



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

Anne Mahon
1 Parklands
Ballyalla
Ennis
Co. Clare
V95 DWK6

18th December 2023

Section 5 referral Reference R23-93 – Anne Mahon

Whether the use of the premises at 2a Barrack St Close, Ennis, Co. Clare, V95 CD52 for a flower shop is development and if so is it exempted development?

A Chara,

I refer to your application received on 4th December 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:

82899

Reference Number:

R23-93

Date Referral Received:

4th December 2023

Name of Applicant:

Anne Mahon

Location of works in question:

2a Barrack Close, Ennis, Co. Clare,
V95 CD52

Section 5 referral Reference R23-93 – Anne Mahon

Whether the use of the premises at 2a Barrack St Close, Ennis, Co. Clare, V95 CD52 for a flower shop is development and if so is it exempted development?

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

- (a) Sections 2, 3, 4 and 82 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5, 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 1 of Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The works as indicated in submitted documents from the referrer including the like for like repair/replacement of the shopfront.
- (e) The planning history of the site and the permission for a retail unit and shop front as granted under Pl. Ref 08/21154.

AND WHEREAS Clare County Council has concluded:

- (a) The existing premises has a permitted and established use as a shop and the proposed use of the premises as a flower shop would not involve a material change of use and therefore would not constitute development,
- (b) The carrying out of repair/replacement works to the existing shop front would constitute both 'works' and 'development' however same would not materially affect the character of the Architectural Conservation Area and therefore would constitute exempted development having regard to the provisions of Section 82 (1) of the Planning & Development Act, 2000, as amended.

ORDER: Whereas by Chief Executive's Order No. HR 152 dated 9th April 2021, Pat Dowling, Chief Executive for Clare County Council, did, pursuant to the powers

conferred on him by Section 154 of the Local Government Act 2001, delegate to Gareth Ruane, Senior Executive Planner, the powers, functions and duties as set out herein,

NOW THEREFORE pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the referral described above, I, Gareth Ruane, Senior Executive Planner, hereby declare that (i) the use of the premises at 2a Barrack Close, Ennis, Co. Clare as a flower shop does not constitute a material change of use of the premises and is not therefore development as defined in the Act, and (ii) the repair and replacement of the existing shop front at 2a Barrack Close, Ennis, Co. Clare is considered development which is exempted development.

Signed:


GARETH RUANE
SENIOR EXECUTIVE PLANNER 

Date:

18th December 2023

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

Reference No.: R23-93



**Comhairle Contae an Chláir
Clare County Council**

Section 5 referral Reference R23-93

Whether the use of the premises at 2a Barrack St Close, Ennis, Co. Clare, V95 CD52 for a flower shop is development and if so is it exempted development?

AND WHEREAS, Anne Mahon 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, 4 and 82 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5, 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 1 of Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The works as indicated in submitted documents from the referrer including the like for like repair/replacement of the shopfront.
- (e) The planning history of the site and the permission for a retail unit and shop front as granted under Pl. Ref 08/21154.

And whereas Clare County Council has concluded:

- (a) The existing premises has a permitted and established use as a shop and the proposed use of the premises as a flower shop would not involve a material change of use and therefore would not constitute development,
- (b) The carrying out of repair/replacement works to the existing shop front would constitute both 'works' and 'development' however same would not materially affect the character of the Architectural Conservation Area and therefore would constitute exempted development having regard to the provisions of Section 82 (1) of the Planning & Development Act, 2000, as amended.

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

The proposed development consisting of (i) the use of the premises at 2a Barrack Close, Ennis, Co. Clare as a flower shop does not constitute a material change of use of the premises and is not therefore development as defined in the Act, and (ii) the repair and replacement of

the existing shop front at 2a Barrack Close, Ennis, Co. Clare constitutes development which is 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

18th December 2023

**CLARE COUNTY COUNCIL
SECTION 5 REFERRAL REPORT**

Reference No: R23 93
Applicant: Anne Mahon
Location: 2a Barrack Close, Ennis, Co. Clare V95 CD52
Proposal: Whether (i) the use of the premises at 2a Barrack Close, Ennis, Co. Clare for a flower shop and (ii) the repair and replacement of the existing shop front at 2a Barrack Close, Ennis, Co. Clare is or is not development and is / is not exempted development.
Due Date: 5th January 2024

Introduction

This proposal is a request for a declaration under Section 5 of the Planning and Development Act, 2000 as amended to determine whether or not the following constitutes exempted development:

Whether (i) the use of the premises at 2a Barrack Close, Ennis, Co. Clare for a flower shop and (ii) the repair and replacement of the existing shop front at 2a Barrack Close, Ennis, Co. Clare is or is not development and is / is not exempted development.

The site is located in Barrack Close on L-8699 and currently comprises a two storey, mid terrace unit which was previously used as a women's lingerie store and is currently vacant. The site is located within the ACA, with a Recorded Monument Zone of Notification and Ennis Town centre with varying restaurants, cafes, residential units and commercial units close by. The query relates to the ground floor of the unit only.

Clare County Development Plan 2023- 2029

The site is located in the settlement of Ennis as per the Clare County Development Plan 2023-2029 and is zoned for "Mixed Use".

Onsite Planning History

- Pl. Ref. No: 08/21154: Lorcan O'Donaile: Permission for the material change of use of a commercial unit to a retail unit and for planning permission to alter the facade of the building to incorporate a new shopfront. Granted with two conditions.

Pre-planning History

None.

Section 5 Declaration History

None.

Details Received

- Site location map.
- Completed application form
- Planning Statement for Section 5

Background

Planning and Development Act, 2000 (as amended)

Section 2

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

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3

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

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

Section 4(1)(H)

Section 4 (1)(H) states that the following shall be exempted development for the purpose of the Act.-

'development consisting for the carrying out of works for maintenance, improvement or other alterations 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 neighbouring structures'.

Section 82 (1):

82.—(1) Notwithstanding section 4 (1)(h), the carrying out of works to the exterior of a structure located in an architectural conservation area shall be exempted development only if those works would not materially affect the character of the area.

Planning & Development Regulations, 2001, as amended

Part 2 Exempted Development

Article 6 (1) states

‘Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1’.

Article 9 -Restrictions on Exemptions

‘Under Article 9 (1) of the same Regulations, development to which Article 10 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 compromise 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,*
- 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. (a) *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,*
- vii. (b) *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,*
- vii. (c) *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’.*

Article 10 Change of Use

Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

- (a) involve the carrying out of any works other than works which are exempted development,*
 - (b) contravene a condition attached to a permission under the Act,*
 - (c) be inconsistent with any use specified or included in such a permission, or*
 - (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.*
- (2) (a) A use which is ordinarily incidental to any use specified in Part 4 of Schedule 2 is not excluded from that use as an incident thereto merely by reason of its being specified in the said Part of the said Schedule as a separate use.*
- (b) Nothing in any class in Part 4 of the Schedule 2 shall include any use—*
- (i) as an amusement arcade,*
 - (ii) as a motor service station,*
 - (iii) for the sale or leasing, or display for sale or leasing, of motor vehicles,*
 - (iv) for a taxi or hackney business or for the hire of motor vehicles,*
 - (v) as a scrap yard, or a yard for the breaking of motor vehicles,*

- (vi) *for the storage or distribution of minerals,*
 - (vii) *as a supermarket, the total net retail sales space of which exceeds 3,500 square metres in the greater Dublin Area and 3,000 square metres in the remainder of the State,*
 - (vii) *as a retail warehouse, the total gross retail sales space of which exceeds 6,000 square metres (including any ancillary garden centre), or*
 - (viii) *as a shop, associated with a petrol station, the total net retail sales space of which exceeds 100 square metres.*
- (3) *Development consisting of the provision within a building occupied by, or under the control of, a State authority of a shop or restaurant for visiting members of the public shall be exempted development for the purposes of the Act.*
 - (4) *Development consisting of the use of not more than 4 bedrooms in a house, where each bedroom is used for the accommodation of not more than 4 persons as overnight guest accommodation, shall be exempted development for the purposes of the Act, provided that such development would not contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.*
 - (5) *Development consisting of the use of a house for child minding shall be exempted development for the purposes of the Act.*

CLASS 1

Use as a shop.

“shop” means a structure used for any or all of the following purposes, where the sale, display or service is principally to visiting members of the public—

- (a) for the retail sale of goods,

- (b) as a post office,
- (c) for the sale of tickets or as a travel agency,
- (d) for the sale of sandwiches or other food for consumption off the premises, where the sale of such food is subsidiary to the main retail use,
- (e) for hairdressing,
- (f) for the display of goods for sale,
- (g) for the hiring out of domestic or personal goods or articles,
- (h) as a launderette or dry cleaners,
- (i) for the reception of goods to be washed, cleaned or repaired,

Assessment

Change of Use

The referral relates to whether the change of use of the existing shop from a lingerie shop to a flower shop constitutes development. In this regard it is noted that the permitted use of the premises is as a shop as granted under Pl. Ref 08/21154. There are no conditions on this permission restricting the type or nature of retail use however the development description is as a 'retail unit' which I consider is reasonable to constitute a 'shop' which allows for the sale and display of goods. I consider that the use of the existing premises as a flower shop would not involve a material change of use and as such is not therefore considered development.

Shop Front

The second part of the referral question relates to the repair and replacement of the existing shop front whereby it is stated that the existing shop front has fallen in disrepair. The existing shop front is not a historic shop front and was permitted as part of Pl Ref 08/21154. The proposal is for a like for like repair/replacement of same. Such works would normally fall under Section 4 (1)(h) of the Act however regard is also had to the provisions of Section 82 (1) by reason of the location of the site within the Conservation Area. Given the nature of the works as proposed and that it will be a like for like repair/replacement, I consider that these works would not materially affect the character of the area and note that the shop front is not an original/historic feature of the town.

Environmental Impact Assessment

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

Appropriate Assessment

The subject building is located approx. 261m from the Lower River Shannon SAC and having regard to the nature and scale of the proposed development (a change of use from lingerie store to flower shop) and the absence of proximity or connectivity to a European Site, no Appropriate Assessment issues arise and I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects, on a European Site.

Flood Risk

Following examination of the relevant GIS information in relation to flood risk assessment, it is noted that the subject site is located outside Flood Zone A and B.

Conclusion

The following question has been referred to the Planning Authority:

Whether (i) the use of the premises at 2a Barrack Close, Ennis, Co. Clare for a flower shop and (ii) the repair and replacement of the existing shop front at 2a Barrack Close, Ennis, Co. Clare is or is not development and is / is not exempted development.

The Planning Authority in considering this referral had regard to:

- (a) Sections 2, 3, 4 and 82 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5, 6 and 9 of the Planning and Development Regulations 2001, as amended
- (c) Class 1 of Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The works as indicated in submitted documents from the referrer including the like for like repair/replacement of the shopfront.
- (e) The planning history of the site and the permission for a retail unit and shop front as granted under Pl. Ref 08/21154

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

- (a) the existing premises has a permitted and established use as a shop and the proposed use of the premises as a flower shop would not involve a material change of use and therefore would not constitute development;
- (b) The carrying out of repair/replacement works to the existing shop front would constitute both 'works' and 'development' however same would not materially affect the character of the Architectural Conservation Area and therefore would constitute exempted development having regard to the provisions of Section 82 (1) of the Planning & Development Act, 2000, as amended.

NOW THEREFORE, Clare County Council (Planning Authority) hereby decides that (i) the use of the premises at 2a Barrack Close, Ennis, Co. Clare as a flower shop does not constitute a material change of use of the premises and is not therefore development as defined in the Act, and (ii) the repair and replacement of the existing shop front at 2a Barrack Close, Ennis, Co. Clare is development and is exempted development.



Graduate Planner
15th December 2023



Senior Executive Planner

Date: 15/12/23.

14th December 2023

Images of R23-93






Brian McMahon
& Daughters
TO LET
FOR SALE
087 9930179
www.bmcMahon.ie

Mc Clár as Gaeil
G
Cairn agha h-uilleann
2005 - 2008
Walter Linnach



Simleár Kí
Jacobean Chimney

An Clár as Gaeltóg
Liaison Office
085-69 64474
Fáilte isteach

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COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Anne Mahon
1 Parklands
Ballyalla
Ennis
Co. Clare
V95 DWK6

05/12/2023

Section 5 referral Reference R23-93 – Anne Mahon

Whether the use of the premises at 2a Barrack St Close, Ennis, Co. Clare, V95 CD52 for a flower shop is development and if so is it exempted development?

A Chara,

I refer to your application received on 4th December 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
Ara's Contae an Chláir
New Road
Ennis
Co Clare

04/12/2023 15:33:42

Receipt No. L1CASH/0/357917

***** REPRINT *****

ANNE MAHON
C/O FLOWER DEN
1 PARKLANDS
BALLYALLA
ENNIS
CO. CLARE

SECTION 5 REFERENCES

80.00

GOODS 80.00

VAT Exempt/Non-vatable

Total : 80.00 EUR

Tendered :
CREDIT CARDS 80.00

Change : 0.00

Issued By : L1CASH - Patricia Quinlivan
From : MAIN CASH OFFICE LODGEMENT AF
Vat reg No.0033043E

P07

**CLARE COUNTY COUNCIL
COMHAIRLE CONTAE AN CHLÁIR**

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

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

**CLARE
COUNTY COUNCIL**

04 DEC 2023

**Received
Planning Section**



Comhairle Contae an Chláir
Clare County Council

R23-93

**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 | <p>Anne Mahon</p> <p>1 Parklands</p> <p>Balligella</p> <p>ENNIS Eircode: V95 DWK6</p> |
| (b) Telephone No.: | |
| (c) Email Address: | |
| (d) Agent's Name and address: | <p>N/A</p> <p>EIRCODE:</p> |

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?

whether the use of the premises at 2a Barrack St. close
 ENNIS V95 CD52 For a Flower shop is or is not development
 and is or is not exempted development?

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

(1) This query relates to the ground floor only. The premises was previously used as a retail shop for sale of ladies Lingerie. The premises is now vacant, the use as a shop has not been abandoned because the fixtures & fittings of the shop are still intact.

The premises is intended to be used for the sale, display of flowers to visiting members of the public.

(2) whether the repair and replacement of the existing shop front at V95 CD52 is or is not development and is or is not exempted development. The existing shop front is in a poor state of repair and is crumbling. It is intended to remove it and replace it with a new shop front like for like.

The current arrangement of doors & windows will remain unchanged and the front elevation will be in keeping with the character of the building and nearby buildings.

- (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)

See eircode V95 CD52 adjacent to Ennis
 gourmet store, (East of)

| 3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT | |
|---|---|
| (a) Postal Address of the Property/Site/Building for which the declaration sought: | <u>2a Barrack close</u> <u>ENNIS</u> <u>Co Clare</u> <u>V95 C052</u> |
| (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? | <u>NO.</u> |
| (c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details): | <u>purchaser.</u> |
| (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> | <u>The auctioneer would have this information</u> <u>Brian McMahon</u> <u>Chapel lane, ENNIS, Co. Clare</u> |
| (e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?: | <u>not aware</u> |
| (f) Are you aware of any enforcement proceedings connected to this site? If so please supply details: | <u>NO.</u> |
| (g) Were there previous planning application/s on this site? If so please supply details: | <u>08 / 21154 88138.</u> |
| (h) Date on which 'works' in question were completed/are likely to take place: | <u>Spring 2024.</u> |

SIGNED: Anne MahanDATE: 4 December 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:

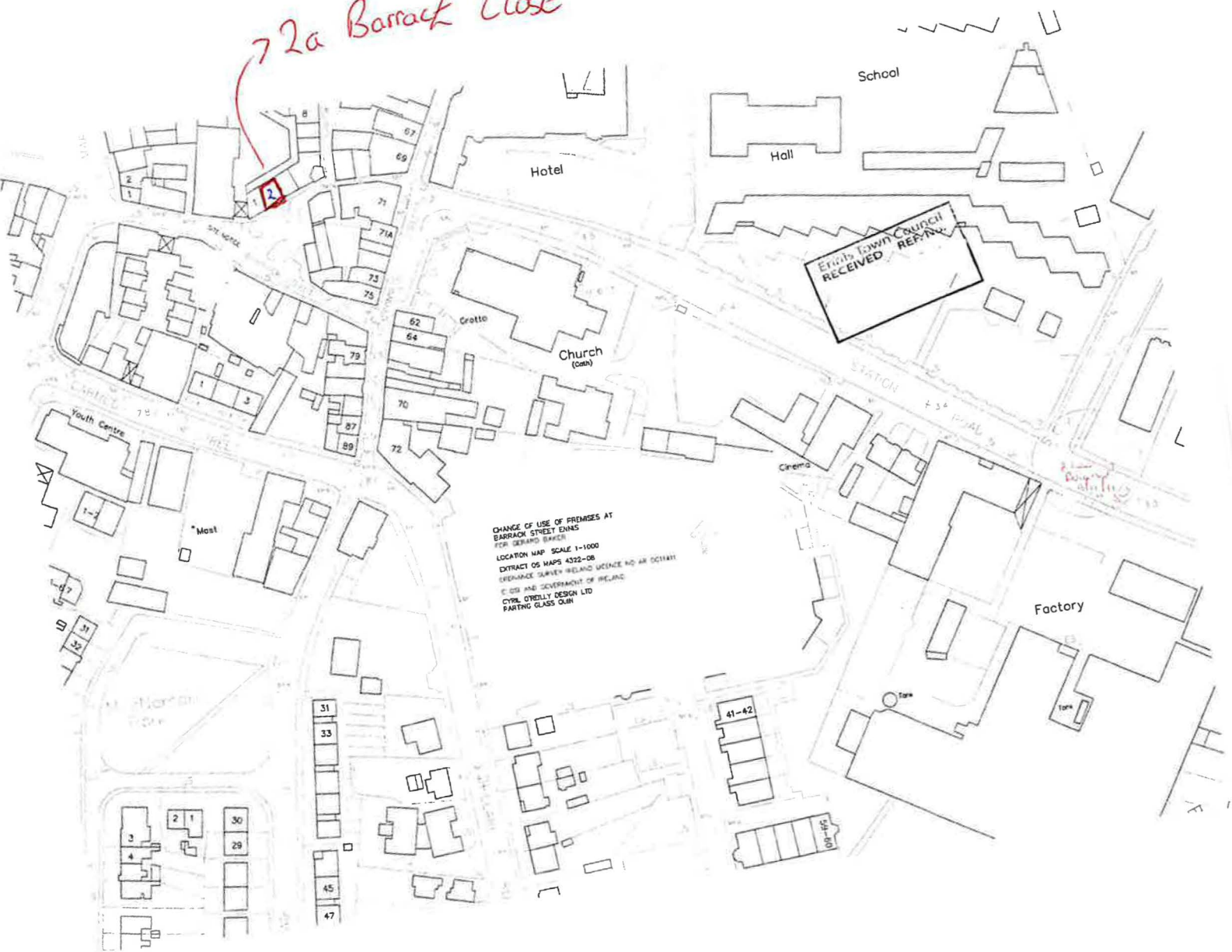
Planning Department,
Economic Development Directorate,
Clare County Council
Aras Contae an Chlair,
New Road,
Ennis,
Co. Clare
V95DXP2

- (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:..... | | | |

72a Barrack Close



CHANGE OF USE OF PREMISES AT
BARRACK STREET ENNIS
FOR TOWN COUNCIL
LOCATION MAP SCALE 1:1000
EXTRACT OS MAPS 4322-08
ORIGINALLY SURVEYED IN 1962 AND NO AIR PHOTO
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