



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Registered Post**

David Moroney  
Orchard Lane  
Hermitage  
Ennis  
Co. Clare  
V95 D362

8th August 2025

**Section 5 referral Reference R25-63 – David Moroney**

Is the erection of a gate at V95 D362 development and if so, is it exempted development?

A Chara,

I refer to your application received on 17th July 2025 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 Coimisiún Pleanála of the required fee, refer a declaration for review by An Coimisiún Pleanála within 4 weeks of the date of the issuing of the declaration. Details on making such appeal are available on the Board's website at [www.pleanala.ie](http://www.pleanala.ie).

Mise, le meas

Anne O'Gorman  
Staff Officer  
Planning Department  
Economic Development Directorate

**An Roinn Pleanála**  
**An Stiúirthóireacht 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:

86078

Reference Number:

R25-63

Date Referral Received:

17th July 2025

Name of Applicant:

David Moroney

Location of works in question:

Orchard Lane (Hermitage), Ennis, Co. Clare  
V95 D362

**Section 5 referral Reference R25-63 – David Moroney**

Is the erection of a gate at V95 D362 development and if so, is it exempted development?

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Class 5 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (d) The works as indicated in submitted documents from the referrer and details provided to the Planning Authority via phone call on 06/08/2025.

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

- (a) The proposed erection of a gate which is approximately 2m in height and of a galvanised material, along with an associated wall which is proposed to be 2m in height and of a concrete block and plastered finish, across the front of the dwelling, adjacent to the commercial garage associated with the dwelling, does constitute "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 erection of a gate up to 2m in height of a galvanised material along with a concrete block and plastered wall of approximately 2m in height is not exempted development having regard to Section 4(1)(h) of the Planning and Development Act 2000 (as amended) and the Conditions and Limitations (item no.'s 1 and 3) of Class 5 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).

**ORDER:** Whereas by Chief Executive's Order No. HR 343 dated 19<sup>th</sup> May 2025, Gordon Daly, 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 Kieran O'Donnell, Administrative Officer, 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, Kieran O'Donnell, Administrative Officer, hereby declare that the erection of a gate approximately 2m in height of a galvanised material along with a concrete block and plastered wall of approximately 2m in height at Orchard Lane (Hermitage), Ennis, Co. Clare, V95 D362 is considered development which is not exempted development.

Signed:

  
KIERAN O'DONNELL  
ADMINISTRATIVE OFFICER 

Date:

8th August 2025



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

**Reference No.: R25-63**



**Comhairle Contae an Chláir  
Clare County Council**

**Section 5 referral Reference R25-63**

**Is the erection of a gate at V95 D362 development and if so, is it exempted development?**

**AND WHEREAS, David Moroney** has requested a declaration from Clare County Council on the said question.

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended; ]
- (c) Class 5 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (d) The works as indicated in submitted documents from the referrer and details provided to the Planning Authority via phone call on 06/08/2025.

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

- (a) The proposed erection of a gate which is approximately 2m in height and of a galvanised material, along with an associated wall which is proposed to be 2m in height and of a concrete block and plastered finish, across the front of the dwelling, adjacent to the commercial garage associated with the dwelling, does constitute "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 erection of a gate up to 2m in height of a galvanised material along with a concrete block and plastered wall of approximately 2m in height is not exempted development having regard to Section 4(1)(h) of the Planning and Development Act 2000 (as amended) and the Conditions and Limitations (item no.'s 1 and 3) of Class 5 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).

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

The proposed development consisting of the erection of a gate approximately 2m in height of a galvanised material along with a concrete block and plastered wall of approximately 2m in height at Orchard Lane (Hermitage), Ennis, Co. Clare, V95 D362 **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

8th August 2025

**CLARE COUNTY COUNCIL**  
**SECTION 5 DECLARATION OF EXEMPTION APPLICATION**  
**PLANNERS REPORT**

<b>FILE REF:</b>	R25-63
<b>APPLICANT(S):</b>	David Moroney
<b>REFERENCE:</b>	Is the erection of a gate at V95 D362 development, and if so, is it exempted development?
<b>LOCATION:</b>	Orchard Lane (Hermitage), Ennis, V95 D362.
<b>DUE DATE:</b>	13 <sup>th</sup> August 2025

**Site Location**

The subject site is located in Ennis, at Orchard Lane in Hermitage, on lands zoned 'Existing Residential', with a 'Commercial' zoning to the front of the site associated with the commercial car garage. The site is located on Orchard Lane within Hermitage to the west of Ennis town centre, in an area largely characterised by residential development, close to light industrial and commercial development to the east along Mill Street and Cornmarket Street. The site comprises a detached bungalow set back into the site, with a commercial car garage located to the front of the site on the roadside. The site is accessed from the L-4548 local primary road.

The site is not located in an Architectural Conservation Area and is located outside of the town centre. It is not located close to any recorded monuments or protected structures, is outside of any area of flood risk and is not located within, or in close proximity to, any European Sites.

**Recent Planning History**

**On-Site:**

None.

**Adjacent:**

**11/21049** – Kathleen & George McCullough – to carry out alterations and extension to dwelling house. **Granted Permission.**

**Background to Referral**

This referral under Section 5(1) of the Planning and Development Act 2000 (as amended) has been made by David Moroney, who is seeking a Section 5 Declaration as to the following:

*Is the erection of a gate at V95 D362 development, and if so, is it exempted development?*

The referrer has stated that there was originally a gate erected at the property, which was taken down a number of years ago. The referrer wishes to install a new gate across the entrance to the dwelling house, in order to appropriately secure their belongings. The applicant has provided a Site Location Map, which indicates the location of the gate would be close to the front of the garage, within the commercial zoned lands. The referrer has not provided any details in respect of the height or materials of the gate proposed to be installed.

## Statutory Provisions

### Planning and Development Act, 2000 (as amended)

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

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

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

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

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

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

### 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 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.

### Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 5

#### *Development within the curtilage of a house*

The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.

#### Conditions and Limitations:

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

Under Article 9 (1) of the same Regulations, 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 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,*
- (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,*
- (vii) 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.*

## Assessment

### Basis of Referral

The applicants are seeking a Section 5 Declaration as to the following: Is the erection of a gate at V95 D362 development, and if so, is it exempted development?

### Planning and Development Act, 2000 (as amended)

In accordance with Sections 2 and 3(1) of the Planning and Development Act 2000 (as amended) (hereafter referred to as 'the Act'), the items listed above do fall under the definition of 'works' and are, resultingly, characterised as 'development'.

*S.4(1)(h) of the Act states that development consisting of works for the alteration of any structure, which affects 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 would be exempted development.*

The erection of a gate across the entrance of the site would materially affect the external appearance of the site and therefore would not be exempted under this section of the Act.

### Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 5

#### *Development within the curtilage of a house*

*The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.*

The referrer seeks to erect a new gate along the front of the site. While it is indicated that the location of the gate would be in the commercial zoned lands associated with the referrer's commercial garage business, I note the gate relates to the entrance to the dwelling and resultingly is within the curtilage of the dwelling house. The construction or erection of a gate/gateway/wall is exempted development within the curtilage of a house where the conditions and limitations are met.

There are a number of conditions and limitations to this exemption, which are assessed as follows:

1. *The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres.*

The referrer has advised via phonecall on 06/08/2025 that the height of the gate would be no more than 2m. The referrer has also advised that they propose to erect a concrete block and painted plaster wall at 2m in height across the entrance. While a gate of maximum height of 2m is exempted, the wall shall be no more than 1.2m in height and therefore a 2m high wall is not exempted.

2. *Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.*

The referrer has advised the wall will be constructed of concrete block which will be plastered and painted.

3. *No such structure shall be a metal palisade or other security fence*

The referrer has advised via phonecall on 06/08/2025 that the wall is proposed to be concrete block and painted plaster, while the gate is proposed to be galvanised and likely positioned on a roller. This is considered to be a security gate and therefore, is not exempted.

While the erection of a gate of no more than 2m in height would be exempted, owing to the fact that the gate is proposed to be a galvanised material and the associated concrete plastered wall shall be more than 1.2m, the proposed erection of a gate and wall within the curtilage of a dwelling is not exempted under Parts 1 and 3 of the Conditions and Limitations set out under Schedule 2, Part 1, Class 5.

Article 9 of the Planning and Development Regulations 2001, as amended, outlines restrictions on exempted development, and these are assessed below:

- (i) *contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act*

The proposal does not contravene a condition of any previous permission.

- (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,*

Not applicable – the site is located within the curtilage of a dwelling and no alterations to the parking area or footpath are noted.

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

Not applicable – the site is located within the curtilage of a dwelling and no alterations to the parking area, road or footpath are noted to be proposed to take place.

- (iv) *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.*

The site is located on zoned land within a settlement and in the curtilage of an existing residential development and the associated commercial development. The development does not have a negative impact on the visual amenities of the area.

- (v) *consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,*

Not applicable in this instance.

- (vi) *consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,*

Not applicable in this instance

- (vii)
  - a. *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,*

This is not applicable in this instance.

- 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,*

No likely significant effects on European Sites.



- 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."*

This is not applicable in this instance.

- (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,*

This is not applicable in this instance.

- (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,*

This is not applicable in this instance.

- (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,*

This is not applicable in this instance.

- (xi) *obstruct any public right of way,*

This is not applicable in this instance.

- (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.*

The site is not within the ACA.

### Recommendation

**The following questions have been referred to the Planning Authority:**

Is the erection of a gate at V95 D362 development, and if so, is it exempted development?

**The Planning Authority in considering this referral had regard to:**

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Class 5 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (d) The works as indicated in submitted documents from the referrer and details provided to the Planning Authority via phone call on 06/08/2025.

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

- (a) The proposed erection of a gate which is approximately 2m in height and of a galvanised material, along with an associated wall which is proposed to be 2m in height and of a concrete block and plastered finish, across the front of the dwelling, adjacent to the commercial garage associated with the dwelling, does constitute "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 erection of a gate up to 2m in height of a galvanised material along with a concrete block and plastered wall of approximately 2m in height ~~is not exempted development~~ is not exempted development having regard to Section 4(1)(h) of the Planning and Development Act 2000 (as amended) and the Conditions and Limitations (item no.'s 1 and 3) of Class 5 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).

Now therefore Clare County Council (Planning Authority), hereby decides that:

1. The erection of a gate approximately 2m in height of a galvanised material along with a concrete block and plastered wall of approximately 2m in height is ~~not exempted development~~ is not exempted development.



Áine Bourke

Executive Planner

Date: 06/08/2025



Helen Quinn

Senior Planner

Date: 7-08-2025.



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

David Moroney  
Orchard Lane  
Hermitage  
Ennis  
Co. Clare  
V95 D362

18/07/2025

**Section 5 referral Reference R25-63 – David Moroney**

is the erection of a gate at V95 D362 development and if so, is it exempted development?

A Chara,

I refer to your application received on 17th July 2025 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 Stiúirtheireacht 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 Chlair  
New Road,  
Ennis  
Co Clare

17/07/2025 11:01:56

Receipt No. : L1CASH/0/381678  
\*\*\*\*\* REPRINT \*\*\*\*\*

DAVID MORONEY  
ORCHARD LANE  
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 Noelette Barry  
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,  
V95DAP2

Telephone No. (065) 6821616  
Fax No. (065) 6892071  
Email: [planoff@clarecoco.ie](mailto:planoff@clarecoco.ie)  
Website: [www.clarecoco.ie](http://www.clarecoco.ie)

CLARE  
COUNTY COUNCIL

17 JUL 2025

Received  
Planning Section



Comhairle Contae an Chláir  
Clare County Council

R25-63

**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>DAVID MORONEY</p> <p>Orchard Lane (Hermitage) Ennis</p> <p>County CLARE</p> <p>House V95 D362 // GARAGE V95 YK75</p>
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	<p>No Agent</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?

Is the erection of a gate at V950362 development and if so is it exempted development?

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

I have a Property in Address Shown Which has A House And Garage, there were Gates on my Property I took them down A few years Ago Now I would Like to Put this Gate Back. Back to Where it was Please

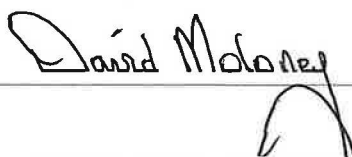
On my Property I have A Garage And Parking Area. I need to Secure my Belongings Safe

- (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)*



3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	<p>HOUSE U95 D362</p> <p>GARAGE U95 M675.</p>
(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	NO
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	Gate to Be ERECTED AGAIN
(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>	<p>David Moloney</p> <p>ORCHARD Lane HERMITAGE</p> <p>Louis</p>
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	I Am the Owner David Moloney
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	NONE
(g) Were there previous planning application/s on this site? If so please supply details:	Yes
(h) Date on which 'works' in question were completed/are likely to take place:	Want to REERECT the Gate AGAIN

SIGNED:



DATE:

### **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*

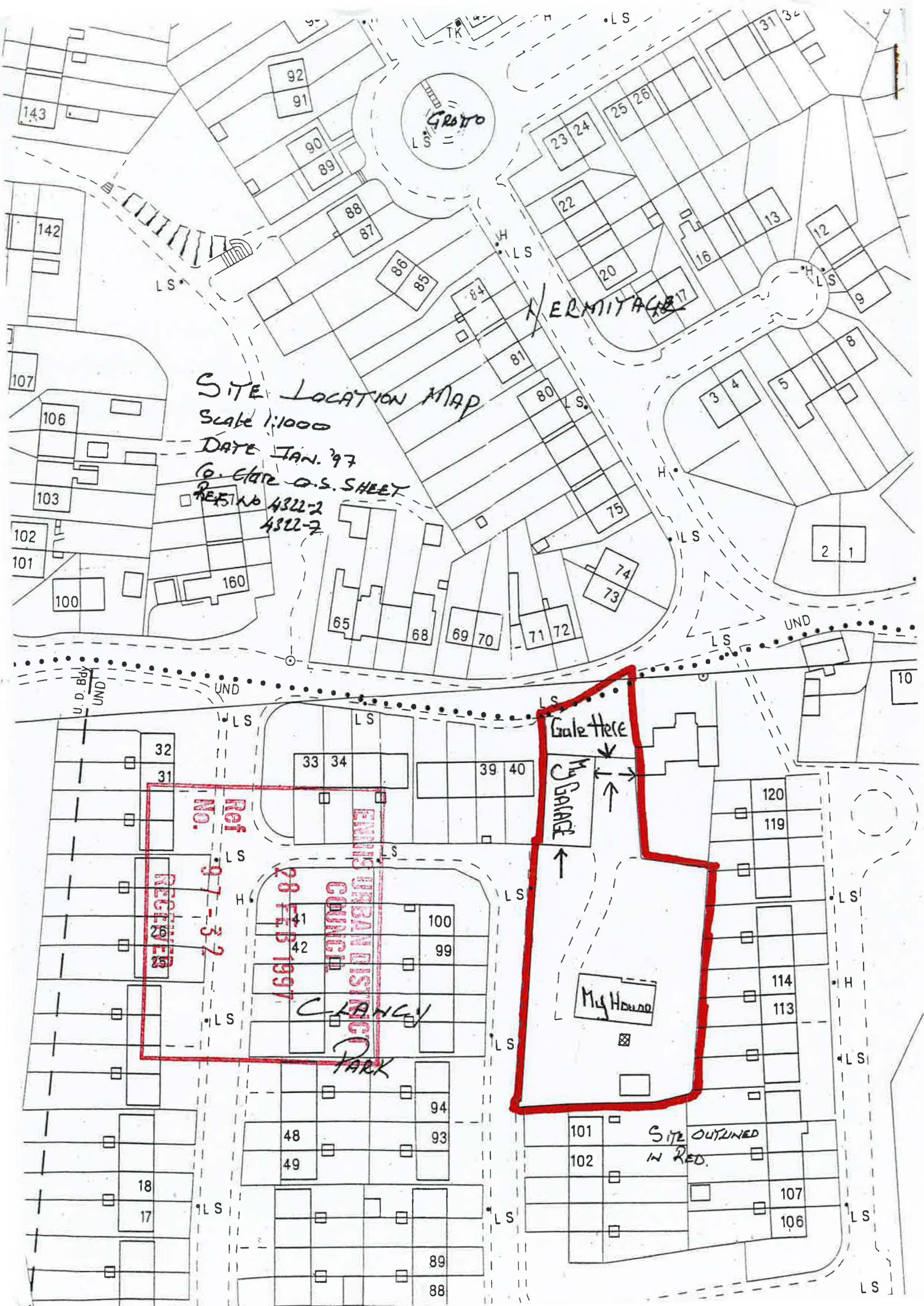
- (i) The request for a declaration under Section 5 must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
- (ii) The request for a declaration 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:.....			



SITE LOCATION MAP

Scale 1:1000

DATE JAN. '97

G. CLARK G.S. SHEET

REF. NO. 4322-2  
4322-7

HERMITAGE

Gale Here

GARAGE

My House

SITE OUTLINED  
IN RED.

Ref. No. 97-37  
RECEIVED

28 FEB 1997

EMILY WILKINSON

CLANCY PARK