCODE: Y95 YN93		PHONE (085) 8826422



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CONTAE AN CHLÁIR | COUNTY COUNCIL

Keith McCullough
c/o Mike Flynn
Hassett Leyden & Associates, Architects & Engineers
Roslevan Shopping Centre, Tulla Road
Ennis, Co. Clare
V95 YN93

4th April 2023

Section 5 referral Reference R23-17 – Keith McCullough

Are the proposed reinstatement works to the existing derelict house at V95 P2N7 exempted development based on the house being returned to a habitable dwelling?

A Chara,

I refer to your application received on 13th March 2023 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

I wish to advise that in accordance with Section 5 (2) (b) of the Planning & Development Act, 2000, as amended, the following further information is required:

1. The proposed development is located within the foraging range for the Lesser Horseshoe Bat, which is a Qualifying Interest of Tooagh Estate Special Area of Conservation (SAC), with the adjacent tree / forestry area identified specifically as a potential foraging location. As the competent authority, Clare County Council must ensure that the proposed development will not negatively impact the conservation objectives of the European Site. The potential impact on Lesser Horseshoe bats must be assessed, particularly from work on the existing dwelling and outhouses, which may be used for roosting purposes, and the proposed removal of trees on site, which may provide foraging for the Lesser Horseshoe Bat. The conservation objectives of the European Site are to maintain or restore the favourable conservation condition of the qualifying interest Annex habitats and species. In order for the Planning Authority to give further consideration to the subject Section 5 declaration, an Appropriate Assessment screening will be required at this stage. The following will need to be considered inter alia:
 - The use of buildings, including the dwelling, by Lesser Horseshoe bats. Lesser Horseshoe bat surveys will be required. Any bat surveys and associated guidance/mitigation should be in line with the 'Bat Mitigation Guidelines v2'. Irish Wildlife Manual 134.
 - The impact from lighting. Lesser Horseshoe bats are very sensitive to artificial light. External lighting should be avoided. If external lighting is proposed, more details will be required before an assessment can be made on this application.
 - Any loss of foraging or commuting habitat.

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



The likelihood of use of the adjacent mature trees (which the structural survey has indicated may be removed) and dwelling / outhouses as a roosting habitat and / or commuting route for the annex IV species (Lesser Horseshoe bat which is a QI of this SAC) cannot be ruled out at this stage with regard to consideration of habitat protection and avoidance of artificial light spillage that is disruptive to the emergence of bats from roosts at dusk and subsequent movement from habitats to foraging locations.

The Appropriate Assessment Screening Report the which should be informed by a conclusive and appropriately carried out bat survey. Please submit a Natura Impact Statement screening report and bat survey in this regard. You are advised to note that if the Appropriate Assessment Screening Report cannot conclusively rule out any negative impact to the SAC as mentioned, or any other European Site within the zone of influence, or if specific mitigation measures are proposed, a Natura Impact Statement would be required, which would de-exempt the proposed works. Under Section 4(4) of the Planning and Development Act 2000, as amended, any development that cannot be screened out (i.e. where a NIS must be prepared and appropriate assessment carried out) cannot be exempt from the requirement for planning permission. This includes any development that would otherwise be exempt under either Section 4 of the 2000 Act, or Article 6/Schedule 2 ('works') and Article 10 ('change of use') of the Planning and Development Regulations 2001, as amended. Article 9(1)(viiB) of the Regulations also provides a restriction on exemption (under Article 6) where development would require an appropriate assessment.

2. The Planning Authority is not clear on the exact nature and scope of works to be carried out to the external walls of the dwelling, or the extent and scope of works to be carried out on the existing outhouses and sheds on site. Please submit clear and scaled drawings which clearly indicate the exact nature and scope of works proposed, particularly to the external elevations of the shed and outhouses. You are advised to note that demolition and reconstruction of any external walls would not be considered exempted development.

Note to applicant:

- i. Should the bat survey and AA Screening identify a need to prepare a Natura Impact Statement, a response to this Section 5 declaration request is not necessary, as the proposed development will automatically, under the relevant legislation, require the benefit of planning permission.
- ii. The Planning Authority notes that the submitted structural survey makes reference to the upgrading of the existing septic tank on site. Such works are not considered exempt from the requirements of planning permission under the relevant legislation, and thus would require the benefit of planning permission.

Mise, le meas


Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION

FILE REF:	R23 17
APPLICANT(S):	Keith McCullagh
REFERENCE:	Whether the proposed reinstatement works to the existing derelict house is or is not development and is or is not exempted development.
LOCATION:	Fountain House, Fountain, Ennis, Co. Clare
DUE DATE:	6 th April 2023

Site Location

The subject dwelling, which consists of a two story detached vernacular dwelling, is located in Fountain, Ennis. Access to the dwelling is via a long avenue, located to the south of the L-8338-0. The subject dwelling, which was constructed from stone and lime plaster, is presently in an uninhabitable condition.

Planning History

No record of planning permission on site.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Keith McCullagh. A letter from a solicitors office accompanies the application in which it is stated that Deirdre McCullough and Aileen Redmond are the registered owners of the property and have taken steps to prepare a transfer of part of the property on Folio : to Keith McCullough. The correspondence further states "*our clear instructions are that the property consists of an uninhabitable dwelling*".

The applicant is seeking a Section 5 Declaration as to whether the proposed reinstatement works to the existing derelict house is or is not development and is or is not exempted development. It is stated that the applicant wishes to:

- Remove the existing roof – rafters, joists, timber battens
- Remove all internal walls
- Removal all internal floors
- Replace all windows and doors
- Upgrading existing septic tank
- Upgrading of all external storage / outbuildings
- Removal of existing front glazed extension

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*.

Section 2:

“alteration”
includes—

- (a) plastering or painting or the removal of plaster or stucco, or
 - (b) the replacement of a door, window or roof,
- that materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures

“habitable house” means a
house which—

- (a) is used as a dwelling,
- (b) is not in use but when last used was used, disregarding any unauthorised use, as a dwelling and is not derelict, or
- (c) was provided for use as a dwelling but has not been occupied

“development” has the meaning assigned to it by section 3, and “develop” shall be construed accordingly

“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.

Section 3

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.

(2) For the purposes of *subsection (1)* and without prejudice to the generality of that subsection—

- (a) where any structure or other land or any tree or other object on land becomes used for the exhibition of advertisements, or
- (b) where land becomes used for any of the following purposes—
 - (i) the placing or keeping of any vans, tents or other objects, whether or not moveable and whether or not collapsible, for the purpose of caravanning or camping or habitation or the sale of goods,
 - (ii) the storage of caravans or tents, or
 - (iii) the deposit of vehicles whether or not usable for the purpose for which they were constructed or last used, old metal, mining or

industrial waste, builders' waste, rubbish or debris,

the use of the land shall be taken as having materially changed.

(3) For the avoidance of doubt, it is hereby declared that, for the purposes of this section, the use as two or more dwellings of any house previously used as a single dwelling involves a material change in the use of the structure and of each part thereof which is so used.

Section 4(1)

The following shall be exempted developments for the purposes of this Act –

(h) development consisting of the use 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;

(j) development consisting of the use of any structure or other land within the curtilage of a house for any purpose incidental to the enjoyment of the house as such;

Planning & Development Regulations, 2001, as amended

Article 6 refers to Exempted Development and states that subject to Article 9, development of a class specified in column 1 of Part 3 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 3 opposite the mention of that class in the said column 1.

CLASS 50

(a) The demolition of a building or other structure, other than—

(i) a habitable house,

(ii) a building which forms part of a terrace of buildings, or

(iii) a building which abuts on another building in separate ownership.

(b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.

9. (1) 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,

(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,

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

(iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,

- (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,
- (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,
- (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 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,
- (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,

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area 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 and the development would materially affect the character of the area,

(b) in an area to which a special amenity area order relates, if such development would be development:

(i) of class 1, 3, 11, 16, 21, 22, 27, 28, 29, 31, (other than paragraph (a) thereof), 33 (c) (including the laying out and use of land for golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), 39, 44 or 50(a) specified in column 1 of Part 1 of Schedule 2, or
(ii) consisting of the use of a structure or other land for the exhibition of advertisements of class 1, 4, 6, 11, 16 or 17 specified in column 1 of Part 2 of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes, or
(iii) of class 3, 5, 6, 7, 8, 9, 10, 11, 12 or 13 specified in column 1 of Part 3 of the said Schedule, or
(iv) of any class of Parts 1, 2 or 3 of Schedule 2 not referred to in subparagraphs (i), (ii) and (iii) where it is stated in the order made under section 202 of the Act that such development shall be prevented or limited,

(c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive,

(d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.

(2) Sub-article (1)(a)(vi) shall not apply where the development consists of the construction by any electricity undertaking of an overhead line or cable not exceeding 100 metres in length for the purpose of conducting electricity from a distribution or transmission line to any premises.

(3) For the avoidance of doubt, sub-article (1)(a)(vii) shall not apply to any operation or activity in respect of which a Minister of the Government has granted consent or approval in accordance with the requirements of regulation 31 of the Habitats Regulations 1997, and where regulation 31(5) does not apply.

Assessment

Basis of Referral

The applicant is seeking a Section 5 Declaration as to whether proposed reinstatement works to the existing derelict house is not development and is or is not exempted development, on the basis of the dwelling being returned to a habitable dwelling.

Submitted with the declaration request is, inter alia, the following:

- Structural Survey on the existing dwelling
- Internal layout drawings as existing and as proposed of the subject dwelling

From a review of the submitted documents (although not explicitly stated) the following would appear to be proposed:

- Remove the existing roof – rafters, joists, timber battens
- Remove all internal walls
- Removal all internal floors
- Replace all windows and doors
- Upgrading existing septic tank
- Upgrading of all external storage / outbuildings
- Removal of existing front glazed extension

I consider that the aforementioned works to the original house would involve works within the meaning of Section 3 of the Act. As such it constitutes development.

Therefore the next question in this case is whether or not the subject works represent exempted development. There are three main elements within this referral, namely (i) renovation/construction works to original house and (ii) upgrading to the existing septic tank, and (iii) upgrading of all external storage / outbuildings. Based on the information before me, I am satisfied that the subject structure would have been used as a dwelling previously. While I note the structural condition of the dwelling, I am satisfied that the use of same has not been abandoned. In this regard, I note relevant case law has dictated that the mere suspension (as opposed to cessation) of development will not, generally, amount to abandonment. In this regard, I note the case law surrounding *Dublin County Council v. Tallaght Block Co. Ltd.* This case determined that a use of land can be abandoned and that a change of use will occur when an abandoned use is recommenced. Hederman J in the Supreme Court stated: *"Where a previous use of land has been not merely suspended for a temporary period and determined period, but has ceased for a considerable time, with no evidenced intention of resuming it at any particular time, the tribunal of fact was entitled to find that the previous use had been abandoned, so that the resumption constituted a material change of use."*

Regarding the proposed works to the dwelling (outlined above), Section of the Act, Section 4(i)(h), enables certain works to be deemed exempted development where the carrying out of such works is 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'. In the interest of clarity, I note that the term 'alteration' is defined in Section 2 of the Act to relate to 'the removal of plaster or stucco or the replacement of a door, window or roof'. Neither the demolition of walls, nor the replacement of walls is referred to in this definition. The terms 'maintenance' or 'improvement' are not defined in the statute and have therefore to be given their normal meaning.

From a review of the submitted documentation, works to the external walls are not explicitly clear. The structural report notes that the external walls are primarily of stone and lime mortar construction. The report notes the "the walls have deteriorated with time" and that due to a partial collapse of the roof, there is "water penetration damaging the property throughout" and "timber lentsils over windows and doorways have rotted making part of the walls unstable...".

While it is clear that the existing roof, windows, doors and internal walls are to be replaced, what is not clear is whether any demolition of external walls, and the consequent replacement of walls is proposed. As such, it is not clear whether the subject works would or would not affect only the interior of the structure.

I note the provisions of Section 4(1)(h) of the Planning and Development Act 2000 with regards to maintenance and improvement but consider that if works to the external walls (i.e. demolition and replacement of same) are proposed, the extent of such works would be so great as to consider that they do not fall within the spirit of this Section. Such works I would consider are substantial in nature. The

applicant has clearly indicated that internal walls and roof is proposed to be removed. If the external walls were to be removed, taken cumulatively, it would beg the question, what of the original structure remains. Works of demolition and reconstruction are not 'maintenance', since it presupposes that there is something to be maintained. Therefore I would consider that such demolition and reconstruction works cannot be described as 'maintenance'. Neither do I accept that the such works would constitute an 'improvement' as it would appear that the structure would be removed in the main and replaced as opposed to being improved per se. I refer the Board to PL06D.RL2027, which found that for maintenance and improvement to have occurred something has had to be retained.

While such works to the external elevations of the dwelling as existing currently on site may reflect the original structure in terms of design, proportions, style and height, the appearance would not be a material matter in this circumstance. I therefore consider it necessary that the applicant clarifies the extent of the works to be undertaken to the original dwelling on this site such that the Planning Authority can fully ascertain whether or not same would fall within the scope of Section 4(1)(h) of the Planning and Development Act 2000, as amended. I would have concerns that demolition and reconstruction of external walls would result in minimal retention of the original building fabric and essentially would be more accurately be described as a replacement dwelling rather than a renovated dwelling.

In order to clarify the exact nature of works being proposed to the external elevations, I recommend that further information is sought.

Regarding the proposed upgrading to the septic tank, there are no provisions in the Planning and Development legislation to allow such works to be considered exempted development (save for the issuing of a Section 12 Advisory Notice under the Local Government (Water Pollution) Act 1977).

Regarding the proposed works to the outbuilding / sheds on the site, the exact extent of same is not clear, and as such I recommend that further information is sought.

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 7 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 subject site is located 1.88km from the Ballyallia Lake SAC and 1.93km from Toonagh Estate SAC. The proposed development is located within the foraging range for the Lesser Horseshoe Bat, which is a QI of Toonagh Estate SAC, with the adjacent tree / forestry area identified specifically as a potential foraging location. As the competent authority, Clare County Council must ensure that the proposed development will not negatively impact the conservation objectives of the European Site. The potential impact on Lesser Horseshoe bats must be assessed, particularly from work on the existing dwelling and

outhouses, which may be used for roosting purposes. The conservation objectives of the European Site are to maintain or restore the favourable conservation condition of the qualifying interest Annex habitats and species. I would consider that an Appropriate Assessment screening will be required at this stage. The following will need to be considered inter alia:

- The use of buildings, including the dwelling, by Lesser Horseshoe bats. Lesser Horseshoe bat surveys will be required. Any bat surveys and associated guidance/ mitigation should be in line with the 'Bat Mitigation Guidelines v2'. Irish Wildlife Manual 134.
- The impact from lighting. Lesser Horseshoe bats are very sensitive to artificial light. External lighting should be avoided. If external lighting is proposed, more details will be required before an assessment can be made on this application.
- Any loss of foraging or commuting habitat.

The likelihood of use of the adjacent mature trees (which the structural survey has indicated may be removed) and dwelling / outhouses as a roosting habitat and / or commuting route for the annex IV species (Lesser Horseshoe bat which is a QI of this SAC) cannot be ruled out at this stage with regard to consideration of habitat protection and avoidance of artificial light spillage that is disruptive to the emergence of bats from roosts at dusk and subsequent movement from habitats to foraging locations. Further information is therefore required which includes the submission of an ecological impact assessment and bat survey and both of which are to inform a separate AA Screening Report and potentially a full NIS. If the AA Screening report cannot conclusively rule out any negative impact to the SAC as mentioned, or any other European Site within the zone of influence, or if specific mitigation measures are proposed, a Natura Impact Statement would be required, which would de-exempt the proposed works. Under Section 4(4) of the Planning and Development Act 2000, as amended, any development that cannot be screened out (i.e. where a NIS must be prepared and appropriate assessment carried out) cannot be exempt from the requirement for planning permission. This includes any development that would otherwise be exempt under either Section 4 of the 2000 Act, or Article 6/Schedule 2 ('works') and Article 10 ('change of use') of the Planning and Development Regulations 2001, as amended. Article 9(1)(viiB) of the Regulations also provides a restriction on exemption (under Article 6) where development would require an appropriate assessment.

Conclusions

I recommend that the following further information is sought:

1. The proposed development is located within the foraging range for the Lesser Horseshoe Bat, which is a Qualifying Interest of Tooagh Estate Special Area of Conservation (SAC), with the adjacent tree / forestry area identified specifically as a potential foraging location. As the competent authority, Clare County Council must ensure that the proposed development will not negatively impact the conservation objectives of the European Site. The potential impact on Lesser Horseshoe bats must be assessed, particularly from work on the existing dwelling and outhouses, which may be used for roosting purposes, and the proposed removal of trees on site, which may provide foraging for the Lesser Horseshoe Bat. The conservation objectives of the European Site are to maintain or restore the favourable conservation condition of the qualifying interest Annex habitats and species. In order for the Planning Authority to give further consideration to the subject Section 5 declaration, an Appropriate Assessment screening will be required at this stage. The following will need to be considered inter alia:

- The use of buildings, including the dwelling, by Lesser Horseshoe bats. Lesser Horseshoe bat surveys will be required. Any bat surveys and associated guidance/ mitigation should be in line with the 'Bat Mitigation Guidelines v2'. Irish Wildlife Manual 134.
- The impact from lighting. Lesser Horseshoe bats are very sensitive to artificial light. External lighting should be avoided. If external lighting is proposed, more details will be required before an assessment can be made on this application.
- Any loss of foraging or commuting habitat.

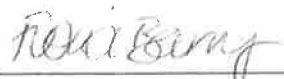
The likelihood of use of the adjacent mature trees (which the structural survey has indicated may be removed) and dwelling / outhouses as a roosting habitat and / or commuting route for the annex IV species (Lesser Horseshoe bat which is a QI of this SAC) cannot be ruled out at this stage with regard to consideration of habitat protection and avoidance of artificial light spillage that is disruptive to the emergence of bats from roosts at dusk and subsequent movement from habitats to foraging locations.

The Appropriate Assessment Screening Report the which should be informed by a conclusive and appropriately carried out bat survey. Please submit a Natura Impact Statement screening report and bat survey in this regard. You are advised to note that if the Appropriate Assessment Screening Report cannot conclusively rule out any negative impact to the SAC as mentioned, or any other European Site within the zone of influence, or if specific mitigation measures are proposed, a Natura Impact Statement would be required, which would de-exempt the proposed works. Under Section 4(4) of the Planning and Development Act 2000, as amended, any development that cannot be screened out (i.e. where a NIS must be prepared and appropriate assessment carried out) cannot be exempt from the requirement for planning permission. This includes any development that would otherwise be exempt under either Section 4 of the 2000 Act, or Article 6/Schedule 2 ('works') and Article 10 ('change of use') of the Planning and Development Regulations 2001, as amended. Article 9(1)(viiB) of the Regulations also provides a restriction on exemption (under Article 6) where development would require an appropriate assessment.

2. The Planning Authority is not clear on the exact nature and scope of works to be carried out to the external walls of the dwelling, or the extent and scope of works to be carried out on the existing outhouses and sheds on site. Please submit clear and scaled drawings which clearly indicate the exact nature and scope of works proposed, particularly to the external elevations of the shed and outhouses. You are advised to note that demolition and reconstruction of any external walls would not be considered exempted development.

Note to applicant:

- i. Should the bat survey and AA Screening identify a need to prepare a Natura Impact Statement, a response to this Section 5 declaration request is not necessary, as the proposed development will automatically, under the relevant legislation, require the benefit of planning permission.
- ii. The Planning Authority notes that the submitted structural survey makes reference to the upgrading of the existing septic tank on site. Such works are not considered exempt from the requirements of planning permission under the relevant legislation, and thus would require the benefit of planning permission.



Fiona Barry
Executive Planner
Date: 03.04.2023



Senior Executive Planner
Date: 04/04/23



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Keith McCullough
c/o Mike Flynn
Hassett Leyden & Associates, Architects & Engineers
Roslevan Shopping Centre, Tulla Road
Ennis, Co. Clare
V95 YN93

13/03/2023

Section 5 referral Reference R23-17 – Keith McCullough

Are the proposed reinstatement works to the existing derelict house at V95 P2N7 exempted development based on the house being returned to a habitable dwelling?

A Chara,

I refer to your application received on 13th March 2023 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

Brian Fahy
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
Aras Contae an Chláir
New Road
Ennis
Co Clare

13/03/2023 14:23:21

Receipt No. : L1CASH/0/346607
***** REPRINT *****

KEITH MCCULLOUGH
C/O MIKE FLYNN
HASSETT LEYDEN & ASSOCIATES
ROSLEVAN SHOPPING CENTRE
ENNIS
CO. CLARE V95 YN93
R23-17

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

Total : 80.00 EUR

Tendered :
CHEQUES 80.00

Change : 0.00

P07

**CLARE COUNTY COUNCIL
COMHAIRLE CONTAE AN CHLAIR**

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

Telephone No. (065) 6821616
Fax No. (065) 6892071
Email: planoff@clarecoco.ie
Website: www.clarecoco.ie



R23-17

**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	Mr. Keith McCullough <hr/> Fountain House <hr/> Fountain Cross <hr/> Ennis, Co. Clare <hr/> V95 Y65A (home house) & V95P2N7 (derelict house)
(b) Telephone No.:	ith McCullough
(c) Email Address:	--
(d) Agent's Name and address:	Mr. Mike Flynn <hr/> Hassett Leyden & Associates, Architects & Engineers <hr/> Roslevan Shopping Centre, Tulla Road, <hr/> Ennis, Co. Clare - V95 YN93 <hr/> Tel: (065) 6828422

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?

Confirmation is requested that proposed reinstatement works to the existing derelict house at V95 P2N7 is exempted development based on the house being returned a habitable dwelling

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

Clients own this derelict property and they want to remove the existing roof and all

internal walls having the original 4 wall structure, restoring same back to a habitable

residence. They also want to restore the existing surrounding structures i.e., coach house,

re-roof, restore floor and add electricity and heat and reuse as plant room and storage area.

Returning Fountain House back to its original state habitable unit with outbuildings and

habitable unit with outbuildings restored.

- (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)

Please find drawings attached (sketch)

Please find attached Ordnance Survey map

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	Fountain House Fountain Cross Ennis Co. Clare V95 P2N7
(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 - the works are not a protected structure
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	House and percentage of land being handed over from parents.
(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>	Deirdre McCullough and Mrs. Aileen Redmond Letter from Solicitor available
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	Yes Deirdre McCullough
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	N/A
(g) Were there previous planning application/s on this site? If so please supply details:	N/A
(h) Date on which 'works' in question were completed/are likely to take place:	March 2023 - December 2023

SIGNED: _____



Michael Flynn, Engineer
 Hassett Leyden & Associates
 Agent for Applicant

DATE: 10th March 2023

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:.....			

HASSETT LEYDEN & ASSOCIATES

ARCHITECTS ♦ CIVIL ENGINEERS ♦ PROJECT MANAGERS



STRUCTURAL SURVEY

FOR

KEITH McCULLOUGH

For Property at Fountain House, Fountain Cross, Ennis, Co. Clare

Inspection date 2nd of March 2023

PRACTICE
MEMBER

2023
RIAI

REGISTERED
ARCHITECT

2023
RIAI

P C
PSDP &
CONSERVATION
ACCREDITATION

RIAI ✓

HASSETT LEYDEN & ASSOCIATES
ROSLEVAN SHOPPING CENTRE
TULLA ROAD, ENNIS
COUNTY CLARE
T. 065 6828422
hlamail@hassettleyden.ie



ENGINEERS
IRELAND

RE: PROPERTY AT FOUNTAIN HOUSE,
FOUNTAIN CROSS, ENNIS, CO. CLARE.
REF: KEITH McCULLOUGH
DATE: 6TH MARCH 2023.

REPORT ON SURVEY OF PROPERTY

A survey of the above-mentioned dwelling was carried out on the 2nd of March 2023. This survey was of a superficial nature only to ascertain the general condition of the property. No opening up was carried out for a detailed inspection of hidden timbers or other portions of the structure which are covered, unexposed or inaccessible and we cannot vouch that such portions are free from defect. Detailed tests on the workings of the hot and cold-water systems, water supply, plumbing, drainage or electrical systems of the property were not carried out as part of this survey or any tests in relation to the presence of radon gas. No destructive tests were carried out as part of this survey and we therefore cannot comment on the presence or otherwise of pyrite or mica either within the blockwork or beneath floors. No detailed examination of the insulation or matters associated with the building energy ratings were carried out as part of this survey.

Introduction

The property in question is known as Fountain House located in the outskirts of Ennis in the area of Fountain. The house is situated near the cross to Corofin and Ennistymon and the particular property is located on a large site. The property is accessed by way of a gateway off the main road with an avenue driveway leading to the dwelling. We note that the dwelling as it stands is located on the original location of Fountain House with the original house having been previously demolished. We note that the present house is some 150 years old and consists of a stone and lime plastered building with a front high single storey with rear two-storey annex. To the front of the property on the ground floor is a later sunroom extension which is not in keeping with the original structure as same is in glass and teak.

The accommodation within the property on entering the rear door consists of rear hallway with large kitchen and utility in the rear annex with a stairs to the first floor. At ground floor a hallway leads to 2 no. bedrooms, living room and family room with a small bathroom. Off the living room area is a front sunroom extension and same consists of glazing throughout.

At first floor level, access is gained via the stairs to the rear of the property to the rear annex which contains 2 additional bedrooms and a small storeroom over the ground floor bathroom area. Also on the property are a number of outbuildings including a small storage shed and a small coach house with decorative stone, however same is fully dilapidated with no roof with only remaining stonework with a large concrete yard to the rear providing access to same.

Walls

The walls as constructed to the main property consist of 450mm to 600mm stone walls with a lime plaster finish. It is noted that the walls have deteriorated with time and we further note that the rear annex is also constructed by way of similar stone walls with plaster finish. Internally, the walls are provided with wallpaper and same could not be removed to ascertain the condition of the walls underneath, however we note on full examination throughout the property that due to the fact that the roof has collapsed in sections with water penetration damaging the property throughout, that timber lintels over windows and doorways have rotted making part of the walls unstable particularly the internal walls where the stonework and plasterwork is minimal.

Internally, the property is generally dilapidated with internal walls either consisting of a lath and plaster timber frame with the laths clearly rotten and plaster exposed or stonework where the stonework has been provided with a plaster and paper over same with clear signs of rotting of internal timber lintels evident as previously mentioned affecting the stability of the stonework in the internal walls.

To the rear of the property the 2-storey annex is of more solid construction, however again internal walls which would be minimal due to the fact that the kitchen is open plan are showing signs of deterioration, discolouration and dampness throughout. It is clear from our examination and moisture levels that walls are suffering significantly with moisture penetration with the floors also been saturated due to the exposure to the elements. The front glazed extension is not in keeping with the original property and would consist of a teak frame, glazing with partial blockwork supporting a poorly constructed and dilapidated flat roof.

Roof

The roof as constructed to the property is a traditional cut roof and same consists of timber joists, rafters and purlins. Only parts of the main supporting roof structure would be in a generally salvageable state with significant works required in relation to same. However, rafters and joists, timber battens and slates etc., have all deteriorated with the roof in fact collapsing to the front. Also, the roof to the rear annex is in extremely poor condition with the original slates having been removed and damaged exposing the timbers beneath same. It is noted that the property in its entirety would require re-roofing with the careful removal of the roof coverings, disposal of all rotten timbers and identification of salvageable timbers, however again we note that the entire roof should be reconstructed. We note that there are concrete barges currently provided on the main front section of the property and these would also require full reinstatement throughout.

A number of flat roofs were noted on later constructions particularly over stores etc., and these roofs would require complete replacement and upgrading throughout. We note that the front single storey glazed extension i.e., the sunroom area is fully dilapidated with the flat roof rotten throughout with the roof covering clearly suffering damage with water penetration visible throughout.

Floors

The floors were generally visually examined, however a lot of the roofing and ceiling material etc., has been deposited on the floors and the condition of the floors could not be fully examined. We note that there is a mixture of lino and carpeting throughout the property all of which is generally rotten having been exposed to the elements. Concrete floors are provided to the rear annex with some timber sections identified. We note that the floors are raised in the 2 no. bedrooms on the ground floor off the rear hallway and these floors are generally level, however again same are exposed to the elements with the roof structure collapsing with said material on the floors. It is noted that the floors should be removed with more modern insulation and dampproof coursing provided to protect the future structure of the property.

Moisture levels taken at floor level show significantly high moisture levels and this again is due to the exposure to the elements and general dilapidation of the property.

Windows/Doors/Joinery

The windows throughout the property are single glazed teak units including the front extension. These windows are generally of poor construction with the timbers clearly showing signs of rotting and warping throughout. The internal doors consist of panel doors and again due to the exposure of the property, timber lintels over doors have become rotten with door frames rotten and swelling and unable to open or close and it is considered that little in the way of the internal doors could be salvaged. There is a carpeted teak stairs providing access to the first floor at the rear and this particular stairs is currently unsafe for use and should be removed and reconstructed in a more appropriate location.

The joinery throughout the property including fitted units and kitchen areas etc., have all become damaged due to the exposure to the elements and would require full replacement throughout.

Services

The usual hot and cold-water services are provided. We note that there are external stores to the rear of the property also provided with an external fuel store with the dwelling having internal fireplaces. We note that old electrical storage heaters are provided in various rooms in the property and again these are damaged due to exposure to the elements or of an age that would require full replacement throughout. Cold water is provided by means of connection to the public mains with hot water by means of the large stove in the kitchen. We again note that the heating system should be completely replaced throughout due to its age and its current condition.

The usual electrical services are provided to the property and again we note that the property would require full rewiring as it was clearly evident from our inspection that the wiring was of such an age that it could not be re-certified in its current state. Sewage disposal is by means of connection to an existing septic tank. We note that this tank could not be opened up or examined, however it is recommended that the existing septic tank be cleaned out and upgraded where necessary.

External

It is noted that the property is located on a large site with a lot of the site currently been used as farmland. We note that the property has a large rear concrete yard with a number of dilapidated outbuildings including an original coach house which could be brought back with the provision of a roof and general upgrading internal. We note that a number of external stores are provided and again this would require re-roofing and general upgrading. To the left-hand side of the property as one views it there are a number of large trees. These trees due to their close proximity to the property would, in the opinion of the writer, affect the overall structure of the property if left remaining. We note that these trees particularly during storm conditions could significantly damage the existing and original house and should be considered for cutting down.

Conclusions

It is clear to the writer in this instance, having visually examined the property that same is currently uninhabitable and derelict. We note that water and electricity is provided to the property however due to the fact that the roofs have collapsed and significant internal damage has been caused that the property is currently uninhabitable and would be considered derelict.

Significant works would be required to upgrade the property, however should the property be upgraded, it should be brought back to its original condition i.e., the original main house and the front single storey glazed extension would not be in keeping with the original property and should be completely removed. The entire property should be re-roofed and with the exception of the external walls that internal walls should be removed due to the significant damage being caused to same, in particular the loss of timber lintels over doorways and general instability. Floors should also be considered for reconstruction within the property particularly to provide for insulation and a damp proof membrane.

We further consider that the outbuildings could be upgraded and reroofed and made functional again. We note that this would be a significant project with the property requiring complete re-roofing, demolition of internal walls and front glazed extension, provision of new floors both ground and first floor, new internal walls, provision of new heating, electrics and complete internal fit out for habitable use.

HASSETT LEYDEN & ASSOCIATES, ROSLEVAN SHOPPING CENTRE, TULLA ROAD, ENNIS, ENNIS, CO. CLARE.

Tel: 065 6828422. Fax: 065 6820379. email: hmail@hassettleyden.ie.

APPENDIX 1

PHOTOGRAPHS



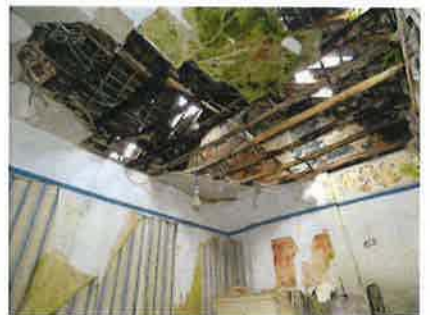






















Our ref: IS/FB/Mc1147
Date: 16th February 2023

WOOD QUAY, ENNIS, CO. CLARE V95 Y961

T: 065 6828405 / 065 6829202 F: 065 6828820
E: info@mmodsolicitors.ie
W: www.mmodsolicitors.ie

To Whom it May Concern

We confirm we have been consulted by Delrdre McCullough and Aileen Redmond who are registered as owners of property which consists of property at Fountain House, Fountain, Ennis.

We confirm we have received instructions from our clients Delrdre McCullough and Aileen Redmond to take steps to prepare a transfer of part of the property on Follo Co Clare to Keith McCullough.

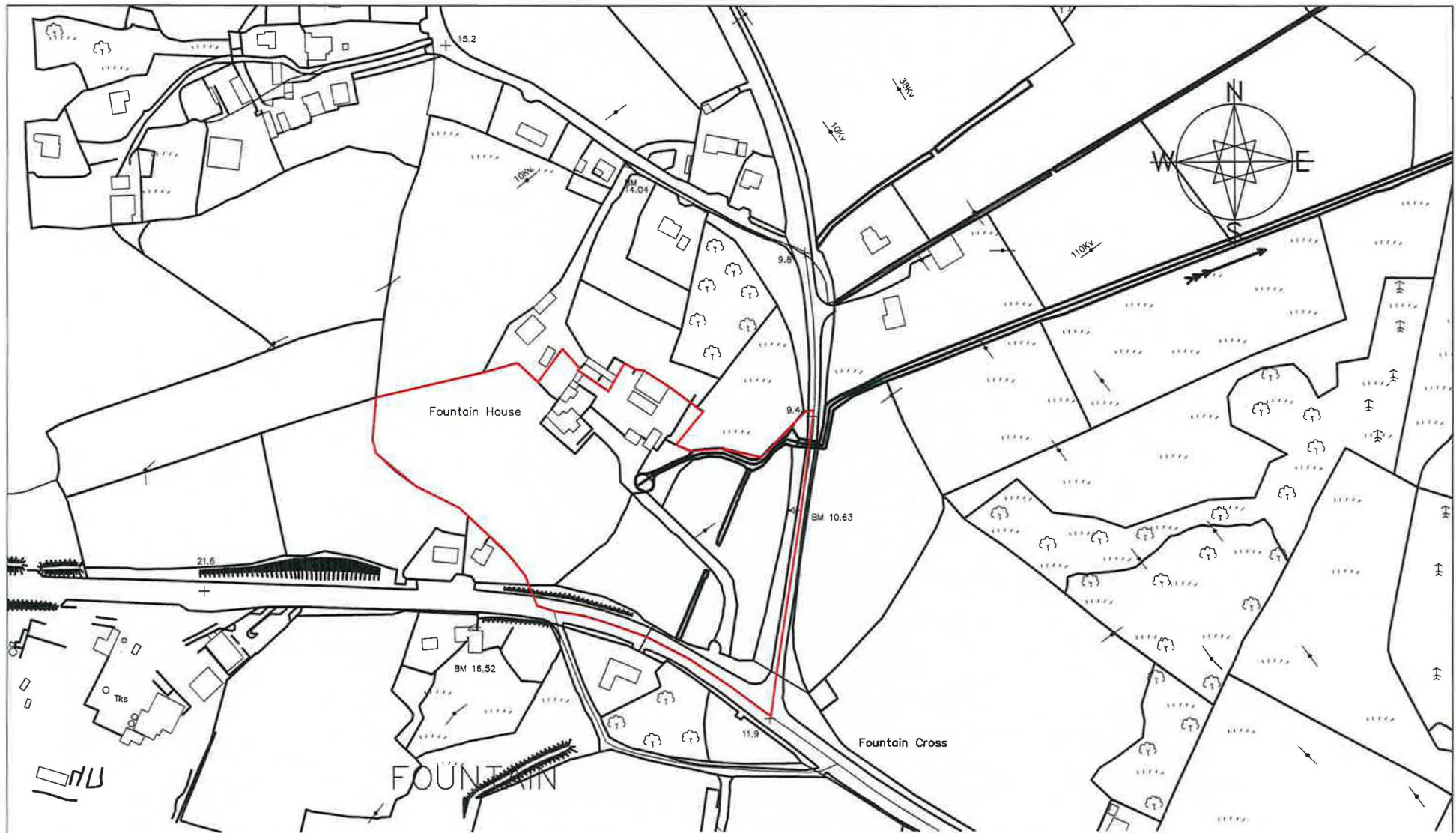
Our clear instructions are that the property consists of an uninhabitable dwelling.

We confirm we are waiting receipt of maps to identify the property which we are to prepare the Deed of Transfer for. Access to the property will be gained by means of a right of way.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Isobel O'Dea', is written over a circular stamp or seal.

ISOBEL O'DEA
MMOD SOLICITORS LLP
Email:



FOUNTAIN HOUSE **SCALE 1:2500**

Part of Sheet Clare OS 4263-B



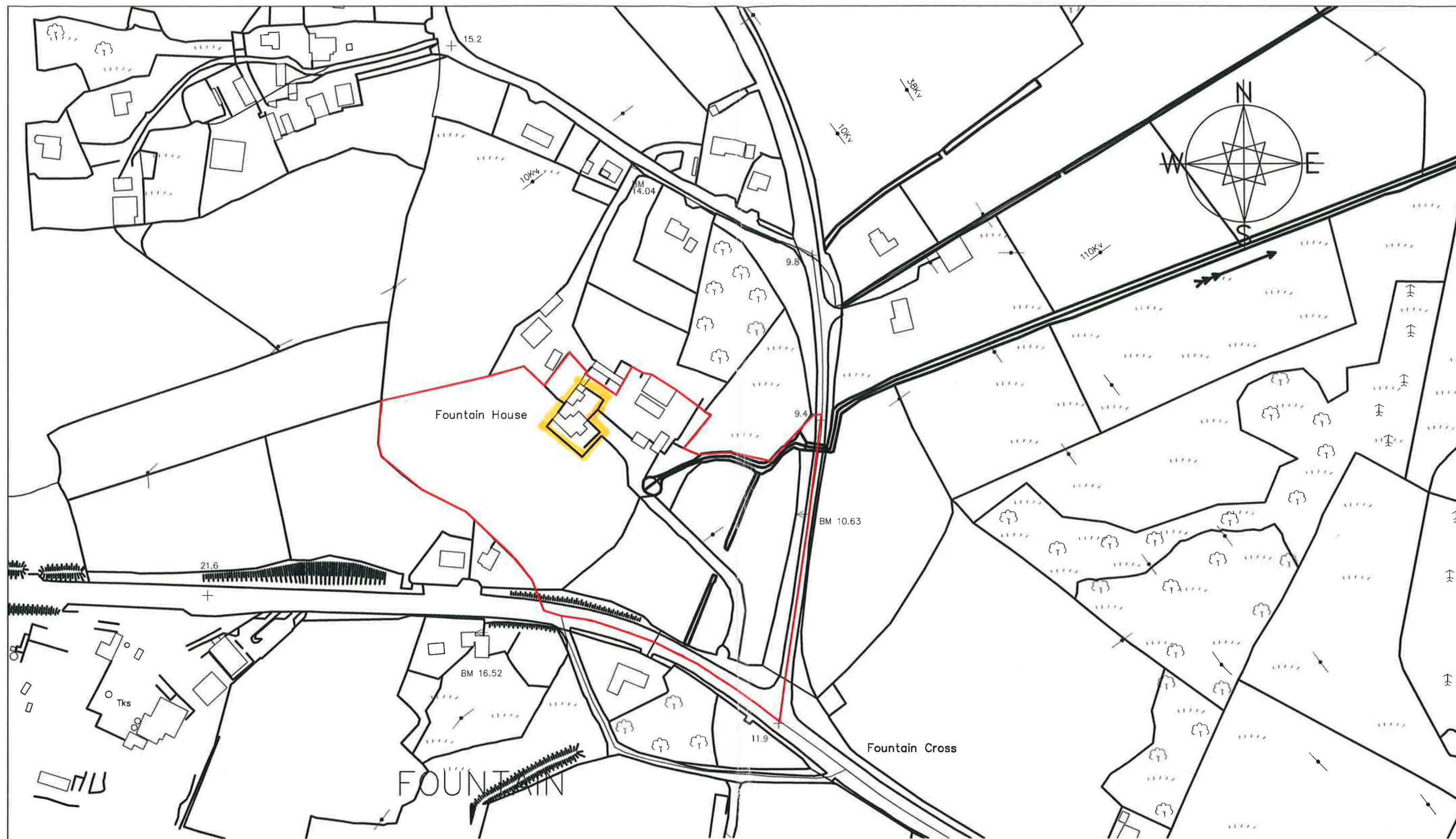
PROJECT: Fountain House
CLIENT: Keith McCullough

Job No.
2709

TITLE	DATE	DRW BY	Dwg. No.	REV.
Site Location Map	March 23	mf	SK-02-L	
SCALE: 1/1000		APP BY		

HASSETT LEYDEN ASSOCIATES
ARCHITECTS & CIVIL ENGINEERS

4 BRIDGE ST. BRISTOL, GL1 2JH. PHONE (085) 60408
86 CLARE STREET, LONDON. FAX (085) 60479
PHONE (081) 417900



FOUNTAIN HOUSE **SCALE 1:2500**

Part of Sheet Clare OS 4263-B



PROJECT: Fountain House

CLIENT: Keith McCullough

TITLE

Site Location Map

SCALE: 1/1000

DATE

March 23

DRW BY

mf

APP BY

Job No.

2709

Dwg. No.

SK-02-L

REV.

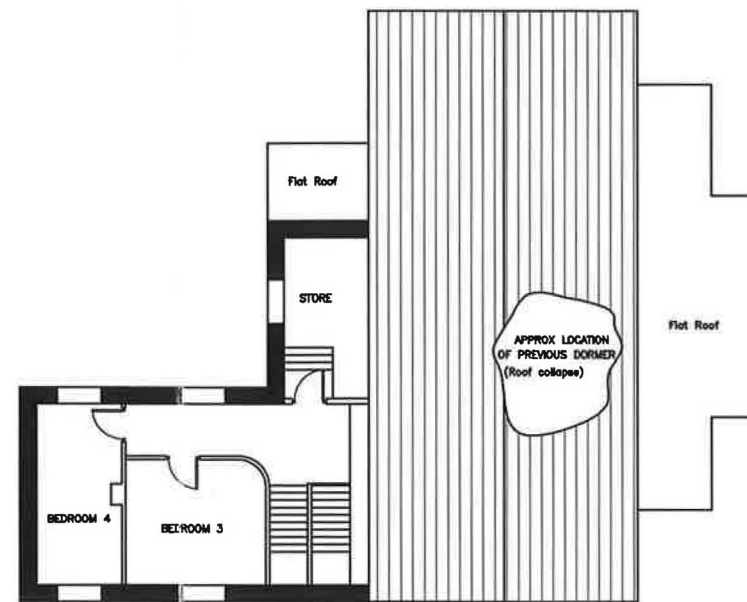
HASSETT LEYDEN ASSOCIATES
ARCHITECTS & CIVIL ENGINEERS

4 BINDON ST, ENNIS, CO CLARE.
50 CLARE STREET, LIMERICK.

PHONE (065) 28422
FAX (065) 20879
PHONE (061) 417990



EXISTING GROUND FLOOR



EXISTING FIRST FLOOR



PROPOSED GROUND FLOOR



PROPOSED FIRST FLOOR

SKETCH PLANS ONLY



PROJECT: Fountain House, Fountain, Ennis

CLIENT: Keith McCullough

Job No.

2709

TITLE	DATE	DRW BY	APP BY
Proposed and Existing Plans	March 2023	MF	
SCALE: 1:200			

Dwg. No.

SK-01-L

HASSETT LEYDEN ASSOCIATES
ARCHITECTS & CIVIL ENGINEERS

4 BINDON ST, ENNIS, CO CLARE. PHONE (085) 6428482
55 CLARE STREET, LIMERICK. FAX (085) 6420379
PHONE (061) 417090